

BYRON TOWNSHIP PLANNING COMMISSION

April 21, 2008

MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

Chairman Dutch Zeinstra called a regular meeting of the Byron Township Planning Commission to order at 7:00 p.m., on Monday, April 21, 2008, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

Commission members present were: Dutch Zeinstra, Seymour Gould, Jeff Gritter, Tim Slot, James Faber, and John Stone. Absent: Mike Marshall. Also present were the Township Attorney James Brown, Township Planner Larry Nix, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Seymour Gould.

APPROVAL OF MINUTES

A motion was made by Slot supported by Stone that the minutes of the March 17, 2008 meeting be approved as written.

Yes - 4. No - 0. Absent - 1. Abstained - 2 (Dutch Zeinstra & James Faber) Motion carried.

PUBLIC COMMENTS

No public comments were made.

BUILDING INSPECTOR REPORT

The building inspectors report was received and placed on file.

SITE PLANS

No Site Plans were submitted for consideration.

To Set a Public Hearing – Vision Properties Co. LLC – requesting to rezone the property located at 6240 Clyde Park, & 6204 Clyde Park from R-R Rural Residential to D-1 Industrial.

An application for Vision Properties Co. LLC was reviewed.

A motion was made by Stone supported by Gritter to set the public hearing for May 19, 2008.

Yes - 6. No - 0. Absent - 1. Motion carried.

Public Hearing – Michael & Christine Syswerda to rezone the property located at 6115 Burlingame Ave., 6147 Burlingame Ave., and 6149 Burlingame Ave. SW from R-R Rural Residential to D-1 Industrial.

Chairman Zeinstra declared the public hearing open. Secretary Jeff Gritter read the public notice and affirmed that the notice was published once in the South Advance and properties within 300' were notified.

Mr. John Bratt was present on behalf of Michael & Christine Syswerda and stated they wish to have the property rezoned to maximize the value of the property.

Larry Nix reviewed his memorandum dated April 10, 2008 of which a copy is attached and made part of these minutes. He commented that this property is located on the west side of Burlingame Ave., and north of M-6 and consists of 10.29 acre. This request involves three parcels and a portion of the site is dedicated to DTE Energy for a substation easement recently approved by the Township and was constructed by Michcon. The property is currently zoned R-R, Rural Residential which by the Township Ordinance is intended for single family and agricultural uses. The challenge will be for the type and use of this property since the sanitary sewer service may not be immediately accessible. The City of Wyoming has sanitary sewer facilities to the north that could serve the subject site since the Township facilities may be too far away to provide cost effective service. The applicant has not presented the uses that would be proposed on the property in the future. Difficulty in providing sewer service along with D-1 zoning along a highway may lend the site to billboard or self-storage use. It is suggested that the Planning Commission recommend Township Board approval of this request to rezone these parcels based the application is consistent with the Master Plan and the proposed rezoning would not create land use conflicts. The D-1 rezoning would be consistent with the land use trends in Wyoming to the north, with M-6 providing an innate land use boundary for lower intensity office and residential uses planned to the south.

Chairman Zeinstra opened the hearing to the public.

No public comments were made.

Chairman Zeinstra closed the public hearing to the public.

Stone commented that this is a reasonable rezoning for this property.

Gould agreed that this is a reasonable use for the property but would have liked to see what is going to be proposed.

Slot, Faber, Gritter and Chairman Zeinstra had no problem with this rezoning.

A motion was made by Gould supported by Gritter to recommend approval from the Township Board to rezone the property located at 6115, 6147 & 6149 from R-R Rural Residential to D-1 Industrial.

Yes - 6. No - 0. Absent - 1. Motion carried.

Public Hearing – Mixed Use PUD a proposed ordinance to amend the Township Zoning Ordinance to add a new chapter 15-A governing the Mixed Use Planned Unit Development District.

Chairman Zeinstra declared the public hearing open. Secretary Jeff Gritter read the public notice and affirmed that the notice was published in the South Advance.

Attorney Jim Brown summarized the changes that had been made to Draft 5. He stated that Section 15A.3 (1) pertaining to the minimum acreage required for an MU-PUD district, a sentence was added stating “In no event shall an MU-PUD district have an area less than two (2) acres”. Also Section 15A.6 (c) lists areas that are excluded from the calculation of open space. The statement “Storm water detention and retention ponds” have been deleted from the list. In draft 5 storm water detention and retention ponds are eligible to be included in the calculation of open space.

Chairman Zeinstra opened the hearing to the public.

James Telman – was present on behalf of Marathon Oil Co., and commented that there are four requirements that they want to have modified. The first is Section 15A (2)(4) that all mixed uses be eliminated. Section 15A.6 (8) requiring Mixed Use PUD to have 20% open space should be eliminated and deleted. Section 15A.3 (1) requiring a mixed use area to be 20 acres or larger should be eliminated. And finally Section 15A.6 (12) the prohibition on freestanding signs should also be eliminated. He provided a handout explaining his points.

Tom Burgess – representing Merestone Development was present on behalf of some property owners along M-6 & Wilson Ave. He agreed with Mr. Telman and felt those changes should be made.

Larry Boonstra – 4400 – 64th St. SW felt this draft is too restrictive and he asked the Planning Commission members to take on the role of a developer and what

would you do.

Dick Boverhof – 6419 Byron Center Ave. agrees with the public comments that were made.

No further public comments were made.

Chairman Zeinstra closed the public hearing to the public.

Chairman Zeinstra then asked each commission member if they had any comments or concerns.

Slot commented the main thing that really bothers him is the residential aspect of this. It is not conducive to residential use at all. Also he would like to see the 20 acres change to 10 acres and would like to see the open space be cut down in size.

Faber also feels that the residential part is not right. He likes the idea of what the Mixed Use had to offer but the 20 acres is a little large and would like to see that decreased.

Gritter stated he has heard a lot comments on open space. You have to keep in mind that detention and retentions pond areas are included in this open space area. He feels with the guidelines of this draft will encourage developers to think hard and come up with some creative ideas. We don't desire what everyone else has.

Stone stated he feels the attack, as stated by the public, is on the residential aspect in the mixed use. What he sees around the Midwest with this type of mixed use is a success. People can be creative. Many communities have nice mixed use developments and it works. 20% of non developable land is a big percentage but all the feedback we received from the residents was to preserve the land we have, keep it rural. They don't want all asphalt. This will make the developers come up with some creative ideas. We are planning for this community for the long term.

Gould commented Michigan official's desires the state to go green. Also remember this is not rezoning, but the zoning guidelines to implement the Master Plan for the future. We don't want another Wyoming or Kentwood. Let's try and keep the Township rural. We have to give this a chance.

Chairman Zeinstra agreed with Gould, Stone and Gritter. We have to have standards for people to go by. 20% is a challenge as well as 20 acres. This is not set in stone but we have to have a standard to guide requests that come forward to be evaluated.

Larry Nix stated that this Mixed Use PUD really only has three hard rules, 1) the applicant must be innovative, 2) the MU-PUD application must contain a minimum of 2 acres, and 3) there will be a mix of uses on the property. The Ordinance has been drafted to provide maximum flexibility to the Township and the applicant. This has been done to create a desirable project for both the Township and the applicant.

Chairman Zeinstra commented that we have three choices:
Recommend to Township Board to approve, deny, or table the request.

A motion was made by Gould supported by Gritter to recommend to the Township Board approval of Chapter 15A of the Byron Township Zoning Ordinance.

Roll call vote:

Slot - no. Faber - no. Gritter - yes. Stone - yes. Gould - yes. Zeinstra - yes. Marshall - absent. Motion carried.

Driesenga & Associates (Bolt & Hunefeld Builders - Pre Plat Discussion for the property located at 1320 – 64th St. SW

Larry Nix stated this process is new to the Planning Commission. This is not a mandatory step. It just gives the applicant an opportunity to explain what he has planned and get some ideas from the Commission members. The discussion is not binding it is only advisory.

Arne Larson was present to explain the future development of new homes to be located on this site. He explained the 40-acre site has gently rolling hills and at the present they are being prepared for crops. The soil is sandy and is aware of public comments from residents to the south that have drainage issues. Phase I will be along the east and southern boundary of the property. This will be a benefit for those with the drainage problems. There are no trees on the property and they will not be doing a lot of grading due to the contours of the land. They will be proposing the typical road design and not the fancy layout.

Stone asked where the long asphalt driveway was located for the old airport.

Arne commented that drive is located outside of their property to the east. Their property is further to the west. It is their intent at this time that no driveways will be going out onto 64th St.

Slot wanted to make sure that the neighbor's drainage problems would not get worse.

Gritter stated that this should help. A lot of their drainage problems were self created when those homes were put in.

Arne stated that the soil is loamy sand so this will be good for drainage.

Gould commented he would like to see the streets with a little more design.

Stone would like to see deeper lots but the lots are already larger than necessary.

It was suggested when they submit their preliminary plat plan to show the contours on the plan. Also if they could keep all the driveways with internal access and avoid direct access to 64th Street.

Arne commented that they hope to begin the project next year.

Gritter also reminded them that the Township Ordinance requires one tree be planted per lot.

Price range of these homes will probably be \$150,000.00 to \$200,000.00. It will depend on the market.

Just properties LLC (Ric Johnston) to rezone property located at 7164 Clyde Park Ave. SW (portion of) and 7160 Clyde Park Ave. SW from R-U Urban Residential to D-1 Industrial (tabled at the January 21, 2008 meeting)

Larry Nix explained that nothing has changed and this application can remain on the table. Attorney Brown noted there was no problem keeping this application on the table.

Miscellaneous

□ **TOWNSHIP BOARD REPORT**

Tim Slot reported that the Board did a 425 agreement on the Gainey property. It is a hard decision to give away land.

□ **ZONING BOARD OF APPEALS**

Seymour Gould reported that he was unable to attend last months meeting, but did comment on the meeting coming up on the 23rd and stated that there are three public hearings scheduled and one is for another request for a billboard variance.

Adjournment

A motion was made by Gould supported by Gritter that the meeting be adjourned.
Yes - 6. No - 0. Absent - 1. Motion Carried

Jeff Gritter, Secretary
Byron Township Planning Commission