

BYRON TOWNSHIP PLANNING COMMISSION

December 1, 2008
Special Meeting
MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

Chairman Dutch Zeinstra called a special meeting of the Byron Township Planning Commission to order at 7:00 p.m., on Monday, December 1, 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, Mike Marshall and John Stone. Absent: James Faber. Also present was Attorney Ross Leisman, Township Planner Larry Nix and Brian Wegener, Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by Dutch Zeinstra.

Public Hearing – The Merestone Group - to receive public comments on a preliminary plan of a proposed mixed-use planned unit development for the property located at 6420 Byron Center Ave and 6650 Byron Center Ave.

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.

Chairman Zeinstra reminded everyone that no decision will be made at this meeting. It is just to get public input and concerns regarding this proposed development.

Tom Burgess was present to explain the proposed project and some of the changes that were made which resulted from the comments and concerns that were heard at the last Planning Commission meeting and at the neighborhood meeting.

Also present were Ron Van Singel, Gord Van Singel, Mr & Mrs John Van Singel, and Matt Dixon from Dixon Architecture.

Tom stated that since the meeting with the Planning Commission and the neighborhood meeting that was held some changes have been made to the plan.

Tom continued to explain some of the changes that were made and showed various maps

and renderings of what the project would look like. To have a Mixed Use PUD you have to have at least two uses out of three and we intend to utilize all three. We are proposing to have retail, office and residential use with 32% open space.

Matt Dixon indicated that buildings would be LEED certified. Matt and Tom discussed utilities, water main, storm sewer, the proposed rain gardens, energy efficient uses, the use of condos compared to single family homes, sidewalks, and the underground parking. Also discussed were water conservation, and the proposed lighting.

Mr. Nix thanked the public for coming to this meeting. He commented that the Master Plan suggests this type of use. As far as the process, a pre-application meeting has been completed and the applicant has made changes since then in accord with the recommendations. Tonight is meant for the public to help the Planning Commission and the applicant to understand citizens concerns.

Chairman Zeinstra opened the public hearing.

- Sue Keys – 2296 Van Singel Lake Dr., thanked Mr. Nix for explaining the process that this takes. Her biggest issue is Phase 5. It was to be residential home and they changed it. It’s amazing that people can just change things so easily. She asked if anyone heard of the NIMBY syndrome. It’s “not in my backyard”. The Planning Commission should care. This is not acceptable and she is very upset that they are able to change approved plans. A 4 story building is just too tall.

- Nancy Hochstetler – 2299 Van Singel Lake Dr., commented that her back yard is directly behind this project. She was wondering if the trees could be planted now. She will not like all the dust and weeds that a project like this will create. She was wondering if the road could be moved to the north of the condos with more green space to the south. She also was wondering if they decide to change something will they have to come back to the Planning Commission. She is against this project but can’t fight it. If she had known that this was going to be proposed she would not have purchased their home. Think of this in your back yard.

- Lori Dood – 2275 Van Singel Lake Dr., stated that this would be in her back yard to. This is the first meeting she has been invited to. Her concern is the big pockets of water that are shown on the maps. It’s a safety issue. She has seen mud slide down the hill with heavy rain fall. Are basements going to flood. What will happen when we have a heavy rain? She is a single mom and has worked very hard for her home. It doesn’t seem right that people can just change things. She feels you can still put single family homes in with the commercial on the corner.

- Mike Crabtree – 2335 Van Singel Lake Dr., commented that they just moved to this house a month ago from Illinois. They way it looks is he will have 500

windows starring down into his house. He hopes that the Planning Commission will make the right decision regarding this project. The Master Plan states one-story or 20' in height and he feels this should be complied with.

- John Traer – 2190 – 64th St. SW stated that he moved out to this area so he could see the stars. If this is approved he will have all those lights shining in his face. He is concerned about the light pollution and will move if this is approved. He doesn't want people looking at his kids while they are swimming. When they moved out here 5 years ago it was all residential and they love it out in this area. He is really sorry now that he purchased a home in this area.

- Judy Johnson – 2331 Pleasant Pond – commented that she has been to many of these meetings and opposed the proposed gas station and child day care when they were being considered. Whenever a new project is presented she asked herself if this is a good fit for the area and would it increase or decrease her property value. This is different and she really likes this development a lot. The developers have done a good job. She likes having the traffic come and go onto 64th Street. The 32% green space is wonderful. The idea of restaurant's, a bank, and retail shows progress for Byron Township. The taller buildings would help to block her view of traffic on 64th Street. There will be no increase of traffic in their housing development. These proposed buildings look like multi-million dollar homes. It's beautiful. There will be less people in these condos than if you had all single family homes in that area. The run off into Van Singel is a concern because they do have a healthy lake now. She approves this development.

- Sally Van Noord – 2151 Pleasant Pond – stated that she has questions about the retention pond and the rain gardens and how much they can accommodate. She uses the lake all summer and does not want to see anything ruin the lake's condition. She suggested that maybe the developer should help pay for maintenance and treatment of the lake on an annual basis.. She commented that she was out of town when they had the neighborhood meeting but wanted some information about the trees and what type they are proposing. She suggested that maybe these trees have tree gators, so the trees won't die or some type of irrigation system.

- Tom Johnson – 2331 Pleasant Pond – agrees with Sally's concerns and he is really concerned about the water quality of the lake.

- Thali Tilman – 8705 Carlisle Dr. SW - stated that a lot of people moved to Byron Center because it is a family orientated community and with a development like the one being proposed changes everything. This will affect these people. She knows it is not in her back yard but feels sorry for those who it will affect. These people have been lied to.

- Jamie Rodriguez – 2323 Van Singel Lake Dr., commented that they purchased

their home a couple years ago and they met with Mr. Van Singel and his realtor and they assured them that Phase 5 would remain residential. She feels she was lied to which leads to distrust. They do have their home for sale and they average two to three showings a week. But once they hear what is being proposed the people walk away never to be seen again. There are 87 condos for sale in the Byron area and out of the 87, 47 of those condos are over \$150,000.00. At present Railside has two up scale condos for sale since 2005, they are new and no one has ever lived in them. There are nine retail buildings sitting empty and 29 office spaces for lease in Byron. If this project goes through it will just add to those numbers. The economy at this time does not support this type of development. She feels this is not good and it would also add to the crime in the area. Who is going to fill these buildings? She hopes it will remain residential.

-Dick Boverhof - 6419 Byron Center Ave., thinks this is a very attractive project. It is well thought out and it meets the criteria for a Mixed Use PUD. It is very nice and is in favor of this project. It's a nice transition to residential.

-Pastor Rob Barber – 1740 Hightree likes the idea of having retail right off M-6. Also maybe 64th Street should be widened for better traffic control. This project would add to the tax base for the Township.

-Jay O'Neal – 2311 Van Singel Lake Dr. commented that this involves his backyard. He is not in favor of this at all and would be happy to see it go back to all residential. He asked about the timing of this project and the ending date. He is opposed to the project.

-Steve Wright – 2358 Pleasant Pond felt he was lied to when he purchased his home, deceived by the developer and by the Township itself. Is this project actually going to happen? Just make sure the developer does what he says he is going to do. Let's face it, it's all about money.

-Doug Tubergen – 6620 Pleasant Hill Dr., also agrees with Sally's comments. Somebody to help pay for the treatment of the lake would be a good idea. But he also agreed with Judy Johnson and her husband about the possibility of some good restaurants so close and convenient. He is concerned about the rain water coming into the lake and the erosion of the beach sand. He feels the outlet is not big enough. Tom Burgess did say at the neighborhood meeting that they will protect the lake as much as possible. He would like to have something better than that.

-Jaclyne Snyder – 2251 Van Singel Lake Dr., stated that they just moved into their home on November 10, 2008. They were looking for a single family development and felt that they found it but now their porch will be facing this big project. She is against this development. They were not aware of this plan and would not have bought if they had known.

-Glenn Eckelkamp – 6672 Pleasant Hill Dr., commented that they bought their home on the lake a couple years ago. He felt to that there has been a lot of distrust involved. If the developer would have been more honest with everyone we'd have no reason to be here. Let's make sure that the developer follows through with the plan and not try and do something else. He is concerned that with the amount of retail being proposed it will look like M-6 & Kalamazoo Ave.

-Todd Plummer – 2121 Pleasant Pond stated he lives on the northeast corner of Van Single lake and he recalls there was a lot of concern when Saint Mary's wanted to come into the Township but it is a good place and traffic is not an issue. He is concerned about the run off. He likes this project a lot. He doesn't feel the developer should have to pay a fee to help maintain the lake but maybe pay a surity bond and if the lake should be contaminated this could be used. He is in favor of the possibility of having nice restaurants in the area. Will restrictions be placed on restaurants, will there be fast food? What about the hours of operation? This project is very well laid out and it meets the criteria of the Master Plan. He feels if the Van Singel family commits to this project it will be done properly. He is fully confident that it will look good and be an asset to the Township.

No further public comments were made.

Chairman Zeinstra closed the public portion of the meeting.

Chairman Zeinstra asked Larry Nix if he could possibly answer any of the questions that were asked.

Larry Nix commented that a lot of the questions should be addressed by the applicant. After hearing the comments made tonight the Planning Commission can request that the applicant address these comments and present any additional desired information as needed. A final plan will have to be submitted with any changes that may have been made due to the public comments and concerns. Another public hearing will have to be held again on the final MU-PUD plan. So the public will have another opportunity to speak. The applicant does have the ability to change phase 5. The Township can either approve or deny it. When the final plan is submitted and approved, we hold the developer to that plan. The Township does watch to make sure they are doing it according to what the final plan shows. Someone asked about improving 64th Street. The Township has nothing to do with that. It would be the Kent County Road Commission who makes that call.

Chairman Zeinstra stated that one letter was received from Mike & Yvonne Akey who live at 2020 - 64th St. SW opposing this project and asked to keep this area residential. A copy of that letter is on file.

Chairman Zeinstra commented that no decisions will be made tonight and asked the Commission members if they had any concerns or questions.

Tim Slot had no concerns or comments to share.

Jeff Gritter stated his concerns are with the density of the condos. The original plan was approved with 24 and now it is up to 40 condo units.

John Stone was concerned with the development phases, plantings and timing for a buffer, and the grade on the south side of the road.

Chairman Zeinstra also shares these concerns.

Mike Marshall's main concern is the run off.

Seymour Gould stated that the original plan was approved for 24 single family homes and now it is up to 40 condo unit. He feels this should change. Also he would like to see more information on the rain gardens.

Commission member Tim Slot left the meeting.

Chairman Zeinstra thanked everyone for their comments and concerns.

Tom Burgess asked the Planning Commission members if he could come to the regular Planning Commission scheduled for December 15 and share any changes made to the plan.

Larry Nix commented that he is welcome to do that if he desired to.

A final plan will have to be submitted and another public hearing set.

Miscellaneous

- Commission member Seymour Gould commented that having served on the Planning Commission and the Zoning Board of Appeals for 20 years he has decided to retire from these positions as of December 31, 2008. It truly has been a learning experience.

Chairman Zeinstra commented on behalf of the Planning Commission he thanked Seymour for the 20 years of service and good labor and the Township is a better place because of him and his efforts to do what is right for the residents.

Adjournment

A motion was made by Marshall supported by Gould that the meeting be adjourned.

Yes - 5. No - 0. Absent - 2. Motion Carried

Jeff Gritter, Secretary
Byron Township Planning Commission