

BYRON TOWNSHIP PLANNING COMMISSION

March 16, 2009

MINUTES

CALL TO ORDER, ATTENDANCE & PRAYER

Chairman Jeff Gritter called a regular meeting of the Byron Township Planning Commission to order at 7:00 p.m., on Monday, March 16, 2009, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

Commission members present were: Jeff Gritter, Tim Slot, Steve Kilgore, Timothy Newhouse, John Stone and Mike Marshall. Absent: James Faber. Also present was Township Attorney Jim Brown, Township Planners Larry Nix and Brian Wegener, and Recording Secretary LaVonne Kuiper.

Prayer was offered by Jeff Gritter.

APPROVAL OF MINUTES

A motion was made by Stone supported by Slot to approve the February 16, 2009 meeting minutes as presented.

Yes - 6. No - 0. Absent - 1. (Faber) The minutes were approved.

PUBLIC COMMENTS

No public comments were made.

BUILDING INSPECTOR REPORT

The Building Inspector's report was provided to the Commissioners and will be placed on file. There was no other discussion on the report.

SITE PLANS

Larry Nix stated that there were no site plans submitted.

PUBLIC HEARING – THE MERESTONE GROUP - requesting to rezone property from R-R Rural Residential and R-U Urban Residential Planned Unit Development to MU-PUD Mixed Use Planned Unit Development and requesting approval of the Final Site Development Plan for Valley Vista Center located at 6420 Byron Center Ave., & 6650 Byron Center Ave. (southeast corner of 64th Street and Byron Center Avenue.

Chairman Jeff Gritter declared the public hearing open. Secretary Timothy Newhouse read the public notice and affirmed that the notice was published once in the South Advance and all property owners within 300' have been notified.

Mr. Tom Burgess was present and for the benefit of the new commission members gave a brief history of this project. Tom then commented that he would be addressing the response to Mr. Nix's memorandum dated March 5, 2009 and the information that was sent out to the commission member which was dated March 13, 2009 which explains the requested departures and the layout plans, landscape and lighting plans and the condo elevation plan for the final MU-PUD for Valley Vista.

A copy of Mr. Nix's memorandum and a copy of the response from the applicant is attached and made part of these minutes.

Chairman Gritter then opened the hearing to the public for comments.

Jamie Rodriguez – 2323 Van Singel Lake stated this project would be in her backyard. She is very concerned about this and wrote a letter back in January stating all her concerns. She feels a project of this type is not feasible in these economic times. If these condo units don't sell will they become rental units? She feels they were deceived. When she spoke to Mr. Van Singel she was told that Phase 5 would be residential homes and four months after speaking to him they receive a notice about a rezoning request. She really would like to see Phase 5 remain as single family homes. If they would have known this they would not have purchased their home. They are trying to sale their home now but when the potential buyer is told what is being proposed they walk away. Crime is also a concern she has. This is no longer a place to raise a family. Again she asked that they keep Phase 5 as single family homes. Stay true to your word. A project like this is not needed in this community at this time.

Jay O'Neal – 2311 Van Singel Lake asked how much can they try and fit on this property. The way it is zoned now is for residential homes and he would also like to see Phase 5 remain single family homes with regular yards for regular families. Hopefully this project is not approved. He feels his property value will go down. He is concerned about the retention ponds and the water gardens. Pod I which is located on the east side of the development is a big building. It is ridiculously large! How will a building that size be leased for a long period of time? He wants to stay living in is house and raise his children here. This project does not fit this area. He doesn't like the project and does not want to see it! It will have a negative affect on his property. He would like to see Phase 5 remain as it was approved.

Stan Jansen – 2175 Pleasant Glen Dr., stated that he does not have a problem with much of this project except for the large building which is proposed on the east side. This building would be directly behind him. He is concerned about drainage during construction and how long the project would take. He strongly prefers that Phase 5 be completed as it was first approved.

Mike Crabtree – 2335 Van Singel Lake commented on all the deviations that the applicant is seeking. They are trying to put too much in a little area. Parking spaces are a big deal and if they need 110 spaces then they put in 110 spaces. The height of these buildings is really tall. It's like having a skyscraper in your back yard. He also has a concern with drainage. He has only lived in Byron for 6 months and he would rather live next to single family homes.

Nancy Hochstetler – 2299 Van Singel Lake stated that this project would be in her back yard. It is absurd! When we first heard that Phase 5 was going to be single family homes, they thought great. Dirt & soil come down that big hill now. What will happen when construction starts? How long will construction take? Ten years? The developer feel it's a good fit but look where John and Tom live. She feels they were lied to. He wants us to bend over backward for their wants. Let Phase 5 alone. The 5 acres should be single family homes. The proposed condos do not look like condos they look like apartments. She does not want a road behind her house. The landscaping they are proposing is like a slap in her face. She also agrees that the proposed building on the east side is way too big! Please commission members, do your best and let Phase 5 alone.

Sue Keyes – 2296 Van Singel Lake shares the same concerns as other residents in the neighborhood. Please keep Phase 5 for single family homes. The condos should be changed to single site condos. They at least look like a single family home. She feels two entry signs are not necessary. She requested that the Planning Commission does not approve this proposed project.

James Sullivan – 6590 Pleasant Hill feel that since so much new information has been submitted it is hard to present thoughts about this development. The look he sees on the commissioner's faces says it all. You all look overwhelmed. When he purchased his home they were told that Phase 5 would be single family homes. Let's face it, it is all about economics. It's like putting 10 lbs of stuff into a 5 lb bag. Mr. Nix's comment in his memorandum says it all! "There does not appear to be a correlation between these requested departures and any recognizable and substantial benefit." He has a concern about the water flow and the discharge into the lake. This is simple! Phase 5 is for single family homes and it should be kept that way.

Lori Dood – 2275 Van Singel Lake doesn't like the idea of changing the single family homes to condos. The size of this project is so big. She is really offended that the developer is so unwilling to work with the home owners. She is suggesting to please keep Phase 5 the way it was first approved and if this is approved to do it in a tasteful way. She doesn't want to see a mini Chicago!

Tom Sorensen – 2287 Van Singel Lake feels there is strength in numbers and there are a lot of his neighbors present here at this meeting. This is all about economic gain. The economy is not good and feels this project would only add to empty office spaces like we see everywhere. Also at this time there are 82 active condo listings in Byron Township. To build more condos would not make sense. Phase 5 should remain for single family homes.

Jane Kitchen – 2218 Pleasant Glen stated that this development would be in her front yard. She will look out her front door and see these high buildings. At the present time there is not a lot of traffic on their street but this project could possibly add 60 – 65 vehicles going through there. She agrees that their property values will decline. Retention ponds scare her. A lot of water has to go somewhere! The condos look like large urban condos. They are not selling right now and if these don't sell would they be turned into rentals?

Phil Kitchen – 2218 Pleasant Glen commented that they were told it would be residential and what would you rather look at houses and not a big development.

Bob Wise – 2200 Pleasant Glen has faith and trust that the Board will only approve what is allowed in this area and see to it that the height restriction is enforced. If any development takes place it should be single site condo. He agrees with all the comments made so far.

Judy Johnson – 2331 Pleasant Pond Dr stated that she has attended many of these meetings and did strongly oppose the day care center and the gas station that was being proposed. But she really likes this development. Everyone knew all along that this would become some type of commercial development. Just look at the location. She feels the buildings are very sharp looking and is in support of this project. She offered no opinion on the residential portion as she is not a direct or adjacent neighbor and indicated the Commission should respect the opinion of those residents.

Carol Boverhof – 6419 Byron Center Avenue commented they are on the south west corner of Byron Center Avenue and when Marathon wanted to locate on their property the Township flatly turned them down. She does feel sorry for the people in Van Singel Lake but at one time she could look out to the east and see farm land and animals grazing but the Van Singel development started and she did like that and had to accept the change. Take a look to the north, Wyoming is flourishing. She firmly believes that Byron Township needs this type of a development. If these men meet the standards and they have the money to back it, bring it on. Make it look nice and go for it. It's a great idea.

Glenn Eckelkamp – 6672 Pleasant Hill Dr. would like to see the density reduced in this development. Stand alone condos would be a better fit. Byron Center is a nice community and we should try to keep it that way.

Jacqueline Synder – 2251 Van Singel Lake commented that her family is new in the neighborhood and is not in favor of the plan that is being proposed. The economy does not support a project this big at this time. She also feels this will create a lot more traffic. Phase 5 should remain for single family homes.

No further public comments were made.

Chairman Jeff Gritter asked Secretary Timothy Newhouse to read two written responses that were received.

Mr & Mrs Michael Akey – 2020 – 64th St “My wife and I want to vote “no” on the 64th St. issue asking to build retail building and condos there. We want this land for single housing just like we have now!”

Tim & Cindy Rose – 6650 Pleasant Hill Dr is concerned that the change from single family homes to condos will greatly decrease the value of their house. Especially if they are multi family & multi story level. Traffic is a big concern and they wouldn't like 40 new families driving through their quiet neighborhood. They would like to keep the original plan of single family homes if they connect to our road.

Chairman Gritter closed the public portion of the meeting.

Chairman Gritter commented that they have 3 options, recommend approval, recommend denial, or table this request. He stated that he preferred to table this in order to give everyone time to look over the changes and to consider all the public comments that were made.

Mr. Nix agreed. The project has received considerable input from the public with limited input from the Commission. Now is the time to encourage Commission input but first the Commission must be given time to digest the new information submitted by the applicant and public comments. He suggested holding a workshop meeting, which would be open to the public, to give the Commission members and the applicant a chance to discuss various items of concerns. Many good comments were heard tonight.

It was decided to hold a workshop on Monday, March 30, 2009 @ 6:00 p.m.

A motion was made by Slot supported by Newhouse to table this request until the March 30th workshop.

Yes - 6. No - 0. Absent - 1. (Faber) Motion carried.

JUST PROPERTIES LLC (RIC JOHNSTON) – to rezone property located at 7164 Clyde Park Avenue SW (a portion of) and 7160 Clyde Park Avenue SW from R-U Urban Residential to D-1, Industrial. (tabled from last month)

Larry Nix commented that this rezoning application can remain on the table.

Miscellaneous

□ **TOWNSHIP BOARD REPORT**

Tim Slot commented that the Board was questioning the zoning issue regarding wind generators and the zoning update process. Larry Nix stated that he would provide the Board with some research on this project and provide copies of all zoning memos and draft ordinance provision for distribution to Board members.

□ **ZONING BOARD OF APPEALS REPORT**

Timothy Newhouse said the ZBA did not meet in February since there were no agenda items. They do plan to meet next week.

□ **BYRON ZONING ORDINANCE DISCUSSION**

Larry Nix indicated that he has been working with Mr. Brown and should have a report at the April meeting.

Adjournment

A motion was made by Stone supported by Slot to adjourn the meeting.

Yes - 6. No - 0. Absent - 1 (Faber) Motion Carried.

Timothy R. Newhouse, Secretary
Byron Township Planning Commission