

BYRON TOWNSHIP PLANNING COMMISSION

April 20, 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, April 20, 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, John Stone, James Faber and Mike Marshall. Absent: Timothy Newhouse. Also present was Township Attorney Jim Brown, Township Planner Brian Wegener, Byron Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by James Faber.

APPROVAL OF MINUTES

A motion was made by Stone supported by Marshall to approve the March 16, 2009 minutes as corrected and the March 30, 2009 special Workshop Meeting minutes be approved as presented.

The corrected sentence on page 5 of the March 16th minutes reads as follows: "A motion was made by Slot supported by Newhouse to table this request until **after** the March 30th workshop."

Yes - 6. No - 0. Absent - 1. (Newhouse) 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

Chairman Gritter 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. (Tabled at the March 16,2009 meeting)

A motion was made by Slot supported by Stone to remove this request from the table for discussion.

All voted aye. Motion carried.

Chairman Jeff Gritter commented that Brian would review the Planners Memorandum, then will give the applicant a brief time to explain his concerns and then will seek public comments from the public.

Planner Brian Wegener stated that the Planning Commission directed the applicant to resolve three outstanding issues at the March 30th workshop meeting. The issues were phasing, landscaping and parking. The applicant has submitted a letter dated April 6, 2009, which is a response to those outstanding issues. The applicant's response speaks to **phasing** of the development. The letter states that landscaping along the private street will be installed during the first phase of the development, which does address the neighborhood concerns. However the private street itself would be constructed in four phases and we question whether portions of the street can be constructed without undermining the viability and health of adjacent landscaping and creating erosion issues. It may be appropriate to require installation of the private street as part of phase one as well. The Planning Commission should review the letter and the phasing plan submitted and determine if the proposed plan is appropriate.

The **landscaping** plan has been adjusted and we have a few comments. Given that all mass grading will be completed in Phase I as stated in the letter from Merestone Group dated April 6, 2009, the Commission may consider requiring that all landscaping adjacent to residential property (this would include the entire south and east property line) be planted during Phase I. Along 64th Street 1,200 square feet of garden bed is required and 800 square feet of garden bed is required along Byron Center Avenue. These particular areas are not delineated on the landscape plan. Section 4.44 (3)(1) requires that where a development is proposed in phases an applicant shall provide a time schedule and that applicable landscaping standards shall be met with the completion of each phase. This can be addressed in a condition of approval. Section 4.44 (5)(a) states that no more than 30% of the planting may be of a single species. Although the landscape plan lists potential species this requirement is not specifically addressed. Three evergreen trees are mistakenly shown within a paved parking area and they

should be deleted from the landscape plan.

The applicant has submitted revised **parking** calculations reflecting smaller parking spaces and green space areas to accommodate additional spaces. The applicant has computed the number of spaces the zoning ordinance would require but the applicant has not provided a detailed analysis of the parking demand that could be expected to justify the proposed 20% reduction from what is required for non-residential parking spaces. So we used a resource called Parking Generation, a publication of the Institute of Transportation Engineers, and developed the two tables in the report. We found that, depending on the exact uses in the development, between 1,026 and 1,173 parking spaces would be required by zoning; and demand for between 636 and 1,062 parking spaces could be reasonably expected, depending on several variables. The, we counted each and every parking space, and conclude that there are 933 parking spaces within the mixed-use, office and retail area core of the development. The site plan, however, states that there are only 924 spaces. Even though the proposed 933 spaces fall short of the ordinance's requirement, this number is toward the upper end of the range of estimated parking demand. This can be justification for the Planning Commission to recommend approval of the proposed parking deviation. Several future parking areas are shown providing for a total of 133 potential future spaces (including the future parking areas within the condominium area to the south). The bulk (94 spaces) of the future parking spaces is proposed along the fire apparatus access road along the south side of the mixed use buildings. It is not clear how a pedestrian who has parked her can enter the establishments within the buildings, as there does not appear to be entryways along the south building elevations. These spaces therefore do not seem like a sensible alternative for customers. In addition, future parking spaces in the condominium area to the south would cross over a sidewalk, which undermines pedestrian safety and the intent of sidewalk installation. The two westernmost proposed underground parking spaces within POD B may need to be eliminated to provide adequate space for a motorist to back out of a parking space.

The applicant has made strides to meet our concerns and if the Planning Commission is comfortable this can be sent with a positive recommendation to the Township Board including the five (5) conditions along with the resolution.

Chairman Jeff Gritter then gave Tom Burgess the opportunity to respond to the Planners comments.

Tom began by saying that Phase I which will be POD A & C will have to have mass grading since it is on the hill. They would like to do this project from west to east. The Planner is suggesting that the south road should be done and completed first. They do not feel this is a good idea. The residents to the south would not be in favor of that. With young kids it would become a race track for motorcycles as well as cars. A phasing plan will depend on the market. They don't really know when the other phases will begin. Regarding the landscaping they have addressed all the issues in fact they have well exceeded what is required. They would like to hold off doing the landscaping on the east boundary line. The three trees in the parking lot were a mistake and they have

been removed. The two westernmost parking spaces underground POD B will not be removed but will be labeled for compact cars or motorcycle parking. The Planners comments show we have adequate parking. They feel that the amount requested is sufficient for the anticipated flow of customers. We don't know that type of business will be going in. We have restaurants for POD A and POD D and we don't know what the offices will be used for. POD I is called for all medical use which we know requires more parking spaces. They don't want to take any buildings out of the plan. A comment was made by the planner regarding the 94 spaces of the future parking spaces proposed along the fire apparatus access road along the south side of the mixed use building. These spaces can be used by employees, etc. What better spot to put these in the back. We are being creative.

Chairman Jeff Gritter then asked the Commission members for their thought.

Jim Faber commented on lighting. If you have extra parking you will need extra lighting.

Tom Burgess stated that secured lighting will be installed. It will be low lighting for security. Sidewalks may be moved north of the parking spaces in the condo area.

Jim Faber again stated that lighting is a big concern of his. He lives near K-Mart and knows what lighting can do.

Chairman Gritter then accepted comments from the public.

Jay O'Neil – 2311 Van Singel Lake Dr. – commented they he has spoken at other meetings regarding this and his feeling have not changed. They are trying to put too much in too little of a space. He also stated that he would rather see single one story condo units instead of the proposed condos that look like apartment building.

James Sullivan – 6590 Pleasant Hill – stated that at the work session he heard all the concerns that everyone had regarding landscaping, parking, and phasing. With work beginning from the west to the east and the mass grading that will be done will cause big mounds of dirt on the east side of the property. And it is going to rain and the water will flow down onto the property below. If the road is required to be built maybe it could be gated. We see \$225,000.00 condos proposed and hopefully they will not sit vacant. He asked the Commission members if they thought this would be the best use for this property. Yes, it is good for this community to grow, but is this a good fit? Listen to the community's concerns.

Rick Hesselink – 2090 – 64th St – commented that when you ride around the all you see is empty store fronts & empty strip malls. The ones that are there are trying to survive. He knows of two condo associations in Byron Township that in the last 18 months have changed their by-laws to allow renters. Will this turn into the same problem? It's a trust thing! He doesn't care what size the government body is, just listen to the people.

No further public comments were made.

The Commission members then discussed the grading, landscaping and parking spaces.

James Faber commented that these plans and intentions are good but what happens if there is water runoff. How will these people be protected?

Tom Burgess stated that they have to get soil erosion permits and when it rains it will be monitored.

Attorney Jim Brown commented that if there is storm water runoff an ordinance is in place. The Township can take legal action if there is a problem.

Mike Marshall has no problem with the road and he hates to see the applicant plant all the landscaping only to have it tore up again.

Chairman Gritter commented that there are seven (7) phases in the project.

Tom Burgess responded by saying that they will begin from the west to the east before the condo phase.

Attorney Jim Brown stated that the ordinance does not require phases to be done in order.

After some additional discussion a motion was made by Stone supported by Faber to recommend approval of the rezoning/final Site Development plan for Valley Vista with the planner's recommendation and the changes made to the resolution.

Roll call vote: Slot - yes. Faber - yes. Kilgore - yes. Marshall - yes. Stone - yes. Gritter - yes. Newhouse -absent. Motion carried. Request sent to Township Board for approval.

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)

Brian Wegener commented that this rezoning application can remain on the table.

Miscellaneous

- Pete's Tavern (site plan revision) Larry Nix and Randy Zomerlei did an administrative approval for an addition to the outdoor seating area. This will be an extension of the open eating area going to the south. Plastic decking will be used due to the utilities below. This is for your information only.

- Highpointe Community Church (site plan revision) The Kent County Road Commission has required that they move the driveway to the east. With this new location increases the concerns regarding headlights encroaching into the residential area to the west. This was a primary concern of adjacent residents during the public hearing that was held last month. It was the consensus of the commission members that there must be additional evergreen plantings south of the sediment basin and culvert.

- **TOWNSHIP BOARD REPORT**

Tim Slot commented that the Board was looking at the proposed changes to the Zoning Ordinance and they don't think it is necessary at this time. They would like to hold off on changes that are not necessary.

- **ZONING BOARD OF APPEALS REPORT**

Timothy Newhouse was absent. No report was given.

Adjournment

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

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

Timothy R. Newhouse, Secretary
Byron Township Planning Commission