

BYRON TOWNSHIP PLANNING COMMISSION

September 21, 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, September 21, 2009, at the Byron Township Offices, 8085 Byron Center Avenue SW, Byron Center, Michigan 49315.

Commission members present were: Jeff Gritter, Tim Slot, James Faber, Steve Kilgore, John Stone and Timothy Newhouse. Absent: Mike Marshall . Also present was Township Planner Val Lazdins, Byron Township Building Inspector Randy Zomerlei and Recording Secretary LaVonne Kuiper.

Prayer was offered by John Stone.

APPROVAL OF MINUTES

A motion was made by Newhouse supported by Stone to approve the August 17, 2009 minutes as presented. Motion carried.

Yes - 6. No - 0. Absent - 1 (Mike Marshall).

PUBLIC COMMENTS

No public comments were made.

BUILDING INSPECTOR REPORT

The Building Inspector's report for August was provided to the Commissioners and will be placed on file.

SITE PLANS

No site plans were submitted for consideration.

To Set Public Hearing - The Merestone Group requesting to rezone property located at 6066 Wilson Avenue from R-R Rural Residential to B-3 Interchange Business.

Planner Val Lazdins stated that the application is complete and the necessary fees have been paid and feels that the Planning Commission can move forward to set a public hearing. There are some issues that the applicant has to address such as the utility availability and site access. These issues should be taken care of prior to the public hearing, especially the water/sewer availability and how this will be obtained.

A motion was made by Slot supported by Faber to set a public hearing for the next regular meeting to be held on Monday, October 19, 2009.

All voted aye. Motion carried.

Preliminary Plat Approval for Providence Lake Phase II

Mr. Val Lazdins commented that the revised plat for Providence Lake Phase II is identical to the one previously approved for this area except instead of 45 lots the plan now contains 18 lots. This preliminary plat meets the requirements of the previously approved preliminary plat and the approved RS-PUD for this project.

The Drain Commission and the Township Engineer have reviewed the revised construction plans and granted approvals.

Discussed was the additional access road which was required as a secondary means of egress.

Doug Stalsonburg from Exxel Engineering was present and commented that Preliminary Plat Phase II was approved two years ago. At that time they were proposing 34 lots. The temporary road that goes to the north of Goose Creek was approved by the Board to be 12' in width. This road was never built. The bank will only finance so much so that is the reason they have gone down to 18 lots. The emergency access drive will commence from Nantucket Drive as a 20 foot wide paved driveway between lots 56 and 57, then the access drive with turn outs (3) would convert to a 12 foot wide crushed concrete drive and would continue to the curb cut to Burlingame Avenue.

After some additional discussion a motion was made by Slot supported by Kilgore to recommend Township Board approval of the revised Preliminary Plat Phase II for Providence Lake with the stipulation that the access road be 12 feet in width including three turn outs per plan.

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

Public Hearing – BBI Holding, LLC (Dan Boverhof) requesting a special land use to construct a child care center for the property located at 6975 Byron Center Avenue.

Chairman Gritter declared the public hearing open. Secretary Tim Newhouse read the public notice and affirmed that the notice was published once in the South Advance and notices sent to all residents within 300' of the subject property.

Steve Witte from Nederveld Associates was present on behalf of BBI Holdings (Dan Boverhof.) He stated that the property is located on the west side of Byron Center Avenue between 68th Street and Marfield Dr. The property is currently zoned R-R Rural Residential and consists of 1.96 acres. There is an existing home and barn on the property and these will be removed or demolished. The proposed building will be 11,554 square feet and the building will be used by the Appletree Learning Center. The proposed building will be located 209' off of Byron Center Avenue, will be 26' from the side property line and 145' from the rear property line. The Kent County Road Commission is in agreement as to the location of the proposed driveway. The site will have 38 parking spaces and public utilities are available to the site. This building is very attractive so they would like to see it somewhat visible from Byron Center Avenue, which is an area of their concern with the landscape requirements. The Township Ordinance requires 8' tall screening but being they are so far off the road they would like that softened a little. Also the Planner is requiring that we provide proof of licensing by the State of Michigan prior to the issuance of building permits. That is impossible and would like that condition removed. The site plan has been revised to show the dedicated pedestrian pathway through the entire parking area to the front door to avoid conflicts with parked and moving vehicles, also the Planner is requiring that the center provide an employee to direct traffic in the parking area to ensure that vehicles yield to pedestrian in the parking lot and within the required dedicated walkway, they are also asking that that condition be removed.

Township Planner Val Lazdin then reviewed his memorandum dated September 9, 2009 of which a copy is attached and made part of these minutes. He commented that the applicant has captured a lot of the concerns that he listed in his memo and has met almost all of the standards set forth in the Ordinance.

Chairman Gritter opened the hearing to the public.

Ron Van Hofwegen – 7027 Parlo is concerned about traffic and he also boards his horses next door to this property.

Mark Rice – 2539 Marfield is also concerned about the children with the traffic and there are no sidewalks. He was wondering what will happen next. Also it is very hard to get out of Byron Oaks. Byron Center Avenue is a very busy street and the speed limit is 55 mph.

Don May – 2433 Marfield commented that his house is located right behind the backyard of the proposed day care. He was wondering what the sideyard setbacks were. He stated that there is a fence now along the south property line and he was wondering if that fence will remain.

Sherwin & Ronda Van Sledright – 2439 Marfield stated their home is located just south of the proposed day care. They moved to Byron because they like the country and they really don't want this in their backyard. The traffic is a big concern especially since they have children that are just beginning to drive. What about snow removal and garbage pickup? Ronda asked about the lighting and would it be from dusk to dawn. This will really impact their privacy. The traffic is also her concern and no sidewalks. If this is approved they should require sidewalks and maybe consider a traffic light at 68th Street and Byron Center Avenue. She also asked about the hours of operation.

Joe Tower – 2407 Marfield commented that he agrees with all the comments made so far. This will create a lot more traffic on an already busy street. He is not against children and does realize a place like this is needed. This will just open the door for Byron Center Avenue to have more retail and commercial endeavors. He stated that he has contacted the Township about traffic and speed but nothing ever gets done about it. He would like to see this denied.

Bill & Betty Hordyk – 2421 Marfield voiced their concern regarding lighting and traffic. He faces it every morning, trying to get on Byron Center Avenue. Betty stated that cars driving into the parking will shine their headlights right into their bedroom. Their privacy is going to be affected. Is there any way that some type of sound barrier can be required?

Rolando Reyes – 2445 Marfield also has concerns about the additional traffic that he will have to deal with every day. Maybe they can locate this somewhere else like Brown Elementary school. Lighting and noise is also an issue.

No further public comments were made.

Chairman Gritter closed the hearing to the public

Chairman Gritter addressed some of the questions that were asked during the public hearing. He stated that the fence that is located along the south property line will stay. The applicant can address the hours of operation and some of the other concerns that were brought up.

Steve Witte stated the hours of operation will be Monday thru Friday 6:00 a.m. to 6:00 p.m. There will be no Saturday or Sunday hours. The lighting will have shut off capability and they will be the shoe box style and shine downward. The fence along the south property line will stay and as many trees as possible. Regarding the safety of the children, they will be supervised when they are out in the play area which is a fenced in area. Safety and traffic has been mentioned a lot and a five lane road does carry a lot of

traffic. This type of business the traffic will be sporadic. They will not all come at once. Comments we made about sidewalks. This is not a walk up type of business and don't feel they are that necessary. The landscape in the front yard will have to be addressed. The Ordinance calls for an 8' landscape screening and he realizes that there is no other place in Byron Township with solid screening in the front yard. The building lights will also be shielded

Faber asked if some type of sound barrier could be installed for the sake of the neighbors.

Township Planner Val Lazdins stated that the only thing that would possibly work would be like the cement barriers they put up along the expressways. We know that is not possible. There is really no way to resolve a noise issue. He felt noise should not be an issue with this business.

Val also reminded the public that this is not a rezoning it is a special use and it shouldn't begin a progression for more commercial or retail use in that area.

Steve Witte commented this is not run like a school. They let 13 – 16 children out at a time in the gated area and they are supervised. There really is not a lot of noise. He does understand their concern for noise but it really will not be an issue.

The commission members discussed the concerns over the sidewalk, landscaping along the north property line, fence upkeep, number of trees that will remain on site, and the required 8' landscape requirement for the front yard.

Slot commented if we approve this special use request maybe the applicant can come back to the next meeting to show the revised landscape plan. Also for the sake of the neighbors the lights should go out by 8:00 p.m. and can go back on when they open in the morning. We can't control the speed limit of Byron Center Avenue or putting in a new traffic light.

After some additional discussion a motion was made by Slot supported by Stone to approve the special use request with the following stipulations:

1. The landscape plan must be submitted to the Planning Commission at next month's meeting for approval.
2. Lights to be on from 6:00 a.m. to 8:00 p.m.
3. The fence to be maintained at all times.
4. No attendant will be required.
5. Sidewalks will be required at Townships discretion.
6. The Center will not need to provide proof of licensing by the State of Michigan prior to the issuance of building permits.

Roll call vote: Stone - yes. Slot - yes. Faber - yes. Kilgore - no. Gritter - yes. Newhouse - yes. Motion carried. Special Use request approved.

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)

A motion was made by Stone supported by Faber to take this request off the table for discussion. All voted aye. Motion carried.

Chairman Gritter reminded the commission members that Randy sent a letter to the applicant requesting what his intentions were regarding this request. No response was received and he was given a fair amount of time to respond.

A motion was made by Stone supported by Slot to recommend to the Township Board denial of this request.

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

Miscellaneous

► Township Board report

Tim Slot commented that the Township Board has discussed the possibility of sidewalks along Byron Center Avenue. They felt it was best to hold off for a while.

► Zoning Board of Appeals report

Tim Newhouse stated that there are four public hearings scheduled for Wednesday night.

Adjournment

A motion was made by Newhouse supported by Stone to adjourn the meeting.
Yes -6. No - 0. Absent - 1. Motion Carried.

Timothy Newhouse, Secretary
Byron Township Planning Commission