

BANKS TOWNSHIP PLANNING COMMISSION

PUBLIC HEARING/REGULAR MEETING

August 12, 2003  
7:30 P.M.

Chair Nancy Ritsema called the meeting to order at 7:30 P.M.

Roll call: Present: Nancy Ritsema, Sue Kessler, Marv Rubingh, Marion Williams  
Absent: Bill Austin

Public: Irene Shooks, Bradley McGlinch, Ron Hext, Dave Saywood

Approval of Minutes: MMSC by Marion, Sue that the July 8 minutes be approved contingent on receipt of Landscape Plan from Mr. Roy and the July 24 minutes be approved .

Approval of Agenda: MMSC by Sue, Marion that the agenda be approved.

**PUBLIC HEARING--McGlinch Special Approval Request**

Nancy stated the reason for the Public Hearing. Mr. McGlinch is seeking special approval from the Planning Commission to operate a cottage industry from his storage building, located at 11908 Marion Center Rd, Banks Township, Charlevoix, Michigan. Mr. McGlinch would like to operate Magnum Electric from the building.

Mr. Bradley McGlinch: I would like, in the future, to establish a more commercial business elsewhere. My intent is not to operate from this building for a long period of time. Its more of a temporary, perhaps a five year plan, then move into another location. Right now, I'm just trying to build a foundation business. I would be willing to set a time frame to review it again, in the future, see where I am at. Some other concerns would be the driveway--I guess it's not the most accessible situation.

Nancy: Did the zoning administrator contact you? We had a question as to whether or not you knew the concern.

Brad: Yes, I live there, so I know the situation. The bus does turn around in our driveway, a lot of people come in and out. It is worse for a smaller vehicle, to try to see out, but with bigger vehicles, it isn't much of a problem.

Sue: Are you expecting a lot of large vehicle traffic?

Brad: Not really--we have a couple of suppliers stop almost daily, its on their way--they come by anyway, and now just stop. They are going past, going to other places.

Nancy: Is there anyone who wishes to comment, first of all in favor of the applicant

Ron Hext: I'm the adjoining property owner, and its fine with me. As far as operating a business, my wife and I have no problems with it.

Nancy: Any comments against? We do have correspondence regarding the application from Mr. Rewold.

Letter read by Irene, attached to minutes

Additional comment from Larry Essenberg, Ellsworth Bus Garage, to the effect that visibility for a bus was good, but a lower vehicle such as a car or truck presented a little more difficulty to pull out onto the road.

Marv: If this is approved, the approval stays with the property, not the property owner. We cannot authorize a use by an owner, but use on a piece of property. We can put a time limit on it. What kind of time frame do you have in mind?

Brad: Maybe five or seven years.

Marv: We would set it up to expire in the time frame, and then you would re-apply, and there may be a whole new planning commission with a whole new set of circumstances.

Public Comment closed at 7:40 P.M.

## 7.01 SITE PLAN REVIEW

.02 Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission.

- a. The name and address of the property owner. *The commission finds that the name and address are included. Marion Center Rd. is not specifically noted, but C-65 is on there.*
- b. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
- c. The boundary lines of the property, to include all dimensions and legal description.
- d. The location of all existing and proposed structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking

lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities.

- e. The location and width of all abutting rights-of-way.
- f. The location of existing environmental features, such as streams, wetlands, shorelands, mature specimen trees, wooded areas or any other unusual environmental features.
- g. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
- h. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
- i. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- j. A location sketch of the proposed use or structure.
- k. The type, location and size of all existing and proposed utilities.
- l. The location, size and slope of all surface and subsurface drainage facilities.
- m. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
  - 1) The number of units proposed, by type, including a typical floor plan for each unit.
  - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
  - 3) Typical elevation drawings of the front and rear of each building.
- n. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- o. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses. *The Planning Commission notes that the hours specified are 6 A.M. to 6 P.M. The days of the week were not specified, and the Commission designated Monday through Saturday.*
- p. The Planning Commission can waive any or all of the above site plan requirements, when it finds those requirements are not applicable to the proposed development.

3. Submittal and Approval Procedures: Eight (8) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

The Planning Commission shall have the responsibility and authorization to approve, disapprove or approve with modifications, the Site Plan in accordance with

requirements of the zoning district in which the proposed use is located and shall further consider the following criteria:

- a. The sewage disposal and water systems meet the applicable health and sanitary codes and ordinances. *The Commission finds that the requirements are met, because this is an accessory building to the house.*
- b. The location and nature of the use will not be in conflict with any principal permitted use of the district or neighborhood. *The Commission notes that comments from two (2) neighbors verifies that this use will not be in conflict.*
- c. The use will not create any major traffic problem or hazard. *The Commission will come back to this point, in light of the concerns raised by the Zoning Administrator.*
- d. The use will not be any more objectionable to adjacent and nearby properties than would be any permitted principal use of the district by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, or disposal of waste and sewage. *The Commission finds it will not be any more objectionable.*
- e. The use will not discourage or hinder the appropriate development and use of adjacent premises and the neighborhood. *The Commission finds it will not.*

Considering Section 6.02. We note that this property is zoned Conservation/Recreation, and one of the special uses for the C/R district is a Cottage Industry. Moving on from there to Section 4.12.02, the zoning ordinance requirements for Cottage Industry.

## 2. Cottage Industries

- a. Cottage industries may be permitted as a special use in any zoning district in which single-family dwellings are permitted, subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
- b. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry. *Everything is inside your building, correct?*
- c. A cottage industry shall occupy not more than one building. The floor area of such buildings shall not exceed twenty four hundred (2400) square feet. *Mr McGlinch's building is in compliance.*
- d. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road

rights-of-way. If required, the type of screening shall be determined at the discretion of the Planning Commission. *You will not be storing anything outside, right?*

- e. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.

*This industry does not have any noise, etc.*

- f. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses. *Mr. Mc Glinch stated that the suppliers are normally coming by, and his business is not drawing any additional traffic.*
- g. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to two additional employees or assistants. *The Planning commission is granting Mr. McGlinch two additional employees for this business.*
- h. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process. *The Commission set a limit of four (4) vehicles at any one time.*
- i. Hours of operation shall be approved by the Planning Commission. *This was covered earlier, and will be 6 A.M. to 6 P.M., Monday through Saturday.*

3. Termination, Extensions, Revisions, and Inspections

- b. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity. *The Planning Commission we are granting a period of approved operation of seven (7) years from August 12, 2003.*

We are going to return to Section 7.01.03

- c. The use will not create any major traffic problem or hazard. *The Zoning administrator commented on the traffic problems this could cause. This concern was also sent to our Planning Consultant, Mary Campbell, who responded: "I have not visited the site, but can do so. Traffic movement and safety are valid considerations. Depending on the severity of the safety issue, it may be possible to have the Road Commission install a few extra signs, "hidden driveway, truck traffic, etc." Another thought is whether there are particular times of the day when traffic volume is low, and consider requiring deliveries to be made during restricted hours..." My response to her is that perhaps what we need is some kind of evaluation from the County Road Commission. Because we recognize that this is a dangerous driveway. There is a blind spot for lower vehicles. Mr. McGlinch stated that he could cut down some of his bank, to improve visibility.*

*Mr Hext stated that the south bound traffic from Charlevoix come over the hill at an excessive rate. They have been after the County to put up signs, and even an accident didn't result in any signage. If the County would take some off the top of the hill, the problem would be solved. Mr. McGlinch stated that his delivery trucks were there at low traffic times.*

*A letter will be sent to both Antrim & Charlevoix County Road Commissions asking them to evaluate the traffic safety, and make recommendations in writing, with in a two week time frame, to the Planning Commission. The discussion will be tabled until a response is received.*

*Recess at 8:13 p.m.*

## **6. OLD BUSINESS**

Nancy handed out material from the Master Plan Guidelines

Pg. 101: notice must be sent to the following

- a. Village of Ellsworth Planning Commission
- b. Marion Township Planning Commission
- c. Norwood Township Planning Commission
- d. Torchlake Township Planning Commission
- e. Central Lake Township Board
- f. Antrim County Planning Commission

Stating that we are beginning to revise our Master Plan, and that we request their cooperation and comment. Letters will be sent to each of the above. (letter attached)

Pg 103: Some townships have a "vision" statement, but we have a purpose statement. A vision statement might be a good umbrella over the goal, or purpose.

Chapter 13: We need to refer our decision making to the Master Plan.

Members were reminded to attend the Antrim County Master Plan Update Visioning Meetings, either on Aug. 13 or Aug. 27

### **7. OPEN DISCUSSION**

No correspondence

### **8. REPORT OF TOWNSHIP BOARD REPRESENTATIVE**

Resignation of Peter J. Vander Ark on Township Board

### **9. REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE**

### **10. PLANNING CONSULTANT REPORT**

### **11. NEW BUSINESS**

#### **a. Public Hearings:**

- i. Pat McGuire In order for our permit to be valid, if granted, they have to be in compliance with the State. If they are shut down by the state, our permit is automatically revoked.

