

Banks Township Planning Commission
Public Hearing and Regular Meeting
May 24, 2001

Call to Order: 7:30 PM, by Chairman Rudy Passehl

Members Present: Williams, Rubingh, Strange, Kessler

Other Present: Mary Campbell, MC Planning and Design, Kevin Elsenheimer, Attorney

Public present:

Jerry Olsen, William Brooks, Elizabeth Hoffman, Edward Schroeck, Robert Widerstedt, Cheryl Widerstedt, Jerroll Drenth, Charles Atkinson, Jim Veenstra, Kevin Heard, Willard Splittstoesser (sp?), Mary Franczek, Vivian Wolgamott, Harlan Peterson. Attached is a letter from Teresa Bernardez, M.D.

Chairman Passehl explained the proposal before the Commission which necessitated this hearing and the procedure to be followed.

Mary Campbell further explained the amendments proposed, which are attached to these minutes.

Regarding the proposed change in zoning along Old Dixie Highway, she explained the difference between the Agricultural and the Conservation/Recreation zones in terms of lot size: a minimum of 20 acres left in the parent parcel after a split, in Agricultural districts. In other words, if a parcel in an Ag. zone is to be split there must be a remaining parent parcel of at least 20 acres. In an R/C district, the minimum lot size is 20,000 square feet, meaning that a parcel could be split into lots of this minimum size. In a Planned Unit Development (PUD) 13 1 acre parcels may be established while 20 acres must remain as open space, according to State law.

The period of public comment opened with a question from Mike Wolgamott regarding the eastern boundary of the proposed Ag. district in question. The response was that the hatch marked area borders upon section lines as shown on the large, full color zoning map.

Harlan Peterson asked why the choice of district is Agricultural. Rudy Passehl responded that the 1976 Ordinance stated that this area was Agricultural at the time. An attempt was made to follow the section lines in order to simplify the districting, but that this was unsuccessful. We are now trying to return to the original zoning, following the section lines on the east and Old Dixie Highway, on the west. The zoning is based upon the most prevalent current use. Further, the Master Plan of Banks Twonship states that we as a Commission are charged with the responsibility to maintain the rural character of the township.

Edward Shroeck asked if current zone restrictions will be changed or rescinded. The answer is that an amendment will take effect after approval of said changes by the Township Board. The restrictions in effect at time of purchase or split of a parcel remain with that parcel.

Robert Widerstedt asked if in an R-1 only 1/2 acre lot is required. Answer: yes.

Jerroll Drenth asked if there had been specific requests to make the change. Mary Campbell replied that there is interest in maintaining the rural character of the township. Gary Strange added that the Zoning Administrator would like to streamline the districting. Kevin Heard asked if the State's Land Division Act would apply. Kevin Elsenheimer replied that the Act requires that the local ordinance be followed.

Mike Wolgamott asked for verification regarding the necessity to split a parcel in order to build a second dwelling. The answer was affirmative. Any size parcel must be split in order to build a second dwelling.

Harlan Peterson asked if this change will encourage more open space. The response was that this will encourage cluster housing, which requires 20 acres of open space per PUD. The period of public comment was closed at 8:04 PM.

Discussion of proposed amendments began.

Section 6.06 Permitted Ag. use in Village zone.

The specific language restricts animal farming while permitting vegetable farming. The question from the public was raised as to the possible dangerous use of insecticide spray near residences. This was acknowledged as a concern.

Jim Veenstra asked if the 17 acres of his land which is in the Village could be sold for animal farming. Answer: No.

Each proposed amendment was read by Mary Campbell. A roll call vote was taken on each article separately. After votes had been taken on Articles III and IV, attorney Kevin Elsenheimer advised that a motion and support are needed.

Article III: Definitions

Williams/Kessler
Marv Rubingh - yea
Gary Strange- yea
Marion Williams- yea
Rudy Passehl- yea
Susan Kessler- yea

Article V: Zoning District and Map Williams/Rubingh
Rubingh- yea
Strange- nay
Williams- yea
Passehl- yea
Kessler- yea

Article IV Williams/Passehl

Rubingh- yea
Strange- yea
Williams- yea
Passehl- yea
Kessler- yea

Article VI: District Regulations Kessler/Williams

Rubingh- nay
Strange- nay
Williams- yea
Passehl- yea
Kessler- yea

Public Hearing was closed at 8:24 PM.

Regular Meeting of the Planning Commission was called to order.

Minutes of the March 8 meeting were approved as written.

Unfinished business: none

New Business: Mr. Jerroll Drenth and Mr. Bill Brooks asked for clarification on restrictions placed upon an extraction operation on the Brooks' property on Rex Beach Road, previously approved by the commission, on August 12, 1999.

Mr. Drenth stated that the need for gravel is great, as many Antrim and adjoining Charlevoix County roads (Richardson Rd.) will be repaved this year. His company won bids in both Antrim and Charlevoix Counties for these jobs.

With regard to the restriction placed upon this operation concerning a berm of 10 feet in height, Drenth requested approval to begin extracting gravel before the berm is entirely built, (in late June, 2001) with the understanding that the berm would be complete by the time the extraction taking place behind said berm (Station 6 on map) begins.

With regard to the hours of operation of the crusher, the PC had intended to maintain the same hours as had been required for the Lore Road/ Lundy extraction operation, some years past. However, the minutes of the meeting of August 12, 1999 during which the restrictions for the Rex Beach/Brooks property were established do not reflect the same hours. As stated, they are 8:00 AM -5:00 PM, whereas the hours approved at the Lore Rd. site were 7:00 AM -5:00 PM. Drenth requested that the earlier start time be approved. All other wording will remain the same. Public Hearing notice will appear in the Antrim Co. News. All neighboring property owners will receive notices by mail.

The public hearing to discuss this change in time will be held on June 14, 2001

Adjournment: 8:59 PM

Respectfully submitted,
Susan Kessler, Secretary