

HAYES TOWNSHIP PLANNING COMMISSION
AGENDA
July 16, 2019 – 7pm
Hayes Township Hall
09195 Old US 31 N
Charlevoix, Michigan 49720

- Call to Order
- Pledge of Allegiance
- Review Agenda
- Declaration of Conflict of Interest (if any)
- Public Hearing: North Charlevoix Shores Rezoning - map error correction
- Public Comments Unrelated to Agenda Items
- Approval of Minutes
- Report of Township Board Representative to the Planning Commission
- Report of Planning Commission Representative to the Zoning Board of Appeals
- Zoning Administrator Report
- New Business
 - Falls Site Plan Amendment Request
 - Master Plan update/input review
- Old Business
 - Non-conforming lots
- Set Public Hearing Dates
- Set/Confirm Date of Next PC Meeting
- Planning Commission Comment
- Public Comment
- Adjournment

Note: A quorum of Township Board members may be present. No Township Board business will be discussed or conducted at this meeting.

Planning Commission
Public Hearing-Proposed Rezoning

July 16, 2019 7:00 p.m.

Hayes Township Hall

09195 Old US 31 N, Charlevoix, Michigan 49720

The Hayes Township Planning Commission will hold a public hearing on Tuesday July 16, 2019 at 7:00 p.m. at the Hayes Township Hall located at 09195 Old US 31 North, Charlevoix, MI 49720. The Purpose of this hearing is to accept public comments on the proposed rezoning of the 27 lots located within the North Charlevoix Shores Subdivision. The Planning Commission is proposing to rezone the entirety of the Subdivision from Rural Residential to R-2 Single Family Residential. The property is described as being located in Section 3 of Town 34 North, Range 7 West, being lots 1 through 27 of the North Charlevoix Shores Subdivision with the following addresses having been issued to four of the parcels, 08536, 08588, 08902, 08988 US-31 N, Charlevoix, Michigan 49720.

*This notice was
published on June 28,
2019 in the Petoskey
News Review.*


**Hayes Township
Zoning Administrator**

09195 Old US 31 North
Charlevoix, MI 49720

Phone (231) 497-9360 Fax (231) 237-0046

Email zoning@hayestownshipmi.com Web page – www.hayestownshipmi.gov

Memorandum

To: Owners of Property in the Subdivision of North Charlevoix Shores
From: Larry Sullivan, Hayes Township Zoning Administrator 
Date: June 26, 2019

The purpose of this memo is to make you aware of a public hearing that is scheduled for July 16, 2019 at 7:00 p.m. at the Hayes Township Hall to consider rezoning the entirety of the property contained within the North Charlevoix Shores Subdivision.

The current Zoning Ordinance has the entirety of this subdivision zoned RR Rural Residential which requires a 5 acre minimum land area with minimum lot width of 330 feet and a 25 feet setback of buildings from all property lines. The Planning Commission is proposing to rezone the property to R-2 Small Lot Residential which requires a $\frac{3}{4}$ acre minimum land area, a minimum lot width of 120 feet and 25 feet setbacks from the front and rear lot lines but only 15 feet from the side lot lines.

The previous Zoning Ordinance (pre October 2009) showed the North Charlevoix Shores Subdivision as having been zoned R-2 with the same lot standards as would apply to R-2 zoned property in the current zoning ordinance.

I believe, and the Planning Commission and Township Board members that were serving in that capacity in 2009, concur with my belief that the North Michigan Shores property was accidentally shown on the map that was adopted in October 2009 as RR Rural Residential as opposed to R-2 Small Lot Residential.

Since the map was adopted in compliance with State Law, the only means of correcting the error is to formally rezone the property back to R-2 as it was prior to October 2009. The Planning Commission is following the procedure required by State Law to correct what we believe was an error made in 2009.

Should you have any questions, you may email me at the email address shown above or call me at the phone number listed above. Best times to call are Monday mornings or Wednesday afternoons, but call when it is convenient for you, leave a message and I will get back with you.

Kathleen St. Pierre
08536 US 31 N
Charlevoix, MI 49720

Betty Graham
254 N Caroline Ct.
Elmhurst, IL 60126

Nathan & Petra Colson
1549 East Church St
Bonneau, SC 29431

Ruth Payne
c/o Harlan Smith
1615 Sheffield Dr.
Ypsilanti, MI 48198

Mark & Celia Coffin
10727 McGregor Dr.
Columbia, MD 21044

Bax Realty LLC
329 W Big Beaver Rd. Suite 510
Troy, MI 48084

Anthony J Peters
PO Box 510845
Key Colony Beach, FL 33051-0845

Richard Seibert
03897 US 31 S
Charlevoix, MI 49720

Allen J Juday
08902 US 31 N
Charlevoix, MI 49720

Lawrence R Feindt
6121 Maple Grove Rd.
Charlevoix, MI 49720

Jay Parker
08988 US 31 N
Charlevoix, MI 49720

Haggard's

PLUMBING and HEATING

"Business of Quality and Service"

"Charlevoix-the-Beautiful"

haggardsinc@hotmail.com

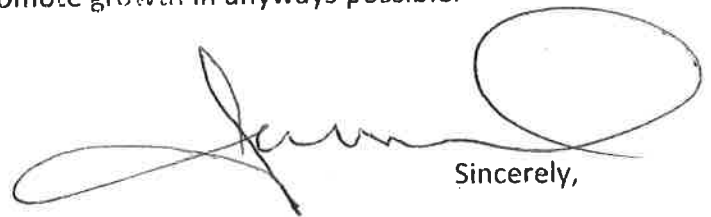
Date: June 25, 2019

To: Hayes Township Planning Commission
09195 Old US 31 N
Charlevoix, MI 49720

RE: Rezoning of the 27 lots located within the Northern Charlevoix Shores Subdivision
Parcel#08536,08588,08902,08988 US-31 N. Charlevoix, MI 49720

To Whom it May Concern,

Upon reviewing the above Notice, I would like to express my view with the above case's requests. Haggard's Plumbing & Heating is not opposed to the changes of the property and/or the request to the Zoning Board. If a property owner is fortunate enough to have the ability and the resources in this time of economical struggles to either build and/or improve their existing property, we would like to see their request granted. It would prove positive for the local, county and state to do all we can to improve and promote growth in anyways possible.



Sincerely,

JOHN HAGGARD

Hayes Township Planning Commission (HTPC)
and Zoning Administrator (ZA)
9125 Old US 31 North
Charlevoix, MI 49720

July 1, 2019

Dear HTPC and ZA,

At your public hearing regarding the re-zoning of the 27 lots in North Charlevoix Shores Subdivision, please explain your reasoning for re-zoning these 27 lots from Rural Residential to R-2. Please also read this letter aloud at your hearing.

Since all of these 27 lots directly front onto US 31, Diane and I are very concerned about 27 close-proximity driveways opening up onto this high-speed US highway. Diane and I personally picked up roadside trash along this dangerous section of highway for eleven years. We were the MDOT Adopt-a-Highway volunteers.

Each day, well over a thousand vehicles travel at highway speeds, or higher, along this stretch of road. Vehicles pass each other at excessive speeds and, at many times, in unsafe situations. With up to 27 new driveways, severe and deadly accidents will occur. It's unfortunate that Charlevoix County approved this subdivision sixty (60) years ago.


For us, this property makes a good candidate for preservation with the Little Traverse Conservancy. Or, at a minimum, an off-road service drive should be required before any future development is allowed.

Additionally, several trees were illegally cut down on state-owned property between US 31 and Lake Michigan to provide a view corridor for some of these properties. That was a senseless destruction of public property. The temptation to do this again for the view could very well happen again.

Who was the original developer of this subdivision? Do they have no responsibility in creating such a dangerous situation? Does Charlevoix County have no obligation in approving such a dangerous situation?

We ask the Hayes Township Planning Commission to investigate alternative options for how these lots are to be used. Hayes Township must not concur and allow a severe, deadly situation to be created. Just because this situation was allowed to occur 60 years ago when there was less traffic, there is no reason to further approve a bad situation into becoming a deadly situation. By the way, there already was at least one death along this stretch of highway during the last few years. The memorial cross is still there along the highway. Thank you.

Sincerely,


Jim McMahon
7377 Nine Mile Pointe Drive
Charlevoix, MI 49720


Diane McMahon

1 DRAFT
2 HAYES TOWNSHIP
3 PLANNING COMMISSION REGULAR MEETING
4 MINUTES
5 June 18, 2019
6 Hayes Township Hall 09195 Old US 31 N
7 Charlevoix, MI 49720
8

9 **Call to Order:**

10 Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.
11

12 **Pledge of Allegiance to the flag**
13

14 Members present: Roy Griffiths (Chair), Matt Cunningham (Board of Trustee Representative), ,
15 Marilyn Morehead, Doug Kuebler and Omar Feliciano (Vice-Chair)

16 Excused Absence: Ed Bajos, Cliff Biddick

17 Also Present: Larry Sullivan (Zoning Administrator) and Kristin Baranski (Recording
18 Secretary/Deputy Clerk)

19 Audience Members Signed In: Doug McCombs, Anthony Ariano
20

21 **Review Agenda:** Approved as is.
22

23 **Declaration of Conflicts of Interests:** None
24

25 **Public Hearings:** None
26

27 **Public Comments:** Master Plan address non-conforming lots

28 Public comments closed at 7:06 pm.
29

30 **Approval of Minutes (May 21, 2019):** Line 20 Insert **an** between added and email

31 Doug Kuebler made a motion, supported by Marilyn Morehead, to approve, as corrected, the
32 regular meeting minutes for May 21, 2019.

33 All supported by saying Yea. Motion passed
34

35 **Report of Township Board Representative:** By Matt Cunningham

36 The Board of Trustees met 3 times since the last Planning Commission meeting (May 21st
37 Special Meeting, June 10th Annual Budget Meeting and June 10th Regular Board of Trustees
38 Meeting). During the May 21st meeting the board made a resolution to amend budget,

39 reviewed a3 rail fence proposal for Hayes Township Park and approved down payment, denied
40 change order #9 from Performance Engineering, passed a motion to finish out remaining
41 contract with Performance Engineering with no future change orders, any future fence projects
42 at Hayes Township Park the Board will bid out, discussed a private road name change and
43 approved the amount of \$6,850.00 be paid to Beckett & Rayder for a second opinion regarding
44 the shale wall at Hayes Township Park. The first meeting on June 10, 2019 the Board presented
45 the 2019/2020 Annual Budget. During the second meeting the Board adopted the proposed
46 2019/2020 Annual Budget, Treasurer Julie Collard read a letter of warning regarding Hayes
47 Township Park safety issues from Hayes Township Attorney Bryan Graham, a road name
48 resolution for Lawavoix Lane Private was passed, a motion carried to rebid Bayshore North road
49 project January 2020 and the Board approved up to \$3,000.00 for signage and supplies for
50 Hayes Township Park. The next Board of Trustees scheduled meeting is July 8th, 2019 at the
51 township hall at 8:00 pm.

52

53 **Report of Zoning Board of Appeals Representative:** No activity to report

54

55 **Zoning Administrator report:** By Larry Sullivan

56 Mr. Sullivan, Zoning Administrator, presented a written report with an overview for May 2019.

57 A written report is available at the township hall.

58

59

60 **New Business:**

61 Master Plan update/input review:

62

63 **Old Business:** Non-conforming lots were discussed. Mr. Sullivan

64

65 **Set Public Hearing Date:** No public hearings to set.

66

67 **Planning Commission Comments:** None

68

69 **Public Comment:** None

70

71 **Set/Confirm date of next PC meeting:** The Next regular Planning Committee meeting will be on
72 June 18th, 2019 at 7:00 p.m. at the Hayes Township hall.

73

74 **Adjournment:** Ed Bajos, supported by Cliff Biddick, made the motion to adjourn the meeting at
75 8:33 pm. All supported by saying Yea. Motion passed

76

77

78 Recorded by:
79 Kristin Baranski

Respectfully Submitted by:
Omar Feliciano/PC Vice-Chair

1 DRAFT
2 HAYES TOWNSHIP
3 PLANNING COMMISSION WORKSHOP
4 MINUTES
5 June 25, 2019
6 Hayes Township Hall 09195 Old US 31 N
7 Charlevoix, MI 49720
8

9 **Call to Order:**

10 Chairperson Roy Griffitts called the meeting to order at 7:00 p.m.

11
12 Members present: Roy Griffitts (Chair), Matt Cunningham (Board of Trustee Representative), ,
13 Marilyn Morehead, Doug Kuebler, Ed Bajos, Cliff Biddick and Omar Feliciano (Vice-Chair)
14 Also Present: Larry Sullivan (Zoning Administrator) and Kristin Baranski (Recording
15 Secretary/Deputy Clerk)

16
17 **Review Agenda:** Approved as is.

18
19 **Declaration of Conflicts of Interests:** None

20
21 **Work Session:** The Planning commission worked through the Master Plan draft page by page
22 and edited areas of concern, verbiage and missing and/or out dated information.

23
24 **Public Hearings:** None

25
26 **Public Comments:** None

27
28 **Planning Commission Comments:** Happy Birthday to Marilyn Morehead

29
30 **Public Comment:** None

31
32 **Set/Confirm date of next PC meeting:** The Planning Commission tentatively scheduled a special
33 meeting to hear Mr. Elliot Falls request for a review of a new proposed layout of storage units
34 for his property on July 9th, 2019 at 7:00 pm at the Hayes Township hall. The next regular
35 Planning Committee meeting will be on July 16th, 2019 at 7:00 p.m. at the Hayes Township hall.

36
37 **Adjournment:** Ed Bajos, supported by Cliff Biddick, made the motion to adjourn the meeting at
38 8:15 pm. All supported by saying Yea. Motion passed

39

40

41 Recorded by:

42 Kristin Baranski

Respectfully Submitted by:

Omar Feliciano/PC Vice-Chair

Zoning Administrator Report

June 2019

Zoning Permits/Actions for June 2019				
Permit #	Parcel #	Owner Name	Address	Improvement
19-06-01	113-002-20	Jim & JoEllen Rudolph	9799 Townline Road	Single Family Dwelling Addition 18'*20'

Zoning Permits

One zoning permits was issued, as noted above. A considerable amount of time has been spent dealing with proposed changes to the site plan for the Elliot Falls property just east of the Americinn at which the Planning Commission approved a special use permit and gave site plan approval in 2018. Mr. Falls is interested in amending his site plan and was hoping that based upon the changes he was proposing, the changes could be approved administratively. My reading of the Zoning Ordinance indicated that the changes were beyond the scope of what the Zoning Administrator could review and approve.

Land Divisions

A land division was approved for the Crown Enterprises property in May with the condition that the parcel of land being split off was to be joined with the Janet LaChance property to allow for a private driveway to the LaChance property. This 33 foot strip of land is located in the Petoskey School District while the LaChance property is located in the Charlevoix School District. Two options exist at this point. One option is to petition the two school districts to change their District boundary lines, with the second option being to allow the 33 foot wide parcel to exist as a separate parcel. I believe the second option is preferable due to the fact that upon the sale of the LaChance property or the demise of the property owners, the 33 foot parcel will revert to the ownership of the Crown Enterprises which would require another school boundary line adjustment if option one was to be chosen. Not a great pair of choices but it will solve a short term issue. This will be resolved in July.

I have been in touch with Ferguson and Chamberlain regarding a new legal description and survey map to allow a split for the Mary Wilson property on the corner of See Road and the Boyne City Road.

I am also working on a land division on Shrigley Road, waiting for a legal description since late last summer. That appears to be close to being resolved.

Nuisance Complaints

No nuisance complaints were received during the month of June.

Zoning Violations

Two complaints were received; one for beach sand being applied on a Lake Charlevoix parcel and the second was in regard to work taking place along the Lake Charlevoix water's edge on another parcel.

In regard to the first complaint, work was being conducted to install plantings within the shoreline protection strip on a parcel located on Lake Charlevoix. I met with the property owner and explained that the work which had been undertaken by the previous property owner was for the purpose of restoring the Shoreline Protection Strip which the sale of the property was predicated upon. I did inform the new property owner that there was not to be any sand placed into the shoreline protection strip as a condition of continuing compliance with the Hayes Township Zoning Ordinance. I am presuming that the party that submitted the complaint saw work occurring on the waterfront and assumed it was bringing in beach sand.

With regard to the second complaint, work had been undertaken along the shorefront based upon a permit from the DEQ/Army Corp. Additional work had been conducted over 60 feet from the ordinary high water mark. This consisted of removing vegetation and installing a sand volleyball court. I did not consider this to be a structure and therefore I did not find any violations of the Zoning Ordinance had been committed.

The sign for Frontier Classics in front of the Toy Boxes Inc. property on US-31 east of Burgess Road has been reappearing in violation of the approved site plan. The property owner has been cited in the past and is being cited again and the Township Attorney will be asked for his assistance in putting this matter to rest.

A cement business operating out of a residence in Bay Shore needs citing for being in violation of the Zoning Ordinance.

Research regarding Landscape Supply North LLC located on US-31 North is underway as to the permitted uses vs. the uses actually occurring on the property.

Short Term Rental Licenses

One complaint regarding an unlicensed short term rental taking place within the Township was received in May. I have cited the property owner and am working to resolve the issue by having the property licensed and brought into compliance with the Township Ordinance. I inspected the property and received an after the fact application for licensing. The property did not meet the requirements of the ordinance and I am working with the property owner to resolve those issues.

Secretarial Work on behalf of the Planning Commission

The Planning Commission packets were assembled; copies made and mailed out to the Planning Commission members for the June regular and special Planning Commission

meetings. A request was received for a special meeting for the month of July but the party requesting it withdrew his request and preferred to wait until the regular July meeting to have his request to amend his site plan considered by the Planning Commission.

I detected what I presumed was an error in the development of the zoning map that ended up being adopted with the current Zoning Ordinance in October of 2009. The property consisted of the North Charlevoix Shores Subdivision, located along US-31 North in Section 3, between Burgess and Villa Roads. This issue came up during my discussions with a property owner desiring to make improvements to an existing dwelling in that subdivision. A public hearing has been scheduled to rezone the property from RR Rural Residential back to R-2 Single Family Residential which is what the properties were zoned prior to the new Ordinance having been adopted in 2009. The RR district requires a five acre minimum lot area which none of these properties contain, as opposed to a $\frac{3}{4}$ acres minimum lot size which is more in line with what exists in this subdivision. My discussions with Planning Commission and Township Board members from the 2009 time frame led me to believe that the error was a result of a coding error when the map was printed and that due to the conditions of the property, no one had ever requested information regarding the zoning requirements for this property, which resulted in the error not having been detected at an earlier date.

Zoning Board of Appeals

No ZBA meetings were held during the month of June.

Meetings Attended

I have attended the Township Board meeting, the regular and the special Planning Commission meetings in June.

HAYES TOWNSHIP
09195 OLD US 31 N, CHARLEVOIX, MI. 49720

ZONING PERMIT APPLICATION

ZONE DISTRICT C-2 PERMIT NUMBER _____ FEE 300⁰⁰ DATE RECEIVED July 10, 2019

GENERAL INFORMATION

Property Owner Name(s) FALLS ENTERPRISES
Mailing Address 6601 PINCHERRY RD CHARLEVOIX, MI. 49720
Telephone _____ Cell: 989-859-3569 EMAIL: ELLIOTT FALLS@GMAIL.COM

PROPERTY INFORMATION

Property Tax ID Number(s) 15-007-018 .015 .30 + 007-119-006-45
Property Address 11770 US-31 N, CHARLEVOIX, MI 49720
Contractor _____ Contractor Contact Information _____

PROPOSED USE OF PROPERTY

Type of Improvement(s)(describe) RENTAL STORAGE UNITS
~~APPROX~~
New Construction Reconstruction _____ Addition _____ Sign _____ Other _____
Dimensions of Proposed Structure SEE ATTACHED PLANS HEIGHT SEE ATTACHED PLANS

PROPOSED ZONING PERMIT

Special Use / Type of Special Use AMEND SITR PLAN which was approved on Sept. 18, 2018
P.U.D. _____ Rezone _____ Land Division/Split Involved? _____

PERMITS & REQUIRED DOCUMENTS

Site Plan Required Survey Required _____ Health Dept. _____
Road Commission _____ Soil & Erosion _____ Corps of Engineers _____ D.N.R. _____ D.E.Q. _____

Owners Signature(s) [Signature]

Zoning Administrator Signature [Signature]

SEE REVERSE SIDE

Hayes Township Planning Commission

Public hearing on a request for a Special Use Permit

September 18, 2018

Ms. Morehead called the hearing to order at 7:07 pm. The purpose of the hearing was to finalize the request for a Special Use Permit (SUP) that was initiated by Mr. Elliot Falls in February 2018. Additional documentation and site plans had been developed and presented to the Planning Commission (PC).

Ms. Morehead asked for a presentation by Mr. Falls on the proposed site plan. Mr. Falls presented the updated drawings for the property located at 1170 US-31N, Charlevoix, MI 49720. The drawings from the engineering firm showed the proposal of three large buildings that will be divided into rental storage units and included the proposed landscaping for the property. Each unit will be insulated, and will have overhead and man doors. The units will vary in size and the proposed usage is storage only.

Questions from the PC started with what constituted storage? Mr. Falls replied that it was what was commonly thought of as mini-storage in larger spaces. People who need to store things like boats, cars, outside furniture etc., which require larger storage space are the primary anticipated users. The business use aspect of the current proposal has been limited to solely storage, a change from the initial proposal.

Utilities in each unit are anticipated to be electricity, heat and water, with sewer lines available to each unit. A restroom facility will be located on the property with keyed entry for use by the renters. A common area for electric meters on each building will be screened by landscaping. There will be no kitchens or clubhouse on the property. There will be no apartment or living quarters permitted in the units.

Mr. Sullivan discussed his review of the documents. The property had been rezoned to C-2 in April allowing rental storage units as a SUP. It is consistent with the standards for a SUP. He listed his suggestions for conditions, no living quarters or storage of hazardous, toxic or explosive materials. Further suggestion on the storage of vehicle fuel followed. Mr. Sullivan also commented that commercial renters are not allowed to start using the units for business activities other than storage of their equipment and any consideration of doing so would require a separate SUP amendment. Mr. Sullivan also addressed the issue of the service drive which currently runs along the front of the properties parallel to US-31. There is a utility easement which runs along the service drive which precludes the building of structures on it. The access road is not required to be made available to all the property owners and it is planned that the road on the front of this property be abandoned. He further suggested that the PC require that no further driveways onto US-31 be allowed and that easements for accessing the existing driveways be required.

Mr. Biddick asked for clarification of the driveway versus the easement road issue. Mr. Bajos asked for further clarification on the number and spacing of access drives on US-31. Mr. Sullivan indicated that there was no maintenance agreement between the property owners for upkeep and also some liability

concerns for shared usage. Mr. Sullivan also described the current access situation and asked that the PC not approve any additional driveways.

Mr. Griffiths asked about the proposed landscaping of the property including the western side bordering the bike path and Americ Inn parking lot. It was suggested that some additional plantings might be considered. Mr. Feliciano asked about potential traffic congestion caused by accessing the property from the driveway. Specifically was the space allowed for driveways sufficient to allow three businesses to safely operate? Mr. Sullivan indicated that this was the preferred design as it limits the access points and channels traffic into manageable patterns. Mr. Feliciano also asked about the trees screening the road front? Mr. Falls indicated that he would maintain existing trees and plant additional ones as required maintaining a positive landscape. Mr. Feliciano asked if they created a street view perspective drawing? It was not.

Public comments. There were comments from the public and one letter supporting the project was received from Haggard Plumbing and Heating.

At this point Ms. Morehead moved the discussion to the determination of whether or not the proposed project met the standards contained in the zoning ordinance section 6.02.4, A-H.

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed. **Yes**

B. Compatibility with Adjacent Land Uses

1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned. **Yes**

2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person. **Yes**

3) If deemed necessary by the Planning Commission, the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses. **No conditions imposed**

C. Public Services

1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity. **Yes** Fire retardant walls in buildings per code and smoke alarms in each unit. Discussion on the amount of gasoline to be allowed in the unit occurred.

2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services. **Yes**

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. ~~No it~~ **It is not detrimental to the economic well-being.**

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. **Yes**

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance. **Yes**

G. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to Section 9.03 of this Ordinance. **Conditions imposed are; N-no residential use, no storage of hazardous, toxic or explosive materials, no commercial activity, no more access driveways to US-31.**

H. Performance Guarantee Required

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to Section 9.06 of this Ordinance. **None**

Mr. Griffiths moved to approve the SUP with the above noted conditions. Mr. Biddick supported the motion. Motion passed unanimously.

The PC next moved to the Site Plan review. Section 5.03.5

Standards for Granting Site Plan Approval:

A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsections 1-11 listed below.

1) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in this Ordinance. **Plan meets this standard. Buildings are to be neutral colors only.**

2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas. **Yes.** Mr. Falls stated that the plan was to not remove any trees that are not in a building location, there are no plans for a fence along the bike path. **No outside storage to be allowed.**

3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. **Yes. The west side setback will be replanted in grass after construction and grading will direct water runoff towards the storm water retention area and not towards the bike path.**

4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants. **Yes**

5) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides. **Yes**

6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use. **Yes**

7) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height. **Yes. No outdoor storage allowed. If a dumpster is provided a screen approved by the Zoning Administrator must be installed.**

8) Exterior lighting shall be arranged as follows: **Yes, all buildings will be down-lighted, motion sensing lights on doorways and meets the standards below.**

a) It is deflected away from adjacent properties.

b) It does not impede the vision of traffic along adjacent streets.

c) It does not unnecessarily illuminate night skies.

9) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives

which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way. **Yes.**

10) All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications. **No roads being developed.**

11) Site plans shall conform to all applicable requirements of state and federal statutes and the Hayes Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted. **Yes.**

B. The Planning Commission shall seek the recommendations of the Fire Chief, the Charlevoix County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable. **Yes. Zoning Administrator will confirm Fire Chief's recommendations.**

A motion to approve the site plan with the conditions noted above was made by Mr. Biddick, seconded by Mr. Feliciano. A roll call vote was held, Mr. Biddick-yes, Mr. Feliciano- yes, Mr. Cunningham-yes, Ms. Morehead-yes, Mr. Bajos-yes, Mr. Griffitts-yes. Motion passed.

The hearing was closed at 8:32 pm.

Approved as corrected 10/16/2018 (Bob Jess abstained)

Compiled by: R Griffitts

Submitted by: M. Morehead