

**HAYES TOWNSHIP  
PLANNING COMMISSION REGULAR MEETING  
MINUTES**

**February 19, 2019**

**Hayes Township Hall 09195 Old US 31 N  
Charlevoix, Michigan 49720**

**1. Call to Order:**

By Chairperson Roy Griffitts at 7:00 p.m.

**2. Pledge of Allegiance to the flag**

3. Members present, Roy Griffitts (Chair), Omar Feliciano (Vice-Chair), Matt Cunningham (Board of Trustee, Representative), Marilyn Morehead, Ed Bajos, and Doug Kuebler. Excused absent: Cliff Biddick.

Audience: Larry Sullivan, (Zoning Administrator) Frank Shepard, (Zoning Board of Appeals) Robert Jess, (Board of Trustees) Dan Barren, Doug Macomb and three other individuals.

**4. Review Agenda:**

The Chair added a review of the 2018 Hayes Township Planning Commission Annual Report submitted by Mr. Cunningham. No additional comments or suggestions added.

**5. Declaration of Conflict of Interest:**

None.

**6. Public Hearings:**

None

**7. Public Comments Unrelated to Agenda Items:**

None

8. **Approval of Minutes:** A motion by Marilyn Morehead and supported by Mr. Bajos to approve, as corrected, the regular meeting minutes for January 15, 2018.

All supported by saying Aye, motion passed.

9. **Report of Township Board Representative to the Planning Commission:** By Mr. Cunningham.

The board of trustees met twice in February one on the 4<sup>th</sup> for a special works session and on the 11<sup>th</sup> for the regular meeting.

On the 4<sup>th</sup> the board committed ~~\$50,000~~ \$50,000 for the Upper Bay Shores road project which was proposed by the Charlevoix County Road Commission. Improvements would be from Pincherry to Maple Grove Road.

Hayes Township was given the opportunity to purchase four acres of property from the DNR along US-31 by Burgess Road. the Board of Trustees made an offer of \$1 dollar.

The board of Trustees approved up to \$3000 for the Planning Commission survey.

All financial information concerning park and boat launch was made available to all at the meeting.

There were concern over the financial situation of the township park.

At the February 11<sup>th</sup> meeting, the board of trustee appointed Doug Kuebler, Dave Zip and Jeffery Willard to the Hayes Township Road Committee.

The board discussed fund raising for township parks. They discussed a grant writing committee.

Michelle Rick-Biddick and Tom Darnton were reappointed to the Parks and Recreation Committee.

The board passed a resolution of asset test concerning the poverty guidelines.

The DNR responded the Hayes Township purchase offer and they will be needing \$300 application fee. A donation of \$100 each was quickly made by Doug Kuebler, Dave Zipp and Frank Shepherd. The Board discussed some of the different projects that the County Road Commission gave proposals on and the ability to fund them.

A fireworks permit submitted, the board decided they need more information to act on it. A letter requesting more information was submitted.

Roy Griffiths was appointed as the Planning Commission rout to the Zoning Board of Appeals.

Corresponds to the Board of Trustees would like the Planning Commission to form their own budget.

The next schedule Board of Trustees meeting will be March 11<sup>th</sup>.

**10. Report of Planning Commission Representative to the Zoning Board of Appeals:**

By Roy Griffiths. Zoning Board of Appeals met as an administrative organizational meeting, reviewed and adopted new code of conduct and bylaws updates.

**11. Zoning Administrator Report:**

Mr. Sullivan, Zoning Administrator, presented a written report with an oral overview for January.

One zoning permit was applied for by Bay Shore Steel Works to replace one freestanding sign with a larger sign and place a sign on the west facing wall of the building. I approved the free-standing sign but denied the wall sign. Signs in the Industrial District must be part of the approved site plan and the site plan for Bay Shore Steel did not include provisions for wall signs. I indicated to the applicant that should they desire to apply for an amendment to the site plan, they may want to consider any other changes they may wish to make to the property in addition to their desired wall sign.

A couple of permits are pending, the Wager property on Susan Lake, The Wilson property on Boyne City Road, and Boyne City Road and Charlevoix Road property regarding the allowance of conservation easement to be placed on a portion of the property by Little Traverse Conservancy. No nuisance complaints or violations observed. No short-term rental licenses. Sent out the packets for January Planning Commission meeting and attended the Zoning Board of Appeals meeting.

Two site plans have been submitted during the month of January. The first site plan was for the Elmer's Property (formerly the C.H. Smith property) at the corner of the Boyne City/Charlevoix Road. The property owner desires to continue the extraction of sand and gravel and locate a temporary concrete batch plant on the property with the replacement of the temporary plant with a permanent plant within the next two years. The sand and gravel extraction is a grandfathered non-conforming use which preceded the adoption of the Hayes Township Zoning Ordinance. Sand and gravel extraction is a use which is allowed in both the Industrial and the Agricultural Zone Districts with the approval of a special use permit subject to the Site Plan Review Requirements, Supplemental Site Development Standard and Special Use Permit Requirements. A pre-conference was held with representatives Elmer's and a set of plans were submitted. Following a preliminary review of the plans, I provided some comments on those plans and a revised set have subsequently been submitted. Their desire is to have a special Planning Commission meeting held in March for the Commission to consider the plans.

The second request for a site plan review is regarding a proposed Planned Unit Development which would cover a number of parcels of property some of which have frontage on Lake Charlevoix with others having frontage on the Boyne City/Charlevoix Road which are east of Quarterline Road and south of the Boyne City Road. The properties are owned by Scott Lawand other parties.

Several uses are being proposed for the property, mainly residential and recreational. There is a desire to have a special meeting in March for the Planning Commission to consider this request.

The Arrigo Family LLC property is proposed to have a home constructed upon it. As it is a lakefront parcel, it falls within the purview of the Waterfront Development Review provisions of the Zoning Ordinance. A meeting of the Shoreline Protection Committee was held with the Arrigo's, in which landscape plans were reviewed and which will be considered by the Planning Commission at their February meeting for approval tonight. Provided the plans are approved by the Commission, a zoning

permit which was applied for in November will be able to be issued to allow them to move forward with their home construction plans.

**12. New Business**

- a. Shoreline subcommittee recommendations approval. Mrs. Morehead spoke on behalf of the sub-committee and recommends the Planning Commission approve the plan.  
The Chair requested a motion, Mr. Kuebler made the motion, Mr. Bajos seconded the motion. Mrs. Morehead requested a roll call vote. Mrs. Morehead, Yes. Mr. Bajos, Yes. Mr. Kuebler, Yes. Mr. Cunningham, Yes. Mr. Feliciano, Yes. Mr. Griffiths, Yes.  
Motion Passed.  
Zoning administrator will issue the zoning permit and letter regarding the Commission's approval.
- b. Master Plan survey update: The Chair explained the survey will go out to real property owners by KCI included with the property tax assessment and feedback will be coming back to KCI, hardcopies will be scanned, the data will be sent to Beckett and Raeder. Hoping a fair number of people take advantage of the survey-monkey response and do it online. It's a less expensive option, to minimize mailing costs KCI will use their business permit as a savings to the township.

13. The Chair ask that the 2018 Hayes Township Planning Commission Annual Report submitted by Mr. Cunningham be reviewed due to its timeliness to the Board of Trustees. In summary the Planning Commission in 2018 updated the shoreline ordinance, conducted hearings for rezoning and special use permits, began to revise the Parks and Recreation Plan and the township Master Plan with assistance from Beckett and Raeder, began on a new township public input Survey for the Master Plan, In November made personnel changes. Robert Jess vacated and was elected to the Board of Trustees and Doug Kuebler appointed to replace him. Mr. Kuebler brings experience and has previously served on the Planning Commission, In December elected Roy Griffiths to Chair the 2019 Planning Commission and elected Omar Feliciano as Vice-Chair/Secretary, Granted a rezoning and Special Use Permit to Elliot Falls to construct rental storage units on US-31, east of AmericInn property, Granted a Special Use Permit to Ron Shanks to allow the storage of fireworks in a federally approved storage unit on Pincherry road, some issues the Planning Commission will face in 2019 includes reviewing and updating the Master Plan, training programs for members, updating zoning ordinances and whether to allow accessory dwelling units.  
The Chair asked for a motion to approve the report, Mr. Bajos made a motion to approve as corrected, Mrs. Morehead seconded the motion, no discussion, all supported by saying Aye,  
Motion passed.

**14. Old Business: None**

**15. Set Public Hearing Dates**

- a. Law Planned Unit Development: Mr. Robert Jess said the plan will be scaled back and will not pursuit a PUD at this time.
- b. Elmer's Special Use Permit: The Chair explained that an application was submitted, some plans and were working on some issues and asked for a public hearing on the 13<sup>th</sup> or 14<sup>th</sup> of March. March 13<sup>th</sup> was decided and will be held at the Township Hall at 7:00 p.m.

**16. Set/Confirm Date of Next PC Meeting:**

March 19<sup>th</sup> set as the next Planning Commission at 7:00 p.m.

**17. Planning Commission Comment:**

Mr. Feliciano asked about the Elmer's zoning permit application checked box for soil and Erosion

application to the County, Mr. Sullivan said yea they have. Mr. Feliciano ask what the status was, the Chair said we haven't heard from the county yet. Mr. Feliciano mentioned the township has a storm water management ordinance and in reviewing their site plans they would be installing a new basin and runoffs and reading the ordinance, adopted from the county, with regards to runoff issues should seek approval from the county as part of their application.

Mr. Sullivan said he's been in contact with the County discussing that issue and spoke with the applicant. Mr. Sullivan said he'll be asking input from the health department and from the Fire Chief and several other agencies and nearby respected jurisdictions ordinances and laws.

Mr. Cunningham asked why a DRAFT is on the agenda document. The Chair said he forgot to take it off.

Mr. Shepard asked the if the site plan was online, Mr. Sullivan responded that no its not, but will provide a copy and the plans will be on line before the hearing. The Chair added that around the 15-day period prior to posting, changes can be made up to that time and new info may come from the county regarding storm water issue or from the Fire Marshall.

**18. Public Comment:**

Mr. Dan Barron from Charlevoix asked the board of any special requirements for a site condominium review process outside of a PUD. Mr. Sullivan said what's in the ordinance is what we have. Mr. Barron said they will scale back and not request a PUD.

Mr. Doug Macomb stated he was the nearest homeowner to the Elmer's property and was wondering what body looks at air quality issues that a proposal like this, from the start who would be involved.

Mr. Sullivan said the township does not have the ability or the means to review air quality standpoint. I have made recommendations in terms of sprinkler systems and dust suppression.

**19. Adjournment:**

The Chair made ask a motion to adjourn at 7:40 p.m. Mr. ~~Baje~~ Bajos made the motion, Mr. Feliciano seconded it, all supported by saying Aye,  
Motion passed.

Respectfully submitted

On 3/19/2019 Minutes approved with corrections.



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Omar Feliciano, Vice-Chair/Recording Secretary