

Minutes of the Hayes Township, Charlevoix County, MI

Planning Commission Meeting

July 17, 2018

Members attending: Cliff Biddick, Omar Feliciano, Matt Cunningham, Marilyn Morehead, Ed Bajos, Roy Griffiths.

Members Excused: Robert Jess

Also Present: Larry Sullivan, Zoning Administrator, Julie Collard, Anthony Ariano, Bob and Deb Shanahan, Clare Karner, Stephanie Baldwin Edgewater design rep.

The regular meeting of the Planning Commission (PC) was called to order at 6:58 pm by Marilyn Morehead, Vice Chair, who asked everyone to join in the Pledge of Allegiance. This was followed by a review of the agenda.

There were no declarations of a Conflict of Interest.

There were no Public Hearings scheduled.

Public Comments unrelated to Agenda Items:

Mr. Ariano addressed the Commission on the issue of non-conforming lots and existing houses in older developments. He pointed out the hardship that newer zoning regulations placed on owners who wish to improve their houses. Specifically the problem issue is the 100' setback on the waterfront as well as side setbacks on previous approved narrow lots. Another issue is the difficulty in obtaining variances through the ZBA. Ms. Morehead asked whether Mr. Ariano had addressed this issue with the Zoning Administrator. Mr. Sullivan replied that they have spoken in the past and that the public have two methods of appealing a zoning hardship. One is to file a request with the ZBA and the other is to request that the PC amend the ordinance to change the setback ordinance. Ms. Morehead mentioned that these types of issues are to be addressed through the Master Plan Update process that has begun. She also clarified the Ariano projected timeline for construction. Mr. Griffiths reiterated that currently the most expeditious method would be to go through the ZBA, and that the PC would be examining this issue in the near future. Ms. Morehead commented on the difficulty in utilizing the ZBA as they must follow the Ordinance in a manner that allows the township attorney to defend against lawsuits. Mr. Bajos commented on the difference between spot zoning and special zoning districts, and that this was an issue that was long overdue for updating. Further discussion on how other areas have dealt with this type of concern was offered. Mr. Ariano indicated that he would write up his concerns and input and submit it to Mr. Sullivan for inclusion in the process.

Mr. Shanahan addressed the PC as the representative of a family trust regarding a parcel owned by the trust that currently is zoned as residential near the Rod and Gun Club. He asked that board consider a commercial zoning area in that location. He was unsure of how to proceed and offered to put something

in writing. Mr. Sullivan offered additional information on the property and indicated that he suggested to Mr. Shanahan that raising the issue with the PC would be helpful for the Master Plan review process. Ms. Morehead requested that he commit the issue to writing. Mr. Griffiths asked Mr. Shanahan what his timeframe for action was regarding the property as there is a rezoning request process available to him in the Zoning Ordinance. Mr. Sullivan commented that there were issues that would make the rezone request not effective at this time. Mr. Shanahan commented that they were looking at a 3-5 year timeline and that there was not an immediate need for action.

There being no further Public Comments, Ms. Morehead suggested that we move Ms. Kerner's discussion on getting organized to update the Master Plan to this point in the agenda with no objection.

Ms. Karner introduced her intern Roman Rainy a student at University of Michigan. Ms. Kerner stated that she was presenting an overview of the master planning review process that the firm generally uses. She stated that she read through the master plan and the minutes of the last meeting to better understand the issues that are in front of the PC. The Plan review can take many different forms, from as little as reviewing the action plan goals to a complete rewrite and intensive public process. Ms. Kerner mentioned that the firm has done field work in many communities that face zoning issues like 9 Mile Pointe to help develop average setback data for the community to better understand the historical use patterns.

Ms. Karner said generally there are four phases of the review process. The initiation, the community engagement, existing conditions, and then phase four is really thinking about zoning issues, updating the future land use map and zoning plan and policy issues. Ms. Karner provided some questions that the PC can go through to decide on the scope of review anticipated.

Ms. Morehead talked about the previous month's meeting in which the Township Supervisor spoke to the PC about the importance of the review and the focus on the future of the township and the need to plan for growth. This led to a discussion of the survey in the last plan update. Was it sufficient to guide the PC in this update? Ms. Morehead suggested that the demographics section needed to be updated, and that she was not sure that another survey was the best way to go for fear that it will delay the process.

Mr. Griffiths asked a question regarding the presentation of the data in the prior survey seeking to understand the difference between the rating counts and response counts. Discussion ensued with no clear understanding to be determined. Mr. Feliciano suggested that an updated survey be considered as we now have our own township website and that we also consider a mail survey to increase the number of residents who participate. The costs and administrative burdens of the survey process were discussed, and the targeted population for response. All property owners vs registered voters?

Ms. Morehead suggested that rather than discuss the process we needed to focus on the question of whether we survey or not, given the potential for increasing the time required to update the plan by waiting for input from the public. Mr. Griffiths suggested that given the issues that have been raised in the township over the last couple of years, e.g. the waterfront and recreational properties and commercial zoning, that we should get some feedback from the township residents on these topics,

while still moving ahead on others areas of the plan review. Mr. Biddick asked if we were talking about a complete new survey? Mr. Griffiths suggested that we could abridge the previous survey and develop a shorter version tailored to specific areas of public comment. Ms. Morehead asked Ms. Kerner if there were problems in using a shorter form of survey instrument. Ms. Karner replied that a shorter, issue focused survey could be very helpful in developing the update. She also commented on the recent experience of Bay Township which did a four page hard copy survey mailed to allow property owners with a postage paid return envelope. This resulted in a very high response rate. She also provided other methods for increasing response rates. Questions on cost and time frames followed. Ms. Karner suggested that that once designed, the survey could be sent out and data could be reviewed in approximately 6 weeks. Mr. Sullivan suggested that including the survey in the tax bills could reduce the costs of mailing a survey. Mr. Griffiths asked about online survey criteria and multiple responses to the survey.

Ms. Morehead asked that we task someone with developing a first draft survey for the PC to work from at the next meeting. Discussion ensued regarding the size and content of the questions in a short form survey document. Mr. Griffiths drew the short straw on this assignment. Other PC members are welcome to send suggestions via email to Mr. Griffiths prior to the next meeting. Mr. Feliciano will develop a question regarding an update of questions 7 and 13 in the old survey to include in the new one.

Ms. Morehead then asked Ms. Karner for suggestions on how best to move forward in reviewing the plan sections chapter by chapter?. She answered that she thought the existing conditions section would go fairly quickly, the demographics section needs updating and should reflect most current census data. The community goals and policies will benefit from the survey feedback and this is the area that will require the most time. If we want to utilize the time now to do field work on the communities that are in need of updated zoning districts regulations it would be a good use of time. The Zoning plan is an important part of the plan and is now required as part of the master plan in Michigan. Chapters 6, 7,8 are going to be a major focus of review and the review will also benefit from the survey responses. The future land use maps are a goal of this process also. The PC will contact Ms. Karner when we get a draft survey finalized to review the content and process going forward. Ms. Karner will email us the Bay Township survey results and put together a quote on fieldwork for the special zoning districts analysis.

Ms. Morehead then moved to the next item on the agenda, approval of the minutes of the June meeting. After corrections were submitted, Mr. Bajos moved accepting the minutes as corrected, Mr. Biddick seconded. Motion passed unanimously.

Report of the Township Board Representative to the Planning Commission.

Mr. Cunningham reported the Board held a special meeting on June 26, 2018 to move the date of the regular meeting to July, 16 2018, They discussed hiring an accounting consultant. They hired Mason, Kammerman, & Rohrback at the rate of \$100/hr. Camp Seagull phase one first change order was approved. On July 16 the meeting seasonal road brining was discussed with a second application to be administered. They hired the firm of Mason, Kammermen, & Rohrback as auditors for the 2017/18 year

audit. The board reviewed Camp Seagull playground equipment to decide which pieces to keep. The BOT amended the budget to reflect approved expenses. The BOT approved extra engineering fees to reroute the planned road which was design to pass too close to the host house. Val Kammerman gave a presentation on changes to the budget format and reporting to increase the usability of the documents. The BOT approved changes to the road design and approved a new cost for the Camp Seagull which now totals \$1,494,730.15 so far.

There was a complaint filed about the oak tree removal process and the potential to spread disease. Eastern avenue beach received permission to add sand to the beach. Mr. Hoadly (BOT)asked the PC to review the zoning plan to prohibit two house on one lot. In follow up discussion on the topic he referred the PC to Mr. Sullivan for more information. Mr. Sullivan discussed the issue citing an example where on one property the owner built a new home adjacent to an existing home. Rather than tearing down the first home, the owner built a long breezeway connecting the two structures. He was also required to disable the kitchen in the original home. Mr. Sullivan was concerned that shortly after his inspection the original kitchen was reactivated and it became two houses connected by the breezeway. Mr. Griffithts asked if there were other situations like this in the township. Mr. Sullivan answered that this was the most egregious example but that there are other situations that are similar. Discussion about the current zoning regulations versus enforcement arose and how or if the zoning regulations could be updated. Mr. Bajos asked why the township was liable for the extra engineering fees to change the road path when it was not done correctly?

There was no Zoning Board of appeals activity and no report.

Zoning Administrators Report

A copy of the report is available on the township website. Mr. Sullivan issued six permits in the previous month. There were two land division inquiries. Mr. Sullivan has been exploring procedures to best handle these types of requests and has provided copies of forms used by other townships. There were two nuisance complaints responded to. There is a list of zoning violation letters sent for shoreline protection strip violations. Additional letters are to be sent in the next round. Short term rental license issues are still outstanding pending corrections by the applicants. Mr. Sullivan asked that the PC consider defining single family dwellings in the master plan update, as it applies to short term rental properties. Discussion ensued and the topic will be considered in the future. Mr. Sullivan also distributed a survey from Leland township for our information.

Report of the activity of the Waterfront Development Review Subcommittee

Mr. Griffithts presented a brief report on the initial organizational meeting of the subcommittee. The issue of standardizing the review process was discussed and the input of Mr. Sullivan was requested to insure that the township provides consistent feedback to residents.

Public Hearing Dates. There are none scheduled but the Falls project may be coming back soon.

The next Meeting date is August 21, at 7 pm.

Planning Commission Comment

Mr. Feliciano commented on the timelines and process for getting items posted on the webpage. He also provided feedback on a training session he attended. It focused on topics that are current in townships and the process by which things are to be organized. Reporting timelines and the Farm act were reviewed. A host of other topics were touched on. Ms. Morehead congratulated Mr. Feliciano on attending and recommended that each PC member try to attend at least one educational session a year.

Public Comment. There were no comments from the Public.

Mr. Bajos made a motion to adjourn at 8:52 pm. Mr. Biddick seconded. Meeting adjourned.

Compiled by: R Griffitts

Submitted by: M Morehead