

**HAYES TOWNSHIP
PLANNING COMMISSION
AGENDA Revised December 15
December 18, 2018**

- Call to Order
- Pledge of Allegiance
- Review Agenda
- Declaration of Conflict of Interest (if any)
- Public Comments Unrelated to Agenda Items
- Approval of Minutes
- Report of Township Board of Representative to the Planning Commission
- Report of the Planning Commission Representative to the Zoning Board of Appeals
- Zoning Administrator Report
- Election of Planning Commission Officers for the next year
 - Chair Person
 - Vice Chair Person/Secretary
- Preparation for the January 3rd Public Meeting on the Parks and Recreation Master Plan
- New Business:
 - Master Plan: Review Draft survey and how we want to distribute it (digital, mail, website). Claire Karner will be at our January Meeting to discuss the final Draft.
 - Update on Plaque/recognition for past PC members (Marilyn)
- Old Business
- Set Public Hearing Dates
- Set/Confirm Date of Next PC Meeting
- Planning Commission Comment
- Public Comment
- Adjournment

DRAFT

Minutes of the Hayes Township, Charlevoix County, MI

Planning Commission

November 20, 2018

Members attending: Cliff Biddick, Omar Feliciano, Matt Cunningham, Marilyn Morehead, Ed Bajos and Roy Griffitts

Also Present: Larry Sullivan, zoning administrator.

The regular meeting of the Planning Commission (PC) was called to order at 7:01 pm by Marilyn Morehead, vice-chair, who asked everyone to join her in reciting the Pledge of Allegiance. This was followed by a review of the agenda. There was one addition to the agenda, amending a building permit and the notation that Claire Karner would be available to join us via telephone as the inclement weather made driving hazardous.

Ms. Morehead explained that as a result of the November election, Robert Jess having been elected to the Township Board of Trustees (BoT), would no longer serve on the Planning Commission. Ms. Morehead is the de facto Chairperson. As the annual election of officers of the PC is scheduled for the December meeting she suggested that we not appoint a vice-chair at this time and deal with the issue next month. This suggestion was agreed to.

There were no Conflicts of Interest declared.

There were no Public Comments related to the Agenda.

In an effort to accommodate Claire Karner who was making herself available by telephone if needed, Ms. Morehead started with New Business items.

Ms. Morehead initiated a discussion of the Master Plan survey drafts and commented on the survey material from Leland township presented by Larry Sullivan in the PC packet, and the over-focus on the recreation aspect of the current drafts. Mr. Griffitts updated the PC on the most recent draft of the Hayes survey as compiled by Claire Karner prior to discussion of the sample presented by Mr. Sullivan. Ms. Morehead offered her suggestions from the topics in the Leland survey that might be useful to incorporate into the Hayes survey. Mr. Griffitts commented that the wording of the survey questions appeared to be biased towards preventing development as opposed to a more neutral form of question that will allow for reasonable planning to deal with growth. Mr. Feliciano also commented that the questions should be neutral in order to best discern the sentiment of the township residents. Examples of this bias were discussed and how the design and wording of the survey can affect the responses.

Ms. Morehead asked about including a section focusing on alternative energy sources. Follow-up discussion regarding the limits on the height of residential versus commercial wind turbines resulted in the decision to include a question about residential alternative energy sources. Discussion on the overlap between the Recreation Plan update and the content of the Master Plan survey resulted in a

refocusing of the Master Plan survey to deal more with services and the future development in the Township. The list of potential Services topics was reviewed and winnowed to send to Claire for formatting, including a great deal of discussion on natural gas service. The questions on zoning and housing were reviewed and suggestions on wording were agreed upon. Mr. Cunningham suggested that we delete the first question of the Hayes draft in favor of the quality of life issues contained in the Leland survey. This was agreed to as modified after much discussion about the differences between the townships and the issues confronting them. Mr. Cunningham suggested that the topics in the Leland survey were more relevant to the needs of the Master Plan than the current topics in the Hayes draft. The consensus was to agree with that sentiment while trying to meet the budget and format goals.

Ms. Morehead made a motion to send to Claire the survey draft feedback as modified. Mr. Griffitts volunteered to cut and paste the various components discussed into a document to send to Claire for formatting and compilation in survey form. Ms. Morehead then withdrew her motion.

Ms. Morehead then directed the meeting to the consideration of the Bowman request for an extension of a building permit granted to replace his dwelling that was destroyed in a fire. He has found a potential replacement mobile home for his dwelling. Mr. Bowman needs to submit a site plan for Mr. Sullivan to review prior to approval being granted to install the new mobile home. Mr. Sullivan recommended that we consider granting a three month extension to his permit. Mr. Griffitts moved and Mr. Biddick seconded the granting of a three month extension to the permit. Motion passed unanimously.

Ms. Morehead then began discussion on the Waterfront Development Review subcommittee. It was reported that there were no requests for a plan review and that a meeting with the township attorney to clarify some procedural questions had not yet happened. A memo (copy attached) was introduced that reflected the discussion on the issue.

Mr. Bajos, commented that we have deviated from the agenda and requested that we get back on track. Ms. Morehead agreed and moved the discussion back to the agenda as presented.

Report of the Township Board Representative to the Planning Commission.

Mr. Cunningham reported that the Board of Trustees (BoT) met on November 12, 2018. The BoT has an all new look with new faces. The first order of business was to approve a change order for Camp Seagull extending the completion date to June 15, 2019, due to adverse weather and asphalt availability. The Board will publish a newsletter to go out with next mailing of tax bills. The Board authorized the Clerk, Deputy Clerk, Treasurer and Deputy Treasurer to sign general fund checks. The BoT created a deadline of the first of the month for invoice submittal for payment approval in that month's board meeting. The BoT will reassign duties from the previous board assignments. The BoT will need to request an extension of the Great Lakes Fishery Grant as it is expiring shortly. The next regular meeting of the BoT will be held on December 10, 2018. Discussion on the park schedule and the issues with the road were briefly reviewed.

Report of the Planning Commission Representative to the Zoning Board of Appeals (ZBA)

As this would have been presented by Mr. Jess no longer on the PC there was no report given.

Zoning Administrator (ZA) Report

Mr. Sullivan reported that there no zoning permits issued, one was applied for but has been delayed pending health department approval. Land division applications continue to wait for further information. A new application for land division was received for a property on US 31 east of Summerhill, to divide two parcels into five parcels. This was approved with conditions, but the issue of the existing parcels being in two different sections, as reviewed by the equalization department, would require there being two different legal descriptions for each new parcel. In the future the applications will first be sent to the township assessor to determine if this will be an issue before it proceeds to further review. The approval requires easements to be granted to the parcels as only two driveways accessing US 31 are permitted. The other parcels have to be accessed from a private road off US 31, and not accessed from US 31 frontage. No nuisance complaints were received in October. Two suspected waterfront violations were reported in October. One was determined not to be a violation and the second is an issue that is being worked on and has been for some time. A plan has been submitted and there will be replanting in the spring. A zoning violation complaint was received regarding a dwelling being used to temporarily house construction workers, which does not meet the definition of single family dwelling. Mr. Sullivan will be notifying the property owner of this violation. Mr. Sullivan asked for clarification of the PC's intent that short term rentals do not have to meet the definition of single family? In this case the concern would be that the owner would apply for a short term rental license and then rent to property to a different construction worker each week. The PC response was that if the property met the definition of a short term rental and was properly licensed and operated in compliance with the zoning ordinance then there was nothing to be done about it. There were no new short term rental applications in October. Mr. Sullivan mailed the PC packets and did not attend the ZBA meeting in October which was held solely to approve the minutes of the September meeting. Mr. Sullivan attended a variety of other meetings as contained in his written report.

New Business

Ms. Morehead called for a discussion on the review of the Master Plan chapters 1-8. Mr. Feliciano led the discussion but talked first about the process for a public hearing on the Parks and Rec plan update. The timelines for the plan review require that the BoT review and approve the updated plan at the January meeting, which will require a public hearing prior to approval. This led to a discussion of the potential agenda items for the PC December meeting. It was suggested that given the timing of the meeting and the holiday that the agenda be limited to the necessary business items and the Parks and Rec plan public hearing.

Technical issues prevented the presentation of the feedback received by Mr. Feliciano electronically. It was decided to have each PC member offer their feedback in turn. Mr. Cunningham started by suggesting that the plan be reverse ordered to start with the Goals and Objectives of the plan. Basically flip flop the order of the chapters. There were some small items identified and Mr. Cunningham wondered how important some of the issues and whether some of the descriptive chapters need to be

included, particularly chapter five dealing with transportation. The plan as currently written was based on a format proposed by the previous planning consultant and the PC was led through the process by the consultant. It was determined that there is no requirement that the plan be changed but rather simply reviewed and updated as needed.

Ms. Morehead commented on the introductory statement of the philosophical basis of the plan and whether it was still true and does it establish a bias in the plan towards limiting development? Is this still a bedrock principle of the township planning process? Mr. Griffitts suggested that the second paragraph under background on page I-4 sums up where we may be currently in regards to planning, that a fair and balanced approach to planning and zoning is desired. It was agreed that this section of the plan needs to be rewritten to clarify any discrepancy.

Mr. Griffitts offered a few additional comments that had been submitted previously to Mr. Feliciano for compilation. In particular page VII-3, planning and land use under policies change, limit to regulate, the expansion of legal use of non-conforming properties by creating zoning overlay districts for older developments. This is to create the authority that allows the plan to create the overlays.

Specific changes are to be emailed to Mr. Feliciano for compilation. It is planned that we discuss this further at the January PC meeting.

Ms. Morehead asked Mr. Sullivan to post the notices of the proposed public hearing for the updated Parks and Rec plan at the December PC Meeting. The updated plan draft will be posted on the township website. For the record, Mr. Griffitts moved that a public hearing be held at the December PC meeting on December 18, 2018 to take feedback from the public on the updated Parks and Rec plan. Mr. Bajos seconded the motion. Motion passed unanimously.

Ms. Morehead will present the completed plaque for past PC members at the next meeting.

Discussion on training for continuing education and rewriting the rules and procedures of the PC was next. It was determined that we needed to commit to an ongoing continuing education for PC members. The goal is for each member to attend at least one session each year. Alternative forms of education were discussed and plan is to be developed to accomplish this goal in 2019.

Approval of Minutes

Mr. Bajos made a motion to approve the minutes as corrected. Mr. Biddick seconded the motion. Motion passed unanimously.

Planning Commission Comments

None

Public Comment

Mr. Sullivan suggested that the PC ask the BoT to acquire recording equipment to record the meetings and facilitate the creation of the minutes. Discussion on the topic was brief and consensus was to continue to pursue this goal.

Adjournment

Mr. Bajos made the motion to adjourn the meeting. Mr. Cunningham seconded the motion, Meeting was adjourned at 8:50 pm.

**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: Hayes Township Planning Commission Members
From: Larry Sullivan, Zoning Administrator
Re: Dec. 18, 2018 Planning Commission Meeting
Date: December 9, 2018

Enclosed you will find the following items:

Agenda for Dec. 18th Meeting

Draft Minutes from Nov. 20th Meeting

Zoning Administrator's Nov. 2018 Report

The Draft Hayes Township Recreation Plan is currently on the Hayes Township Website, www.hayestownshipmi.gov. Omar requested that the Draft Plan be handed out at the Planning Commission meeting as opposed to being mailed out in advance. The other materials you will need for the meeting you should already have been provided.

You may have a new member appointed to replace Bob Jess who as a result of his being elected in November cannot continue on the Planning Commission as that would result in two Township Board members sitting on the Planning Commission which would not comply with the Planning Commission Bylaws. It is up to the Township Board to appoint the members which is why I say that you may have a new member.

**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: Hayes Township Planning Commission Members
From: Larry Sullivan, Zoning Administrator
Re: Dec. 18, 2018 Planning Commission Meeting
Date: December 9, 2018

Enclosed you will find the following items:

Agenda for Dec. 18th Meeting

Draft Minutes from Nov. 20th Meeting

Zoning Administrator's Nov. 2018 Report

The Draft Hayes Township Recreation Plan is currently on the Hayes Township Website, www.hayestownshipmi.gov. Omar requested that the Draft Plan be handed out at the Planning Commission meeting as opposed to being mailed out in advance. The other materials you will need for the meeting you should already have been provided.

You may have a new member appointed to replace Bob Jess who as a result of his being elected in November cannot continue on the Planning Commission as that would result in two Township Board members sitting on the Planning Commission which would not comply with the Planning Commission Bylaws. It is up to the Township Board to appoint the members which is why I say that you may have a new member.