

Hayes Township Planning Commission

July 21, 2020

Regular Meeting

Public Hearing

ZOOM Meeting 88183187609

1 **CALL TO ORDER:** Chairperson Roy Griffiths called the meeting to order at 7:00 p.m.

2 Members present: Roy Griffiths (Chair), Ed Bajos, Cliff Biddick, Omar Feliciano (Vice-Chair), Matt
3 Cunningham (Board of Trustee Representative), Marilyn Morehead, Doug Kuebler

4 Also, present: Ron VanZee (Zoning Administrator), April Hilton (Recording Secretary/Deputy
5 Clerk), Bob Jess (Representing Farm, LLC), Mr. and Mrs. Winters

6

7 **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mr. Griffiths led the Pledge of Allegiance.

8

9 **REVIEW AGENDA:** Agenda approved as presented.

10

11 **DECLARATIONS OF CONFLICTS OF INTERESTS:** None

12

13 **PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:**

14 None, public comments closed at 7:01 pm

15

16 **PUBLIC HEARING FOR FARM LLC:** The purpose of the meeting is to consider an application for
17 Special Use Permit submitted by Farm Central LLC, to allow the placement of three storage
18 structures in three separate phases, on the eastern portion of the property zoned Industrial.
19 Article IV, specifically Section 4.12, 3. Uses Subject to Special Use Permit, D. Warehouses and
20 Storage Buildings, of the 2009 Hayes Township Zoning Ordinance, as amended (the Ordinance).

21

22 Applicants are seeking permission to construct one 6000 square foot and two 6000 square foot
23 or less storage structures.

24

25 Mr. Jess presented the Special Use Permit request from Farm, LLC. Main point of the
26 application is to present a 5-year plan for Farm Central LLC (formerly the Smith property). The
27 location of storage building is amended to reflect 100 feet from road. Driveway application is
28 pending with the County Road Commission. The mature trees will remain on property, hours of
29 operation will be typical farming hours, screening on the roadside and an additional berm on
30 Boyne City Roadside, drainage on site, and will utilize existing utilities. Material will be used on
31 site (shale for berm, etc.) and there will not be a commercial mining operation. Farm
32 equipment will be stored in new accessory building and will not create additional traffic on
33 Boyne City Road.

34

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35 Mr. VanZee presented the case as Zoning Administrator. Public Notice was published in paper
36 on July 3rd and all property owners within 330 feet were notified. A letter in support from
37 Haggards Plumbing and Heating was received. Mr. VanZee reviewed Section 4.13 in the Hayes
38 Township Zoning Ordinance with the Planning Commissioners regarding Farm Central LLC.

39
40 **PUBLIC COMMENTS:** Will driveway off of Maple Grove be closed? (No separate parcel). Which
41 buildings are being removed and replace? (White building and green building). Which farmers
42 will be using building? (A handful of Charlevoix County Farmers may utilize storage building).
43 Public comments closed.

44

45 Public hearing closed and Planning Commission deliberated.

46 A. Allowed Special Land Use

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

49

50 B. Compatibility with Adjacent Land Uses

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

54 **YES: ALLOWED AND COMPATIBLE**

55 2) The proposed special land use will not involve uses, activities, processes,
56 materials, or equipment that will create a substantially negative impact on
57 other conforming properties in the area by reason of traffic, noise, smoke,
58 fumes, glare, odors, or the accumulation of scrap material that can be seen
59 from any public road or seen from any adjacent land owned by another
60 person. **SPECIFIC TO THE PROPERTY AND ADJACENT PROPERTIES (NOT
61 ROADWAY):**

62 3) If deemed necessary by the Planning Commission, the hours of operation
63 that the special use is allowed to operate, be open or otherwise occur, shall
64 be imposed as a condition of approval to ensure compatibility with the
65 surrounding land uses. **N/A**

66

67 C. Public Services

68 1) The proposed special land use will not place demands on fire, police, or
69 other public resources in excess of current capacity. **NO**

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70 2) The proposed special land uses will be adequately served by public or
71 private streets, water and sewer facilities, and refuse collection and
72 disposal services. **NO ISSUE**

73
74 D. Economic Well-Being of the Community
75 The proposed special land use shall not be detrimental to the economic well-being
76 of the surrounding residents, businesses, landowners, and the community as a
77 whole. **NOT DETRIMENTAL**

78
79 E. Compatibility with Natural Environment
80 The proposed special land use will not involve uses, activities, processes, materials,
81 or equipment that will create a substantially negative impact on the natural
82 resources of the Township or the natural environment as a whole. **NO**

83
84 F. Compliance with Specific Standards
85 The proposed special land use complies with all applicable specific standards
86 required under this Ordinance. **YES**

87
88 G. Conditional Approvals
89 The Planning Commission may impose reasonable conditions with the approval of a
90 special use permit, pursuant to **Section 9.03** of this Ordinance. **MEETS 7.01**
91 **REQUIREMENTS (SETBACKS) AND APPROVAL OF COUNTY ROAD COMMISSION.**

92
93 H. Performance Guarantee Required
94 The Planning Commission may require an applicant to provide a performance
95 guarantee in connection with the approval of a special use permit, pursuant to
96 **Section 9.06** of this Ordinance. **N/A**

97
98
99

100 Doug Kuebler made a motion, supported by Marilyn Morehead, to approve the Special Use
101 Permit with conditions. A roll call was taken.

102 Yeas: Cliff Biddick, Omar Feliciano, Marilyn Morehead, Doug Kuebler, Ed Bajos, Roy Griffiths, and
103 Matt Cunningham.

104 Nays: none **Motion Carries**

105

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106 Applicants site plan is complete.

107

108

109 1. Standards for Granting Site Plan Approval:

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

119 1) All elements of the site plan shall be designed so that there is a limited amount
120 of change in the overall natural contours of the site and shall minimize
121 reshaping in favor of designing the project to respect existing features of the
122 site in relation to topography, the size and type of the lot, the character of
123 adjoining property and the type and size of buildings. The site shall be so
124 developed as not to impede the normal and orderly development of
125 surrounding property for uses permitted in this Ordinance. **YES**

126 2) The landscape shall be preserved in its natural state, insofar as practical, by
127 minimizing tree and soil removal, and by topographic modifications which
128 result in smooth natural appearing slopes as opposed to abrupt changes in
129 grade between the project and adjacent areas. **YES**

130 3) Special attention shall be given to proper site drainage so that removal of
131 storm waters will not adversely affect neighboring properties. **YES**

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

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

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

140 7) All loading and unloading areas and outside storage areas, including areas for
141 the storage of trash, which face or are visible from residential districts or public
142 thoroughfares, shall be screened, by a vertical screen consisting of structural
143 or plant materials no less than six feet in height. **YES DUMPSTER WILL BE
144 SCREENED/BEHIND BUILDING**

145 8) Exterior lighting shall be arranged as follows:

146 a) It is deflected away from adjacent properties.

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- 147 b) It does not impede the vision of traffic along adjacent streets.
148 c) It does not unnecessarily illuminate night skies.
149 **DOWNLIGHTING AFIXED TO BUILDING/MOTION SENSOR/NOT 24/7**
150 9) The arrangement of public or common ways for vehicular and pedestrian
151 circulation shall respect the pattern of existing or planned streets and
152 pedestrian or bicycle pathways in the area. Streets and drives which are part
153 of an existing or planned street pattern which serves adjacent development
154 shall be of a width appropriate to the traffic volume they will carry and shall
155 have a dedicated right-of-way. **YES PENDING APPROVAL FROM COUNTY**
156 **ROAD COMMISSION**
157 10) All streets shall be developed in accordance with any adopted Township
158 private road standards, or if a public road, the County Road Commission
159 specifications. **YES**
160 11) Site plans shall conform to all applicable requirements of state and federal
161 statutes and the Hayes Township Master Plan, and approval may be
162 conditioned on the applicant receiving necessary state and federal permits
163 before the actual zoning permit authorizing the special land use is granted.
164 **YES**
165
166 B. The Planning Commission shall seek the recommendations of the Fire Chief, the
167 Charlevoix County Road Commission, the County Health Department, and the
168 Michigan Department of Natural Resources, where applicable. **PENDING APPROVAL**
169 **FROM FIRE CHIEF AND HEALTH DEPARTMENT**
170

171 Cliff Biddick made a motion, with support from Matt Cunningham, to approve the site plan
172 review for Farm Central, LLC with lighting, drainage and trash reciprocal conditions. A roll call
173 was taken.

174 Yeas: Cliff Biddick, Omar Feliciano, Marilyn Morehead, Doug Kuebler, Ed Bajos, Roy Griffiths, and
175 Matt Cunningham.

176 Nays: none **Motion Carries**

177

178 Public hearing closed.

179

180 **PUBLIC COMMENTS:** None

181

182 **APPROVAL OF MINUTES:**

183 Ed Bajos made a motion, supported by Cliff Biddick, to approve the July 21, 2020 regular
184 meeting minutes as corrected. A roll call was taken.

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185 Yeas: Cliff Biddick, Omar Feliciano, Marilyn Morehead, Doug Kuebler, Ed Bajos, Roy Griffiths, and
186 Matt Cunningham.

187 Nays: none **Motion Carries**

188

189 **REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:** By Matt
190 Cunningham

191 The Board of Trustees met on July 13th, 2020 via ZOOM. Alisa Abiney (Assessor) will attend
192 Charlevoix County assessing meeting. The Board approved Fire Contract and to complete a
193 Heath Permit for the bathrooms at Hayes Township Park. The Board approved the new zoning
194 district. The next Board Meeting will be August 10, 2020.

195

196 **REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:**

197 The Zoning Board of Appeals had a training session with Todd Milar. A variance will be held on
198 July 22, 2020 and August 5, 2020.

199

200 **ZONING ADMINISTRATOR REPORT:** Ron VanZee presented a written report of all zoning
201 activities. Copy available at Hayes Township Hall.

202

203 **NEW BUSINESS:** Mr. VanZee and Mr. Griffiths have met with Shawn Winter (Beckett and
204 Raeder). Mr. Winter will begin addressing areas of Hayes Township Ordinance for updates
205 suggestions. The plan is for the Planning Commission to create sub committees to address
206 ordinance updates.

207

208 **OLD BUSINESS:** Ordinance Update feedback from Charlevoix County Planning Commission was
209 positive support for updating and addressing the non-conforming subdivisions. A footnote was
210 addressed to clarify setback chart. A copy of the County Official Comments is available at Hayes
211 Township Hall.

212 **SET PUBLIC HEARING DATES**

213 None

214

215 **SET/CONFIRM DATE OF NEXT PLANNING COMMISSION MEETING:** The next Planning
216 Commission meeting to take place on August 18, 2020 at 7:00 pm. at the Hayes Township Hall
217 or Zoom as permitted.

218

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219

220 **PLANNING COMMISSION COMMENT:** None

221

222 **PUBLIC COMMENT:** Public comments included calcification on Law Property zoning (currently
223 zoned Agricultural and not R-1) and Zoning Map Error will have to be corrected in the near
224 future.

225

226 **ADJOURNMENT:** Ed Bajos made a motion, supported by Cliff Biddick, to adjourn the meeting at
227 8:22 pm. A roll call was taken.

228 Yeas: Matt Cunningham, Ed Bajos, Marilyn Morehead, Roy Griffitts, Cliff Biddick, Omar
229 Feliciano, Doug Kuebler

230 Nays: None **Motion Carried**

231

232

233 Recorded by:

Respectfully Submitted by:

234

235

236 Kristin Baranski/Clerk

Omar Feliciano/PC Vice-Chair

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