

Hayes Township Planning Commission
Special Meeting
Public Hearing
October 26, 2021 7:00 pm
Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720

CALL TO ORDER:

Chair Roy Griffiths called the meeting to order at 7:00 pm.

Members present: Roy Griffiths (Chair), Ed Bajos, Matt Cunningham (Board of Trustees Representative), Rex Greenslade, Omar Feliciano (Vice-Chair), Marilyn Morehead and Steve Bulman

Also present: Ron VanZee (Zoning Administrator) and April Hilton (Deputy Clerk/Recording Secretary)

Audience Members signed in: LuAnne Kozma, Ellis Boal and Doug Kuebler

PLEDGE OF ALLEGIANCE:

Mr. Griffiths led the Pledge of Allegiance.

REVIEW AGENDA:

Add: set/confirm next public hearing date

Mr. Bajos made a motion, supported by Mr. Greenslade, to approve the agenda as amended.

Yeas: Steve Bulman, Ed Bajos, Rex Greenslade, Omar Feliciano, Marilyn Morehead, Roy Griffiths, Matt Cunningham

Nays: None

Motion Passed

DECLARATION OF CONFLICTS OF INTERESTS:

None

APPROVAL OF OCTOBER 19TH, 2021 REGULAR MEETING MINUTES:

Mr. Bajos made a motion, supported by Mrs. Morehead, to approve the October 19th, 2021 minutes as amended.

Yeas: Steve Bulman, Ed Bajos, Rex Greenslade, Omar Feliciano, Marilyn Morehead, Roy Griffiths, Matt Cunningham

Nays: None

Motion Passed

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comment opened and closed at 7:04 pm with no public comment.

NEW BUSINESS:

PUBLIC HEARING opened at 7:05 pm.

Application by Bethany Lutheran Church to rezone Tax ID 15-007-119-007-15, commonly known as 11906 US 31 N, Hayes Township, Charlevoix County from Agricultural to Neighborhood

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Commercial. Notice was published in the Petoskey News-Review on October 8, 2021 and letters were mailed to all property owners within 330 feet.

VanZee presented the application to the Planning Commission members. Haggard's Plumbing sent a letter in support of rezone.

Griffitts closed public hearing at 7:08 pm..

The Planning Commission applied the following standards and factors in the consideration of this rezoning request.

Is the proposed rezoning consistent with the Hayes Township Master Plan? **YES**

Is the proposed rezoning reasonably consistent with surrounding uses? **YES**

Will there be an adverse physical impact on surrounding properties? **NO**

Will there be an adverse effect on property values in the adjacent area? **NO**

Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning? **YES**

Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations? **NO**

Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)? **NO**

Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications? **NO**

Is the rezoning in conflict with the planned use for the property as reflected in the Land Use Plan? **NO**

Is the site served by adequate public facilities or is the petitioner able to provide them? **YES**

Are there sites nearby already properly zoned that can be used for the intended purposes? **YES**

Are other local remedies available? **NO**

Mr. Bajos made a motion, supported by Ms. Morehead, to approve the rezone request of property tax ID 15-007-119-007-15 from Agricultural to Neighborhood Commercial.

A roll call was taken.

Yeas: Steve Bulman, Ed Bajos, Rex Greenslade, Omar Feliciano, Marilyn Morehead, Roy Griffitts, Matt Cunningham

Nays: None

Motion Passed

Public hearing opened at 7:10 pm.

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Application by AT/CCF, LLC to amend Country Club Fairways Planned Unit Development approved May 18, 1999, property tax ID 15-007-118-003-10, commonly known as Fairway View (PVT), Hayes Township, Charlevoix County, to divide two acres from existing 12.525 acres. The separate two acres will contain existing eight condominium units.

VanZee presented application. The original PUD was approved in 1999. Shortly after the property switched hands (partner withdrew). 2 four unit condominiums were built immediately. Infrastructure is in place. Currently the owners are working with a new developer to develop property without including the 2 four unit existing condominiums. One letter of support was received by the township from Haggard's Plumbing and Cooling.

Public comments included: question from adjacent property owner regarding placement of new development. How many condos are being proposed.

Public hearing at 7:19 pm. Deliberation began.

The Planning Commission in accordance with Section 6.03 L-3 to ammend Planned Unit Development (PUD) reviewed the standards of Article V and Section 6.02.4 as well as the following:

- a) The planned unit development shall be consistent with the Hayes Township Master Plan. **YES**
- b) The planned unit development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy living condition and such vegetation if dead shall be replaced. **YES**
- c) The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the Township's current master plan. **YES**
- d) The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development. **YES**
- e) The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development. **YES**

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- f) The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided. **YES**
- g) The planned unit development shall not result in any greater storm water runoff to adjacent property after development, than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced. **YES**
- h) The design of the planned unit development shall exhibit a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area. **YES**
- i) The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control. **YES**
- j) The planned unit development shall provide for underground installation of all utilities. **YES**

Mr. Greenslade made a motion, supported by Mr. Bajos, to approve the application by AT/CCF LLC Country Club Fairways to amend the PUD (planned unit development) originally approved on May 18, 1999 with the condition that all original approval conditions are met.

A roll call was taken.

Yeas: Steve Bulman, Ed Bajos, Rex Greenslade, Omar Feliciano, Marilyn Morehead, Roy Griffiths, Matt Cunningham

Nays: None

Motion Passed

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SET/CONFIRM DATE OF NEXT PUBLIC HEARING:

Ms. Morehead made a motion, supported by Mr. Bajos, to set a public hearing for a special use permit in AG district for November 23rd, 2021 at 7:00 pm at the Hayes Township Hall.

Yeas: Steve Bulman, Ed Bajos, Rex Greenslade, Omar Feliciano, Marilyn Morehead, Roy Griffiths, Matt Cunningham

Nays: None

Motion Passed

SET/CONFIRM DATE OF NEXT PLANNING COMMISSION MEETING:

Next Planning Commission meeting will be at 7:00 pm on November 16th, 2021 at the Hayes Township Hall.

PLANNING COMMISSION COMMENT:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

Mr. Bajos made a motion, supported by Mr. Cunningham, to adjourn the meeting at 7:38 pm.

Yeas: Steve Bulman, Ed Bajos, Rex Greenslade, Omar Feliciano, Marilyn Morehead, Roy Griffiths, Matt Cunningham

Nays: None

Motion Passed