

Hayes Township Planning Commission  
November 23<sup>rd</sup>, 2021  
Public Hearing  
At Hayes Township Hall

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

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

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

Audience members signed in: Kathleen Muneio, Bob Muneio, Bob Adams, Mike Keen, Jim Rameck, Jessica Perry, Marilyn Epp, Sherry McClary, Mill McClary, Doug Kuebler, Janet McGarey, Tim Boyko, Ellis Boal, Richard Todd, Bob Jess, Steve Andreae.

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

**REVIEW AGENDA:** Ms. Morehead made a motion, supported by Mr. Feliciano to approve the agenda as presented. Motion passed.

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

Nays: None

**DECLARATIONS OF CONFLICTS OF INTERESTS:** Greenslade stated that he is a member of the Bay Harbor Yacht Club and questioned if he had a financial interest and if it could be perceived as a conflict of interest. The Planning Commission discussed the possibility of a conflict of interest and came to a consensus of NO conflict of interest.

**PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:**

Public comments open and closed at 7:02. There were no comments.

**NEW BUSINESS**

PUBLIC HEARING

Application by Bay Harbor Yacht Club

for a special use permit to allow existing principal structure

located at 09020 Upper Bayshore Rd, Tax ID 15-007-116-

001-10 to be used as employee housing.

Public hearing was opened at 7:03pm

Applicant presented an oral request to the planning commission on their request for a Special Use Permit to use an existing primary principal structure as "employee housing". Structure is

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currently approved for assisted adult living. Current structure contains 7 bedrooms. Applicant intends structure to be used May-September for employees (chefs; wait staff; and other laborers of Bay Harbor Yacht Club). A security employee will also be housed on site. Summer employees will be coming from an existing club in Florida. Applicant stated the residents spend the majority of their time at the club working and often only have one day off a week. Applicant informed Planning Commission the intent of the majority of the transportation will be provided by the club shuttle.

Zoning Administrator Mr. VanZee gave a report regarding this special use permit request from the Bay Harbor Yacht club. Mr. VanZee informed the Planning Commission that the current request for employee housing is allowed according to Hayes Township Zoning Ordinance definition of Agricultural Clustered Housing found in section 4043B. The required posting was made in the Petoskey News Review newspaper and at the township hall as well to all the residents within 330 ft of the property. Planning Commission is required to go through the standards of granting a special use permit. Mr. VanZee also noted for the Planning Commission this is a legal lot of record even though it does not reach the minimum requirements of the current ordinance of 10 acres in the agricultural district, however, it was divided before the ordinance which allows it to be enjoyed like any other legal lot located within the agricultural district. Mr. VanZee informed the Planning Commission that the previous use of the property was for a Senior living facility, therefore the Yacht Club is looking for the same number of residents as the previous owner was allowed.

Public comments opened at 7:19 pm

Comments included:

- A recommendation was made to the Planning Commission to consider against roadside parking due to poor visibility on the hill the property is located.
- A concern for how clustered housing may impact the community. A concern that this one approval could lead to more in the future and disturb the integrity of the area. A suggestion the applicant look to purchase a hotel instead of a home in a residential area.
- A concern if the property would be used the same as a commercially zoned property. Is it safe and approved by the fire department to have the requested number of residents in the home of question? Concern for a member of the club being on the Planning Commission eligible for voting as a member of the Bay Harbor Yacht Club.
- A comment was made regarding the definition of clustered housing and the belief that this special use permit does not fit the stated definition.
- A concern regarding the security guard that will be staying at the home with the residents.

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- Comment was made against the idea, for concerns of transient workers and safety of the neighborhood.
- 3 correspondences were submitted to the Planning Commission 1 approving the request and 2 against please see the letters attached to the minutes.

Public Comments closed 7:35pm.

The Planning Commission is required to address the Master Plan. Affordable Housing (employee housing) is included in the Master Plan as a need within the Township. Comments from Planning Commission Members included: farm labor vs employee housing; the subject parcel is legal non-conforming and has the same property rights as a legal conforming lot in same district; does this request differ from a long-term rental. The following comments include applicant and public comments: Bay Harbor Yacht Club employees are thoroughly vetted; no drug testing policy; Bay Harbor has looked at hotels/motels in the area when possible; neighbors are looking long term as to who may live in house in future; this property could fit within the definition of 'clustered housing'; suggestion to discuss conditions that could be placed on Special Use Permit (no parking on road/number of persons occupying property/quiet times established/future review of Special Use Permit); need for employee housing; seasonal housing, winterized in the off season; conditions can be added for expiration upon sale of property.

After much discussion among the Planning Commission members, there was a consensus by all Planning Commission Members to ask for legal advice from the Township attorney before going forward with the public hearing.

Ms. Morehead made a motion, supported by Mr. Bajos to adjourn the public hearing until the December 21<sup>st</sup>, 2021, regular PC meeting, allowing the PC member to receive legal guidance from the township attorney. Motion passed.

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

Nays: None

Public Hearing adjourned until December 21, 2021.

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**SET/CONFIRM DATE OF NEXT REGULAR PLANNING COMMISSION MEETING:** Next regular Planning Commission meeting will take place on December 21, 2021 at 7:00 pm at the Township Hall.

**PUBLIC COMMENT:** Public comments open at 8:25pm

Comments included:

An incorrect accusation that was made against Roy Griffitts as chair of Planning Commission was untrue regarding the Law Boathouse Project. The correct statement is the Planning Commission does not grant permits. The July 2020 permit has expired even if it was never acted on.

Public comments closed at 8:29 pm.

**ADJOURNMENT:** Mr. Greenslade made a motion, supported by Mr. Bajos, to adjourn the meeting at 8:35 pm. Motion passed.

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

Nays: None

Respectfully Submitted by:

April Hilton  
Deputy Clerk/Recording Secretary