

Hayes Township, Charlevoix County, Planning Commission

Regular Meeting of Planning Commission

May 17, 2022 7:00 pm

Hayes Township Hall

9195 Major Douglas Sloan Road

Charlevoix, Michigan 49720

https://us02web.zoom.us/j/82915799065?pwd=RG1ZdzqL_tclU7q5p63Kqc4AHGC9tK.1

Meeting ID: 829 1579 9065

Passcode: 078175

+1 312 626 6799 US (Chicago)

AGENDA

Call to Order

Pledge of Allegiance

Review of Agenda

Declarations of Conflict of Interest

Approval of Minutes

June 8, 2021(workshop); April 19, 2022 (PC April Meeting); May 3, 2022
(Special Meeting)

Public Comments Unrelated to Agenda Items

Report of Township Board Representative to the Planning Commission

Report of Planning Commission Representative to the Zoning Board of Appeals

Zoning Administrator Report

New Business

Discussion on Articles, Special Use permit and Site Plan Review

Old Business

Set/Confirm Public Hearing Dates

Rescheduling of Bayshore Steel SUP to May 31,2022

Set/Confirm Date of Next PC Meeting

Public Hearing: May 31, 2022 and June PC Meeting: June 15, 2022

Planning Commission Comment

Public Comment

Adjournment

To best facilitate a hybrid meeting (in person as well as ZOOM) for the public, please adhere to the following guidelines:

In person attendance

1. Doors to the hall will open at 6:45 pm
2. Please voluntarily provide a name for the record
3. Please hold all comments until the appropriate designated public comment agenda item
4. To maintain an orderly meeting while providing opportunity for the public to be heard, Planning Commission Chairman will call names in appropriate order
5. We ask that you voluntarily state your name for the record
6. Direct all comments to the planning commission
7. Keep comments brief and to the point (3 minutes per person); deputy clerk will advise when time is up
8. Do not speak while others are speaking
9. Minutes may not be yielded to other speakers.

Via ZOOM attendance

1. Upon signing into the meeting, please voluntarily provide a name for the record
2. All ZOOM participants will be admitted from the waiting room prior to the start of the meeting
3. All ZOOM participants will remain muted until called on during the appropriate designated public comment agenda item
4. Please raise your hand to be called on during public comments
5. Direct all comments to the planning commission
6. Keep comments brief and to the point (3 minutes per person); participant will be muted at 3 minutes
7. Minutes may not be yielded to other speakers.

Note: A quorum of the Hayes Township Board members may be present at this meeting. No Hayes Township Board business will be discussed or conducted at this meeting.

**Hayes Township Planning Commission
Workshop
June 8, 2021 7 pm
Hayes Township Hall
9195 Old US 31 N
Charlevoix, Michigan 49720**

Members present: Marilyn Morehead, Steve Bulman, Matt Cunningham, Roy Griffitts

Also Present: Ron Van Zee, Kristin Baranski, April Hilton

Members Absent: Rex Greenslade, Omar Feliciano

The Planning Commission continued work on the zoning ordinance draft.

Ordinance topics included but not limited to:

on-site parking, resort and recreation district, by-right versus SUP, commercial district (what is vision/definition), neighborhood mixed use/form of commercial, how does infrastructure affect options in Hayes Township, home occupations, could a mix use area fit in Hayes Township (apartments/duplexes/townhouses mixed with commercial), agricultural tourism, SUP and what is by-right, accessory dwelling units, wetlands/waterfront, overlay districts, coordinating with EGLE/County/Township

Format discussion:

Concerns over format, too many regulations (sign/parking); waterfront overlay complexity

Ron Van Zee and Roy Griffitts will contact John Icoangelli (Becket & Raeder) to discuss the PC feedback and create a plan

Hayes Township Planning Commission
April 19, 2022
Regular Meeting
Zoom ID 836 1621 1385

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

Members present: Roy Griffiths (Chair), Ed Bajos, Steve Bulman, Matt Cunningham (Board of Trustee Representative), Derek Burnett.

Excused absent: Marilyn Morehead, Rex Greenslade (on zoom)

Also, present: Kristin Baranski (Clerk) and April Hilton (Deputy Clerk/Recording Secretary).

Audience: Betty Henne, Tim Boyko, Doug Kuebler, Deb Narten, Nate Narten, Robert Brill, Marilyn Anderson, Esther Brill, Chelsea Mills, Chris Mills, Jim Rudolph, JoEllen Rudolph, Kim Fary, Cory Fergeson, Holly Russell, Ed Russell, Luanne Kozma, Mike Taylor, Summer LaVanway, and Ellis Boal.

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

WELCOME NEW MEMBER

Chair Griffiths introduced Derek Burnett as the newest member of the Planning Commission.

REVIEW AGENDA: Mr. Cunningham made a motion, supported by Mr. Bajos to approve the agenda as amended

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

Added items:

1. Rex Greenslade Report/Affordable Housing
2. Budget Draft

DECLARATIONS OF CONFLICTS OF INTERESTS: None

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comments opened at 7:03 pm.

Comments included:

- Resident expressed that Roy Griffiths has served on the Planning Commission illegally for the past year and needs to be removed
- Resident expressed the desire for the gravel pit in Bay Shore to be restore and replanted and is very upset to see property recently surveyed and learned of a land swap between Reith Reilly and Emmet Road Commission
- Resident opposed to any commercial activity at the gravel pit; opposed to a salt storage unit in Bayshore

Hayes Township Planning Commission
April 19, 2022
Regular Meeting
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- Bayshore property is ideal for affordable housing
- Resident involved in lawsuit against Hayes Township; referenced Radio Broadcast from NPR and questioned comments made by Van Zee
- Resident questioning when BRI zoning ordinance was found to not be a fit for Township
- Resident requested clarification on how PUD would work in the Agricultural/Residential
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Public comments closed at 7:25 pm

APPROVAL OF MINUTES February 15th, 2022 REGULAR MEETING:

Ed Bajos made a motion, supported by Matt Cunningham, to approve the February 15th, 2022 regular meeting minutes as amended.

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION: By Matt Cunningham. Next meeting May 9th, 2022

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

N/A

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented an oral Zoning Administrator Report.

BUDGET DRAFT:

Ed Bajos made a motion, supported by Steve Bulman, to approve the 2022 Planning Commission budget draft to be submitted to the Board of Trustees for consideration.

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

REX GREENSLADE REPORT

Rex Greenslade report attached to minutes.

NEW BUSINESS-

AMENDMENT TO PLANNING COMMISSION BYLAWS:

Hayes Township Planning Commission
April 19, 2022
Regular Meeting
Zoom ID 836 1621 1385

Ed Bajos made a motion, supported by Steve Bulman, to adopt the Planning Commission Bylaws as of April 19th, 2022.

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

ELECTION OF VICE-CHAIRPERSON/SECRETARY:

Ed Bajos made a motion, supported by Steve Bulman to nominate Rex Greenslade as Vice-Chairperson/Secretary of the Planning Commission.

Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

Nays: none **Motion Carries**

REVIEW ARTICLE VII – PLANNED UNIT DEVELOPMENT:

The Planning Commission reviewed and discussed the Preliminary Zoning Ordinance draft of Article VII concerning Planned Unit Development. The Planning Commission will continue work on articles.

OLD BUSINESS:

SET PUBLIC HEARING DATES: Set public hearing for Bayshore Steel Special Use Permit (Accessory Building) for May 17th, 2022.

SET/CONFIRM DATE OF NEXT PLANNING COMMISSION MEETING: Next Planning Commission meeting will take place on May 17th, 2022, at 7:00 pm.

PUBLIC COMMENT: Public comments open 8:11 pm,

- Resident praised the Planning Commission members for their outstanding job they have been doing will conducting meeting and official businesses concerning the recent lawsuits and zoning disputes.
- Residents disapproves of the Planning Commission approving the Planning Commission By laws and appointments at the evenings meeting.
- Resident gave suggestions for additional by laws for the Planning Commission.
- Rex Greenslade made comment into record that he believes that the budget workshop meeting on June 8th 2021 was when they began discussing the BRI Zoning Ordinance and he was absent for the Workshop which is why he does not remember viewing it.

Hayes Township Planning Commission
April 19, 2022
Regular Meeting
Zoom ID 836 1621 1385

108 public comments closed 8:21

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111 **ADJOURNMENT:** Ed Bajos made a motion, supported by Matt Cunningham, to adjourn the
112 meeting at 8:26 pm.

113 Yeas: Derek Burnett, Steve Bulman, Ed Bajos, Roy Griffiths, and Matt Cunningham.

114 Nays: none **Motion Carries**

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117 Respectfully Submitted by:

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120 April Hilton

121 Deputy Clerk/Recording Secretary

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Hayes Township Planning Commission
Special Meeting
May 3rd 2022
Regular Meeting

CALL TO ORDER: Chairperson Roy Griffiths called the meeting to order at 6:00 p.m.

Members present: Roy Griffiths (Chair), Ed Bajos, Matt Cunningham (Board of Trustee Representative), Marilyn Morehead, Rex Greenslade, Derek Burnett.

Excused: Steve Bulman

Also, present: Kristin Baranski (Clerk) and April Hilton (Recording Secretary).

Audience: Deb Narten, Doug Kuebler, Harry Golski, Danelle Hutcheson

REVIEW AGENDA: Ed Bajos made a motion, supported by Rex Greenslade, to approve the agenda as presented.

Yeas: Marilyn Morehead, Ed Bajos, Roy Griffiths, Derek Burnett, and Matt Cunningham.

Accused: Rex Greenslade

Excused: Steve Bulman

Nays: none **Motion Carries**

PUBLIC COMMENT: Public comments opened at 6:01 pm

- Interest in who will be appointed as the Planning Commission Representative to the ZBA.

public comments closed 6:02

DECLARATIONS OF CONFLICTS OF INTERESTS: None

RATIFY THE RECOMMENDATION (TO THE BOT) OF REX GREENSLADE TO SERVE AS PLANNING COMMISSION REPRESENTATIVE TO THE ZONING BOARD OF APPEALS:

Marilyn Morehead made a motion, supported by Matt Cunningham, to appoint Rex Greenslade as the Planning Commission representative to the Zoning Board of Appeals.

Yeas: Marilyn Morehead, Ed Bajos, Roy Griffiths, Derek Burnett, and Matt Cunningham.

Recused: Rex Greenslade

Excused: Steve Bulman

Nays: none **Motion Carries**

PLANNING COMMISSION COMMENT None

Hayes Township Planning Commission
Special Meeting
May 3rd 2022
Regular Meeting

36 **ADJOURNMENT:** Ed Bajos made a motion, supported by Marilyn Morehead, to adjourn the
37 meeting at 6:04 pm.
38 Yeas: Marilyn Morehead, Ed Bajos, Roy Griffiths, Rex Greenslade, Derek Burnett, and Matt
39 Cunningham.
40 Excused: Steve Bulman
41 Nays: none **Motion Carries**

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44 Respectfully Submitted by:

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47 April Hilton
48 Deputy Clerk/Recording Secretary
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13.1 Purpose

In addition to the uses permitted as a matter of right in each zoning district, this Ordinance allows the establishment of special land uses subject to the procedures, standards and regulations described in this Article. Applications for special use permits may be filed by any person owning property subject to an application.

Once approved, a special use becomes a permitted use on the property on which it is located, provided:

- a. It was approved by the Planning Commission in conformance with the provisions of this Chapter;
- b. It shall be deemed to affect only the lot, or portion thereof occupied by such use;
- c. It is built, operated and maintained in compliance with the provisions of this Ordinance, and any conditions imposed at the time of its approval; and
- d. It has not expired or terminated as provided in this Article.
- e. It is filed by the applicant with the Register of Deeds within 45 days of the special use permit being approved and includes a statement of all conditions agreed upon as a condition of approval. The special land use permit will not be issued until it has been recorded with the Register of Deeds. **The applicant must provide proof of recording with the Register of Deeds prior to the issuance of any permit.**

Approved special uses shall be valid for as long as the use continues in conformance with the terms and conditions of its approval.

13.2 Procedures

a. Application

Applications for special use permits shall be submitted to the Zoning Administrator no less than thirty (30) days before the date of the meeting at which the Planning Commission will consider the application.

Applications submitted less than thirty (30) days before such meetings shall not be accepted for consideration at such meeting and will be considered only at the Planning Commission's subsequent monthly meeting.

Applications must be accompanied by the materials and information described below:

1. A completed application form and application fee,
2. Ten copies of a site plan described in Article XII, and
3. A typewritten statement describing how the proposed special use will comply with the general standards for special use approval listed in this Article.

b. Publication and Delivery of Public Notices

Upon receipt of an application for a special use, one notice that the application has been received and a public hearing scheduled shall be published in a newspaper and shall also be sent by mail or personal delivery to the owner(s) of property subject to the application and to the owners and occupants of all property within ~~three~~ **five (5)** hundred feet of the property subject to the application.

The notice must be published and delivered not ~~more~~ **less** than fifteen ~~and not less than five~~ days before the date of the public hearing.

The notice shall 1) describe the nature of the special use being requested; 2) indicate the property subject to the request (an address, tax number, or legal description); 3) state the date, time and place

where the hearing will be held; 4) indicate when and where the application, site plan and other materials may be inspected by the public prior to the public hearing; 5) state when and where written comments will be received.

c. Planning Commission's Initial Review of Application

The Planning Commission shall review the application and site plan on the date described in the notice of receipt of same.

d. Planning Commission Decision on Application

Within a reasonable period of time after the public hearing, the Planning Commission shall approve, approve with conditions, or deny the application. The Planning Commission's decision shall be incorporated into a statement containing the conclusions relative to the special use considered and specify the basis for the decision and any conditions imposed.

At any point during its deliberations on an application, the Planning Commission may request that an applicant modify the site plan or present additional information deemed necessary before a decision on a proposed special use is granted. In such cases, the Planning Commission shall table consideration of the application until the amended site plan or additional information is made available by the applicant.

13.3 General Standards for Approval of Special Uses

Before approving, approving with conditions, or denying an application under the provisions of this Article, the Planning Commission must find that a proposed special use complies with the following standards and any other standards for specific special uses provided elsewhere in this Ordinance:

- a. The property subject to the application is in a zoning district in which the special use is allowed by district regulations;
- b. The special use, as proposed, complies with any specific standards applicable to that special use appearing elsewhere in this Ordinance;
- c. The proposed special use will be consistent with the intent and purpose of the Township's Land Use Plan, as well as the intent and purpose of the zoning district in which it will be located;
- d. The proposed special use will not result in the creation of demands on police and fire services or on other public services or facilities, in excess of the Township's financial ability to provide same;
- e. The proposed special use will not diminish the opportunity for surrounding properties to use and develop their property as zoned;
- f. The proposed special use will be designed, constructed, operated and maintained so as not to negatively impact the character of land uses in the surrounding area;
- g. The proposed special use will not involve uses, activities, processes, materials or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, ~~noise~~, smoke, fumes, glare, odors, or the accumulation of scrap materials; and **as permitted by other regulatory agencies.**
- h. The proposed special use will be harmonious with the existing or intended character of the general vicinity and will not be hazardous to existing or future nearby uses.

13.4 Conditional Approval

Reasonable conditions may be required by the Planning Commission with the approval of a special land use. Such conditions may include conditions necessary to: 1) ~~insure~~ **ensure** that public services, such as police, fire, ambulance and similar services are capable of accommodating increased service or facility loads caused by the land use or activity; 2) protect the natural environment and conserve natural resources and energy; 3) ~~insure~~ **ensure** the special use is compatible with adjacent uses of land and to promote the use of land in a socially and

economically desirable manner. Conditions imposed shall:

- a. Be designed to protect natural resources; the health, safety, welfare and social and economic well-being of those who will use the land use or activity under consideration as well as those residents and landowners immediately adjacent to the proposed land use; and the community as a whole.
- b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed special land use; and
- c. Be necessary to meet the intent and purpose of the Hayes Township Land Use Plan and Hayes Township Zoning Ordinance, and to ensure compliance with the standards contained in the Zoning Ordinance.

13.5 Reapplication

An application that has been denied by the Planning Commission shall not be resubmitted within one year of the date of denial unless an applicant presents evidence that; 1) the special use proposed in the new application is of a substantially different nature than that originally considered by the Planning Commission or 2) that conditions relating to land use and development in the area of the property subject to the original application have changed to such an extent so as to justify reconsideration by the Planning Commission.

13.6 Jurisdiction of Zoning Board of Appeals

The Zoning Board of Appeals has no jurisdiction over decisions by the Planning Commission on applications for special uses.

13.7 Performance Guarantee

The Planning Commission may require a performance guarantee in the form of cash, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township, covering the estimated cost of improvements associated with the special use to ensure that a special use complies with approval as granted.

If required as a condition of approval, a performance guarantee shall be provided by the applicant at the time approval is granted by the Planning Commission. If the performance guarantee is a cash deposit, it shall be rebated periodically by the Township Board on application by the depositor in reasonable proportion to the ratio of the work completed on the required improvements.

13.8 Compliance With Conditions of Approval Required

An approved special use shall be developed, constructed, maintained and operated in strict compliance with the approved site plan and any conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant and as approved by the Planning Commission.

13.9 Inspection and Certification Requirements

In the event improvements associated with the special use were designed by an architect or engineer, the applicant shall, following completion of construction, provide a statement, prepared by his or her engineer, certifying that all improvements have been constructed in compliance with approval as granted.

The Planning Commission may, as a condition of approval, assign such inspection duties to the Township's own independent professionals. In such cases, the cost for such inspections shall be born by the applicant.

13.10 Termination Provisions

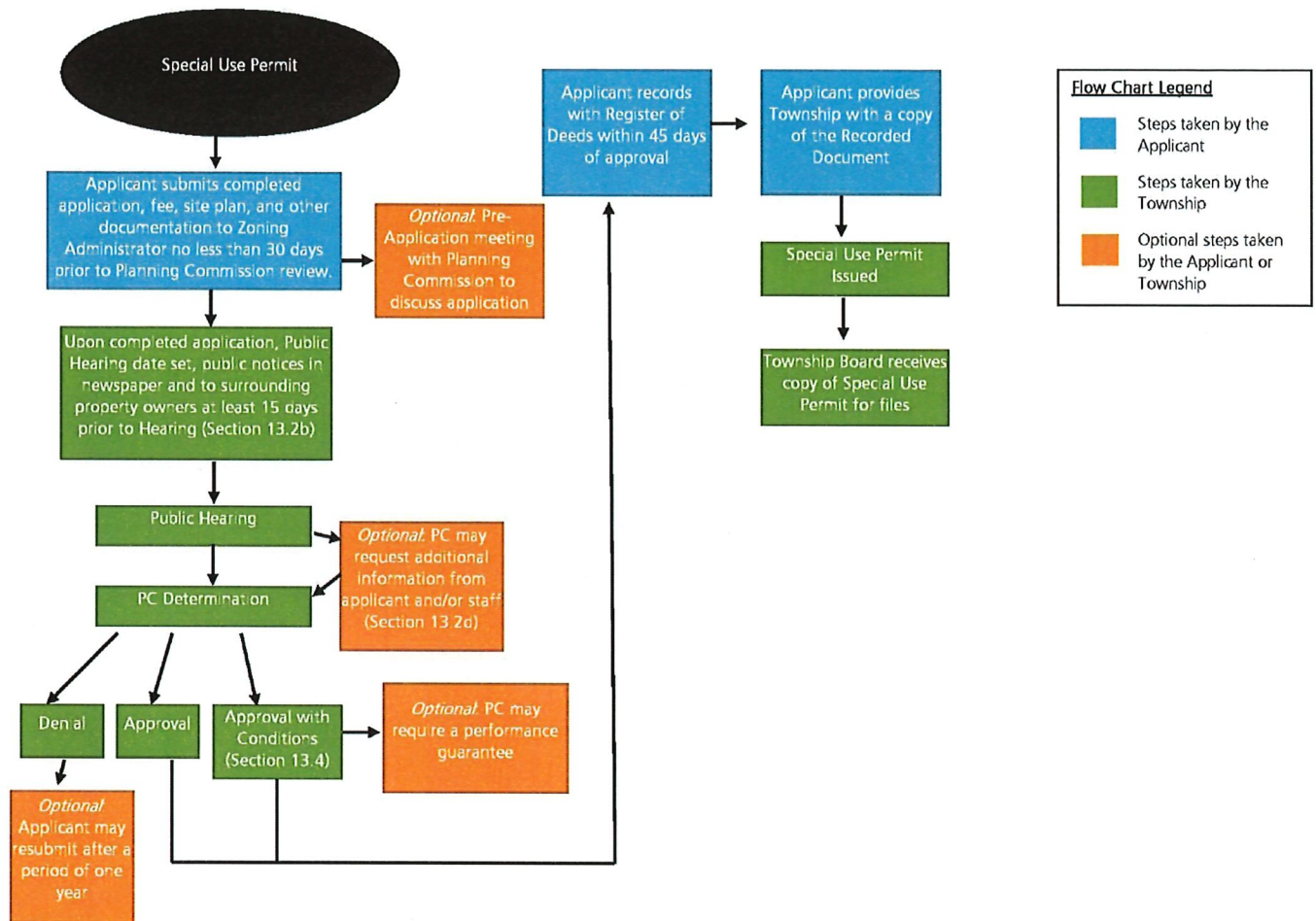
An approved special use shall remain valid for as long as the approved use continues to be maintained and operated in compliance with approval as granted by the Planning Commission. An approved special use shall expire and become null and void under any one or more of the following conditions:

- a. When a new special use is established that replaces or supersedes the previously approved special use,
- b. When the approved special use is replaced by a matter-of-right permitted use, and such approved

special use is included on a site plan approved by the Planning Commission or Zoning Administrator,

- c. When an applicant or property owner requests the rescinding or removal of the special use, and such request is documented by the Planning Commission, or
- d. When any conditions of approval are violated.

Figure 13.1 Special Uses: Approval Process, Article 13



Article XIII: Special Uses

Hayes Township Zoning Ordinance Current Text – January 2021

HAYES TOWNSHIP

09195 MAJOR DOUGLAS SLOAN ROAD

CHARLEVOIX, MICHIGAN 49720

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

IN THE MATTER OF : BAYSHORE STEEL WORKS:

The Hayes Township Planning Commission will conduct a public hearing at 7:00 pm on May 31, 2022 at the Hayes Township Hall located at 09195 Major Douglas Sloan Road. The purpose of this meeting is to consider an application for the construction an accessory (warehouse) allowed by special use permit in the I-1 Zoning District Section 4.12, 3, D, (Uses Subject to Special Use Permit) of the Hayes Township Zoning Ordinance of 2009 as amended, submitted by Bayshore Steel Works for property located at 06336 US 31 N, Charlevoix, Michigan, 49720, property tax ID **15-007-112-010-10**.

Interested parties may comment in person at the meeting or comment in writing: Hayes Township Zoning Administrator, 09195 Major Douglas Sloan Road, Charlevoix, MI. 49720, (231) 547-6961, or zoning@hayestownshipmi.gov. Written comments must be received by 5:00 pm. May 31, 2022.

Ronald J. VanZee

Hayes Township Zoning Administrator