

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
Zoom ID 836 1621 1385

- 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 Griffitts, 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 Griffitts, 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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Respectfully Submitted by:

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April Hilton

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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

ADJOURNMENT: Ed Bajos made a motion, supported by Marilyn Morehead, to adjourn the meeting at 6:04 pm.

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

Excused: Steve Bulman

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton
Deputy Clerk/Recording Secretary

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

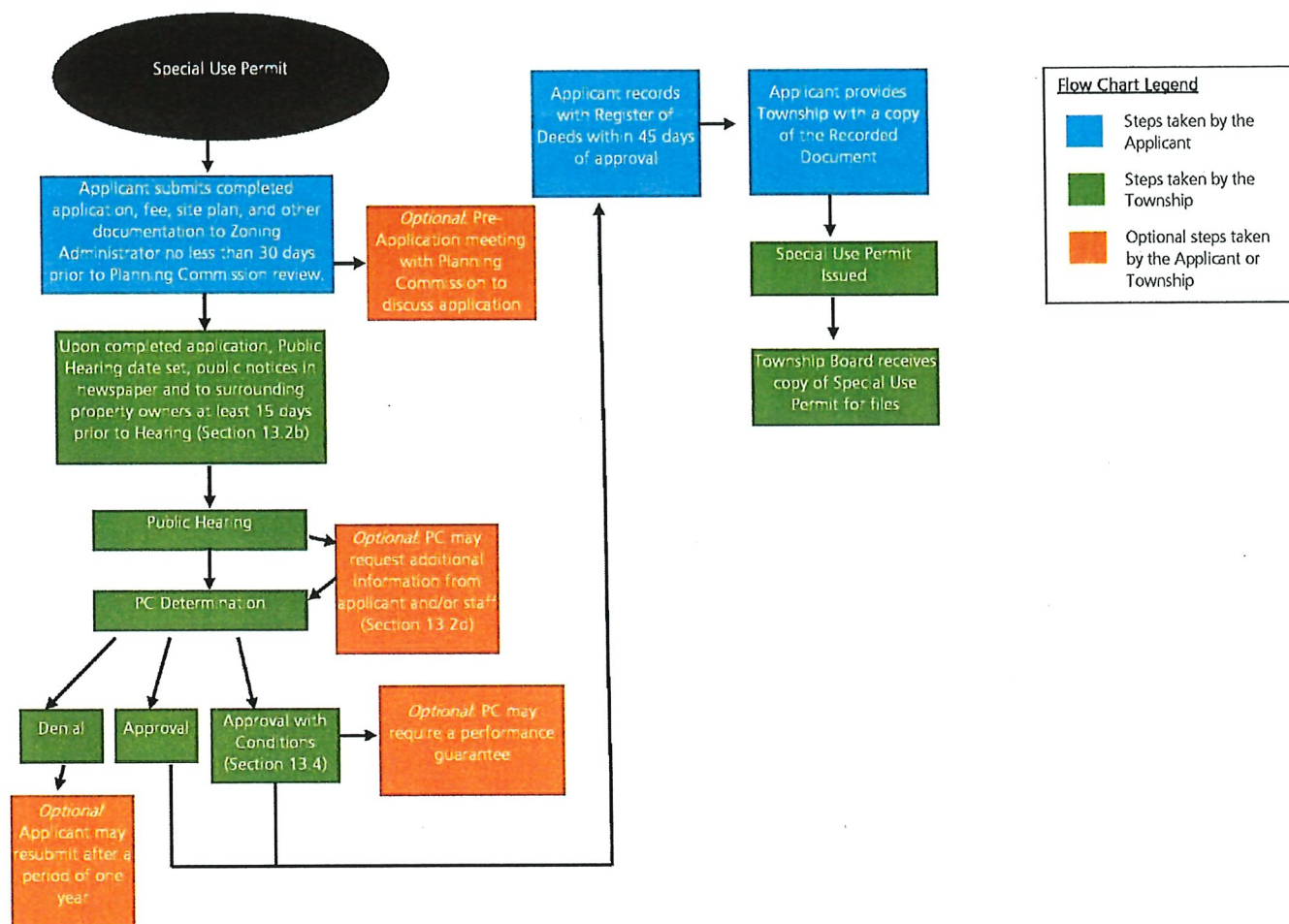
An approved special use shall remain valid for as long as the approved use continues to be maintained and operated in compliance with approval as granted by the Planning Commission. An approved special use shall expire and become null and void under any one or more of the following conditions:

- 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 XII

Site Plan Review

12.1 Purpose

The site plan review and approval process is intended to ~~ensure~~insure that land uses comply with zoning district regulations, other regulations and standards outlined in this Ordinance, and applicable county, state and federal statutes.

12.2 When Required

Site plan review and approval is required for the following uses:

- a. For all uses in all zoning districts except as indicated below.
- b. For all special uses in all zoning districts.

Site plans shall be submitted with all applications for ~~Special Use Permits~~special-use-permits. The review of such site plans shall be concurrent with the Planning Commission's deliberations on the application for ~~approval or denial of~~ special ~~use permits~~uses.

- c. For ~~PUDs~~PUD's.

A site plan shall be submitted at the time application is made for PUD approval. The review of the site plan shall be concurrent with ~~the Planning Commission's~~ deliberations on ~~the application for approval or denial of~~ Planned Unit Developments.

- d. For all site condominium and condominium subdivisions subject to the provisions of the Condominium Act (P.A. 59 of 1978, as amended).
- e. For all platted subdivisions subject to the provisions of the Land Division Act (P.A.591 of 1996, as amended).

12.3 When Not Required

Site plan review and approval is not required for the following:

- a. For single-family and two-family dwellings in any zoning district, with the exception of Accessory Dwelling Units (~~ADUs~~), ~~ADU's~~
- b. For agricultural buildings associated with agricultural operations permitted by right in the Agricultural and Residential zoning districts, or
- c. For home occupations permitted as matter of right in any zoning district.

12.4 Prohibitions on Excavation and Construction Activities Before Site Plan Approval is Granted

No grading, removal of vegetation, filling of land, construction of buildings, building foundations, driveways, roadways, walkways, parking areas, or other improvements of any kind are permitted until a site plan has been approved in accordance with the provisions of this Article.

12.5 Responsibility for Site Plan Review

The Planning Commission has sole responsibility for the review and approval of site plans.

12.6 Optional Pre-application Conference

Before submitting an application for site plan review, applicants are encouraged to meet with the Zoning Administrator or Planning Commission to discuss the site plan review process, to present a preliminary or conceptual site plan and to allow the Planning Commission to provide comments as to what portions of the site plan may be of special concern.

This optional, informal conference is intended to allow applicants to present concepts to the Planning

Commission, and to enable the Planning Commission to inform applicants of the Township's land use policies and other matters of specific interest or concern.

Statements made by applicants or the Planning Commission during pre-application conferences shall be for informational purposes only and not be legally binding.

12.7 Application and Review Process

Applications for site plan review shall be submitted to the Zoning Administrator not less than twenty (20) days before the meeting at which the applicant wishes the Planning Commission to consider the application. Applications submitted less than twenty (20) days prior to such meetings shall not be accepted for consideration and will only be eligible for consideration at the Planning Commission's following monthly meeting.

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

- a. A completed application form and application fee;
- b. An escrow fee. The Planning Commission may require the applicant to deposit money in escrow to cover actual costs of engineering, legal and planning consulting services during the review of applications; and
- c. Fourteen (14) copies of a site plan complying with the requirements of this Subsection. The site plan shall be an accurate, reproducible drawing at an accurate, reasonable scale showing the land subject to the application and all land within 100 feet of the land subject to the application.

Upon receipt of a completed application and site plan, the Zoning Administrator shall review the application and information submitted to determine if all required information has been supplied. If the Zoning Administrator determines that all required information has not been supplied, he or she shall send written notification to the Applicant of the deficiencies.

The Zoning Administrator will distribute copies of the site plan to all of the following agencies for review and comment:

1. The Charlevoix County Soil Erosion and Sedimentation Control Officer;
2. The Charlevoix County Drain Commissioner;
3. The Charlevoix County Road Commission and, if appropriate, the Michigan Department of Transportation;
4. The Northwest Michigan Community Health Agency;
5. Hayes Township fire and ambulance service providers;
6. The Michigan Department of Environmental Quality and/or Michigan Department of Natural Resources; and
7. Charlevoix County Planning Department.

Comments from reviewing agencies must be received in writing by the Zoning Administrator before the site plans will be distributed to the Planning Commission for consideration. In the event reviewing agencies have no comments or concerns, agency representatives may indicate same on their copies of the site plan with an appropriate comment and signature.

Upon receipt of agency comments, the Zoning Administrator may 1) forward the site plan to the Planning Commission for formal review or 2) return the site plan to the applicant for revisions as may be required for compliance with this Article. In the event a site plan is returned to an applicant, it shall be forwarded to the Planning Commission only following its revision in response to agency comments.

12.8 Content of Site Plans

Site plans shall illustrate the following features and information, unless waived by the Planning Commission for good cause:

- a. North arrow, scale, and date of original submittal and last revision;

- b. A vicinity map showing site on surrounding area;
- a. The name, address, phone number of the proprietor/developer;
- b. The name, address, phone number of the professional preparing the site plan, together with a seal to ensure it is legally binding;
- c. A legal description of the property;
- d. The acreage of the property subject to the application;
- c. The location of proposed and/or existing lot lines and dimensions of same;
- d. The zoning classifications of the subject parcel and ~~adjacent~~ adjoining parcels, including those parcels which are adjoining but are separated from the subject property by a road right-of-way;

The size of all yardspaces on the subject parcel, indicating conformance with front, side and rear building

- e. ~~The location of proposed and/or existing lot lines and dimensions of same;~~
- e. ~~Building~~ setbacks required by this Ordinance;
- f. ~~A topographical~~A grading plan showing finished contours at a minimum interval of 2 feet. Such grading plan shall indicate how the finished contours correlate, and correlated with existing contours ~~and so as to~~ clearly indicate cut and fill required (all finished contour lines are to be connected to existing contour lines at or before the lot lines);
- g. A detailed description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations. This description shall include the location of proposed retaining walls, dimension and materials of same, fill materials, typical vertical section, and plans for restoration of —adjacent properties, where applicable;
- h. The location and type of existing and proposed significant vegetation, including woodlots and individual trees eight (8) twelve inches and larger in diameter at breast height;
- i. The location and elevations of existing water courses and water bodies, including county drains, man-made surface drainage ways, 100-year flood plains, and wetlands;
- f. The location of any existing or proposed easements and/or covenants on subject property;
- j. The location of existing and proposed buildings and/or structures, as well as the length, width, height, and floor area (in square feet) of each building/structure and the distance between such buildings/structures;
- k. The location of all existing buildings or structures within 50 feet of the subject property;
- l. The proposed location of accessory structures, buildings, and uses, including, but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators, and similar equipment (details of the method of screening, where applicable, shall be included);
- m. The name, location, dimensions, and associated right-of-way of all existing and proposed streets (public or private) and typical cross section of same (cross section shall show surface, base, and sub-base materials); location and typical details of curbs; location, dimensions, and details of all passing lanes and deceleration/acceleration tapers or lanes; and the location, width, surface elevations, radii, and grade of all access points to the site;
- n. All driveways located within 100 feet of the site;
- o. The location and design of parking areas, ~~and~~ number and dimensions of parking spaces and unloading areas, including information on proposed curbing, barrier-free ~~access design, and dimensions for~~ parking space and signage, barrier-free ramps~~spaces~~, circulation aisles, and loading/unloading spaces;
- p. The design and dimensions for all exterior lighting, including any element relative to shielding light spillover onto adjacent properties and road-ways;
- q. The location and design of all sidewalks, walkways, bicycle paths, and areas for public use;
- r. The location, design, sizing, and easements related to all existing and proposed utility systems to be located on the site, including, but not limited to:
 - 1. Water lines and fire hydrants;
 - 2. Storm sewers;
 - 3. Sanitary sewer lines;
 - 4. Septic systems, if applicable; and
 - 1. Stormwater retention and detention areas
 - 5. And underground storage tanks.
- s. The location, size, and specifications of all signs (both freestanding and signs placed on or attached to buildings);
- t. The location and specifications for all fences, walls, and other screening features with cross sections;
- u. The location and specifications for all proposed perimeter and internal landscaping, and other buffering features (for each new landscape material, the proposed size at the time of planting must be indicated). All vegetation to be retained on the site must also be indicated, as well as its typical size by general location, or range of sizes as appropriate;
- v. The location, size, and specification for screening of all trash receptacles and other solid waste

disposal facilities; and

- w. The number of employees on largest shift (If shifts overlap, indicate the number of employees for the largest 2 shifts which overlap).

12.9 Planning Commission Options for Action

The Planning Commission shall approve, approve with conditions or modifications, or deny an application for site plan approval within a reasonable period of time following the Planning Commission's first consideration of same. The Planning Commission's decision shall be based on a finding of fact that shall be incorporated into a statement containing the conclusions relative to the standards for site plan approval outlined below and which specifies the basis for the decision and any conditions imposed. As part of the Planning Commission's review of the application, members of the Planning Commission may visit the location of the proposed site (consistent with the provisions of the State of Michigan's Open Meetings Act) and the applicant must provide reasonable access for such visit(s).

If the Planning Commission finds that the site plan complies with the provisions of this Article, the application and site plan must be approved. If the Planning Commission finds that the application and site plan do not comply with the provisions of this Article, then the application may be denied or approved with conditions ~~or denied~~.

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.

12.10 Conditional Approval

Reasonable conditions may be required with the approval of a site plan by the Planning Commission. These conditions may include, but not be limited to, those necessary to 1) ensure that public services, such as police, fire, ambulance and similar services are capable of accommodating increased service or facility loads caused by the proposed land use or activity 2) protect the natural environment and conserve natural resources and energy 3) ensure the use proposed on the site plan is compatible with adjacent uses of land and 4) promote the use of land in a socially and economically desirable manner consistent with the Hayes Township Master Plan.

~~When required, such conditions 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 for site plan approval outlined below.~~

If the Planning Commission denies an application for site plan approval, the reason(s) for such denial must be included in the Planning Commission's record of proceedings on the application.

12.11 Standards for Site Plan Approval

The Planning Commission's decision to approve, approve with conditions, or deny a site plan shall be based on the following criteria:

- a. Compliance with Zoning District Regulations
All buildings, structures, uses and improvements shall comply with land use, lot area, setback, parking, sign, landscaping, screening and other regulations and standards established by zoning district regulations and all other applicable regulations contained in this Ordinance.

b. Organization of Elements

All buildings, uses and improvements illustrated on the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character and use of adjoining property and the type and size of buildings.

The site shall be developed so as not to impede the normal and orderly development, improvement or

enjoyment of adjacent or surrounding property for uses permitted in this ordinance. All buildings, structures, driveways, internal circulation routes, parking and storage areas shall be designed and located so as to minimize potential adverse effects and impacts on adjacent and nearby properties.

c. Preservation of Natural Features, ~~and~~ Natural Landscape and Shoreland

Natural features (woodlots, wetlands, watercourses, ponds, shorelines, attractive vegetation etc.) shall be preserved and protected to the greatest extent possible. As many natural features of the landscape shall be incorporated into the design and layout of the site as possible so as to buffer it from adjacent incompatible land uses, to preserve the character of the surrounding area and community as a whole and to control soil erosion and storm-water~~stormwater~~ runoff.

d. Drainage Provisions

Special attention shall be given to proper site drainage so that stormwater runoff will not affect neighboring properties or overload watercourses in the area. Stormwater management systems shall be designed in accordance with professionally accepted principles, and shall provide on-site retention or detention facilities designed to hold runoff from a 50-year frequency storm event. Naturally occurring and pre-existing drainage ways may~~shall~~ be used for the movement of stormwater.

Discharge of stormwater runoff from any site which may contain oil, grease, toxic chemicals, or other hazardous substances or polluting materials is prohibited unless measures to trap pollutants meet the requirements of the Michigan Department of Environmental Quality, based upon professionally accepted principles.

Soil Erosion

Proposed developments or uses shall not result in soil erosion or sedimentation problems.

Screening and Buffering

Screening and buffering, in the form of native vegetative landscape plantings, existing vegetation, screen fences, and the like, may be required at the discretion of the Planning Commission to insure compatibility between a site and adjoining land uses.

Emergency Vehicle Access

All buildings, groups of buildings, and uses shall be arranged to allow emergency vehicle access to all improved areas during all seasons of the year under all weather conditions.

Pedestrian and Vehicular Circulation

Proposed driveway entrances and exits, parking areas, service drive and other internal circulation routes are located and arranged so as to insure the safety and convenience of pedestrian and vehicular traffic. If proposed by an applicant, or required at the discretion of the Planning Commission, or as otherwise provided in this Ordinance, pedestrian and bicycle pathways shall be insulated as completely as reasonably possible from the vehicular circulation system.

Compliance with Applicable County, State and Federal Statutes

Site plans shall conform to all applicable requirements of state and federal statutes. Site plan approval and an occupancy permit may be conditioned on the applicant receiving necessary state and federal permits applicable to wetlands, lakes, streams, floodplains, hazardous substances, groundwater discharges, stormwater discharges, and the like.

Certification of Approved Site Plan

Three copies of an approved site plan shall be signed and dated by the applicant and Zoning Administrator. One copy shall be provided to the applicant, one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file and one shall be made part of the Planning Commission's permanent record of proceedings on the site plan.

12.13 Modification of an Approved Site Plan

- a. Minor modifications to an Approved Site Plan may be approved by the Planning Commission by mutual agreement between the Township and applicants or successors in interest as follows:
 1. Reorientation of buildings provided no such structure is moved more than twenty-five (25) feet from the original plan location; the move is determined to be necessary based on site conditions not previously known; the intent, concept, and objectives of the Approved Site Plan are not circumvented; and no greater impact is exerted on adjacent properties.
 2. Redistribution of the dwelling units among the proposed structures, provided building heights are not increased, and the density of dwelling units is not increased.
 3. Minor realignment of roads, pedestrian ways, parking areas based on the need to respect site features (topography, soils, bedrock, vegetation) or to accommodate minor reorientation of buildings.
 4. Increase in total land area, with the additional undeveloped land to be protected open space or not proposed to be developed at the time of acquisition.
 5. Total land area increased by purchase of adjacent previously developed property, but the use of the newly acquired adjacent property is not proposed to change and is consistent with the previously approved uses for the Approved Site Plan.
- b. Major Modifications

Major modifications to an Approved Site Plan shall be subject to review and approval under a new application for an Approved Site Plan. Major modifications include, but are not limited to, increases in floor area of any building in excess of one-hundred twenty (120) square feet; or increases in the number of building sites, lots, or dwelling units; increases in land area occupied by non-residential uses; decrease in open space set-aside; or the addition of other buildings, structures, uses and improvements not originally included in the final Approved Site Plan.

12.14 Completion Requirements

Construction of all buildings and improvements, including roadways, walkways, parking areas, landscaping, screening, and the like, shall be completed within 18 months of initiation of construction unless an extension has been granted by the Planning Commission as specified below.

12.15 Expiration of Approval

Unless a zoning permit has been issued within one calendar year (365 consecutive days) of the date of site plan approval, approval shall expire and be of no effect unless the applicant and Planning Commission have mutually agreed to a six-month extension of approval. The Planning Commission may, by mutual consent with the applicant, grant additional six-month extensions at its discretion and at no cost.

12.16 Resubmittal Required ~~in The~~ Event of Expiration

If an approved site plan has expired as set forth above, no zoning or building permits for the development or use of the subject property shall be issued until a new application for site plan review has been filed and approved by the Planning Commission as is required for any application for site plan review.

12.17 Inspection and Certification Requirements

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

The Zoning Administrator may make a final inspection of the completed project to determine if it meets the approved site plan. 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 borne by the applicant.

12.18 Performance Guarantees

A performance guarantee in an amount equal to 1.25 times the cost of constructing improvements as determined by the applicant and verified by the Planning Commission or authorized consultant may be required to ensure completion of improvements subject to approval under this Article.

When a performance guarantee is required, it shall be deposited with the Township Clerk prior to the issuance of a zoning permit authorizing construction of approved buildings and improvements or prior to issuance of an occupancy permit in those cases where the guarantee is being required for improvements delayed due to weather conditions. The Township shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account.

If a performance guarantee is in the form of a cash deposit, it shall be rebated periodically by the Township on application by the applicant in reasonable proportion to the ratio of work completed on the required improvements.

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



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Message to the Planning Commission

1 message

LuAnne Kozma <luannekozma@gmail.com>
To: kristin baranski <clerk@hayestownshipmi.gov>

Tue, Apr 19, 2022 at 9:03 PM

Kristin,

Please offer my apology to the Planning Commission for misreading the 7.4 Vacancies incorrectly and saying that it was illegal.

You may read this into the minutes of the next meeting.

If they'll allow it.

LuAnne Kozma
9330 Woods Road
Charlevoix MI 49720