

Hayes Township, Charlevoix County, Planning Commission

Regular Meeting of the Planning Commission

July 18, 2023 7:00 pm

Hayes Township Hall

9195 Major Douglas Sloan Road

Charlevoix, Michigan 49720

<https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09>

+1 309 205 3325 US

Meeting ID: 836 0148 1092

Passcode: 068828

Call to Order

Pledge of Allegiance

Review of Agenda

Declarations of Conflict of Interest

Approval of June 20, 2023 Regular Meeting Minutes and June 27, 2023 Special Meeting Minutes

Public Comment 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

- Review Advisory Committee Report and Future Land Use Map
- Begin Review of Zoning Ordinance Draft

Old Business

Set/Confirm Public Hearing Dates

Set/Confirm Date of Next Planning Commission: August 15, 2023 at 7:00 pm

Public Comment

Planning Commission Comment

Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers two opportunities for the public to comment at its meetings, once near the beginning and once near the end. This affords the Planning Commission the opportunity to hear your views and remarks. If you speak, you should not expect to engage the Planning Commission members or any staff in discussion or debate.

Planning Commission Members will not respond to comments made during the Public Comment unless it becomes necessary to ask a clarifying questions, correct a factual error, or to provide specific factual information.

Questions about Township matters are best directed to individual Board members or Township staff (Planner, Zoning Administrator, or Assessor) between meetings. Contact information is available on the township website at: hayestownshipmi.gov.

The availability of public comment is recognized by the Michigan Open Meetings Act. The Act provides that rules may be adopted for orderly comment from the public. To that end, the following rules have been established by the Planning Commission:

1. A person who wishes to speak during Public Comment will sign in and signify that they would like to speak on the form.
2. The person will begin by stating their name, spelling it out if requested.
3. The person addresses the Chairperson, or other person chairing the meeting, on behalf of the entire Planning Commission. Public comment is NOT to be addressed to individual Planning Commission members, to any township staff present, or to other members of the audience.
4. There is a three (3) minute time allotment for each speaker. The time limit may be extended by the Chairperson or majority of the Planning Commission members present. If a speaker uses less than three (3) minutes, they may not use the remaining time at that Public Comment. A speaker may speak only once at each Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker.
5. A speaker will be out of order if the speaker disrupts the meeting, fails to be germane, speaks longer than the allotted time, uses vulgarities or makes a personal attack on a Planning Commission member or Township employee that is unrelated to the performance of that person's duties.
6. If a speaker is called out of order, that speaker will not be able to speak again at the same meeting except by special leave of the Planning Commission. If the speaker continues to disrupt the meeting or is disorderly, law enforcement will be called to remove the speaker.
7. The Chairperson, or other person chairing the meeting, will have the discretion to permit members to speak at times other than the times reserved for Public Comment.

Hayes Township Planning Commission
June 20th, 2023
Regular Meeting
Zoom ID 836 0148 1092

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

Members present: Roy Griffiths (Chair), Steve Bulman, Derek Burnett, Marilyn Morehead, Rex Greenslade and Matt Cunningham

Excused: Ed Bajos.

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

Audience: Ellis Boal, John McMahon, LuAnne Kozma, CT Martin, Jerry Augustine, Janet Simon, Betty Henne, Chelsea Mills, Mel Czechowski, Jennie Silva, David Kemme, Jim Pemberton, and Doug McCombs.

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

REVIEW AGENDA:

Mr. Greenslade made a motion, supported by Ms. Morehead to approve the agenda as presented.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Matt Cunningham, Rex Greenslade, and Marilyn Morehead

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

APPROVAL OF MINUTES MAY 16TH, 2023 REGULAR MEETING

Ms. Morehead made a motion, supported by Mr. Burnett, to approve the May 16th, 2023, regular meeting minutes as corrected.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Matt Cunningham, Rex Greenslade, and Marilyn Morehead.

Nays: none **Motion Carries**

PUBLIC COMMENTS UNRELATED TO AGENDA ITEMS:

Public comments opened at 7:02 pm.

- Resident believes the first public comment should include agenda items. Also, would like to see the planning commission add site plan reviews to the agenda for the evening.

- Resident informed the audience and planning commission of a court hearing in process.

Public comments closed at 7:08pm

Hayes Township Planning Commission
June 20th, 2023
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REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Next meeting July 12th, 2023.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

NA

ZONING ADMINISTRATOR REPORT:

Written report available at Hayes Township Hall.

NEW BUSINESS-

ADVISORY COMMITTEE REPORT:

Advisory Committee members presented the Planning Commission and audience with their recommendations for the Future Land Use Map.

The Planning Commission discussed and asked Advisory Members questions to develop the best understanding of each division. To create a Future Land Use Map that will benefit the township for future generations.

The Process of redrafting the Future Land Use Map in a long timeline. However, the Advisory Committee recommendations is a great start, and all their hard work is appreciated.

SHORELAND PROTECTION SUBCOMMITTEE REPORT- 11667 PA BA SHAN:

Mr. Greenslade made a motion, supported by Ms. Morehead, to approve amending the Site Plan Review for this Site Plan Review only.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Matt Cunningham, Rex Greenslade, and Marilyn Morehead.

Nays: none **Motion Carries**

Planning Commission members requested a 10-minute recess beginning at 8:05 Meeting will resume at 8:15.

Mr. Bulman made a motion, supported by Mr. Greenslade to recess the Site Plan Review for a special meeting on Tuesday 27th 2023 at 7:00 pm to review this application.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Matt Cunningham, Rex Greenslade, and Marilyn Morehead.

Nays: none **Motion Carries**

Hayes Township Planning Commission
June 20th, 2023
Regular Meeting
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ACCESSORY DWELLING UNITS:

Planning Commission members discussed the ADU section of the Zoning Ordinance and the possibility of amending the ordinance to address the housing needs of families within the community.

Planning Members agree each zoning district needs to be address individually and at use by right when amending the ADU section of the Zoning Ordinance.

The Planning Commission will be working with Housing North to create a revised draft of the Accessory Dwelling Unit (ADU) section of the Zoning Ordinance, for the Planning Commission members to review at a future meeting.

OLD BUSINESS-

SET/CONFIRM PUBLIC HEARING DATES:

None

SET/CONFIRM DATE OF NEXT PLANNING COMMISSION MEETING:

Next Planning Commission meeting will take place on June 27th, 2023, at 7:00 pm.

PUBLIC COMMENT: Public comments open 8:50 pm.

Comments included:

- Resident questioned the plan for the Master plan review and if the Zoning Ordinance redraft is on hold.
- Resident reached out to two Planning Commission members to amend the agenda item for the Site Plan Review and would like to know why those two members did not act on their request.
- Resident provided their employer Rieth Riley's comments and abjections of the Advisory Committee recommendations to the Planning Commission. More specifically some of the language choices in the draft will decrease value of Rieth Riley land and they feel that the recommendations favor other residents and penalize another. Also feels that the recommendations decrease the communities view on Rieth Riley business.
- Resident stated he agrees with Roy's statement that the consent judgement with Rieth Riley does in fact determine everything. Also believes there should be an advisory committee meeting to correct the language error in the committees report to the Planning Commission.
- Resident read the definition of mining to the Planning commission. And is concerned for the potential for developing the land after the mining land is recommended.

Hayes Township Planning Commission
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- Resident would like the public comment timer to start after the resident states their name. Also, would like to know if the language change for ADU's portion of the zoning ordinance will be posted for review by the residents.
- Housing North representative thanked the Planning Commission for reviewing the ADU section of Hayes Township Zoning Ordinance.

Public comments closed 9:06pm.

PLANNING COMMISSION COMMENT:

- Roy Griffiths stated the language is an issue and they will be working on adjusting these errors, however, must work carefully along with the consent agreement. He appreciates everyone's hard work.
- Rex Greenslade is disappointed all the Advisory Committee discussion and work is being boiled down to discussion on one wrong word. Suggested working with Rieth Riley to better the wording of the Future Land Use Map within this section.

ADJOURNMENT: Mr. Greenslade made a motion, supported by Ms. Morehead, to adjourn the meeting at 9:10 pm.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Marilyn Morehead, Rex Greenslade, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary

Hayes Township Planning Commission
Special Meeting
June 27th, 2023
Regular Meeting
Zoom ID 836 0148 1092

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

Members present: Roy Griffiths (Chair), Steve Bulman, Derek Burnett, Marilyn Morehead, Rex Greenslade and Matt Cunningham

Excused: Ed Bajos.

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

Audience: Doug Kuebler and Betty Henne

REVIEW AGENDA:

Mr. Greenslade made a motion, supported by Ms. Morehead to approve the agenda as presented.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Matt Cunningham, Rex Greenslade, and Marilyn Morehead

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

PUBLIC COMMENTS:

Public comments opened at 7:01 pm.

No Comments

Public comments closed at 7:01pm

SHORELAND PROTECTION SUBCOMMITTEE REPORT- 11667 PA BA SHAN AND SITE PLAN

REVIEW OF SHORELINE PROTECTION STRIP PLAN PROPOSED CINTINUATION:

Mr. Greenslade made a motion, supported by Mr. Cunningham to approve the shoreland protective strip site plan review with the conditions that the owner will have to receive approval by Tip of the Mitt for any plants and the condition that the shoreline protection strip remain in a natural state.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Marilyn Morehead, Rex Greenslade, and Matt Cunningham.

Nays: none **Motion Carries**

PLANNING COMMISSION COMMENT:

Planning Comment included encouragement to bring up advisory group discussion points at next meeting.

Hayes Township Planning Commission
Special Meeting
June 27th, 2023
Regular Meeting
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ADJOURNMENT: Ms. Morehead made a motion, supported by Mr. Cunningham, to adjourn the meeting at 7:13 pm.

Yeas: Derek Burnett, Steve Bulman, Roy Griffiths, Marilyn Morehead, Rex Greenslade, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary

**HAYES TOWNSHIP
ZONING ADMINISTRATOR REPORT
JULY 2023**

Issued zoning permit for a semi-in-ground pool with deck surround at 09190 Burgess Road.

Issued zoning permit for a new single family residence at 7423 Major Douglas Sloan Road.

Issued zoning permit for a new single family residence with attached garage and covered porch at 10611 Maple Grove Road.

Issued zoning permit for a 30' x 40 accessory structure at 10367 Burnett Road.

Issued zoning permit for a new single family residence with attached garage and deck at 11667 North Pa Ba Shan Trail.

Issued zoning permit for a residential addition including two porches at 07644 Indian Trails.

Issued zoning permit for to repair an existing deck at 07690 Indian Trails.

Received and reviewing application for zoning permit for removal of existing residence and construction of a new single family residence at 07948 Indian Trails. Shoreland review committee reviewing greenbelt plan.

Approved parcel division application for property located at 06497 Woods Creek Drive.

Working with citizen on a complaint about a neighbors building over the property line on Shrigley Road.

Working with citizen on a complaint about a neighbor building a fence over the property line on Burns Road.

Working with property owners on Maple Grove Road about multiple families living in a single family dwelling.

FUTURE LAND USE

At present, Hayes Township is a scenic lakefront township which is primarily forested, agricultural and rural residential in the interior portions of the Township. Lakeshore living is available along the shores of Lake Michigan, Lake Charlevoix and Susan Lake. While active agricultural uses have declined from historic levels, the remaining active farms and the associated "open space" are highly valued by the local residents.

Through land use planning and land use controls, Hayes Township intends to work to ensure that the shorelines are protected, the existing agricultural, rural residential and recreational uses can continue, and reasonable growth can be accommodated with minimal land use conflicts or negative impacts. Based on the social, economic and environmental characteristics of the Township, ten general categories of land use, and one overlay, have been identified to serve existing and future development needs. These categories are listed below:

- » Farm / Forest
- » Conservation
- » Residential – Rural
- » Residential – Waterfront
- » Residential -Settlement
- » Residential – Resort
- » Tribal
- » Institutional
- » Commercial
- » Light Industrial
- » Utility
- » Mining Impaired

Farm/Forest

The Farm/Forest land use category has been designated consistent with the Township's goal to encourage farmland preservation and to recognize the importance of economic viability of farming and forestry operations. The Township will encourage innovative methods of preserving farmlands, farming, open space, natural resources, and the rural character of the Township, and at the same time assist landowners who want to reduce or discontinue farming. The methods could include innovative zoning provisions that allow for the preservation or conservation of essential natural resources, farmland, or open space, such as innovative agricultural tourism related businesses. Some methods which other communities have employed to help protect and preserve agricultural land while protecting a landowner's economic investment, include the Purchase of Development Rights (PDR), Transfer of Development Rights (TDR), clustering requirements for non-agricultural uses, and tax breaks or incentives for continuing agricultural use. It is recommended that these alternatives be investigated for possible application in Hayes Township, to balance economic rights with agricultural preservation goals.

Conservation

The Conservation category includes land owned and/or protected by a land conservancy under conservation easements.

Residential - Rural

A Residential-Rural land use category has been designated consistent with the Township's goal to "retain the township's rural and scenic character, while providing for suitable housing opportunities..." While the designation of the Rural Residential land use category will not prevent the conversion of farmland to other uses, it will help to control the scale and rate of conversion and direct attention to areas where farmland conversion may be an issue. The Residential -Rural category is intended to have a minimum lot size of five acres.

Residential - Waterfront

The Residential-Waterfront category is designed to accommodate single family dwellings on lots ranging from one-half to two acres and is primarily located in the vicinity of Lake Michigan and Lake Charlevoix. This development is located on roads with light vehicular traffic. No municipal water or sewer service is anticipated to be available in the near future. Additional provisions are recommended to be incorporated into the Zoning Ordinance to allow for a cluster development pattern to avoid or minimize development impacts on environmentally sensitive areas, forests or farmland. This Residential land use category strives to maintain an ecologically sound balance between human development activities and retain the Township's scenic waterfront character. Other zoning provisions, such as, the use of shoreline protection and preservation buffers may be used to manage this sensitive zone along the waterfront. The Residential - Waterfront category is intended to have a minimum lot size of two acres.

Residential - Settlement

The Residential-Settlement category recognizes the presence of smaller lot platted and unplatted residential developments, such as the Bayshore community, the small neighborhood adjacent to Susan Lake, and Lake Michigan Heights. These neighborhoods have a higher density per acre than the

balance of the Township and have a design unique to traditional residential neighborhoods with smaller lots and a network of streets. Minimum lot sizes range from 5,000 to 10,000 square feet.

Residential - Resort

The Residential - Resort land use category is primarily designed to accommodate large scale private residential -recreation developments, such as the Charlevoix Country Club and Dunmaglas. It is recognized that these recreation-based residential developments provide open space as part of their site master plans by clustering dwelling units. The density of residential uses in these developments are managed through the planned unit development process and/or development agreements.

Tribal

Properties under the ownership and sovereign control of the Little Traverse Bands of Odawa Indians.

Institutional

Properties owned by a governmental unit such as Township Hall and Camp Sea Gull Park.

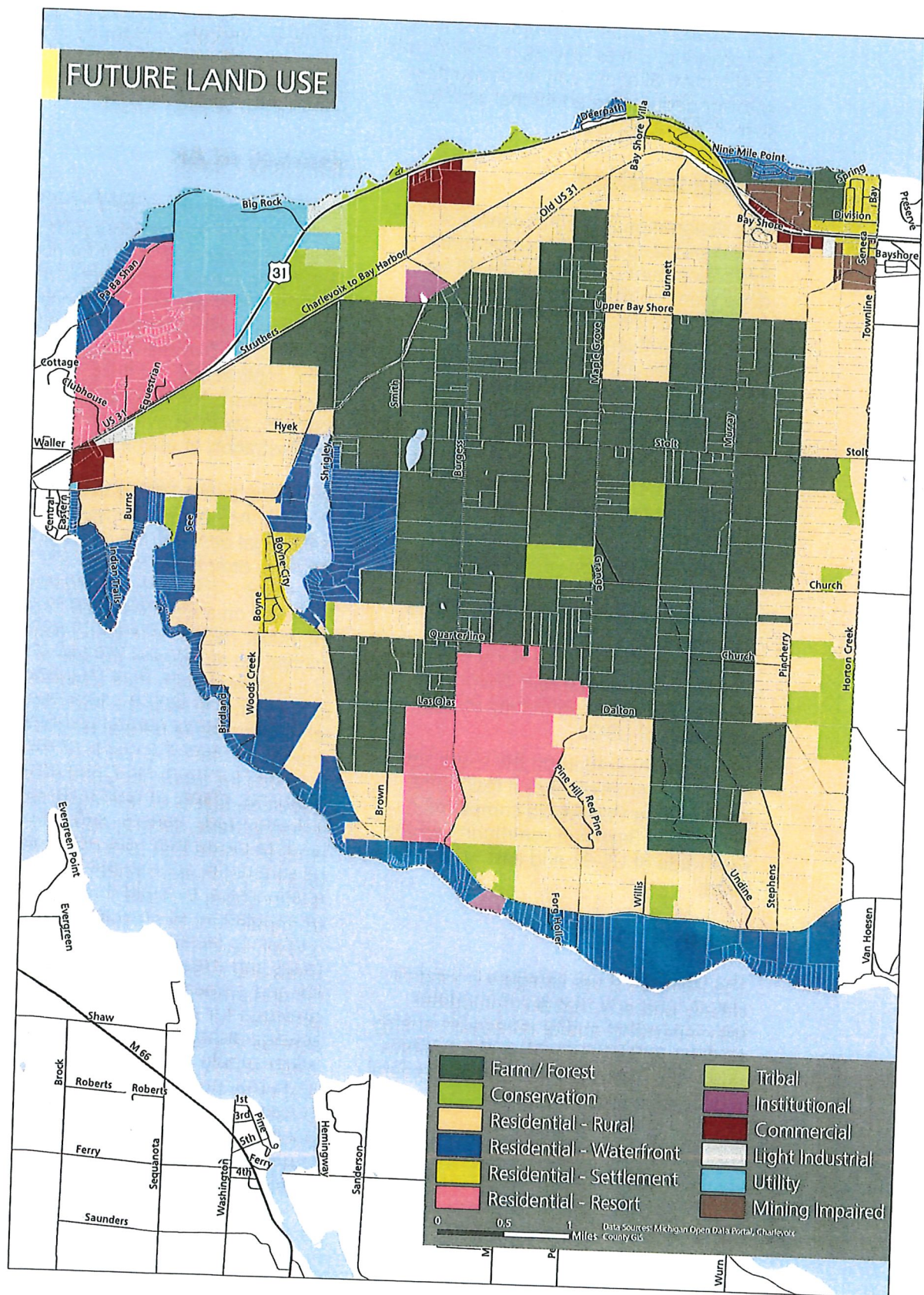
Commercial

The Commercial category is designated to accommodate small to moderate scale commercial needs of the Township. This area exists in three locations: on US-31 just west of Bay Shore, at the vicinity of the intersection of Burgess and US-31, and on the southside of US-31 near the Charlevoix Township line.

Light Industrial

Light Industrial category is designated to accommodate light industrial uses compatible with the limited availability of utilities and the environmental sensitivity of much of the Township. Light industrial uses are typically less intensive than general or heavy industrial uses, and may include storage and distribution, research and development,

FIGURE 2: FUTURE LAND USE MAP



and contractor establishments. Due to the availability of industrial property in the adjacent communities of Charlevoix and Petoskey, where appropriate services are provided, Hayes Township believes the local industrial needs can be adequately without designating additional land for such in this Township.

Mining Impaired

This designation is used to denote surface gravel and sand extraction operations. Redevelopment of these lands will be dependent on the scope and extent of reclamation activities, foundation limitations influenced by depth to groundwater, and on-site waste disposal options. Land use options could include residential, commercial, warehousing, and open space, conservation and passive recreation, all of which would be subject to special land use conditions intended to minimize unfavorable impacts to adjacent residential land uses.

The quarry operation on the north side of US-31 is envisioned to accommodate commercial and warehousing activities that would be non-intrusive to the adjacent residential uses along Michigan Shore Drive and Nine Mile Point Drive, and the Bayshore community on the north side of US-31.

The quarry operation on the south side of US-31 is envisioned as a residential development that would complement the existing Bayshore community on the south side of US-31 and east of Townline Road.

Utility

The Utility land use category is used to classify property that accommodates non-renewable and/or renewable energy facilities and equipment, and properties under the ownership of state and federal regulated energy companies.

FUTURE LAND USE MAP

The Future Land Use Map on the previous page illustrates the geographic extent of the future land use categories. The Future Land Use Map is a policy tool for zoning decisions necessary to implement the community's desired future.

ZONING PLAN

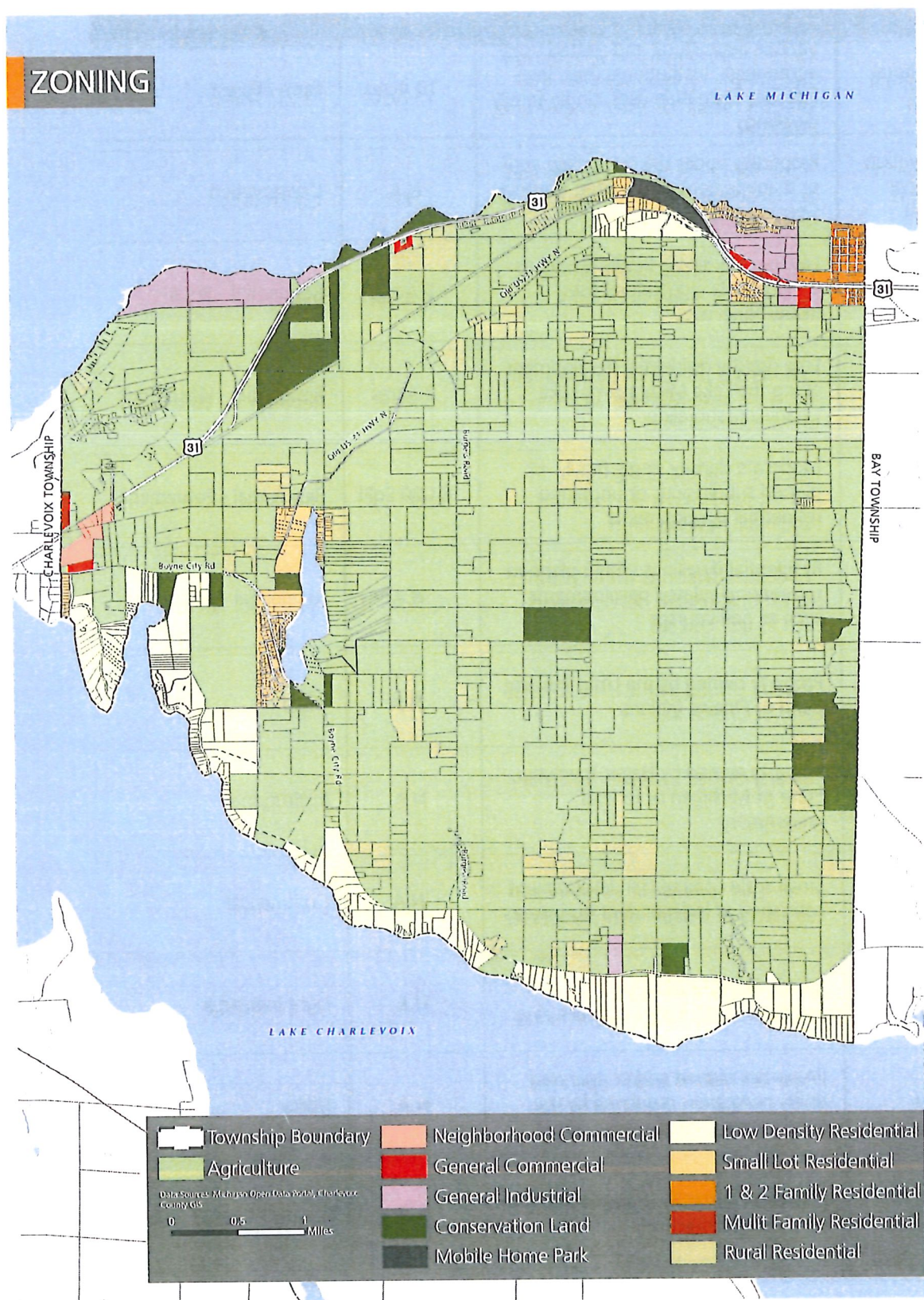
A Master Plan is developed to provide a vision of the community's future. It is designed to serve as a tool for decision making on future development proposals. A Master Plan will also act as a guide for future public investment and service decisions, such as the local budget, grant applications, road standards development, community group activities, tax incentive decisions, and administration of utilities and services.

According to the Michigan Zoning Enabling Act, comprehensive planning is the legal basis for the development of a zoning ordinance. Section 203 of the Act states: "The zoning ordinance shall be based on a plan designed to promote the public health, safety and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to conserve natural resources and energy, to meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to insure that uses of the land shall be situated in appropriate locations and relationships, to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion of the public roads and streets, to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements, and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous use of land resources, and properties."

TABLE 1: ZONING DISTRICTS AND ASSOCIATED FUTURE LAND USE

Zoning District	Uses (general)	Lot Size (minimum)	Future Land Use Category
Agricultural (A)	Various agricultural and related uses, agritourism, institutional uses, low-intensity recreation uses, single-family dwellings	10 Acres	Farm / Forest
Conservation Reserve (CR)	Properties under the ownership and/or management of the Little Traverse Conservancy	N.A.	Conservation
Rural Residential (RR)	Low density single-family dwellings on large lots, agricultural uses, institutional uses	5 Acres	Residential - Rural
Low Density Residential (R-1)	Low density residential development along the Lake Michigan or Lake Charlevoix shoreline	2 Acres	Residential - Waterfront
Small Lot Residential (R-2)	Moderate density single family in platted subdivisions or unplatted residential developments	8,000 SqFt	Residential - Settlement
Planned Unit Development (PUD)	Residential dwellings within planned recreational-related developments such as golf courses	N.A.	Residential - Resort
Regulated by Tribal Planning and Zoning	Property owned by the Little Traverse Band of Odawa Indians	N.A.	Tribal
Conservation Reserve (CR)	Property owned by Hayes Township, State of Michigan or federal government	N.A.	Institutional
General Commercial (C-2)	Small scale commercial development consisting of independent businesses	N.A.	Commercial
General Industrial (I-1)	Warehousing, contractor establishments, light manufacturing	N.A.	Light Industrial
New	Properties owned and/or operated utility companies regulated by the state and/or federal government	N.A.	Utility
New	Properties currently or previously used for mineral extraction.	N.A.	Mining Impaired

FIGURE 3: ZONING MAP



The Zoning Ordinance is the most important tool for implementing the Master Plan. Zoning is the authority to regulate private use of land by creating land use zones and applying development standards in various zoning districts. Hayes Township is covered by the Hayes Township Zoning Ordinance regulating land use activities.

In accordance with the Michigan Planning Enabling Act, the Master Plan includes a zoning plan to guide future actions and amendments. Table 1 relates the future land use categories to the established zoning districts. Following the table are proposed zoning changes that have emerged through the master planning process.

PROPOSED ZONING MODIFICATIONS

The master planning process has revealed a number of zoning priorities that require review and updating to reflect current trends and established goals. The items presented below represent the issues the Township will explore to meet the evolving needs of the community.

Mining Impaired

This would be a new zoning district established to govern the land uses that would be allowed once the quarries north and south of US-31 are no longer mined. The district would differentiate land uses by location. The quarry north of US-31 would be designated for general commercial and warehousing. The quarry south of US-31 would allow for residential uses only. All uses regulated in this district would be subject to a Special Land Use Permit (SLUP) in order to evaluate any potential impacts to nearby residential developments.

Utility

This district would cover property owned by state and federal regulated utility company. Allowable uses would be utility-related such as transmission lines, power generation, warehousing, storage yards, and offices.

Water Quality

The quality of water resources, both surface and ground, is a foundation to the community's identity. However, protecting water quality while maintaining private property rights is a delicate balance. The Township will review its existing waterfront regulations and gather input from the community and Tip of the Mitt Watershed Council to identify improvements to the zoning ordinance that effectively achieve this balance while respecting individual land owners.

Preserve Farmland and Open Space

In order to prevent the fragmentation of open space and large tracts of land, the Township will explore the transfer of development rights through planned unit developments to reduce the development pressure land owners may face. Furthermore, the Township will look to maintain the viability of agricultural operations by reviewing its value-added agricultural uses. It will explore increased setbacks to reduce the potential for conflicts by increasing the setbacks between agricultural and residential uses.

