

Hayes Township Planning Commission
May 6th, 2024
Public Hearing Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

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

Members present: CT Martin, Mark Snyder, Matt Cunningham, Roy Griffiths (Chair), and Marilyn Morehead.

Excused: Derek Burnett and Rex Greenslade.

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

Audience: Luanne Kozma, Ellis Boal, Kevin Willis, Tim Boyko, Elliot Falls, Theresa Love, Jackson Love, Mark McCarol, Andrew Wilson, and Bill Conklin.

PLEDGE OF ALLEGIANCE:

REVIEW AGENDA:

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

Yeas: Matt Cunningham, Roy Griffiths, Mark Snyder, CT Martin, and Marilyn Morehead.

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

PUBLIC COMMENTS:

Public comments opened at 7:01 pm.

Comments included:

- Stated following the Zoning Ordinance is important and is there to avoid lawsuits. Made comments on last months Planning Commission meeting, and the decision made on the Site Plan Review.

Public comments closed at 7:06 pm

New Business:

PUBLIC HEARING:

Application by Dewitt Marine for a Special Use Permit to allow development and operation of a boat sales and service operation located at US 31 North, Tax ID 15-007-118-015-50 and 15-007-118-015-60.

Public Hearing opened at 7:06pm

Applicant presented the proposed plan for the three stages of the Special Use Permit. With a brief background of Dewitt Marine as a company.

Zoning Administrator presented the sections of the Zoning Ordinance that should be considered when looking at granting this Special Use Permit.

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Public Comment Open at 7:16pm

Comments included:

- Stated they support comments attached. Asked why display for boats have already been placed on parcel without a permit. Stated a large sign should not be allowed because the Rod and Gun Club was not allowed a larger sign.
- Support Dewitt Marine having a show room, only concerned about the land between the easement and road being used for display and is interested in hearing the discussion tonight.

Public Comment Closed at 7:21 pm

Planning Commission review the correspondence submitted before the meeting.

Correspondences are attached.

Public Hearing Closed at 7:29pm

Planning Commission discussed the proposed plan for the Special Use Permit.

Discussion included:

- Whether or not signs and/or display pads can be placed in the area between the Easement and road in the road right away zone.

Planning Commission reviewed the Standards for granting a Special Use permit.

A. Allowed Special Land Use

The property subject to the application is located in a Zoning District in which the proposed special land use is allowed.

YES

Compatibility with Adjacent Land Uses

- B. 1) The proposed use subject to a special use permit shall be designed, constructed, operated, and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.

YES

- 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

YES

- 3) If deemed necessary by the Planning Commission,

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the hours of operation that the special use is allowed to operate, be open or otherwise occur, shall be imposed as a condition of approval to ensure compatibility with the surrounding land uses.

C. Public Services

- 1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.

YES

- 2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

YES

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

YES

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

YES

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance.

YES

G. Conditional Approvals

The Planning Commission may impose reasonable conditions with the approval of a special use permit, pursuant to **Section 9.03** of this Ordinance.

H. Performance Guarantee Required

The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a special use permit, pursuant to **Section 9.06** of this Ordinance.

NO

Planning Commission performed a Plot Plan Review.

Section 5.02 - Plot Plan

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to

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scale, showing the following:

1. The shape, location, and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.

YES

2. The location, shape and size of all buildings or other structures to be erected, altered, or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to confirm the height of the proposed structures.

FIRST OF SEVERAL PHASES, ALL PHASES MUST CONFORM TO THE ZONING ORDINANCE.

3. The location and configuration of the lot access and driveway, drawn to scale.

YES

4. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

N/A

5. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

YES

Planning Commission reviewed all documents that were submitted for review.

1. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

- A. The name and address of the property owner. **YES**

- B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more. **YES**

- C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description. **YES**

- D. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height. **YES**

- E. The location and width of all abutting rights-of-way, easements, and utility lines within or bordering the subject project. **YES**

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- F. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features. **YES, WETLANDS WILL BE DETERMINED BY STATE.**
- G. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names. **YES**
- H. The existing zoning district in which the site is located and the zoning of adjacent parcels. **YES**
- I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls. **N/A**
- J. The location, size and slope of all surface and subsurface drainage facilities. **YES**
- K. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information: **YES**
 - 1) The number of units proposed, by type, including a typical floor plan for each unit.
 - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - 3) Typical elevation drawings of the front and rear of each building.
- L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less. **YES**
- M. Generalized soil analysis data, which may include data prepared by the Charlevoix County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils. **NOT REQUIRED.**
- N. All site plans shall comply with the terms of any applicable soil erosion sedimentation and stormwater runoff control ordinance. It shall be the applicant's responsibility to provide documentation of compliance with any applicable ordinance. **YES**
- O. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses. **YES**
- P. The impact statement shall address the following as applicable to the type of use:
 - 1) A complete description of the proposed development including areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable. **YES**
 - 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development. **YES**
 - 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment. **YES**

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O. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for site plan approval shall not proceed until all required information has been supplied. Once a complete application meeting the requirements of this ordinance has been submitted, the Zoning Administrator shall introduce the application at the next meeting and place on the agenda for the following regular meeting. **YES**

P. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval. **YES**

- 1) The Charlevoix County Planning Department
- 2) The Charlevoix County Soil Erosion and Sedimentation Control Officer
- 3) The Charlevoix County Drain Commissioner
- 4) The Charlevoix County Road Commission and, if appropriate, the Michigan Department of Transportation
- 5) District Health Department
- 6) Local fire and ambulance service providers

Q. For all waterfront development requiring a Shoreland Landscaping Plan, the Shoreland Protection Subcommittee of the Planning Commission will review the Shoreland Landscaping Plan in accordance with Section 3.14 prior to review by the planning commission. **N/A**

R. Application fees as determined pursuant to **Section 9.05** of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.

S. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals. **N/A**

T. The applicant or his/her representative shall be present at each scheduled review or the matter may be tabled for a maximum of two consecutive meetings due to lack of representation, the application shall be designated as inactive and all fees forfeited.

Planning Commission performed a Site Plan Review.

1. Standards for Granting Site Plan Approval:

A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsections 1-11 listed below.

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- 1) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in this Ordinance. **YES**
- 2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas. **YES**
- 3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties. **YES**
- 4) The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants. **N/A**
- 5) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides. **YES**
- 6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use. **YES**
- 7) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height. **YES**
- 8) Exterior lighting shall be arranged as follows:
 - a) It is deflected away from adjacent properties.
 - b) It does not impede the vision of traffic along adjacent streets.
 - c) It does not unnecessarily illuminate night skies. **YES**
- 9) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way. **YES**
- 10) All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications. **N/A**
- 11) Site plans shall conform to all applicable requirements of state and federal statutes and the Hayes Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted. **PHASE 2 AND 3 YES**

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99 B. The Planning Commission shall seek the recommendations of the Fire Chief,
100 the Charlevoix County Road Commission, the County Health Department,
101 and the Michigan Department of Natural Resources, where applicable. **YES**
102

103 Planning Commission set the following special conditions for the Special Use Permit:

- 104 - Signage must comply with the requirements of the Zoning Ordinance.
105 - Approval from all agencies required throughout the progression of each phase.
106

107 Mr. Snyder made a motion, supported by Mr. Martin to approve the application for Special Use
108 Permit with the special contingency that all necessary permits needed with each phase are
109 granted by the necessary agency to be compliant with the Zoning Ordinance. A roll call was
110 taken.

111 Yeas: Mark Snyder, CT Martin, Roy Griffiths, Marilyn Morehead, and Matt Cunningham.

112 Nays: none **Motion Carries**
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114

115 **SET/CONFIRM DATE OF NEXT PC MEETING –MAY 21st, 2024.**

116 Next Planning Commission regular meeting will take place on May 21st, 2024, at 7:00 pm.
117

118 **PUBLIC COMMENT:**

119 Public Comment Opened at 8:43

120 Comments Included:

- 121 - Stated they feel the display of the boats is considered a use.
122 - Applicant stated they are hoping they improved the look and use of the property.
123 - Recommended the Planning Commission list agencies that will need to grant permit.
124 - Stated they feel confused between the right of way and easement set back differences.
125

126 Public Comment Closed at 8:51

127 **PLANNING COMMISSION COMMENT:**

128 Mr. Martin supports Dewitt Marine at this location.

129 Mr. Griffiths stated last Planning Commission meeting received a correspondence requesting
130 packets be available to the public sooner in order to formulate their comments. He stated the
131 public receives the packet information at the same time as the planning commission members.
132 The public has the same amount of time as the planning commission members to research and
133 study the packet materials.

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135 **ADJOURNMENT:** Ms. Morehead made a motion, supported by Mr. Snyder, to adjourn the
136 meeting at 8:51 pm.

137 Yeas: Mark Snyder, CT Martin, Roy Griffiths, Marilyn Morehead, and Matt Cunningham.

138 Nays: none **Motion Carries**

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141 Respectfully Submitted by:

142 April Hilton

143 Deputy Clerk/Recording Secretary

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