

Hayes Township Planning Commission
May 21st, 2024
Regular Meeting
Hayes Township Hall
9195 Major Douglas Sloan Rd.
Charlevoix, MI 49720

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

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

Excused: Carey Cuddeback

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

Audience: LuAnne Kozma, Ellis Boal, Deb Narten, Laura Ford, Bill Conklin, Sherry McCary, Andrew Wilson, Dave Kemme and Betty Henne.

PLEDGE OF ALLEGIANCE:

REVIEW AGENDA:

Add Further Review of Shoreline Landscape Plan 08045 Mulberry Lane.

Ms. Morehead made a motion, supported by Mr. Martin, to approve the agenda as amended.

Yeas: Matt Cunningham, Roy Griffitts, Mark Snyder, Rex Greenslade, CT Martin, and Marilyn Morehead.

DECLARATIONS OF CONFLICTS OF INTERESTS:

Rex Greenslade declared a conflict of interest with Old Business item Further Review Shoreline Landscape Plan 08045 Mulberry Lane.

APPROVAL OF MINUTES APRIL 16TH, 2024 REGULAR MEETING

Mr. Greenslade made a motion, supported by Ms. Morehead, to approve the April 16TH, 2024, regular meeting minutes as amended.

Yeas: Matt Cunningham, Mark Snyder, Roy Griffitts, Rex Greenslade CT Martin, and Marilyn Morehead.

Nays: none **Motion Carries**

APPROVAL OF MINUTES FROM MAY 6TH 2024 SPECIAL MEETING:

Mr. Cunningham made a motion, supported by Ms. Morehead, to approve the May 6th, 2024, special meeting minutes as presented.

Yeas: Matt Cunningham, Mark Snyder, Roy Griffitts, Rex Greenslade, CT Martin, and Marilyn Morehead.

Nays: none **Motion Carries**

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PUBLIC COMMENTS:

Public comments opened at 7:04 pm.

Comments included:

- Stated they do not feel like the Shoreland overview mistake was not an oversight at the last meeting and still does not feel like it is a complete site plan. Does not feel a Waterfront Supplemental Site Development Standard is the right tool to use to protect the lakes and streams.
- Stated they reviewed the master plan and would like to know if the Planning Commission amendments of the waterfront section of the Zoning ordinance is consistent with the Master Plan.
- Stated they are running for Supervisor. They disagree with the rewrite of the Zoning Ordinance. They are worried the changes will not be enough protection for the lakes. Would like to see more restrictions put on Special Use Permits.

Public comments closed at 7:12 pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Next meeting June 10th, 2024, at 7:00pm.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE:

N/A

ZONING ADMINISTRATOR REPORT:

Written report available at Hayes Township Hall.

Old Business:

FURTHER REVIEW SHORELINE LANDSCAPE PLAN 08045 MULBERRY LANE:

Mr. Martin made a motion, supported by Mr. Snyder to remove the following items from the Shoreline Landscape plan review.

5.03.3 items K, M, N, O, P

5.03.4 items B, D, E, F

5.03.5 items A (4, 5, 6, 7, 8, 9, 10, 11)

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

Nays: none **Motion Carries**

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Ms. Morehead made a motion, supported by Mr. Martin to approve the site plan review and shoreline restoration plan for 08045 Mulberry Lane as presented.

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

Nays: none **Motion Carries**

New Business:

2024/2025 PLANNING COMMISSION BUDGET:

Mr. Greenslade made a motion, supported by Ms. Morehead to approve the 2024/2025 Planning Commission Budget to be sent to the Hayes Township Board of Trustees for consideration as amended.

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

Nays: none **Motion Carries**

CONSIDER ADDING MIXED USE RESIDENTIAL/NEIGHBORHOOD COMMERCIAL TO ZONING ORDINANCE DRAFT:

Planning Commission discussed the possibility of adding a Residential / Neighborhood Commercial zoning district.

Discussion included:

- Argonne is an example of this
- Would drive throughs be considered
- Planning Commission can define the vision of this district.

Planning Commission came to a consensus to postpone the discussion for this section of the ordinance until the next Planning Commission meeting, allowing the Planning Commission members time to research and develop suggestions for this section.

REVIEW OF ZONING ORDINANCE EDITS DRAFT SECTION ON THE WATERFRONT, AS A CATEGORY OF SPECIAL USE PERMIT AND WATERFRONT SPECIFIC SITE PLAN REVIEW CRITERIA WITH WATERFRONT SUPPLEMENTAL SITE DEVELOPMENT STANDARDS:

PC Members shared intent for this Section.

Discussion included:

- Would like to see some changes made to the waterfront section due to lawsuits.
- There is conflicting content between the different ordinances.
- Would like to see a county wide consistent ordinance for the lake front.

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- Would like the zoning ordinance to be clear to the public and easy for the zoning administrator to interpret.
- Protection of the lake from pollution through the Shoreline Protection Strip is the most important.
- Individual properties have unique characteristics and needs.
- Increase compliance.
- Create a simple clear plan.
- Consult outside expertise.
- Each lake has separate needs and protection.
- Should encourage property owners to improve the shoreline and become compliant.
- Will consult with the Township Attorney how the Planning Commission and Zoning Administrator can enforce each property individually under a Special Use Process.
- Do not eliminate the Site Plan Review for larger projects, however, add a specific review process.
- Create clearer definitions.
- 4.1 add "recreational values" after "economy" in the first sentence.
- All sources of water pollution need to be held accountable.
- 4.2 keep Susan Lake's Ordinary High-Water Mark at 80 ft, and set Lake Michigan and Lake Charlevoix Ordinary High-Water Mark at 100 ft.
- Create a section specifically for streams, involving EGLE recommendations with the same intent to protect the water. The Planning Commission will address streams at a later meeting.
- Each organization determines the Ordinary High-Water Mark differently making it difficult for the Planning Commission to determine the best standard to use.
- Planning Commission came to a consensus to define the Ordinary High Mark as "581.2 is the standard".
- Remove item 1 under 4.2 A.
- Add language regarding the grade to the waterfront.
- Editorial corrections throughout
- Planning Commission will continue working on additional language for Accessory Structures on waterfront lots regarding the shoreline restoration requirements when outside of the 250-foot setback.
- Planning Commission will research ideas and information to establish language for item 4.3 C. regarding structures above the high water. And consider shoreline protection structures.

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- Will continue discussion of a Channel being a structure.
- Add language that "Walkway must run perpendicular to a deck not adjacent."
- Add Appendix to "recommended Native Species" in 4.3 I.
- Change "whenever possible" in item 4.3 I. language.
- Planning Commission came to a consensus to continue this section of the ordinance at the next regular meeting.

SET/CONFIRM PUBLIC HEARING DATES:

None

SET/CONFIRM DATE OF NEXT PC MEETING –JUNE 18th, 2024.

Next Planning Commission regular meeting will take place on June 18th, 2024, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 9:35

Comments Included:

- Feels the Planning Commission is gutting the ordinance in the redraft edits.
- Thanked the Planning Commission for answering the questions regarding the Shoreline protection strip.
- Recommended the Planning Commission set the standards for what individuals can do with their property within the Zoning Ordinance.
- Stated if a Harbor is corrected either naturally or not the High-Water Mark changes.
- Appreciates all the work and research the Planning Commission has done with the Ordinance redraft. Feels the stream definitions and guidelines should be copied from EGLE.
- Asked for clarification on increasing compliance by regulations.
- Stated they feel the Planning Commission should consider having a professional help with this section of the ordinance.

Public Comment Closed at 9:44pm

PLANNING COMMISSION COMMENT:

Mr. Martin stated when the Planning Commission is complete with their discussion, the draft will go to Beckett and Reader for review.

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Mr. Snyder stated he feels the discussion between the Planning Commission member is important and helpful.

Mr. Greenslade agreed with the previous comments and feels the members are making progress in their discussions.

Mr. Griffiths stated consultants ask what you want accomplished, they do not give you suggestions. Clarified the draft will go to a consultant and be presented at a public hearing before being adopted. The Planning Commission would like to work towards a reality approach within the Ordinance.

ADJOURNMENT: Mr. Greenslade made a motion, supported by Mr. Snyder, to adjourn the meeting at 9:49 pm.

Yeas: Mark Snyder, Roy Griffiths, Rex Greenslade, CT Martin, and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary



clerk hayestownshipmi
<clerkhayestownshipmi@gmail.com>

Comments to Planning Commission May 21, 2024

wlboal@gmail.com

Sun, May 19, 2024 at
7:35 PM

<wlboal@gmail.com>

To: kristin baranski <clerk@hayestownshipmi.gov>, Roy Griffiths
<rwgriffitts3@gmail.com>, Rex Greenslade
<greensladerex@gmail.com>, Matt Cunningham
<trustee2@hayestownshipmi.gov>, Marilyn Morehead
<morehead.m@gmail.com>, ctmagnetics@aol.com,
snyderhttp@outlook.com
Cc: LuAnne Kozma <luannekozma@gmail.com>

To the Planning Commissioners:

I concur wholeheartedly with all of the comments below made by LuAnne Kozma. I won't bore you with submitting them in full again – they're the same as hers. Please include this email, which comprises my comments, in the record of the 5/21/24 Planning Commission meeting.

Sincerely,

Winnie Boal

wlboal@gmail.com

231-547-6859

[Quoted text hidden]



clerk hayestownshipmi
<clerkhayestownshipmi@gmail.com>

Comments to Planning Commission May 21, 2024

LuAnne Kozma <luannekozma@gmail.com> Sun, May 19, 2024 at 10:27 AM

To: kristin baranski <clerk@hayestownshipmi.gov>, Roy Griffiths <rwgriffitts3@gmail.com>, Rex Greenslade <greensladerex@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Marilyn Morehead <morehead.m@gmail.com>, ctmagnetics@aol.com, snyderhttp@outlook.com

May 18, 2024

To the Planning Commissioners

Please see my comments below for the Planning Commission for the May 21, 2024 PC meeting.

1. Your decision on a "site plan review" of a waterfront property project--without a site

plan actually being reviewed by the Planning Commission-- at the April 2024 meeting violated the Zoning Ordinance and state law MCL 125.3501.

2. Please table the rewriting of the zoning ordinance until after the required Master Plan review and any revisions. A planning consultant should be hired to design a new community survey and guide the PC. A zoning ordinance is required by law to be based on a Master Plan. Why do a total rewrite of the Zoning ordinance based an old version of the Master Plan?

3. The draft zoning ordinance and draft "special use permit" in the May 21 pre-packet for the Waterfront section of the ordinance are so thoroughly wrong. I oppose the changes proposed and suggest the Planning Commission not change the current Zoning Ordinance on issues of waterfront and shoreland protection. In the

past I have sent comments on this, and so has the organization Protect Lake Charlevoix Shoreland.

4. The introduction of a "Special Use Permit" for the waterfront regulations is on Wednesday's agenda. What "special uses" are you even considering here? All of the provisions in the current Waterfront section of the ordinance that protect the shoreland are mandatory, not simply optional "allowable" "special" uses. For example, the building of a deck inside the Shoreland Protection Strip is allowable, but it requires a zoning permit, as it is a structure. The deck has to meet all of the requirements of the waterfront regulations. And it would trigger a mandatory shoreland landscaping plan and plot plan review, to ensure compliance with all ordinance provisions.

5. There are many guidelines and much expertise available, for establishing lakes

and streams protections that former Planning Commissions followed with wisdom and forethought to carefully consider and create the current Zoning Ordinance. I see no referencing or consideration of these important documents by this Planning Commission. Instead this PC wants to drastically reduce the size of the Shoreland Protection Strip and redefine it to no longer be land but just existing vegetation on that land. This PC is redefining "structure" to exempt many structures that would be harmful or unacceptable for lakefront property. This revision would create ambiguity, allow discretion by the zoning administrator, and giant loopholes for the Law Boathouse and other severe alterations to the Shoreland to be allowed. It even would allow the PC to grant variances of more than 20% alteration of the shoreland, a power you cannot grant yourselves. Roy Griffiths indicates in a comment that he

wants to disallow appeals to the ZBA for decisions on shoreland landscaping plans. Illegal power grabs like this are malfeasance.

Sincerely,

LuAnne Kozma
9330 Woods Road
Charlevoix MI 49720