

Hayes Township Planning Commission
June 18th, 2024
Regular 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), Marilyn Morehead, Rex Greenslade, and Carey Cuddeback.

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

Audience: LuAnne Kozma, Kevin Willis, Jeff Harmon, Jim McMahon, Tim Boyko, Betty Henne, Mel Czechowski, and Sue Hassel.

PLEDGE OF ALLEGIANCE:

REVIEW AGENDA:

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

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

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

APPROVAL OF MINUTES MAY 21ST, 2024 REGULAR MEETING

Ms. Morehead made a motion, supported by Mr. Greenslade, to approve the May 21st, 2024, regular meeting minutes as presented.

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

Nays: none **Motion Carries**

APPROVAL OF MINUTES FROM JUNE 4TH 2024 SPECIAL MEETING:

Ms. Morehead made a motion, supported by Ms. Cuddeback, to approve the June 4th, 2024, special meeting minutes as amended.

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

Nays: none **Motion Carries**

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PUBLIC COMMENTS: Public comments opened at 7:03 pm. Comments included:

- Correspondence attached.
- Stated they would like the Planning Commission to look at the Definition the Advisory Committee came up with for the Reith Reilly Property. Asked if the Planning Commission remembers a Geologist presentation from 2023.
- Asked how many members of the Planning Commission have read the meeting minutes from the previous meetings.

Public comments closed at 7:09 pm

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Next meeting July 8th, 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:

New Business:

MIXED USE RESIDENTIAL- CONTINUE REVIEW OF ZONING ORDINANCE DRAFT:

Discussion included:

- focus of this section is to have a primarily residential district allowing some lite commercial use, versus a commercial district that was designed with some residential.
 - Change the title and any language in the section reading "Neighborhood Commercial" to read "Mixed Use Residential.
 - Under item number 1 change the language to read " The Mixed Use Residential District is designed to give the township a residential and local business district is more selective then a general commercial district,...."
 - Discussed the pros and cons of allowing Drive-Thru businesses with in this district. For example drive thru business in residential areas may increase traffic instead of encourage pedestrian use or walking areas.
 - Discussed adding Drive-Thru Window businesses under the special use process due to COVID and the pandemic changing some business practices and abilities.
 - Remove item number 3L.
 - Add language "Businesses requesting Drive-Thru Window" under #3. Uses Subject to Special Use Permit; as item G.
 - Discussed to pros and cons of remove item 3D. Outdoor sales facilities.
 - Decided to remove Outdoor sales facilities.

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SET/CONFIRM PUBLIC HEARING DATES: None

SET/CONFIRM DATE OF NEXT PC MEETING –JULY 16TH, 2024.

Next Planning Commission regular meeting will take place on July 16th, 2024, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 7:29

Comments Included:

- Stated in the Master Plan there is a Zoning Plan the Planning Commission in their opinion should be following. Asked for clarification for where the Planning Commission is looking to put Mixed Use Residential on the Zoning Map.
- Requested clarification how and when a property was rezoned.
- Stated they believe it will be hard for the Township to regulate Mixed Use Residential businesses. Does not feel the Master Plan was considered. Feel that Special Use Permit progress does not stop deep pockets.
- Stated they do not understand where the Mixed-Use Residential Zoning is in the township. Feels the Special Use Permit is used as a loophole.

Public Comment Closed at 7:35 pm

PLANNING COMMISSION COMMENT:

Mr. Cunningham stated there is a webinar from MSU Extension tomorrow night.

Mr. Griffiths clarified Neighborhood Commercial is the existing ordinance that the Planning Commission is modifying and updating.

Mr. Greenslade clarified the Planning Commissioners do read the materials before the meetings and during the meetings. Stated they will place the Mixed Use Residential on the Master Plan that was not what the Planning Commission was working on this evening. The Planning Commission will review their edits over the last few months compiled into a final document for review after receiving feedback from consultants.

Ms. Morehead stated it would be very helpful to have the map and the changes to compare their past discussions. The Zoning Ordinance has been a big project and now they have to put all their work over the last with months together.

Mr. Martin stated the Advisory Committee was just an advisory group and the next step is to review the notes from the committee and consider them into the Master Plan.

Mr. Martin stated everyone needs to be aware of the township is a changing and evolving culture in North Michigan.

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ADJOURNMENT: Ms. Morehead made a motion, supported by Mr. Greenslade, to adjourn the meeting at 7:43pm.

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

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary



April Hilton <deputyclerkhayes@gmail.com>

Fwd: Property Commission Follow up regarding SUP

Roy Griffiths <rwgriffitts3@gmail.com>

Tue, Jun 18, 2024 at 6:22 PM

To: kristin baranski <deputyclerkhayes@gmail.com>

----- Forwarded message -----

From: **L Ford** <lfordcnp@gmail.com>

Date: Wed, Jun 5, 2024 at 4:47 PM

Subject: Property Commission Follow up regarding SUP

To: Roy Griffiths <rwgriffitts3@gmail.com> <rwgriffitts3@gmail.com>, Marilyn Morehead <morehead.m@gmail.com>, Rex Greenslade <greensladerex@gmail.com> <greensladerex@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov> <trustee2@hayestownshipmi.gov>

CC: William Conklin <wmmconklin@gmail.com>, Kevin Willis <kwillisc@yahoo.com>, Sherry McCary <slbmccary@gmail.com>, LuAnne Kozma <luannekozma@gmail.com>, Bill Henne <wm.henne@gmail.com>, Betty Henne <betty.henne@gmail.com>, Deborah Narten <dnarten@gmail.com>, Jim Rudolph <jmr09799@gmail.com>, JoEllen <jobee949@gmail.com>, McMahon, Jim and Diane <jim_mcmahon_iii@yahoo.com>

Greetings:

Thank you for allowing public comment on 4 June 2024. I offer the following for your consideration relating to the rewriting of our Zoning Regulations.

Township Planning Commissions are under the Authority of the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act which provide for the development of plans by planning commission "to promote public health, safety, and general welfare; to encourage the use of resources in accordance with their character and adaptability; to

- a. This reference explains not only environmental regulations for riparian landowners, but also for the Great Lakes, the Sand Dunes, etc.
- b. Several resources are available within this document including permit applications and instructions.

3) Tip of the Mitt Watershed Council website has several resources for Michigan residents, including video and print options. Available: [Welcome to the Tip of the Mitt Watershed Council - Tip of the Mitt Watershed Council](#) or <https://watershedcouncil.org/>

Had the above resources been available to the out of state summer residents who wanted to establish a boat house and dredge the lake bottom, it could have potentially saved the township trustees and officials time and funds.

Had the Planning Commission been cognizant of the EPA Law and Regulations, perhaps that would have save time and aggravation on all our parts watching your committee strip the zoning ordinance that protects our property.

I would also like you to clarify for me what your intent is by using a Special Use Permit. According to Real Estate Law ([Variances and Special Use Permits: Exploring Exceptions to Zoning Rules - Real Estate Law Corporation™](#) or <https://www.realestatelawcorp.com/variances-and-special-use-permits-exploring-exceptions-to-zoning-rules/>) I was able to gain the following information:

Special use permits, also known as conditional use permits, are another way to create exceptions to zoning rules. [emphasis Ford]

Unlike variances, special use permits allow specific land uses within a particular zone, subject to certain conditions or limitations. Key aspects of special use permits include:

Laura

Laura C. Ford, PhD, RN, CNP



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

OHWM determination on streams and rivers as well as lakes

1 message

LuAnne Kozma <luannekozma@gmail.com>

Tue, Jun 18, 2024 at 4:03 PM

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

Roy Griffiths made a statement at the May Planning Commission meeting that there is the OHWM measurement does not apply on streams. That is incorrect.

There is a series of EGLE videos on the OHWM including these two:

<https://www.youtube.com/watch?v=9li40DGxRNE>

<https://www.youtube.com/watch?v=FZguit2za78>

And, this DNR publication/website on measuring the "bankfull" and OHWM for a Michigan stream:

https://www2.dnr.state.mi.us/publications/pdfs/ArcGISOnline/Guides/Stream_Crossing/MIDNR_Bankfull_Training_Handout.pdf

Properties in Hayes Township that are on rivers and streams also must determine the OHWM of that in order to determine Shoreland Protection Strip locations and setbacks for structures.

Your new proposed/draft definition of streams, by the way, actually references the Inland Lakes and Streams Act:

Stream - A waterway as defined by Part 301: Inland Lakes and Streams Act of Michigan's Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended.

All of the Zoning Ordinance waterfront requirements apply equally to lakes and streams in the township. Including Shoreland protection requirements.

LuAnne Kozma