

AGENDA
HAYES TOWNSHIP, CHARLEVOIX
COUNTY PLANNING COMMISSION

July 16, 2024 7:00 pm

Hayes Township Hall
9195 Major Douglas Sloan Road
Charlevoix, Michigan 49720

ZOOM

<https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHYSMXkrZDUxVDMrZz09>

Meeting ID: 836 0148 1092

Passcode: 068828

+1 312 626 6799 US (Chicago)

1. Call To Order
2. Pledge of Allegiance
3. Review and Approval of Agenda
4. Declaration of Conflict of Interest, if any
5. Review and Approval of Draft Minutes - June 18th 2024
6. Public Comment (3 minutes)
7. Report of Township Board Representative to the Planning Commission
8. Report of Zoning Board of Appeals Representative to the Planning Commission
9. Zoning Administrator Report
10. New Business
Develop process plan and steps for review of the Township Master Plan
11. Old Business
12. Set/Confirm Public Hearing Dates
13. Set/Confirm Date of Next Regular PC Meeting- August 20, 2024.
14. Public Comment (2 minutes)
15. Planning Commission Comment
16. Adjournment

Public Comment at Meetings of the Hayes Township Planning Commission

The Hayes Township Planning Commission values public input and offers an opportunity for the public to comment at its meetings. 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 question, 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. For the first Public Comment period, 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 Public Comment. There is no provision for another audience member to 'donate' their three (3) minutes to another speaker. For the second Public Comment session speakers are limited to two (2) minutes each.
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.



Zoning Administrator Report

July 2024

Zoning Administrator work in progress report for the month of June includes the following:

- Responded to a complaint on 9 Mile Point.
- Issued zoning permit for a New Single Family Dwelling unit & 32'x48' Accessory Structure at 8135 Major Douglas Sloan RD.
- Issued zoning permit for a 42'x50.2' Accessory Building at 7977 Pinecherry Road.
- Issued zoning permit for a Fence as reflected on Site Plan at 10529 Townline Road.
- Working with Charlevoix County Equalization on zoning map corrections.
- Issued zoning permit for a New Single Family Dwelling with 2 attached garages at 11411 Summerhill Way.
- Issued zoning permit for a 30'x40 Accessory Building at 5770 Stephens Road.
- Conducted Inspections for Compliance.
- Received and reviewing zoning permit application for a new single-family dwelling with attached garage on Boyne City Road.
- Issued zoning permit for a 16' x 36' Accessory Structure as principal, existing structure is to be removed at 8144 Shrigley Road.
- Resolving a non-compliance complaint with landowner at 10283 Maple Grove Road.
- Resolving with assistance from Tip of the Mitt a non-compliant parcel.
- Resolving a non-compliance nuisance complaint with landowner at 10415 Hyek Road, in the process of submitting a Special Use Permit Application.
- Sent second notice letter for a violation on Seneca Ave.
- Received a response from landowner regarding non-compliance notice letter sent to 6099 Charlevoix Street.

Memo

To: Hayes Township Planning Commission
From: Howard W. Newkirk
Date: Tuesday, July 9, 2024
Subject: Two items for consideration

It would be nice to have a dumpster ordinance like many of the townships around us. The ordinance would require that any dumpster be screened from public view. We have a neighbor who orders a seasonal dumpster and for years put it unexposed at the end of our road on his land. All of us had to drive by it to get to our homes. Many of the homes are multi-million dollar places. It has now been moved and is at the top of his drive and less exposed. No one likes to look at dumpsters, especially in a residential area. Mandating that they should be screened is a smart and simple solution.

My second concern is the necessity for a dark sky ordinance. Many communities have enacted this sort of reform. The basic rule is to keep all your light on your land. In a rural area like ours, the biggest offenders are open sodium vapor lights by people's garages or entrances. They project light onto other persons land, and often into their houses. They can be seen for many hundreds of feet. Such an ordinance, if enacted, must provide a time horizon of something like ten years for compliance. Most light fixtures can be shielded inexpensively. Even if you enact this reform now, it will take years to achieve the desired result. Communities that have done this are much more livable.

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

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

114 Nays: none **Motion Carries**

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116 Respectfully Submitted by:

117 April Hilton

118 Deputy Clerk/Recording Secretary

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Steps to Adopt or Amend a Master Plan

(Based on MPEA Act 33, Sections 39, 41, 43)

Step 1: Notice to Plan

Hayes TWP must send notice of the township's intent to adopt or amend a Master Plan to:

- Hayes TWP Board of Directors
- Hayes TWP Planning Commission
- Bay TWP, Charlevoix TWP, Resort TWP
- Charlevoix County Planning Commission
- Public Utilities (DTE & Great Lakes Energy) within Hayes TWP

Step 2: Distribution of the Proposed Plan *(after the plan is drafted)*

1. Planning commission submits draft plan to the township board for review and comments.

2. Township board authorizes planning commission to distribute the proposed plan to the notice list.

3. The proposed master plan or amendment is distributed to the notice list. A Statement of Compliance, signed by the planning commission secretary that lists the name, address and date of submittal of each entity receiving a copy of the proposed plan/amendment, must be sent to the county planning commission.

Step 3: Comment Period *(comments are advisory only)*

For a **NEW Master Plan**: any entity submitting comments on the proposed plan must do so within 63 days of receiving it.

OR

For **AMENDMENTS to a Master Plan**: any entity submitting comments on the proposed plan must do so within 42 days of receiving it.

Step 4: Public Hearing at a Regular or Special Meeting *(after comment period)*

1. Notice of the meeting at which the public hearing will be held must be sent to all entities that received a copy of the proposed Master Plan/Amendment.

2. Notice of the public hearing must be published in a local newspaper at least 15 days before the date of the hearing.

Step 5: Final Approval

1. At or after the meeting at which the public hearing is held, the planning commission adopts the plan by resolution approved by a majority of the members of the planning commission. The planning commission secretary submits the plan to the township board.

2. Planning commission approval is final unless the township board has final approval of the master plan. The township board may send the plan back to the planning commission to request changes.

Step 6 Distribution of the Plan

The master plan is effective upon final adoption. Once approved, the final master plan must be submitted to all of the entities that received the proposed plan for comment.

HAYES TOWNSHIP PLANNING COMMISSION

Meeting Date: July 16th, 2024

Location:

Hayes Township Hall

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