

Hayes Township Planning Commission
March 18th, 2025
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, Roy Griffiths (Chair), Rex Greenslade, Alexander Curley, Carey Cuddeback, and Matt Cunningham.

Excused: Mark Snyder.

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

Audience: Diane Conklin, William Conklin, Doug Kuebler, Diane McMahon, Jim McMahon, Kevin Willis, Joellen Rudolph, LuAnne Kozma, Ellis Boal, Tim Boyko, Lori Reynaert, Betty Henne, Zachary Samples, Carol Umlor, Mark Snyder, Winnie Boal, and Shelly Maynard.

REVIEW AGENDA:

Add agenda item: Planning Commission By Laws Amendments.

Remove item 5B Special Use Permit Hearings for Dewitt Marine – amendments to existing Special Use Permit.

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

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Carey Cuddeback and Matt Cunningham.

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

Mr. Griffiths stated he serves on the board at Perry Farm Village located in Harbor Springs that has a 20 unit care facility which may appear to be a conflict however, in the two years they have been open there have been three clients from Charlevoix County. He does not receive any pay nor does he direct any action of the staff. He has checked with the applicant and Township Counsel, both approved as they see no conflict.

SPECIAL USE PERMIT HEARING CHARLEVOIX CLUB PARK, LLC- ASSISTED LIVING CENTER:

Mr. Griffiths opened the public hearing at 7:04 pm.

The purpose of this hearing to review a Special Use Permit for a new 40 unit assisted living and memory care facility.

Lori Raynaert stated she lives locally and will be primarily working at the US 31 location once the facility starts taking in clients. She is a Psychiatric Nurse and specializes in dementia.

Shelly Maynard is also a registered nurse with over 30 years of experience.

Shelly stated they currently have a 40 bed facility located in Sanford Michigan, that has been open for about seven and a half years. The Facility they are proposing for Hayes Township is

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identical to their facility in Sanford. The Facility in Hayes Township will have 20 beds for Assisted Living and 20 beds for Memory Care patients. The facility will be secured on both the assisted and memory care sides.

Performance Engineer Representative stated the site will be accessed from US 31 to a service drive. The area between US 31 and the service road will not be disturbed and remain as is. Storm water will be managed in the front and back of the building. There will be two entrances to the parking lot. There has been a wetland delineation done on the parcel, there are wetlands on the parcel and the proposed layout of the facility will not disturb the wetlands. They have submitted a lighting plan, the current facility has the same lighting plan and presented pictures show the low light and shielded lighting. The proposed facility has buffer from the highway and utilities are available. They are requesting a reduction in the parking area required by the Hayes Township zoning ordinance, which will reduce the amount of impervious surface. Based on the current facility they own and operate there is not a need for the large parking area, clients of the facility rarely have their own vehicles.

Ron Stated the applicant has been great to work with, They have responses from the Fire, EMS and Sheriff. The Hearing was posted on February 22nd 2025 and the notice went out to all parcels withing 300 feet. They are requesting a parking reduction and he recommends looking at the Landscaping buffering section of the ordinance as well. The Planning Commission will need to review the Supplemental Site standard for Nursing Homes, and Assisted Living Facilities as well as the Standards for granting a Special Use Permit and Site Plan Review.

Public Comment Opened at 7:18pm

Comments included:

- Stated they live across the road from where they propose the new Assisted Living Center. Supports the proposed plan to keep the trees between the proposed facility and the Highway.
- Stated they support this proposed facility. Curious to know the desire to be located on US 31, will it be quiet and peaceful enough for the residents living there. Stated the encourage keeping Hayes Township Rural.
- Lori stated the back part will be quiet and nature filled. Some residents enjoy watching the traffic and seeing the busy life. The location offers utilities which is very important and the parcel must be 5 acres per state regulations.
- Stated they support the proposed facilities and support keeping the lot full of native plantings. Asked if there would be housing for the workers.
- Shelly stated there will not be any housing for employees and look forward to keeping the parcel rural.

Public Comment Closed at 7:27 pm

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Mr. Griffiths address the parking reduction request, the ordinance requires 60 parking spaces based on size and occupancy levels.

Lori stated typically their residents do not drive therefore they have no need for the large parking area.

Mr. Griffiths requested Ron to clarify his concern of the Landscape Buffering for the parcel.

Mr. VanZee stated leaving the trees between the highway and the easement road is great, is concerned however that if there is any damaged to the buffer area during construction that it be replaced/restored. Supports the decrease in parking to decrease the amount of impervious surface.

Mr. Griffiths stated the in the Fire Chiefs letter he mentioned the standards for the front canopy for fire safety.

Lori Stated the canopy is designed identically to their current facility and it meets all the requirements.

Mr. Greenslade stated in the Hayes Township Ordinance under 11C it mentions, "a facility should provide a minimum for 1500 square feet of open space." Would like to know the applicants plan for open space for their facility.

Lori explained that in between the two wings at the rear of the building, one for Memory care and one for Assisted living, they have an open and secured area that they refer to as the courtyard which has a pavilion and is completely fenced in.

Mr. Griffiths stated it would be important to separate the different needs between the Assisted Living patients and the Memory Care patients. Assisted Living patients generally can care for themselves to some degree and need access to the outdoors. However

Lori stated all the assisted living clients have access to the secured outdoor area and most of them enjoy spending time walking and sitting outside around the Pavilion as well as other benches on the grounds that provide shaded seating for them in the outdoor area. The activities director will do activities outdoors weather permitting.

Mr. Griffiths closed the Public Hearing at 7:40pm

Mr. Griffiths cited article VI, special use permit and planned unit development starting with section 6.01 Purpose. Article VI: Special Use Permit

Adopted: October 12, 2009

Hayes Township Zoning Ordinance

Effective: October 31, 2009

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SECTION 6.01 PURPOSE

It is the purpose of this Article to specify the procedure and requirements for the review of special land uses, as specified in this Ordinance. Uses classified as special land uses are recognized as possessing unique characteristics (relative to location, design, size, public infrastructure needs, and other similar characteristics), which require individual review and approval standards in order to safeguard the general health, safety, and welfare of the Township.

Mr. Griffiths reviewed 6.02. 4 Standards for granting Special Use Permit.

Section 6.02. 4 Standards for granting Special Use Permit

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with the following standards:

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. Zoning District C1 Item F,G & H. Child or Adult daycare facilities serving more than six clients, Group foster care facilities, & Convalescent or Nursing Home.

YES

B. Compatibility with Adjacent Land Uses

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

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3) If deemed necessary by the Planning Commission, 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.

Not Necessary

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**

Ms. Cuddeback made a motion, supported by Mr. Cunningham to approve the reduced parking area as proposed. Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Carey Cuddeback and Matt Cunningham.

Nays: none **Motion Carries**

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Mr. Griffiths stated the 75 foot landscape buffer between US 31 and the Easement will be sufficient.

Mr. Martin made a motion, supported by Mr. Curley to wave the standards under 3.24 sections 4 and 5 of the Hayes Township Ordinance.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Carey Cuddeback and Matt Cunningham.

Nays: none Motion Carries

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.

**APPROVAL FROM CHARLEVOIX TOWNSHIP
REQUIRE NATURAL LANDSCAPE BE PRESERVED AND MAINTAINED
OUTSIDE OF THE REQUIRED AREA IN 3.24.
ANY REPLANTING SHALL COMPLY WITH 3.24.
THE PROPERTY STRIP BETWEEN US 31 AND THE PRIVATE ACCESS ROAD
MUST REMAIN INTACT.**

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

The Planning Commission reviewed the standards for granting site plan approval.

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 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

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evidence presented on each standard. These standards are listed in subsections 1-11 listed below.

- 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 the Ordinance. **YES**
- 2.) The landscape shall be preserved in its natural state, in so far 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 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. **YES**
- 5.) All buildings or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides. **YES HAS OBTAINED APPROVAL FROM FIRE MARSHALL THAT PLAN IS ACCEPTABLE.**
- 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. (if a dumpster is needed it must be located behind screening)**

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8.) Exterior lighting shall be arranged as follows: **YES**

- a.) It is deflected away from properties. **YES**
- b.) It does not impede the vision of traffic along adjacent streets. **YES**
- 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 pedestrians or bicycle pathways in 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.

YES

11.) Site plans shall conform to all applicable requirements of state and federal status 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. **YES**

B.) The Planning Commission shall seek the recommendations of the Fire Chief, the Charlevoix County Road Commission, the County Health department and the Michigan Department of Natural Resources, where applicable.

NO

Supplemental Site Development Standards for Nursing Homes and Assisted Living Facilities.

Nursing and convalescent homes, medical care facilities and similar uses shall meet the following requirements.

A. The minimum lot size for such facilities shall be five (5) acres.

YES

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B. Such uses shall have access via a public road as the main means of access for residents or patients, visitors, and employees shall be via the road.

YES

C. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every room used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

YES

Ms. Cuddeback made a motion, supported by Mr. Greenslade to approve the Special Use Permit to establish an Assisted Living Center on US 31 North as requested with the conditions noted above.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Carey Cuddeback and Matt Cunningham.

Nays: none **Motion Carries**

PUBLIC COMMENTS: Public comments opened at 7:05pm.

- Stated they appreciate the applicants complete application. Feels the Planning Commission did not do finding of facts.
- Stated they liked last weeks presentation of the survey results. Found the majority of the township supports the rural character. Feels the township should specifically focus on the US 31 area to improve the rural character.
- Stated the development tonight was exactly what the community needs and will be a great addition and hopefully encourages more development.
- Would like know when the Dewitt SUP will be rescheduled.
- Mr. Griffiths stated thinks it may be at the regular Planning Commission meeting in April, however it is up to the applicant.

Public comments closed at 8:08pm

APPROVAL OF MINUTES FEBRUARY 18TH, 2025 REGULAR MEETING

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Mr. Greenslade made a motion, supported by Mr. Curley, to approve the February 18th, 2025, regular meeting minutes as corrected.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, and Carey Cuddeback

Abstained: Matt Cunningham.

Nays: none **Motion Carries**

APPROVAL OF MINUTES MARCH 11TH, 2025 SPECIAL MEETING

Mr. Cunningham made a motion, supported by Ms. Cuddeback, to approve the March 11th, 2025, special meeting minutes as corrected.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, Carey Cuddeback and Matt Cunningham.

Abstained: CT Martin

Nays: none **Motion Carries**

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave a report of Board of Trustees activities. Next regular scheduled Board meeting is April 15th 2025.

REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE TO THE PLANNING COMMISSION:

ZBA meeting scheduled for March 26th 2025 to review two variance requests.

ZONING ADMINISTRATOR REPORT:

Ron VanZee presented a written report. Report is available on the Hayes Township website and for review at the Township Hall.

NEW BUSINESS

PLANNING COMMISSION BY LAWS AMENDMENTS:

Mr. Greenslade made a motion, supported by Mr. Martin to approve moving Pubic Hearings under a New Business item on the Planning Commission Agenda.

OLD BUSINESS:

SET/CONFIRM PUBLIC HEARING DATES:

Set a public hearing for April 29th, 2025 to review Special Use Permit Amendments for a SUP granted to Mark McCool & Dewitt Marine on May 6th 2024.

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SET/CONFIRM DATE OF NEXT PC MEETING –APRIL 29th, 2025.

Next Planning Commission regular meeting will take place on April 29th, 2025, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 8:28pm

- Stated they thought they heard someone state there was inconsistency in section 3.14 of the Hayes Township Ordinance. They had a ZBA Interpretation hearing on 3.14 therefore they are confused.
- Stated they have studied 3.14 and do not find any. Would like to see the notes of inconsistency.
- Stated they feel Camp Seagull is in violation of the Zoning Ordinance.
- Do not feel there are any inconsistencies in 3.14.

Public Comment Closed at 8:30pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. Griffiths stated the ZBA hearing was on the Law property and it was specific to the Law property.

Camp Seagull is owned by the Township, The conservancy is privately owned and open to the public which falls under a different criteria from Township property.

Tonight the Planning Commission worked with an applicant to screen a business from public view however there are existing businesses located in Hayes Township that are not screened and the changes cannot be made without a request from the applicant.

One area that could be improved for example is the signage.

ADJOURNMENT: Mr. Martin made a motion, supported by Ms. Cuddeback, to adjourn the meeting at 8:35pm.

Yeas: Alexander Curley, Rex Greenslade, Roy Griffiths, CT Martin, Carey Cuddeback and Matt Cunningham.

Nays: none **Motion Carries**

Respectfully Submitted by:

April Hilton

Deputy Clerk/Recording Secretary