

**AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION**

April 29, 2025 7:00 pm

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

ZOOM

**[https://us02web.zoom.us/j/83601481092?
pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09](https://us02web.zoom.us/j/83601481092?pwd=bTRvd01yc2NtSHY5MXkrZDUxVDMrZz09)**

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. Special Use Permit Hearings
 - A) Dewitt Marine – Application withdrawn
6. Public Comment
7. Review and Approval of Draft Minutes- March 18, 2025
8. Report of Township Board Representative to the Planning Commission
9. Report of Zoning Board of Appeals Representative to the Planning Commission
10. Zoning Administrator Report
11. New Business – Discuss seasonal definition as it applies to different uses
12. Old Business – Master Plan discussion
13. Set/Confirm Public Hearing Dates
14. Set/Confirm Date of Next Regular PC Meeting- May 20, 2025
15. Public Comment
16. Planning Commission and Staff Comment
17. 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) minute 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

April 2025

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

- Variance application to reduce the 50' Shoreland setback from creek for a new single family dwelling at 6995 Birdland Drive. ZBA denied this variance request at the public hearing held on March 26th 2025 at 7pm.
- Variance application to reduce the 100' Shoreland setback for reconstruction of an existing non-conforming dwelling unit at 07115 Birdland Drive. ZBA approved this variance request at the public hearing held on March 26th 2025 at 7pm. Shoreland Site Plan has been sent to Tip of the Mitt for review.
- Special use permit application for an Assisted Living and Memory care Facility on US 31 North. Planning Commission approved at the Public Hearing held on March 18th, 2025 meeting.
- Two special use permit amendment applications for the special use permit approved to Mark McCol & Dewitt Marine at May 6th 2024 Planning Commission Meeting. Applicant has not requested to be on the April 29th 2025 Planning Commission meeting agenda.
- Zoning permit application for a Demo and rebuild of existing home on Quarterline road. Shoreline Review Committee conducted inspection and advised applicant to work with Tip of the Mitt to create shoreland restoration plan.
- Zoning permit application for a 72"x60" Free Standing Sign on US 31. Application denied.
- Continuing to discuss a non-compliance nuisance complaint with landowner on Hyek Road.
- Received Zoning Application for a 24x42 new single family dwelling unit at 6680 Bay Shore West Dr. Waiting for additional information from applicant to proceed.



- Received Zoning Application for a 138×81 accessory structure as the principle use at 10855 Pincherry rd. Waiting for additional information from applicant to proceed.
- Progress received from Landowner on Villa Road for Violation of Nuisance Ordinance and a non-compliance complaint.
- Second Notice Letter was sent to landowner on Shrigley Road for permitted use within the Small Lot Residential District compliant.
- Received complaint regarding a Shoreline violation on Peaceful Valley Road.
- Second Notice Letter was sent to landowner on Maple Grove Road for a Nuisance Ordinance complaint, Charlevoix County Fire Department Chief is monitoring parcel for fire hazards.

3-01	03/19/25	425-012-00	8175 Trillium Court Unit 12	Steven and Diane Klein	50x8 deck addition with railing within building envelope of approved PUD
4-01	14-7-2025	101-002-00	6413 Division Ave	Little Traverse Conservancy	15'x20' Vining Deck with Boardwalk and Tuff approved by the Shoreline Review Committee with conditions they follow the recommendations of the RSC and report the conditions to the prior area.
4-02	14-9-2025	109-009-20	9025 Upper Bay Shore Rd	Jessica Perry	16x40 in ground pool with power safety cover with patio surround



zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

April meeting

Mark McCool <mark@dewittmarine.com>

Wed, Apr 23, 2025 at 1:24 PM

To: zoning hayestownshipmi <zoninghayestownshipmi@gmail.com>

Good afternoon Ron,

After our discussion, I see it best to cancel the public meeting at the end of this month (April) and disregard the permitted requests that have been submitted.

Regards,

Mark McCool

--



Dewitt Marine Inc.
6509 Crystal Springs Road
Bellaire, MI 49615
231.377.6611

Ask me about becoming a member of [Boat Club!](#)

LIKE US!

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March 18th, 2025
Regular Meeting
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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 primary 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 within 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 they 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 need 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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356

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

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

359

360 **PUBLIC COMMENT:**

361 Public Comment Opened at 8:28pm

362 - Stated they thought they heard someone state there was inconsistency in section 3.14
363 of the Hayes Township Ordinance. They had a ZBA Interpretation hearing on 3.14
364 therefore they are confused.

365 - Stated they have studied 3.14 and do not find any. Would like to see the notes of
366 inconsistency.

367 - Stated they feel Camp Seagull is in violation of the Zoning Ordinance.

368 - Do not feel there are any inconsistencies in 3.14.

369 Public Comment Closed at 8:30pm

370

371 **PLANNING COMMISSION and STAFF COMMENT:**

372 Mr. Griffiths stated the ZBA hearing was on the Law property and it was specific to the Law
373 property. Camp Seagull is owned by the Township, The conservancy is privately owned and
374 open to the public which falls under a different criteria from Township property. Tonight the
375 Planning Commission worked with an applicant to screen a business from public view however
376 there is existing businesses located in Hayes Township that are not screened and the changes
377 cannot be made without a request from the applicant. One area that could be improved for
378 example is the signage.

379

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

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

384 Nays: none **Motion Carries**

385

Respectfully Submitted by:

386

April Hilton

387

Deputy Clerk/Recording Secretary



clerk hayestownshipmi <clerkhayestownshipmi@gmail.com>

Planning Commission: US-31 and DeWitt Marine Development

1 message

Jim McMahon <jim_mcmahon_iii@yahoo.com>

Wed, Apr 23, 2025 at 8:56 PM

To: Roy Griffiths <rwgriffitts3@gmail.com>, Mark Snyder <snyderhtp@outlook.com>, Rex Greenslade <greensladerex@gmail.com>, "C. T. Martin" <ctmagnetics@aol.com>, Carey Cuddeback <clcuddebackpc@gmail.com>, Alexander Curley <acurley.pc@gmail.com>, Matt Cunningham <trustee2@hayestownshipmi.gov>, Kristin Baranski <clerk@hayestownshipmi.gov>

Cc: Ron VanZee <zoning@hayestownshipmi.gov>, "PerketteA@Michigan.gov" <perkettea@michigan.gov>

Re: Special Use Permit for DeWitt Marine Development on US-31

Dear Planning Commission Members:

There are **serious** shortcomings, issues, and apparent ordinance violation(s) with DeWitt Marine's current land development and their requests for further site construction. **This proposed land development is in direct conflict with Hayes Township's Zoning Ordinance and Master Plan Survey in many areas.** Below are some significant shortcomings, although many others can be discovered by a detailed review of all parts of Sections 3 and 5 of the Hayes Township Zoning Ordinance.

1. Section 5.03.3 Site Plan Review (All Districts), Site Plan Data Required, items C, D, E, F, G, I, J, K, L, M, N, O, P. There are many deficiencies with the site plan required data that has been provided. First and foremost, there is no **"certified survey of the property, prepared and sealed by a professional licensed surveyor"** showing detailed measurements, boundaries, and all other specifics regarding site development. There is little or no actual data provided for most other items called out by this ordinance section. Some of the many specific items, necessary to assess strict adherence to Hayes Township's ordinance, include nearby wetland preservation, topography, US-31 right-of-way requirements, natural screening, scenic view and rural character preservation, and a proposed implementation time schedule. **Without all of this detailed data, the planning commission lacks the important information necessary to make informed judgements and decisions.**

2. Section 3.19 Access Management introductory paragraph and all other sub-sections in 3.19. In consideration of all the elements mentioned in the Section 3.19 introductory paragraph, **please realize that "the following site development standards shall apply to all properties with frontage on US-31".**

Section 3.19.1 "Development of highway corridor property, regardless of zoning district, shall have a minimum front yard setback of fifty (50) feet from edge of the road right-of-way". The four pontoon boat display pads are in non-compliance with this requirement.

Additionally, **the MDOT right-of-way in this location of US-31 is 200 feet (100 feet on each side of the road centerline).** The newly constructed four (4) pontoon boat display pads are clearly within the US-31 right-of-way and absolutely do not satisfy the fifty (50) feet setback from the edge of the US-31 road right-of-way. **I.E., development of highway corridor property can begin at 150 feet from the US-31 centerline (100 feet + 50 feet = 150 feet).**

In my recent conversation with Mr. Andy Perkette of MDOT's Gaylord TSC, he told me that DeWitt Marine has permission for temporary use of the US-31 right-of-way for the display pads. **However, Mr. Perkette said this permission does not supersede the requirements of the Hayes**

Township Zoning Ordinance. To repeat, **MDOT's permission does not supersede Hayes Township's ordinance.** Mr. Perkette said DeWitt Marine must comply with the requirements of the zoning ordinance. It's Hayes Township's responsibility to enforce its ordinance.

Section 3.19.5 Items C and D. The proposed DeWitt Marine commercial sites between the service drive and the drain trench appear to violate the "**preservation of many existing trees and site vegetation**" ordinance requirements. From viewing surrounding properties, it appears that existing trees and site vegetation were removed.

3. Wetlands (four areas): (a) a neighboring property directly adjacent to and east of the newly constructed gravel parking lot on the DeWitt Marine site,
(b) a neighboring property, along the north side of the service road, directly adjacent to and east of the four newly constructed pontoon boat display pads,
(c) the actual pontoon boat display pad areas located between the service road and the apparent mechanically dug trench located just north of the display pads and parallel to US-31,
(d) the mechanically dug trench that presumably drains water away from the wetland described in (b) above.

Wetland observations: (a) Michigan EGLE mapping charts show many wetland areas scattered throughout this general commercial development area. Water may also travel from this wetland area via subsurface beneath the service road to the wetlands referenced in (b) and (c) above.
(b) From US-31, I have personally and easily witnessed the wetland referenced in (b) above to have standing and pooled water.
(c) Both prior to and during the construction of the four pontoon boat display pads in 2024, I observed standing water in this pontoon boat display pad area.
(d) The presumed mechanically dug trench can be easily seen from US-31 and it is certainly contained within the 200 feet US-31 road right-of-way. This trench drains water away from the wetland area described in (b) above. Wetlands cannot be drained without the proper permits.

Wetland investigation requirements: There is a significant and important need to determine (on site) the extent of these wetland areas, their characteristics and locations prior to all approvals and construction, where the water is coming from and where the water is now flowing to, potential violations of Michigan wetland regulations, legal ways to mitigate the harm to these wetlands, and the restoration of the to-be-determined damage done due to the four pontoon boat display areas and other project construction. It's possible that some site tree clearing and excavation could have been performed prior to DeWitt Marine's involvement, without proper approvals. These wetland issues need to be investigated fully by certified wetland engineers. Additionally, investigate the legality of draining water from a wetland and whether it is seasonal or otherwise.

4. Section 3.20 Outdoor Lighting and Section 3.21 Signs. There are no explicit descriptions of the types, quantities, sizes, setbacks, and location placements of the outdoor lighting and signs provided in the documentation. The township ordinance does not provide a "blanket coverage". There are strict requirements regarding lighting and signs.

5. Master Plan Survey. The current 2024 Hayes Township Master Plan survey, as well as prior surveys, provide very detailed feedback from Hayes Township property owners about how they want to see and experience Hayes Township and its development. In the current Master Plan Survey, the last paragraph in the executive summary states "**The survey results indicate a strong community desire to preserve the scenic and rural character of Hayes Township while accommodating managed growth and development.**" The DeWitt Marine commercial development appears to be in direct non-conformance with this strong community desire.

Conclusion: All aspects of DeWitt Marine's commercial site development and ongoing proposed operation must be thoroughly investigated and **Findings of Fact** documented, prior to the careful

and prudent review by the Hayes Township Planning Commission. **The current Special Use Permit application, the lack of specific documentation, and apparent ordinance violation(s) are unacceptable!!! Significant project development shortcomings must be addressed and ordinance regulations enforced.** Thank you.

Jim McMahon

Current Definition of Seasonal

Seasonal Use: Any use or activity that reasonably can or should only be conducted during certain months or seasons of a year. (Art.II-13)

Concern

Do we need to amend the definition of seasonal in the Zoning Ordinance?

Does this definition offer enough specificity to allow establishing time frames around permitted activities in a variety of uses?

Do we need to establish specific definitions of seasons and with specific dates?

Do we need to link these to specific businesses or uses?

Can we add to the ZO that when a seasonal use is being applied for, the PC confirms the actual dates and accurate descriptions of that use?

How do we differentiate uses that have peak seasonal activity from those that have only a specific seasonal use?

Seasonal business definition

A seasonal industry is defined by generating the majority of their income during specific peak periods within the year, often tied to seasonal events or weather conditions.

In economics, a seasonal business or industry refers to any business activity where revenue or operations fluctuate significantly based on seasonal changes, often driven by weather, holidays, or human activity. These businesses experience a peak season or seasons with high activity and a subsequent off-season with lower activity.

Key Characteristics of Seasonal Businesses:

- **Fluctuating Demand:**

Seasonal businesses experience changes in customer demand throughout the year, often tied to specific times or holidays, such as Christmas or summer vacations.

- **Peak and Off-Season:**

They have a peak season where business activity is high, and an off-season where activity is lower.

- **Resource Management:**

Seasonal businesses need to manage resources like inventory and labor effectively during both peak and off-season to maintain profitability.

- **Profitability:**

While the fluctuations can be challenging, seasonal businesses often have the potential to be profitable, especially during their peak seasons.

Examples of Seasonal Businesses:

- **Agriculture:**

Farming, planting, and harvesting activities are heavily influenced by the seasons.

- **Retail:**

Holiday retailers and businesses selling seasonal products like winter clothing or summer swimwear.

- **Tourism and Hospitality:**

Businesses like hotels, resorts, and restaurants that rely on tourist activity during certain seasons.

- **Construction:**

Construction activities are often slower during colder months and more active during warmer weather.

- **Events:**

Businesses related to seasonal events like fairs or festivals.

A seasonal business is one whose income is heavily concentrated in a specific period of the year, typically due to factors like weather, holidays, or tourism. This means their income fluctuates significantly throughout the year, with a peak season and a quieter off-season. Examples include ski resorts, summer beach rentals, and Christmas tree lots.

- **Examples:**

The following businesses are often considered seasonal:

- **Outdoor-related businesses:** Ski resorts, lawn care services, summer camps.
- **Holiday-related businesses:** Christmas tree lots, retailers specializing in holiday goods.
- **Tourism-related businesses:** Hotels and resorts in vacation destinations.
- **Not all businesses are seasonal:**
While some industries have distinct seasonal patterns, farming is not typically considered a seasonal business due to the continuous cycle of planting, growing, and harvesting different crops throughout the year.

Are Boat sales in N Michigan a seasonal business

AI Overview

[Learn more](#)

Yes, retail boat sales in Northern Michigan are primarily a seasonal business, with peak sales typically occurring during the spring and summer months when people are actively using the lakes and rivers. However, some sales may also happen in the fall and winter, especially as dealers offer incentives like winter storage.

Here's a more detailed look:

•

Peak Season:

•

The primary boating season in Northern Michigan is from spring to late summer, with the peak sales happening in the spring and early summer as people prepare for their boating season.

•

Fall and Winter Sales:

•

While not as intense as spring/summer, fall and winter can be good times for boat sales, especially for older models that are being discounted to make way for new inventory. Dealers may also offer winter storage or other incentives to encourage purchases.

Factors Affecting Sales:

- Factors like the weather, interest rates, and overall economic conditions can also influence boat sales.

In essence, while boat sales can occur year-round, the majority of the activity and sales happen during the warmer months when people are actively using their boats.

City of Charlevoix Examples

Winter parking December 1 to April 1 no street parking 2-6 am.

Special event Policy

Peak season- Tuesday following Memorial Day through Labor Day

Fall season - Tuesday following Labor Day through October 31

Off-peak dependent on weather and snow Nov. 1 through Memorial Day

Ferry Beach Park

In-season – May 1 through Oct. 31

Off-season – Nov. 1 the April 30

Other Public Spaces

Peak season – Friday before Memorial Day to Labor Day

Other seasons as defined in special event policy

Hayes Township Board,

My name is Eryn Willson, I'm a resident that adjoins the property in question for a special use/advertising allowance. I am writing to the board in two different facets. I am also the President of the Charlevoix Rod and Gun Club. It has been brought to my attention that there is consideration for allowing/extending a special use permit. This would allow them to be closer to the road right away than others. I am writing to the board as I cannot make tonight's meeting as I have prior obligations.

Firstly as a resident I am concerned about the location the boats have been allowed to take. The extended distance being a drainage ditch where the boat pads are currently and have been for the last year. Last year the boat pads had to be repaired due to water and soft ground issues. In the past couple years I have voiced my opinion Mr. Vanzee about another adjoining property Being the larger storage units and water drainage onto my property. I was told by Mr. Vanzee they were already underway and I don't have the money to fight them. With the damage already done to my property my concern is boat slips being placed blocking water drainage as this is already a normal wet area.

Secondly as The President of the Charlevoix Rod and Gun Club, It was brought to our board's attention in our last meeting of the special use permit. The Charlevoix Rod and Gun Club has inquired for years about allowing the C.R.G.C to Move our sign closer to the road for better advertisement and landmarking. The C.R.G.C has been told this was not possible. Starting roughly 2 years ago we were approached by a local highschool student and asked if the C.R.G.C would allow him to redo our road sign as his Eagle Scout project. This young man funded, consulted and did the legwork to redo our sign. He also inquired about moving our sign closer to the road, but he was still told no. We are confused as to why one business was told no, and we have to keep our sign back in the tree line. Why is another given leniency and allowed to advertise and show boats closer to the road?

While I do not oppose gradual growth of the area, I do believe in being transparent and fair. I do not understand the lack of oversight with recent projects. Housing developments on Boyne city road, Zoning administrators given Wrong information, Storage units draining away from proposed drain ponds, Allowing building and advertising in drainage ditches closer than other businesses, Upkeep of public beach on Eastern Avenue, Camp seagull project not finish with a SAFE wall etc.

I hope going forward anyone that approaches Hayes Township is treated fairly regardless of position or wealth. I hope they are given all the information about permits, allowances and or options available.

Thanks

Eryn Willson

Resident & President of Charlevoix Rod and Gun Club

