

Hayes Township Planning Commission
May 20th, 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, Mark Snyder and Matt Cunningham.

Excused: Carey Cuddeback.

Also, present: Ron VanZee (Zoning Administrator).

Audience: Carey Cuddeback, LuAnne Kozma, Tim Boyko, Carol Umlor, Ellis Boal, Betty Henne, Melvin Czechowski, Bill Conklin, Gary Ruehle, Diane McMahon, Jim McMahon, Diane Conklin, and Dave Kemme.

REVIEW AGENDA:

Chair Roy Griffiths proposed the following additions to published agenda:

1) Schedule Public Hearing for Dewitt Marine.

2) Update from Rex Greenslade on Master Plan Updates.

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

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

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS:

None

PUBLIC COMMENTS: Public comments opened at 7:02pm.

- Stated the Survey was done very well and looks forward to seeing the results in the Master Plan. Shared concerns of the Dewitt Marine property on US 31, specifically the boat pads.
- Requested clarification if the ZBA would be the correct board to address the interpretation of "seasonal" versus the Planning Commission.
- Mr. Griffiths clarified the Planning Commission was not discussing the interpretation of "seasonal", however was discussing expanding the definition for "seasonal".
- Stated they do not feel contacting a resident via phone to discuss a violation is proper. Feel everyone should take lighting violation and any zoning violation a little more seriously.
- Requested clarification on which sections of the Zoning Ordinance Beckett and Raeder will be reviewing, concerned Beckett and Raeder is not the best company in the area for the job.

Public comments closed at 7:15pm

Hayes Township Planning Commission
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APPROVAL OF MINUTES MARCH 18TH, 2025 REGULAR MEETING

Mr. Snyder made a motion, supported by Mr. Cunningham, to approve the March 18th, 2025, regular meeting minutes as presented.

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

Nays: none **Motion Carries**

REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Matt Cunningham gave a report on Board of Trustees activities. Next regular scheduled Board meeting is June 9th 2025.

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

The ZBA does not have any scheduled meetings at this time.

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

SHORELAND LANDSCAPE PLAN – 11659 PA BA SHAN:

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

5.03.3 items G, H, K, M, N, O, P, I

5.03.4 items B, D, E, F

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

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Alexander Curley and Matt Cunningham.

Nays: none **Motion Carries**

3. Site Plan Data Required:

Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

Hayes Township Planning Commission
May 20th, 2025
Regular Meeting
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A. The name and address of the property owner.

YES

B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.

YES

C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.

YES

D. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.

YES

E. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.

YES

F. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.

YES

I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.

YES

J. The location, size and slope of all surface and subsurface drainage facilities.

YES

L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.

YES

4. Application Submittal Procedures:

A. Ten (10) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall review the application and information submitted to

Hayes Township Planning Commission
May 20th, 2025
Regular Meeting
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determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for site plan approval shall not proceed until all required information has been supplied. Once a complete application meeting the requirements of this ordinance has been submitted, the Zoning Administrator shall introduce the application at the next meeting and place on the agenda for the following regular meeting.

YES

C. For all waterfront development requiring a Shoreland Landscaping Plan, the Shoreland Protection Subcommittee of the Planning Commission will review the Shoreland Landscaping Plan in accordance with Section 3.14 prior to review by the planning commission.

YES

5. 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 a 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 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 this Ordinance.

YES

2) The landscape shall be preserved in its natural state, insofar 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 removal of storm waters will not adversely affect neighboring properties.

YES

Mr. Martin made a motion, supported by Mr. Greenslade to approve the site plan review for 11659 Pa Ba Shan Lane as submitted.

Yeas: Roy Griffiths, CT Martin, Mark Snyder, Alexander Curley and Matt Cunningham.

Nays: none Motion Carries

Hayes Township Planning Commission
May 20th, 2025
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SCHEDULE PUBLIC HEARING FOR DEWITT MARINE:

Mr. Griffiths stated they reached out to the Township attorney was contacted for his thoughts on the Dewitt boat pads and whether or not MDOT approval for them would supersede the Township Zoning Ordinance. Attorney Todd Millar discovered many cases have been presented to the state when they have gone against local ordinances, which would effect MDOT authority. The Planning Commission decision made during the Dewitt Special Use Permit hearing was based on their previous understanding that MDOT had authority over the proposed location of the boat pads and not the Township.

Mr. VanZee stated his understanding at the time of the hearing was the township did not have jurisdiction with in the Road Right away, However, after hearing the Township's attorney's opinion he has found the decision was made in error. He has been in communication with the applicant regarding this new understanding, which is one of the reasons the applicant pulled his additional application hearing. Mr. VanZee requested as allowed under section 9.04 for the Planning Commission to rehear this Special Use Permit.

Mr. Griffiths made a motion, supported by Mr. Snyder to schedule a rehearing for the Special Use Permit for DeWitt Marine boat pads, as requested by the Zoning Administrator.

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

Nays: none Motion Carries

UPDATE FROM REX GREENSLADE ON THE MASTER PLAN UPDATES:

Mr. Greenslade requested the Planning Commission members to submit their comments as soon as possible. Within the survey there are some challenges to reconcile some results.

2025/26 BUDGET DRAFT:

Mr. Snyder made a motion, supported by Mr. Greenslade to approve the submission of the Planning Commission budget draft as discussed.

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

Nays: none Motion Carries

OLD BUSINESS:

BRI PROPOSAL:

Hayes Township Planning Commission
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Regular Meeting
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The Board of Trustees has signed and approved the proposed contract from BRI. Ms. Cuddeback, Mr. Martin, Mr. VanZee and Ms. Hilton with work with the BRI consultant in workshop meetings.

SET/CONFIRM PUBLIC HEARING DATES:

Public Hearing to rehear the DeWitt Special Use Permit will be scheduled for June 10th or June 17th depending on the notice posting availability.

SET/CONFIRM DATE OF NEXT PC MEETING –JUNE 17th, 2025.

Next Planning Commission regular meeting will take place on June 17th, 2025, at 7:00 pm.

PUBLIC COMMENT:

Public Comment Opened at 7:58pm

- Stated they are happy the Planning Commission will be rehearing the DeWitt Special Use Permit, feel the applicant should have a certified survey submitted to eliminate Wetland concerns and to clearly show the MDOT Road Setback.
 - Mr. Griffiths stated the State of Michigan has maps and surveys available online showing the setbacks along US 31.
 - Stated they received notice they had a potential outdoor lighting violation, discussed the issue with Ron VanZee and has changed his outdoor lighting since, would like to invited him out the test his lights. Suggested the Planning Commission review the Outdoor Lighting section of the Zoning Ordinance during the rewrite.
 - Stated a year ago the Township became aware of a proposed EGLE permit request at the Berger property. Pleased to hear the property owner is working with the Township.
- Public Comment Closed at 8:07pm

PLANNING COMMISSION and STAFF COMMENT:

Mr. Snyder attended a Tip of the Mitt workshop meeting on May 5th 2025.

ADJOURNMENT: Mr. Snyder made a motion, supported by Mr. Martin, to adjourn the meeting at 8:12pm.

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

Nays: none **Motion Carries**

Respectfully Submitted by:
April Hilton
Deputy Clerk/Recording Secretary