

Hayes Township Planning Commission
August 18, 2026
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: Roy Griffiths (Chair), Matt Cunningham, Rex Greenslade, CT Martin, and Mark Snyder.

Excused: Carey Cuddeback and Alexander Curley

Also present: April Hilton (Recording Secretary) and Ron VanZee (Zoning Administrator).

Audience: Bill Conklin, Seth Herkowitz, David Zipp, Diane Conklin, Andrew Schwartz, Pippa Spohr, Rebecca Tashjian, Jeff Tashjian, Luanne Kozma, Ellis Boal, Steve Hassell, Rick Tyner, Carol Umlor, Joe Spohr, Jeannie Massaway, Jim Massaway, Linda Ambroso, and Michael Ambroso.

REVIEW AGENDA:

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

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

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTERESTS: None

APPROVAL OF MINUTES JULY 21, 2026 REGULAR MEETING

Mr. Cunningham made a motion, supported by Mr. Greenslade, to approve the July 21, 2026 Regular meeting minutes as corrected.

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

Nays: none **Motion Carries**

PUBLIC COMMENTS- RELATED TO AGENDA ITEMS:

Public comments opened at 7:02 pm.

Comments included:

- Referred to Correspondence they submitted regarding new business item Public Hearing – proposed amendments to PUD for Country Club Fairways; would like the chair to announce the members of the Planning Commission that are excused at the beginning of the meeting; Tip of the Mitt Ordinary High Water Mark recommendation 582.35 and the township made a mistake with using this in their ordinance, current lawsuits they are involved in.

Public Comment closed at 7:19 pm.

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REPORT OF TOWNSHIP BOARD REPRESENTATIVE TO THE PLANNING COMMISSION:

Mr. Cunningham gave a report on Board of Trustees activities. The next regularly scheduled Board meeting is on September 14, 2026.

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

ZBA did not meet.

ZONING ADMINISTRATOR REPORT:

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

NEW BUSINESS

SHORELINE LANDSCAPING PLAN- 7345 BIRDLAND:

Mr. Snyder made a motion, supported by Mr. Greenslade, to approve the Shoreline Protection strip landscape plan for 7345 Birdland Dr. as submitted.

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

Nays: none. **Motion Carries**

PUBLIC HEARING - PROPOSED AMENDMENTS TO PUD FOR COUNTRY CLUB FAIRWAYS:

Mr. Griffiths opened the public hearing at 7:29 pm.

The purpose of this hearing is to accept public comments on a proposed amendment to a previously approved Planned Unit Development to allow new single-family home construction. The original Planned Unit Development (PUD) was approved on May 18th 1999, consisting of 44 residential units (11 fourplex buildings). 8 Residential units (2 fourplex buildings have been constructed. Applicant proposes to amend the PUD, reducing the total number of units from 44 to 24 and constructing 16 new single-family units instead of the originally approved fourplexes.

Mr. Herkowitz stated he is a partner and chief operating officer at Hunter Pasture, there to report on the project; his business partner Rick Tyner is recovering from spinal surgery and was unable to join in person. Also present is civil engineer Dave Hendershot, from Performance Engineering. Key discussion points on the site plan: the property is 10.25 acres after the township approved a property division in 2021. The proposed plan consists of 16 single-family homes, all with first-floor primary living to cater to the purchaser. They will all range in size

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from 2,000 to 3,200 square feet, with a 1,000-square-foot finished basement and an attached two-car garage. This new plan will result in a significant reduction in density from the originally approved plan. The original PUD approval included 44 condominium units, compared with the proposed 16 single-family homes, a total reduction of 20 units. We expect to start four homes up front after completion of a land development scope, then the future construction sequencing and pace will be determined by the sales velocity plan. In their 25-plus years of history, Hunter Pasture has never, not completed a single development that it has started. They encourage the Township to review their development portfolio. They are very proud of the work they have done over the last 25 years and the level of quality development that they produced and the community benefits that result from their work. Their plan preserves 6.17 acres, or 59% of open space, exceeding the ordinance requirement and preserving important vistas and view sheds to the adjacent golf course and the surrounding natural land. They have also reduced the overall stormwater loss from the original PUD. Their plan is consistent with the future land use map. Their incorporation of large urban spaces allows for viewing and living with the natural environment. The project provides convenient access to the Charlevoix Community Pool and the recreational amenities they provide. They have reached a mutual agreement with the Charlevoix Community Pool Board, which has been signed and executed by both parties regarding the establishment of an emergency access connection between their properties. The access will be gated and only used for emergency vehicles for ingress and egress by the fire authority and other related emergency services. They have received all necessary approvals from the Fire Authority, Lake Charlevoix EMS, City of Charlevoix in terms of water capacity and the Charlevoix County Building Department regarding soil erosion review. The Shoreline protection discussed at the July Planning Commission meeting has been determined unnecessary, due to the ordinance specific to lakes and streams such as Lake Charlevoix and Lake Michigan, not extending protection to on-site stormwater or decorative ponds. However, it is their intent to restore any disturbed areas. Including ponds with a vegetative buffer of native grasses. The project is driving to the criteria that is set forth in the township ordinance; with the Planning Commission's support, their next steps will be to direct significant resources to advancing all aspects of the project, including finalizing engineering designs and architectural designs. They will establish community bylaws or rules and regulations which the township may advance. Their project planning engages the surrounding communities, including the Community Pool, Charlevoix County Club, and the County Club Fairways HOAs. Issues include construction impact mitigation planning will be presented to the HOAs that are impacted. Hours of operation, signage, security, logistics, site cleanliness, noise,

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and repair will all be part of the effort. Landscaping and potential screening between properties will be done holistically. They have been looking at the HOA budget for a detailed evaluation of expenses that will be created as a result of the development, as well as future revenue that will be generated by 16 additional units. There will be ongoing dialogue and engagement between their entities and the neighbors throughout construction. The project will generate very significant community benefits, reduction in density, preservation of open spaces, infrastructure investment, a decrease in stormwater, new housing, economic development, support of local business, adjacent community assets, and ultimately the establishment of new property.

Zoning Administrator Ron VanZee stated the application to amend the Fairways PUD was received on June 8, 2026. Notice of Public Hearing was posted on July 27, 2026. The publication date in the Petoskey News Review was July 29, 2026. 300' notice to adjacent parcels was mailed July 27, 2026. Original Fairways PUD was approved May 18, 1999, with designated R-4 Multiple Family Residential Zoning allowing a net density of 4 dwelling units per net acre, a minimum of fifty percent of gross area maintained as open space, and a minimum of 900 square feet of floor space for each unit. The approval included provision for 44 residential units (11 fourplex buildings). The property tax identification number for the property is 15-007-118-003-15. The owner of record is AT/CCF LLC. The original PUD approved was for 12.53 acres. October 26, 2021, the Hayes Township Planning Commission approved an application to exclude 2 acres from the PUD where existing condominiums (4 fourplex buildings) are located, leaving 10.525 acres remaining in the original PUD, recognizing an agreement between AT/CCF LLC and Country Club Fairways Association (CCFHOA) to divide the property. Property division was approved and recorded at the Charlevoix County Register of Deeds. The applicant proposes, with this application, to develop 16 single-family residential units instead of the amended approval with 28 units available. Maximum allowed density in the R-4 zoning district is 4 dwelling units per net acre: allowed dwelling units $4 \times 10.525 = 42$. Proposed 16. Greenspace (open space) proposed is 6.17 acres or 59% of the parcel. Proposed public utilities provided by the City of Charlevoix for waste and Charlevoix Township for water. Approvals received from Charlevoix Township Fire Department and LCEMS Authority. Roads will remain private and maintained through association bylaws. Emergency access provided with gated easement to community pool property in addition to proposed road easement for ingress/egress utility, mail access, irrigation well, snow removal, dumpster, Great Lakes Energy, and telephone services. Nine emails of correspondence, seven of which supported comments forwarded from the Association President. The zoning department finds that the proposed application conforms to the requirements of the zoning ordinance and is less dense than

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the original PUD approval, except for the proposed building envelopes that are in the R-4 zoning district designed for Multiple Family Residential structures, not Single-Family Structures. The Planning Commission will be required, under Article VI, Section 6.03, L, Amendment of an approved Planned Unit Development, to treat this as an original Planned Unit Development Application. You must consider Article VI, Section 6.03 H Standards for PUD Approval, which includes Article V, Site Plan Review, Section 503,5 Standards for Granting Site Plan Approval where applicable.

Chair opened at 7:50 pm

Comments included:

- William Conklin, 9290 Fairway View Unit 2, After the July 21st 2026 Planning Commission Meeting, the condominium Home Owners Association voted in new board members, and Mr. Tyner's surgery is the reason for the members' late correspondence submittal. He would like the Planning Commission to develop a construction schedule with a beginning and ending time condition or at least a temporary condition for approval. In the ordinance, in the PUD section item M, talks about expiration of approval and extension. An approved PUD shall expire one year following final approval by the Planning Commission. This PUD was originally approved in 2001 or 1999. With construction completes in 2003. A planning commission can grant one extension of an approved PUD for an additional one-year period. Encourages the Planning Commission to consider this PUD expired.
- Diane Conklin, 9290 Fairway View Unit 2, has lived there since 2015. They share a driveway with the proposed development, and the condo HOA has been maintaining the driveway and all common elements for years. They donate some money; however, the HOA covers all the plowing and mowing expenses. The HOA has been taking care of the developer's land; therefore, the HOA should have some say on what happens in the shared common area and driveway. The HOA would like construction to start on Fairway Lane to make sure they are going to sell before they build on the rest of the property. Density will affect the condo residents and HOA because they now pay more to maintain these common areas than they will when there are more families there.
- Andrew Schwartz, the president of the condo association, pointed out to the Planning Commission, with a visual aid of the proposed project, where exactly the HOA would like to see the first units constructed in lot numbers 8, 9, 10, 11, and 12 that overlook the seventh hole of the Charlevoix Country Club. This allows the HOA residents to maintain their sanity during construction. The developer claims density will help with more people to pay for the share of the common expenses; however, the HOA would

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like the developer to put up a construction bond of \$250,000. The HOA would like the Planning Commission to place a condition for a landscape buffer between the condo association and the two closest proposed buildings. They would also like the developer to repave the road that goes behind the Condo Association and down to hole five of the Charlevoix County Club. The HOA would like the Planning Commission's support with these conditions.

- Jim Massaway reiterated the concern for the placement of the first four homes on Fairway Lane, to limit noise and traffic along the shared driveway. Especially because if the project fails, as it did before when they only built the two condo units when the recession hit, it's the most logical placement for these homes in case trouble times hit again, and construction is halted, and the project is left incomplete.
- Luanne Kozma, 9330 Woods Rd: written comments can be handed in at any time to be included in the record. Also, the Planning Commission does not need to make a decision tonight if they need to gather more information. Whether or not a PUD exists on the property after the land division seems to be the source of confusion. Also, would question if item M of the PUD section of the Hayes Township Zoning Ordinance applies to this case. Perhaps the Township attorney should submit an opinion to help the Planning Commission analyze these concerns.

Closed Public Comment at 8:04 pm

Mr. VanZee clarified that in his previous statement at the beginning of the Public Hearing, the Planning Commission will be required in this review, under Article VI, Section 6.03, L, Amendment of an approved Planned Unit Development, to treat this as an original Planned Unit Development Application. You must consider Article VI, Section 6.03 H, Standards for PUD Approval, which includes Article V, Site Plan Review, Section 503,5 Standards for Granting Site Plan Approval, where applicable.

Chair received and acknowledged the correspondence from the following residents into the record:

- Andrew Schwartz
- James Massaway
- Martha Sutton
- Jeff Tashjian
- Joe & Pippa Spohr

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- Dorothy Sandoval
- Woody Pearson
- Bill Conklin
- Seth Herkowitz
- Rick Lobhenhertz

Mr. Herkowitz stated they respect and understand that there are critical issues that are important to the community and stakeholders, and they plan on working collaboratively with all stakeholders and the community as the project advances. However, they respectfully disagree with the characterization of their response on numerous items from Mr. Schwartz. They have taken a very thoughtful and detailed approach to respond and submit a multiple-page response addressing the concerns from the condo HOA and Mr. Schwartz. They are talking about private grievances that are not related to the site plan or the Township Zoning Ordinance. There are important governing factors that were mutually negotiated and agreed between the developer entity and the homeowner's association when the property was originally split. This addresses not all but many of the issues that have been identified. For example, the agreement identifies that the annual contribution from the developer for the common area for each year is \$2500. The new master declaration is another important document which outlines the requirement for the developer to post a performance bond with the HOA for the road to be fixed by the developer in the amount of \$25,000. The HOA is now requesting to increase this bond value from \$25,000 to 250,000. This document also states the local contribution the developer is required to make, as well as the insurance requirements. Construction impact is also included in terms of cleanliness of the roads and site cleanliness, as well as repairing damage caused by the project. The project is in the early planning stage of the development process, and they have identified a building envelope and specific utility connection points in a site plan as part of the submittal process. They will have more detail and advanced planning and construction drawings at the point of construction. They plan to advance HOA budgeting throughout the process by developing a shared cost expense and cost structure for annual dues for the future 16 homeowners. They plan to have a positive, productive, and strong relationship with everyone involved.

William Conklin, 9290 Fairway View, this may be a defect in the notice to the public regarding a proposed amendment to a previously approved planned unit development. They made public comments to the Planning Commission regarding an amendment; now it is being said to possibly be an original PUD. Therefore, the notice is defective, and all their comments are not

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in context, and the Planning Commission should either dismiss this PUD or postpone and properly notice to be heard again.

Andrew Schwartz, for education for everyone, rolling this over another 30 days gives everyone a full and fair opportunity to properly address this matter. Then everyone can come to some accommodation with specific items. Suggest that with a little more time, the developer can also respond to the items mentioned specifically by the HOA.

Chair closed the Public Hearing at 8:15 pm.

Mr. Griffiths, we do have some issues between what the zoning ordinance addresses, which the Planning Commission has to follow, versus what appears to be contractual or relationship issues between the existing condominiums and the proposed development. And the Planning Commission's role is not to be a leverage point in such mitigations. It is not the Planning Commission's or the developers' fault that it took the Condominium Association, as Mr. Conklin explained, as long as it did, to decide on its HOA board. The question the Planning Commission needs to decide is whether this case should be noticed as a new PUD. If the Planning Commission is to consider this original, was it noticed correctly?

Mr. VanZee stated that no records exist rescinding the original PUD. If you go to the amendment section of the ordinance, there are certain criteria that some requests can be amended administratively by the Zoning Administrator and other changes that can not, and those are the cases that must be treated as an original PUD. The termination of a PUD is a separate section within the ordinance.

Mr. Greenslade clarified that the notice stated an amendment to the existing PUD, and when we consider the amendment, the criteria against which we make our decision are the same as it is for a new PUD, even though it is an amendment.

Mr. VanZee verified Mr. Greenslade was correct with this statement.

Mr. Griffiths stated under the standards for PUD, item M, the expiration of an approved PUD and extensions. The concern is due to the parcel split: did the PUD go with the new parcel or continue on the old parcel only? The ordinance stated the approved PUD shall expire one year following final approval by the Planning Commission unless substantial construction has begun on the PUD project before that time or the PUD applies to the Planning Commission for an extension before the expiration of the PUD. The Planning Commission may grant one extension of an approved PUD for an additional one-year period if it finds the property owner has

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reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner and PUD requirements and standards are reasonably related to the development and have not changed. The PUD approval expires pursuant to subsection one above; no work pursuant to the PUD plan may be undertaken on the project until a new PUD approval is obtained from the Planning Commission following the procedures for a new PUD application. In addition, if the PUD approval expires, the property shall again be subject to the Zoning classification of the property that existed before the PUD approval as if no PUD had ever been in place. If the property split and the PUD stayed with the two-acre parcel with existing condos on it, then there was no PUD granted for the 10-acre parcel. Even if the 10-acre parcel had been carried over as a PUD, that was five years ago, and there has been no substantial construction in that period of time. Therefore, he believes this case should be treated as a new PUD request, which means it was not properly noticed.

Mr. Martin agreed with Mr. Griffiths. Also, some of the mitigation requests do not make sense to apply to the PUD. I would urge the HOA to have meaningful discussions with the applicants to deal with these issues.

Mr. Greenslade agreed with Mr. Martin; the four homes on Fairview Lane, the liability insurance, the increase in the bond, repaving the cart path, and the buffer landscape should be discussed and settled between the homeowners' association and the developer.

Mr. Snyder finds it interesting that when two private groups try to have the government solve their relationship issues, it typically does not work out well for anybody. The impression he received at the previous Planning Commission meeting was that a number of the homeowners in the association were appreciative of the 16 homes versus 44 condos. The impression he is getting at tonight's meeting is that the homeowners are trying to maneuver a list of requests. He would suggest the two groups privately resolve these issues instead of using government oversight.

Mr. Griffiths agreed with Mr. Snyder; at the last meeting, Mr. Schwartz was the only homeowner who raised concerns. Tonight, there seems to be a completely different perspective, which does not really have much to do with the decision. Mr. Griffiths contacted the Township attorney; however, he has not been able to address the issues yet. He recommended that if the Planning Commission cannot make a clear decision on the issues, it would be best to postpone for 30 days. As far as the proposed mitigation checklist that was submitted, after comparing it with the zoning ordinance, it appears less than 30% have any standard within the Zoning Ordinance, which the Planning Commission has to follow.

Therefore, the HOA needs to try and negotiate these requests themselves with the developers,

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and not try to use the Planning Commission as a leverage point. If there are issues that are addressed within the Zoning Ordinance, then the Planning Commission will address them.

Mr. Greenslade made a motion, supported by Mr. Snyder, to schedule a public hearing for the September 15th 2026 Planning Commission Meeting based on the township attorney's opinion on whether the Planning Commission needs to re-post and re-hear this public hearing at the September 15th 2026 Planning Commission Meeting, depending on whether the attorney determines if this request is an amendment or original application.

Yeas: Roy Griffitts, CT Martin, Rex Greenslade, Mark Snyder, and Matt Cunningham.

Nays: none **Motion Carries**

OLD BUSINESS:

SET/CONFIRM PUBLIC HEARING DATES:

Set a public hearing for September 15th, 2026 at 7:00 pm to review the Planned Unit Development amendment at 007-118-003-15 County Club Fairways.

SET/CONFIRM DATE OF NEXT PC MEETING –SEPTEMBER 15, 2026.

Next Planning Commission regular meeting will take place on September 15, 2026, at 7:00 pm.

PUBLIC COMMENT: Public Comment opened at 8:40 pm.

No comments.

Public Comment closed at 8:40 pm.

PLANNING COMMISSION and STAFF COMMENT:

Mr. Martin stated that the list of items under mitigation and the intertwined documents between the PUD and the HOA should be worked out privately.

Mr. Cunningham suggested having the Township Attorney present for the next meeting during the PUD public hearing.

Mr. Greenslade commended the Shoreline Protection Strip Committee for the work they did on the Birdland property. It shows the Shoreland Protection strip process is working.

Mr. Griffitts stated the Data Center work group meeting has been rescheduled for September 9th, due to several members on vacation and waiting to hear back from MTA for guidance on a

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model ordinance dealing with data centers. The draft zoning ordinance work, draft material will be available by the third week in September, and they will be scheduling some special meetings to begin reviewing chapters on Saturday morning that will be open to the public in October.

ADJOURNMENT: Mr. Greenslade made a motion, supported by Mr. Snyder, to adjourn the meeting at 8:44 pm.

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

Nays: none **Motion Carries**

Respectfully Submitted by: April Hilton, Deputy Clerk/Recording Secretary

