

**HAYES TOWNSHIP
HAYES TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
October 06, 2026, 6:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720**

Chair Roy Griffiths called the October 06, 2026, Special Meeting of the Hayes Township Planning Commission to order at 7:00 pm.

Commission Members Present: Mark Snyder, Matt Cunningham, Alexander Curley, CT Martin, and Roy Griffiths.

EXCUSED: Rex Greenslade.

Audience Members signed in: Todd Millar, Bill Conklin, David Zipp, Seth Herkowitz, Rick Lobenhertz, Stuart Arkin, Rick Tyner, Diane Conklin, Dorothy Sandoval, Rebecca Tashjian, Jeff Tashjian, Pippa Spohr, Joe Spohr, Rebecca Rassel, Andrew Schwartz, Aaron Nordman, Ed Russell, and Carol Umlor.

CALL TO ORDER: Chair Roy Griffiths called the meeting to order at 6:00 pm

REVIEWED & APPROVED AGENDA

Mr. Snyder made a motion supported by Mr. Curley to approve the agenda as presented.

Yays: Roy Griffiths, Mark Snyder, CT Martin, Matt Cunningham, Alexander Curley

Nays: None Motion Carried

DECLARATION OF CONFLICT OF INTEREST: NONE.

PUBLIC COMMENTS: Public Comment opened at 7:01 pm.

Public Comments included:

- In support of the project for parcel #15-007-118-003-15, in support of the project; however, would like to request the show homes be built on the Fairway Lane side of the parcel and would like to see the completion of the cart path; supports the project; the increase in residents will help with the expenses of the HOA; pool representative has worked with the developers and has agreed with everything regarding the pool.

Public Comment closed at 7:07 pm

PUBLIC HEARING: SITE CONDOMINIUM PUD FOR 15-007-118-003-15:

Mr. Griffiths opened the public hearing at 7:08 pm.

The purpose of this hearing is to accept public comments on a proposed Planned Unit Development/ Site Condominium to allow for construction of 16 new single-family home/site condominium on parcel 15-007-118-003-15 located on Fairway View, Fairway Lane, Charlevoix, MI 49720 in an R-4 Multiple Family and Agricultural Zoning District.

Mr. Herkowitz spoke on behalf of the joint venture between Hunter Pasture and ATCCF. Partners Stuart Arkin and Rick Tyner were also present, along with their legal counsel, Rick Rassel, and Aaron from Performance Engineering. It's their understanding that the township has addressed the issues that were raised during the last several Planning Commission meetings related to their proposed project. Specifically, proper notice of the meeting and the review of their application. They appreciate the Planning Commission's efforts to address the noted issues and for scheduling the special meeting tonight. As to the merits of the application, as outlined in detail during the prior meetings, our planned unit development proposal satisfies the specific review criteria that are outlined in the Hayes Township Zoning Ordinance. Including but are not limited to, minimal parcel size, open space requirements, consistency with the future land use map, harmonious character, preserved vistas and natural features, safe traffic circulation, and a decrease in stormwater runoff. Their plan continues to consist of 16 single-family homes, all with first-floor primary living. These homes will range in size from 2,000 to 3,200 square feet. They will all have a 1,000-square-foot finished basement and a two-car attached garage. The overall property is 10.525 acres after the 2021 township-approved property split. The plan as proposed is a significant reduction in density from the originally approved PUD, and is also a reduction compared to the development rights for the R4 zoning district, which allows for a maximum of four dwelling units per net acre, including expanded residential uses such as two-family residences. Their plan exceeds the ordinance requirements for open space, incorporating 6.15 acres, or 58%, as open space, reserving important vistas and viewsheds into the adjacent golf course and the surrounding properties. Consistent with their interpretation of the ordinance, the open space will ultimately be set aside for a conservation easement and memorialized in our future development agreement and our master deed. There are no delineated wetlands or floodplains zones on the property. As a result of the cluster development and proposed single family use, they have reduced the overall stormwater runoff compared to the originally approved PUD. They have reached a mutual agreement with the Charlevoix Community Pool regarding the establishment of an emergency access connection between the PUD property and their existing parking lot. The circulation plan and the emergency access were subsequently signed off by the Fire Chief, Lake Charlevoix EMS, and the City of Charlevoix in terms of sanitary capacity evaluation; Charlevoix Township for water capacity evaluation, Charlevoix County Building Department as it relates specifically to soil erosion. The concerns expressed by the members of the existing Country Club Fairway Condo Association regarding proximity of lot one to their existing garage and residential building and screening between the properties have been considered and modified on the site plan. For

example, lots one, two, and three are set further from the main drive, increasing the distance between the first unit boundary line and the adjacent condo garage to 118 feet from 94 feet, which also allows for a small green buffer zone in the common area adjacent to lots one and two. A 10-foot landscape easement has also been planned out at the request of the existing HOA, along the property line, installed at the PUD's expense to add requested screening. A similar buffer zone will be established adjacent to unit 13 along the property line with the Charlevoix Community Pool for additional screening. There will be street trees in front of each lot for enhanced curb appeal. They have a long history of successfully executing residential and mixed-use developments throughout the state of Michigan.

Zoning Administrator Ron VanZee stated the application for Fairways PUD was received on September 11th, 2026. Notice of Public Hearing was posted on September 16, 2026. The publication date in the Petoskey News Review was September 18, 2026. 300' notice to adjacent parcels was mailed September 16, 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.

The applicant proposes, with this application, to develop 16 single-family residential units in lieu 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. 50% is required.

Proposed public utilities are provided by the City of Charlevoix for waste and Charlevoix

Township for water. Roads will remain private and maintained through association bylaws.

Emergency access is provided with a gated easement to Community Pool property in addition to the proposed road easement for ingress/egress utility, mail access, irrigation well, snow removal, dumpster, Great Lakes Energy, and telephone services.

Chair opened Public Comment at 7:27 pm

Comments included:

- Diane Conklin, 9290 Fairway View, stated she is in support of the PUD; however, she would like to see that all the Zoning Ordinance requirements are met within the project. For example, the road is not wide enough for two cars to pass each other; with the increase in traffic, the residents of the condos would like to see the road widened by the developer. Would like the first homes to be built along Fairway Lane and would like to have an end date for construction to be complete.
- Bill Conklin, 9290 Fairway View, stated he submitted a letter late last night to the Planning Commission; Lot 10-12, located in the AG district, would like to know if the ponds are being considered as a part of the Open Space calculation. Request the developer establish an end date for construction.
- Rick Lobenhertz stated he developed the Charlevoix County Club, and to this day there are still homes being built since they began 30 years ago; the County Club roads are 18 feet wide, and the County Club has way more traffic, and the narrow roads slow traffic down and decrease runoff. Does not support a timeline for construction.
- Andrew Schwartz stated he appreciates the developer has agreed on the landscaping buffer, would like to request construction begin on Fairway Lane, and supports the road being widened and would like the Planning Commission to force the developer to agree to all the adjacent HOAs' other requests.

Closed Public Comment at 7:39 pm

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

- Dorothy Sandoval
- Bill Conklin – received late.

Mr. Herkowitz clarified that during the call with the HOA, the applicant informed the HOA they would be installing a landscape buffer.

Chair closed the Public Hearing at 7:41 pm.

Mr. Griffiths stated the ponds located on the property are man-made, and EGLE does not consider them wetlands; therefore, they can be considered Open Space. Yes, 3 lots are in the AG district; however, in Article 4 there is an exception for single-family homes' side setback of 25 feet in AG.

Mr. Martin stated that the road width of 16 feet meets the Charlevoix County Road Commission codes and the Emergency Services request.

Mr. Griffiths stated the tree height needs to meet the 10' clearance requirements for emergency services vehicles. Some of the issues between the parties do not fall within the ordinance regulation; therefore, the Planning Commission can not act on them.

1. 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 do not apply to the proposed development.
 - 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 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**
 - G. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names. **YES**
 - H. The existing zoning district in which the site is located and the zoning of adjacent parcels. **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**
- K. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
- 1) The number of units proposed, by type, including a typical floor plan for each unit. **YES**
 - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas. **YES**
 - 3) Typical elevation drawings of the front and rear of each building. **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**
- M. Generalized soil analysis data, which may include data prepared by the Charlevoix County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils. **YES**
- N. All site plans shall comply with the terms of any applicable soil erosion, sedimentation, and stormwater runoff control ordinance. It shall be the applicant's responsibility to provide documentation of compliance with any applicable ordinance. **YES**
- O. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses. **N/A**
- P. The impact statement shall address the following as applicable to the type of use:
- 1) A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable. **YES – DATA ON POTENTIAL RESIDENTS N/A**
 - 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to groundwater reserves or community system capacity, change in traffic volume on adjacent streets, and other factors that may apply to the particular development. **YES – CLASSROOM NEEDS N/A**
 - 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise, and the scale of development in terms of the surrounding environment. **YES**

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 does not apply 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 the 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 stormwater 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**
- 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.**
- 8.) Exterior lighting shall be arranged as follows: **Must follow all Township Ordinance Lighting section requirements.**

- 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 pedestrian or bicycle pathways in the 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 statutes 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.
YES.

Mr. Curley made a motion, supported by Mr. Martin, to approve the site plan with the conditions noted above.

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

Nays: None

Motion Carried

- A. *PUD Application Requirements.* An applicant seeking approval of a PUD shall submit a complete application to the Zoning Administrator. The Zoning Administrator shall then forward the application to the Planning Commission for its review under the procedures of this section. The application shall include all of the following:
 - 1) A completed application form, supplied by the Zoning Administrator. **YES**
 - 2) Payment of a fee as established by resolution of the Township Board. **YES**
 - 3) A narrative statement describing:
 - a) The objectives of the proposed PUD and how they relate to the intent of the Zoning Ordinance as described in subsection 1), above. **YES**
 - b) The relationship of the proposed PUD to the Hayes Township Master Plan. **YES**
 - c) Phases of development, if any, and the approximate time frame for the start and completion of construction of each phase. **NA**

- d) Proposed master deed, deed restrictions, covenants, or similar legal instruments to be used within the PUD. **YES**
- e) Anticipated dates for the start and completion of the PUD construction. **YES START DATE, COMPLETION N/A**
- f) The location, type, and size of areas to be dedicated for common open space. **YES**
- 4) The PUD application shall include all information required by **Article V** and **Section 6.02.1**, and the following:
 - a) Required setbacks of the Zoning Districts. **YES**
 - b) The area (and square footage) percentage of subject property to be covered by buildings. **YES**
 - c) Percentage of the total site devoted to open space and the proposed uses of that open space. **YES**
 - d) Such other information regarding the development area that may be required to determine conformance with this Ordinance. **YES**

H. *Standards for PUD Approval; Conditions; Waiver of PUD Standards.*

- 1) *General Standards.* The Planning Commission shall approve, or approve with conditions, a PUD application if the Planning Commission finds that the proposed PUD meets the standards of **Article V** and **Section 6.02.4** and all of the following:

- a) The planned unit development shall be consistent with the Hayes Township Master Plan.

Planning Commission finds: Yes, page 23, Master Plan (goal)

- b) The planned unit development shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will be consistent with outdoor pedestrian movement. Vegetation proposed by the developer or required by the Planning Commission shall be maintained in a healthy, living condition, and any dead vegetation shall be replaced.

Planning Commission finds: Consistent with Zoning Ordinance requirements, Section 3.24 for adjacent buffering and vegetation. See page 5 of submitted plans

- c) The planned unit development shall not change the essential character of the surrounding area, unless such change is consistent with the Township's current master plan.

Planning Commission finds: It does not change the essential character by maintaining a residential community

- d) The planned unit development shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.

Planning Commission finds: The character will not change

- e) The planned unit development shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems intersecting or abutting such development.

Planning Commission finds: No changes

- f) The planned unit development shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely interfere with the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles to or within the development and adequate space for turning around at street ends shall be provided.

Planning Commission finds: Circulation systems have been improved to provide access and emergency services (see letters from fire department and LCEMSA)

- g) The planned unit development shall not result in any greater storm water runoff to adjacent property after development than before. The open space shall be provided with ground cover suitable to control erosion, and vegetation which no longer provides erosion control shall be replaced.

Planning Commission finds: Changes decrease stormwater management needs, (see page 4 of submitted plans)

- h) The design of the planned unit development shall exhibit a

reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials are to be discouraged. Still, care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials as to create an adverse effect on the stability and value of the surrounding area.

Planning Commission finds: Character is improved with proposed changes.

- i) The planned unit development shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, and drainage or erosion control.

Planning Commission finds: Applicant is proposing only one phase

- j) The planned unit development shall provide for underground installation of all utilities.

Planning Commission finds: All utilities are underground

- 2) *Conditions.* The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **Section 9.03** of this Ordinance.
- 3) *Waiver of PUD Standards.* The Planning Commission may waive any of the standards for a PUD contained in subsection H. above where all of the following findings are documented along with the rationale for the decision:
 - a) No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
 - b) The spirit and intent of the PUD provisions will still be achieved.
 - c) No nuisance will be created.

Mr. Martin made a motion, supported by Mr. Curley, to approve the PUD for 15-007-118-003-15 with the following conditions:

1. All units are single-family homes

2. Tree screening on lots #1 and #13
3. Agreement with Charlevoix Community Pool for access.
4. All units' access doors: minimum of 36"
5. All roads: minimum of 16'
6. Any overhead structure or branches in drives or roads have a minimum of 10 feet of clearance.
7. Any open space easement or set aside be documented in language acceptable to the township attorney to be part of the final agreement.
8. All exterior lighting needs to follow the township's lighting ordinance.
9. Upon approval of the new PUD, the applicant must file documents that state the current PUD is abandoned and this new approved PUD replaces it for the parcel in language acceptable to the township attorney.
10. The plans be submitted to the zoning administrator for approval that brings unit 12 deck structure into full compliance with the setback requirements of the Hayes Township Zoning Ordinance.
11. Trash collection services are provided.

A roll call was taken:

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

Nays: None **Motion Carried**

ADJOURNMENT: Mr. Cunningham moved to adjourn the meeting at 8:21 pm, supported by Mr. Snyder.

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

Nays: None **Motion Carried**

Respectfully Submitted, April Hilton, Hayes Township Treasurer