

AGENDA
HAYES TOWNSHIP, CHARLEVOIX COUNTY
PLANNING COMMISSION

October 20, 2026 7:00 pm

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

ZOOM

<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. Review and Approval of Draft Minutes- September 15, 2026 Regular Meeting, September 21st 2026 Special Meeting, and October 6th 2026 Special Meeting
6. Public Comment Related to Agenda Items
7. Report of Township Board Representative to the Planning Commission
8. Report of Zoning Board of Appeals Representative to the Planning Commission
9. Zoning Administrator Report
10. New Business
11. Old Business
12. Continue Consideration and Discussion of Master Plan
13. Set/Confirm Public Hearing Dates - November 17th 2026, SUP application.
14. Set/Confirm Date of Next Regular PC Meeting- November 17, 2026
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.

**HAYES TOWNSHIP
HAYES TOWNSHIP PLANNING COMMISSION
SPECIAL MEETING
September 21, 2026, 6:00 PM
HAYES TOWNSHIP HALL
09195 MAJOR DOUGLAS SLOAN RD
CHARLEVOIX, MICHIGAN 49720**

Chair Roy Griffiths called the September 21, 2026, Special Meeting of the Hayes Township Planning Commission to order at 6:00 pm.

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

EXCUSED: Rex Greenslade

Audience Members signed in:

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. Cunningham 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 6:00 pm. None. Public Comment closed at 6:00 pm

APPOINTMENT OF CAREY CUDDEBACK TO ZONING ORDINANCE WORKGROUP:

Mr. Snyder made a motion supported by Mr. Martin to appoint Carey Cuddeback to the Zoning Ordinance Workgroup.

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

Nays: None **Motion Carried**

ADJOURNMENT: Mr. Curley made a motion, supported by Mr. Snyder, to adjourn the meeting at 6:01 pm.

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

Nays: None **Motion Carried**

Respectfully Submitted, April Hilton, Hayes Township Deputy Clerk

Hayes Township Planning Commission
September 15, 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, Alexander Curley, CT Martin, and Mark Snyder.

Excused: Carey Cuddeback and Rex Greenslade.

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

Audience: Ellis Boal, Luanne Kozma, Diane Conklin, William Conklin, and Carol Umlor.

REVIEW AGENDA:

Add item 10a under New Business to discuss the Master Plan

Item 13: Special meetings for the Zoning Ordinance are tentative dates and may be subject to change.

Mr. Snyder made a motion, supported by Mr. Curley, to approve the amended agenda.

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

Nays: none **Motion Carries**

DECLARATIONS OF CONFLICTS OF INTEREST: None

APPROVAL OF MINUTES AUGUST 18, 2026 REGULAR MEETING

Mr. Martin made a motion, supported by Mr. Snyder, to approve the August 18, 2026 Regular Meeting minutes as presented.

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

Nays: none. **Motion carries**

PUBLIC COMMENTS- RELATED TO AGENDA ITEMS:

Public comments opened at 7:03 pm.

Comments included: Planning Commission/Planning Consultant meeting agendas; Planning Commission members' reappointments for Carey Cuddeback and Mark Snyder; Planning Consultant Contract.

Public Comment closed at 7:06 pm.

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 October 12, 2026 at 7 pm.

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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- 11935 PA-BA-SHAN:

Mr. Curley made a motion, supported by Mr. Snyder, to approve the Shoreline Protection strip landscape plan to leave the shoreline protection strip in its natural state for 11935 PA-BA-SHAN as submitted.

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

Nays: none. **Motion Carries**

OLD BUSINESS:

SHORT TERM RENTAL AND DATA CENTER ADVISORY GROUP UPDATE:

CT Martin and Roy Griffiths presented brief updates on the Short-Term Rental and Data Center Work Group progress.

- Short-term rental advisory group will meet Monday, September 21st 2026, to review a draft Short-Term Rental Ordinance. This is not a quick and easy project and will take several months to perfect and adopt. This will offer the board another option for managing short-term rentals, following the decision made at the board meeting on September 14th, 2026.
- The Data Center advisory group has researched the three strategies for enforcement against data centers: excluding them altogether, banning them, or creating strong ordinance regulations. The advisory group has worked diligently to create a draft ordinance that was posted online today for public review. With the Moratorium in place, the timeline for accepting an ordinance is short unless the Moratorium is increased by the Board of Trustees.

MASTER PLAN DISCUSSION:

Mr. Griffiths stated that due to short-term rentals and Data Centers being hot topics, many changes are being proposed in the ordinance for these topics; the Planning Commission should

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be in the process of reviewing the Master Plan to make sure both are thoroughly covered within the Master Plan.

SET/CONFIRM PUBLIC HEARING DATES:

Mr. Curley made a motion, supported by Mr. Snyder, to set a public hearing for October 6th, 2026, at 7:00 pm to review a Site Condominium Planned Unit Development at 007-118-003-15. Yeas: Roy Griffiths, CT Martin, Alexander Curley, Mark Snyder, and Matt Cunningham.

Nays: none . **Motion Carries**

SET/CONFIRM DATE OF NEXT PC MEETINGS –OCTOBER 6 and October 20, 2026.

Special meeting for PUD hearing

The next Planning Commission regular meeting will take place on October 20, 2026, at 7:00 pm.

PUBLIC COMMENT: Public Comment opened at 7:35 pm.

No comments.

Public Comment closed at 7:36 pm.

PLANNING COMMISSION and STAFF COMMENT:

Mr. Griffiths stated that Todd submitted an opinion regarding the agendas for the Zoning Ordinance Draft workgroup; the township can label them however they want; it is a quorum that makes it a Planning Commission Meeting. Also, Mark Snyder's membership on the Planning Commission stays as is until the Board changes appointments.

ADJOURNMENT: Mr. Cunningham made a motion, supported by Mr. Curley, to adjourn the meeting at 7:38 pm.

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

Nays: none . **Motion Carries**

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

1 HAYES TOWNSHIP
2 HAYES TOWNSHIP PLANNING COMMISSION
3 SPECIAL MEETING
4 October 06, 2026, 6:00 PM
5 HAYES TOWNSHIP HALL
6 09195 MAJOR DOUGLAS SLOAN RD
7 CHARLEVOIX, MICHIGAN 49720
8

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

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

13 EXCUSED: Rex Greenslade.

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

18
19 **CALL TO ORDER:** Chair Roy Griffiths called the meeting to order at 6:00 pm
20

21 **REVIEWED & APPROVED AGENDA**

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

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

24 Nays: None Motion Carried
25

26 **DECLARATION OF CONFLICT OF INTEREST:** NONE.
27

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

29 Public Comments included:

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

35 Public Comment closed at 7:07 pm
36

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

38 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.

110 Emergency access is provided with a gated easement to Community Pool property in addition to
111 the proposed road easement for ingress/egress utility, mail access, irrigation well, snow removal,
112 dumpster, Great Lakes Energy, and telephone services.
113

114 Chair opened Public Comment at 7:27 pm

115 Comments included:

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

134 Closed Public Comment at 7:39 pm

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

- 137 - Dorothy Sandoval
- 138 - Bill Conklin – received late.

139
140 Mr. Herkowitz clarified that during the call with the HOA, the applicant informed the HOA they
141 would be installing a landscape buffer.
142

143 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:

227
228 A. The Planning Commission shall approve, or approve with conditions, an application for a
229 site plan only upon a finding that the proposed site plan complies with all applicable
230 provisions of this Ordinance and the standards listed below, unless the Planning
231 Commission waives a particular standard upon finding that the standard does not apply
232 to the proposed development under consideration and the waiver of that standard will
233 not be significantly detrimental to surrounding property. The Planning Commission's
234 decision shall be in writing and shall include findings of fact, based on evidence
235 presented on each standard. These standards are listed in subsections 1-11 listed below.
236

237 1.) All elements of the site plan shall be designed so that there is a limited amount of
238 change in the overall natural contours of the site and shall minimize reshaping in
239 favor of designing the project to respect existing features of the site in relation to
240 topography, the size and type of the lot, the character of adjoining property and the
241 type and size of buildings. The site shall be so developed as not to impede the
242 normal and orderly development of surrounding property for uses permitted in the
243 Ordinance. **YES**
244

245 2.) The landscape shall be preserved in its natural state, insofar as practical, by
246 minimizing tree and soil removal, and by topographic modifications which result in
247 smooth, natural-appearing slopes as opposed to abrupt changes in grade between
248 the project and adjacent areas. **YES**
249

250 3.) Special attention shall be given to proper site drainage so that stormwater will not
251 adversely affect neighboring properties. **YES**
252

253 4.) The site plan shall provide reasonable visual and sound privacy for all dwelling units
254 located therein. Fences, walls, barriers and landscaping shall be used, as
255 appropriate, for the protection and enhancement of property and for the privacy of
256 its occupants. **YES**
257

258 5.) All buildings or groups of buildings shall be so arranged as to permit emergency
259 access by some practical means to all sides. **YES**
260

261 6.) Every structure or dwelling unit shall have access to a public street, private road,
262 walkway or other area dedicated to common use. **YES**
263

264 7.) All loading and unloading areas and outside storage areas, including areas for the
265 storage of trash, which face or are visible from residential districts or public
266 thoroughfares, shall be screened by a vertical screen consisting of structural or plant
267 materials no less than six feet in height. **YES.**

268 8.) Exterior lighting shall be arranged as follows: **Must follow all Township Ordinance**
269 **Lighting section requirements.**

270 a.) It is deflected away from properties. **YES**

271 b.) It does not impede the vision of traffic along adjacent streets. **YES**

272 c.) It does not unnecessarily illuminate night skies. **YES**

273 9.) The arrangement of public or common ways for vehicular and pedestrian circulation
274 shall respect the pattern of existing or planned streets and pedestrian or bicycle
275 pathways in the area. Streets and drives which are part of an existing or planned
276 street pattern which serves adjacent development shall be of a width appropriate to
277 the traffic volume they will carry and shall have a dedicated right-of-way. **YES**
278

279 10.) All streets shall be developed in accordance with any adopted Township private
280 road standards, or if a public road, the County Road Commission specifications.
281 **YES**
282

283 11.) Site plans shall conform to all applicable requirements of state and federal
284 statutes and the Hayes Township Master Plan, and approval may be conditioned on
285 the applicant receiving necessary state and federal permits before the actual zoning
286 permit authorizing the special land use is granted. **YES**
287

288 B.) The Planning Commission shall seek the recommendations of the Fire Chief, the
289 Charlevoix County Road Commission, the County Health Department, and the Michigan
290 Department of Natural Resources, where applicable.
291 **YES.**
292

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

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

296 Nays: None **Motion Carried**
297

298 A. *PUD Application Requirements.* An applicant seeking approval of a PUD shall
299 submit a complete application to the Zoning Administrator. The Zoning
300 Administrator shall then forward the application to the Planning Commission for
301 its review under the procedures of this section. The application shall include all
302 of the following:

303 1) A completed application form, supplied by the Zoning Administrator. **YES**

304 2) Payment of a fee as established by resolution of the Township Board. **YES**

305 3) A narrative statement describing:

306 a) The objectives of the proposed PUD and how they relate to the
307 intent of the Zoning Ordinance as described in subsection 1),
308 above. **YES**

309 b) The relationship of the proposed PUD to the Hayes Township
310 Master Plan. **YES**

311 c) Phases of development, if any, and the approximate time frame
312 for the start and completion of construction of each phase. **NA**

- 313 d) Proposed master deed, deed restrictions, covenants, or similar
314 legal instruments to be used within the PUD. **YES**
- 315 e) Anticipated dates for the start and completion of the PUD
316 construction. **YES START DATE, COMPLETION N/A**
- 317 f) The location, type, and size of areas to be dedicated for common
318 open space. **YES**
- 319 4) The PUD application shall include all information required by **Article V**
320 and **Section 6.02.1**, and the following:
- 321 a) Required setbacks of the Zoning Districts. **YES**
- 322 b) The area (and square footage) percentage of subject property to
323 be covered by buildings. **YES**
- 324 c) Percentage of the total site devoted to open space and the
325 proposed uses of that open space. **YES**
- 326 d) Such other information regarding the development area that may
327 be required to determine conformance with this Ordinance. **YES**
- 328

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

- 330 1) *General Standards.* The Planning Commission shall approve, or approve with
331 conditions, a PUD application if the Planning Commission finds that the pro-
332 posed PUD meets the standards of **Article V** and **Section 6.02.4** and all of the
333 following:
- 334

- 335 a) The planned unit development shall be consistent with the Hayes Town-
336 ship Master Plan.

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

338

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

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

350

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

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

356
357 d) The planned unit development shall be designed to preserve public vis-
358 tas and existing important natural, historical, and architectural features
359 of significance within the development.

360 **Planning Commission finds: The character will not change**

361

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

366 **Planning Commission finds: No changes**

367
368 f) The planned unit development shall provide that vehicular and pedes-
369 trian traffic within the site shall be safe and convenient and that parking
370 layout will not adversely interfere with the flow of traffic within the site
371 or to and from the adjacent streets. Safe and adequate access for emer-
372 gency vehicles to or within the development and adequate space for
373 turning around at street ends shall be provided.

374 **Planning Commission finds: Circulation systems have been**
375 **improved to provide access and emergency services (see**
376 **letters from fire department and LCEMSA)**
377

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

383 **Planning Commission finds: Changes decrease stormwater**
384 **management (see page 4 of submitted plans)**
385

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

387 reasonably harmonious relationship between the location of build-
388 ings on the site relative to buildings on lands in the surrounding area;
389 and there shall be a reasonable architectural and functional compati-
390 bility between all structures on the site and structures within the sur-
391 rounding area. It is not intended that contrasts in architectural design
392 and use of facade materials are to be discouraged. Still, care shall be
393 taken so that any such contrasts will not be so out of character with
394 existing building designs and facade materials as to create an adverse
395 effect on the stability and value of the surrounding area.

396 **Planning Commission finds: Character is improved with**
397 **proposed changes.**
398

- 399 i) The planned unit development shall be designed such that phases of de-
400 velopment are in a logical sequence, so that any one phase will not de-
401 pend upon a subsequent phase for adequate access, public utility ser-
402 vices, and drainage or erosion control.

403 **Planning Commission finds: Applicant is proposing only one**
404 **phase**
405

- 406 j) The planned unit development shall provide for underground installa-
407 tion of all utilities.

408 **Planning Commission finds: All utilities are underground**
409

- 410 2) *Conditions.* The Planning Commission may impose reasonable conditions
411 with the approval of a final site plan, pursuant to **Section 9.03** of this
412 Ordinance.

- 413 3) *Waiver of PUD Standards.* The Planning Commission may waive any of the stand-
414 ards for a PUD contained in subsection H. above where all of the following find-
415 ings are documented along with the rationale for the decision:

- 416 a) No good public purpose will be achieved by requiring conformance with
417 the standards sought by the applicant to be waived.
418 b) The spirit and intent of the PUD provisions will still be achieved.
419 c) No nuisance will be created.

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

- 422 1. All units are single-family homes

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

443 A roll call was taken:

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

445 Nays: None **Motion Carried**

446

447

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

449 Snyder.

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

451 Nays: None **Motion Carried**

452 Respectfully Submitted, April Hilton, Hayes Township Treasurer

453

**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 Griffitts 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 Griffitts.

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 Griffitts 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 Griffitts, 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. Griffitts opened the public hearing at 7:08 pm.

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

43 Mr. Herkowitz spoke on behalf of the joint venture between Hunter Pasture and ATCCF. Partners
44 Stuart Arkin and Rick Tyner were also present, along with their legal counsel, Rick Rassel, and
45 Aaron from Performance Engineering. It's their understanding that the township has addressed
46 the issues that were raised during the last several Planning Commission meetings related to
47 their proposed project. Specifically, proper notice of the meeting and the review of their
48 application. They appreciate the Planning Commission's efforts to address the noted issues and
49 for scheduling the special meeting tonight. As to the merits of the application, as outlined in
50 detail during the prior meetings, our planned unit development proposal satisfies the specific
51 review criteria that are outlined in the Hayes Township Zoning Ordinance. Including but are not
52 limited to, minimal parcel size, open space requirements, consistency with the future land use
53 map, harmonious character, preserved vistas and natural features, safe traffic circulation, and a
54 decrease in stormwater runoff. Their plan continues to consist of 16 single-family homes, all
55 with first-floor primary living. These homes will range in size from 2,000 to 3,200 square feet.
56 They will all have a 1,000-square-foot finished basement and a two-car attached garage. The
57 overall property is 10.525 acres after the 2021 township-approved property split. The plan as
58 proposed is a significant reduction in density from the originally approved PUD, and is also a
59 reduction compared to the development rights for the R4 zoning district, which allows for a
60 maximum of four dwelling units per net acre, including expanded residential uses such as two-
61 family residences. Their plan exceeds the ordinance requirements for open space, incorporating
62 6.15 acres, or 58%, as open space, reserving important vistas and viewsheds into the adjacent
63 golf course and the surrounding properties. Consistent with their interpretation of the
64 ordinance, the open space will ultimately be set aside for a conservation easement and
65 memorialized in our future development agreement and our master deed. There are no
66 delineated wetlands or floodplains zones on the property. As a result of the cluster
67 development and proposed single family use, they have reduced the overall stormwater runoff
68 compared to the originally approved PUD. They have reached a mutual agreement with the
69 Charlevoix Community Pool regarding the establishment of an emergency access connection
70 between the PUD property and their existing parking lot. The circulation plan and the
71 emergency access were subsequently signed off by the Fire Chief, Lake Charlevoix EMS, and the
72 City of Charlevoix in terms of sanitary capacity evaluation; Charlevoix Township for water
73 capacity evaluation, Charlevoix County Building Department as it relates specifically to soil
74 erosion. The concerns expressed by the members of the existing Country Club Fairway Condo
75 Association regarding proximity of lot one to their existing garage and residential building and
76 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.

110 Emergency access is provided with a gated easement to Community Pool property in addition to
111 the proposed road easement for ingress/egress utility, mail access, irrigation well, snow removal,
112 dumpster, Great Lakes Energy, and telephone services.
113

114 Chair opened Public Comment at 7:27 pm

115 Comments included:

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

134 Closed Public Comment at 7:39 pm

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

- 137 - Dorothy Sandoval
- 138 - Bill Conklin – received late.

139
140 Mr. Herkowitz clarified that during the call with the HOA, the applicant informed the HOA they
141 would be installing a landscape buffer.
142

143 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**

- 184 J. The location, size, and slope of all surface and subsurface drainage facilities. **YES**
185 K. Summary tables, cross-sections and/or floor plans should be included with site
186 plans for proposed structures, giving the following information:
187 1) The number of units proposed, by type, including a typical floor plan for
188 each unit. **YES**
189 2) The area of the proposed units in square feet, as well as area dimensions
190 of driveways and staging areas. **YES**
191 3) Typical elevation drawings of the front and rear of each building. **YES**
192
- 193 L. The topography of the existing and finished site shall be shown by contours or
194 spot elevations. Where the existing slope on any part of the site is ten percent
195 (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
196 **YES**
197 M. Generalized soil analysis data, which may include data prepared by the Charlevoix
198 County Soil Conservation District regarding the soils and their adaptability to the
199 use. More detailed information may be required where the Planning Commission
200 determines that the site and use warrant a more critical review of soils. **YES**
201 N. All site plans shall comply with the terms of any applicable soil erosion,
202 sedimentation, and stormwater runoff control ordinance. It shall be the
203 applicant's responsibility to provide documentation of compliance with any
204 applicable ordinance. **YES**
205 O. Anticipated hours of operation for proposed use. The Planning Commission may
206 impose reasonable limits to hours of operation as a condition of site plan approval
207 when warranted to assure compatibility with surrounding land uses. **N/A**
208 P. The impact statement shall address the following as applicable to the type of
209 use:
210 1) A complete description of the proposed development including: areas
211 of the site, the number of lots or units; and the number and
212 characteristics of the population impact such as density, elderly persons,
213 school children, tourists, family size, income, and related information as
214 applicable. **YES – DATA ON POTENTIAL RESIDENTS N/A**
215 2) Expected demands on community services, and how these services are
216 to be provided, to specifically include: school classroom needs, volume
217 of sewage for treatment, volume of water consumption related to
218 groundwater reserves or community system capacity, change in traffic
219 volume on adjacent streets, and other factors that may apply to the
220 particular development. **YES – CLASSROOM NEEDS N/A**
221 3) Statements relative to the impact of the proposed development on soil
222 erosion, shoreline protection, wildlife habitat, air pollution, water
223 pollution (ground and surface), noise, and the scale of development in
224 terms of the surrounding environment. **YES**
225

226 **STANDARDS FOR GRANTING SITE PLAN APPROVAL:**

227
228 A. The Planning Commission shall approve, or approve with conditions, an application for a
229 site plan only upon a finding that the proposed site plan complies with all applicable
230 provisions of this Ordinance and the standards listed below, unless the Planning
231 Commission waives a particular standard upon finding that the standard does not apply
232 to the proposed development under consideration and the waiver of that standard will
233 not be significantly detrimental to surrounding property. The Planning Commission's
234 decision shall be in writing and shall include findings of fact, based on evidence
235 presented on each standard. These standards are listed in subsections 1-11 listed below.
236

237 1.) All elements of the site plan shall be designed so that there is a limited amount of
238 change in the overall natural contours of the site and shall minimize reshaping in
239 favor of designing the project to respect existing features of the site in relation to
240 topography, the size and type of the lot, the character of adjoining property and the
241 type and size of buildings. The site shall be so developed as not to impede the
242 normal and orderly development of surrounding property for uses permitted in the
243 Ordinance. YES
244

245 2.) The landscape shall be preserved in its natural state, insofar as practical, by
246 minimizing tree and soil removal, and by topographic modifications which result in
247 smooth, natural-appearing slopes as opposed to abrupt changes in grade between
248 the project and adjacent areas. YES
249

250 3.) Special attention shall be given to proper site drainage so that stormwater will not
251 adversely affect neighboring properties. YES
252

253 4.) The site plan shall provide reasonable visual and sound privacy for all dwelling units
254 located therein. Fences, walls, barriers and landscaping shall be used, as
255 appropriate, for the protection and enhancement of property and for the privacy of
256 its occupants. YES
257

258 5.) All buildings or groups of buildings shall be so arranged as to permit emergency
259 access by some practical means to all sides. YES
260

261 6.) Every structure or dwelling unit shall have access to a public street, private road,
262 walkway or other area dedicated to common use. YES
263

264 7.) All loading and unloading areas and outside storage areas, including areas for the
265 storage of trash, which face or are visible from residential districts or public
266 thoroughfares, shall be screened by a vertical screen consisting of structural or plant
267 materials no less than six feet in height. YES.
268

269 8.) Exterior lighting shall be arranged as follows: **Must follow all Township Ordinance
Lighting section requirements.**

- 270 a.) It is deflected away from properties. **YES**
271 b.) It does not impede the vision of traffic along adjacent streets. **YES**
272 c.) It does not unnecessarily illuminate night skies. **YES**
273 9.) The arrangement of public or common ways for vehicular and pedestrian circulation
274 shall respect the pattern of existing or planned streets and pedestrian or bicycle
275 pathways in the area. Streets and drives which are part of an existing or planned
276 street pattern which serves adjacent development shall be of a width appropriate to
277 the traffic volume they will carry and shall have a dedicated right-of-way. **YES**
278
279 10.) All streets shall be developed in accordance with any adopted Township private
280 road standards, or if a public road, the County Road Commission specifications.
281 **YES**
282
283 11.) Site plans shall conform to all applicable requirements of state and federal
284 statutes and the Hayes Township Master Plan, and approval may be conditioned on
285 the applicant receiving necessary state and federal permits before the actual zoning
286 permit authorizing the special land use is granted. **YES**
287
288 B.) The Planning Commission shall seek the recommendations of the Fire Chief, the
289 Charlevoix County Road Commission, the County Health Department, and the Michigan
290 Department of Natural Resources, where applicable.
291 **YES.**
292

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

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

296 Nays: None **Motion Carried**

- 297
298 A. *PUD Application Requirements.* An applicant seeking approval of a PUD shall
299 submit a complete application to the Zoning Administrator. The Zoning
300 Administrator shall then forward the application to the Planning Commission for
301 its review under the procedures of this section. The application shall include all
302 of the following:
303 1) A completed application form, supplied by the Zoning Administrator. **YES**
304 2) Payment of a fee as established by resolution of the Township Board. **YES**
305 3) A narrative statement describing:
306 a) The objectives of the proposed PUD and how they relate to the
307 intent of the Zoning Ordinance as described in subsection 1),
308 above. **YES**
309 b) The relationship of the proposed PUD to the Hayes Township
310 Master Plan. **YES**
311 c) Phases of development, if any, and the approximate time frame
312 for the start and completion of construction of each phase. **NA**

- 313 d) Proposed master deed, deed restrictions, covenants, or similar
314 legal instruments to be used within the PUD. **YES**
315 e) Anticipated dates for the start and completion of the PUD
316 construction. **YES START DATE, COMPLETION N/A**
317 f) The location, type, and size of areas to be dedicated for common
318 open space. **YES**
319 4) The PUD application shall include all information required by **Article V**
320 and **Section 6.02.1**, and the following:
321 a) Required setbacks of the Zoning Districts. **YES**
322 b) The area (and square footage) percentage of subject property to
323 be covered by buildings. **YES**
324 c) Percentage of the total site devoted to open space and the
325 proposed uses of that open space. **YES**
326 d) Such other information regarding the development area that may
327 be required to determine conformance with this Ordinance. **YES**
328

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

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

- 334
335 a) The planned unit development shall be consistent with the Hayes Town-
336 ship Master Plan.

337 **Planning Commission finds: Yes, page 23, Master Plan (goal)**
338

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

347 **Planning Commission finds: Consistent with Zoning**
348 **Ordinance requirements, Section 3.24 for adjacent**
349 **buffering and vegetation. See page 5 of submitted plans**
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351 c) The planned unit development shall not change the essential character
352 of the surrounding area, unless such change is consistent with the Town-
353 ship's current master plan.

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

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359 of significance within the development.

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363 non-motorized and automobile circulation systems are safely and conven-
364 iently integrated with those of abutting property and any linear trail or
365 park systems intersecting or abutting such development.

366 **Planning Commission finds: No changes**

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369 trian traffic within the site shall be safe and convenient and that parking
370 layout will not adversely interfere with the flow of traffic within the site
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372 gency vehicles to or within the development and adequate space for
373 turning around at street ends shall be provided.

374 **Planning Commission finds: Circulation systems have been**
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388 ings on the site relative to buildings on lands in the surrounding area;
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390 bility between all structures on the site and structures within the sur-
391 rounding area. It is not intended that contrasts in architectural design
392 and use of facade materials are to be discouraged. Still, care shall be
393 taken so that any such contrasts will not be so out of character with
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412 Ordinance.

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417 the standards sought by the applicant to be waived.
418 b) The spirit and intent of the PUD provisions will still be achieved.
419 c) No nuisance will be created.

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

- 422 1. All units are single-family homes

- 423 2. Tree screening on lots #1 and #13
- 424 3. Agreement with Charlevoix Community Pool for access.
- 425 4. All units' access doors: minimum of 36"
- 426 5. All roads: minimum of 16'
- 427 6. Any overhead structure or branches in drives or roads have a
- 428 minimum of 10 feet of clearance.
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- 430 language acceptable to the township attorney to be part of the
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- 433 ordinance.
- 434 9. Upon approval of the new PUD, the applicant must file
- 435 documents that state the current PUD is abandoned and this
- 436 new approved PUD replaces it for the parcel in language
- 437 acceptable to the township attorney.
- 438 10. The plans be submitted to the zoning administrator for
- 439 approval that brings unit 12 deck structure into full compliance
- 440 with the setback requirements of the Hayes Township Zoning
- 441 Ordinance.
- 442 11. Trash collection services are provided.

443 A roll call was taken:

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

445 Nays: None **Motion Carried**

446

447

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

449 Snyder.

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

451 Nays: None **Motion Carried**

452 Respectfully Submitted, April Hilton, Hayes Township Treasurer

453



Zoning Administrator Report

October 2026

Zoning Administrator work-in-progress report for September includes the following:

- Communicating with the landowner and association regarding a violation for a non-permitted patio on Oyster Bay Drive. The landowner is submitting a plan to reduce the size of the patio.
- Working with EGLE regarding a driveway that appears to be in a wetlands area on Major Douglas Sloan Road. EGLE has determined a wetlands violation. EGLE has sent an EGLE order to restore.
- Sent the second notice of a violation letter to the property owner on Hemlock Ave for junk accumulation on the property. Reinspection scheduled for next week.
- Mr. Zipp continues to assist by contacting different resource agencies to help the property owner on Villa Road to resolve a violation of the Nuisance Ordinance and a non-compliance complaint. On Board Agenda.
- Zoning permit application for a new single-family residence on Deer Path Drive. A Stop Work Order has been issued for this project until the shoreline protection strip is restored. The property has also been cited for wetland violations by EGLE. EGLE issued a letter to restore.
- Working with the property owner of Charlevoix Meadows to resolve an SUP violation for removing too many trees in the buffer zone to US 31. The property owner has submitted a site plan to replace removed trees with mature white spruce around 40'-50' tall and 15'-20' wide.
- Sent a first violation notice letter to the property owner on Upper Bay Shore Road for junk accumulation and more than one mobile home located on a single parcel. Health Department has determined the violation of Article VIII, Garbage and Rubbish, of the district Sanitary Code 8-2.
- Site Condo Development / PUD for 007-118-003-15 located on Fairway View was approved by the Planning Commission on October 6th 2026.
- East Susan Shore Drive: Short-term rental concerns from neighbors regarding noise and overcrowding. Health Department observed no obvious signs of septic failure.
- Received and reviewing a parcel division application for 10575 Burnett Rd.



- Received a SUP application to allow for a second dwelling located at 7810 Maple Grove Road. Planning Commission will set a Public Hearing date at its October 20th, 2026 Meeting.
- Received and reviewing a zoning permit application for a new single-family residence on Stonebridge Dr.

26-09-01	09/02/26	007-129-014-35	10850 Quarterline Road	Bob Kelly	40'x64' Accessory Building
26-09-02	09/09/26	007-115-008-00	6790 Upper Bay Shore rd	Cody and Julie Wheat	New 24X30 Attached Garage and Covered Porch
26-09-03	09/15/26	007-118-001-20	11905 Pa-Ba-Shan	Scott Suchowick & Michele Duprey	Demo Existing Home and construct a new single family dwelling with attached garage within the same footprint on existing foundation. Shoreline protection strip plan as recommended by Shoreline Review Committee and approved by Planning Com
26-09-04	09/28/26	007-320-004-00	11675 PaBaShan	William & Karen Schulling	Replace existing deck and add new 10' x 22' deck

Combination

9/28/2026

15-007-301-019-10/50 & 007-30-020-00

7095 Birdland dr.

Camp ASI

Reconfiguration

10/7/2026

007-111-017-10 & 007-111-017-10

10367 & 10215 Burnett RD

Gary Ruehle & Bradley Williams

AG

HAYES TOWNSHIP PC MEETING

Meeting Date:	October 20, 2026
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Location:

Hayes Township Hall

[illegible]