

Minutes of Monthly Meeting
Crystal Lake Township Planning Commission
7:00 PM Jan. 24, 2024
Crystal Lake Township Hall

1. CALL TO ORDER at 7:00 pm by Chair Greg Wright

2. ROLL CALL AND RECOGNITION OF VISITORS

Planning Commission Secretary Dr. Bill Northway called the roll:

Present: Commission Chair Greg Wright
Commissioner Bill Herd
Commissioner Mike Pasche
Commissioner Bill Northway

Excused: Commissioner Lee Ewing

Also present: Zoning Administrator Tom Kucera

Commission Chair Wright welcomed the visitors. Signing the sign-up sheet were:

Visitors: Kathy & Joel Collin
Connie Black-Pond
Pat Pond
Karen Cunningham
Lena Fox & Fred McGill
Nick & Natalie Crawford
Justin Heniser & Dennis Heniser
Haley Johnson
Ann Kullenberg
Michael Musgrave
Doc – Rich Neilsen
Kathie Collier
Mac & Maureen Whisner

3. CALL FOR CONFLICT OF INTEREST: There was none.

4. CORRESPONDENCE:

Zoning Administrator Tom Kucera reported the Township receiving twenty-two letters regarding the Herban property. The twenty-third letter is from an attorney, and they are all opposed to the project, if there is a project.

5. APPROVAL OF MINUTES OF MEETING OF OCTOBER 25, 2023

Wright moved that the Draft Minutes of December 6, 2023, be approved. Herd seconded. All ayes except for Pasche who abstained, as he had not been present at that meeting. Minutes approved.

6. APPROVAL OF AGENDA

Wright said that the RV Park items B and C on the agenda will be taken up first & he had no other changes to suggest to the draft agenda.

Wright moved that the Agenda as amended be approved. Pasche seconded. Motion passed. Agenda as amended approved.

7. PUBLIC COMMENTS:

Wright said that the meeting tonight is not a public hearing, so now is the most appropriate time for a member of the public to address us, and he asked everyone to keep their comments under three minutes.

Zoning Administrator Kucera clarified that there is nothing actually for the Planning Commission to consider at this time regarding the Herban property. The new owners came in with a site plan back in November but there has been no indication since what they might be planning to do, if anything. All the Commission has received is a site plan but there is currently no application for the Commissioners to consider.

Ann Kühlenberg: Read a prepared statement. The red barn property is directly across from her full-time residence and she strongly opposes use of that property as an RV Park or campground.

Dennis Heniser: Identified himself as lifelong resident of Benzie County with adjoining property to the Herban property. Commissioner Pasche spoke up to clarify again that the Commissioners are not considering anything at this time, that they have no application before them.

Unidentified Audience Member argued that, never-the-less, the public has a right to express their opinion. Dennis Heniser continued, saying we do not need another campground and he's opposed to it.

Connie Black-Pond has property on Jones Road directly north of the Herban property and would be receiving any run-off that might occur from the drainage divide and had other issues, traffic, etc.. She also disagreed with the Commissioners' statements that they have nothing before them to consider just because an application has not been received. She said they need to hear the public's objections now in advance of anything that might be before them. She did research and found relevant documents on pertaining issues, including goals set by the County back in the 1970's. Chair Wright asked her to provide her comments in writing and the documents she wished to bring to their attention. She said she would do so.

Unidentified Male Voice: Said they are neighbors of Ann Kullenberg and agree with everything she said. Tranquility of the neighborhood and nice quiet neighborhood should be maintained. Sent Kucera a photo of his front door right above the Herban property – showing no way to hide it. Campground development would be devastating to the neighborhood. Access to Crystal Lake could not handle the additional traffic. Their property values would be diminished by a campground.

Haley Johnson said her property is close to the Herban property. Concerned about dogs, people, etc., wandering onto her property, the land being levelled. Very opposed if this goes any further.

Kathy Collier said she is not a full time resident, that her family has owned property here since the 1950's and she has spent every summer of her life here. Her main concern is the increased traffic on the roads and related safety issues. Said she didn't understand about a special permit and worried that the public would have no recourse against a special permit. Wright assured her that application for such would require a public hearing. He also asked her that since she did not live here, how she found out about this so soon? She said one of her neighbors emailed her.

Michael Musgrave moved here ten years ago with their children. Trailers going in and out would create considerable traffic on M115 and predicted an accident would happen. Appreciate everyone listening to their concerns. Three of his neighbors out of state emailed him to ask him to come to this meeting to represent their opposition. We think you all should default to the environmental concern over development especially in a rural neighborhood with children. Understands there are two other campgrounds in the area.

Unidentified male voice spoke up to ask about plans for north side of property.

Wright and Pasche and Herd again reiterated that the Commissioners have no information, there has been no application. Pasche and Kucera explained procedures the Commission adheres to regarding any application, and the extensive public notice that goes out when anyone at any time submits an application for a special land use permit. Unidentified voices kept asking procedural questions. Wright said he felt they would be able to learn more at that point in the Agenda when the Zoning Administrator is scheduled to give his report. He asked if there were any other commenters at this time. There being none, Wright ended the Public Comment period, and said they'd have another opportunity for Public Comment later in the agenda.

8. REPORTS TO THE COMMISSION

A. Chair Report:

Wright announced that Commissioner Bill Northway had rescinded his resignation from the Board of Trustees, a resignation that had automatically removed him from the Planning Commission. Wright said he was glad to have Bill back on the Planning Commission.

B. Zoning Administrator Report:

Kucera reported that the Commission has only a Site Plan on the Herban property, and that he had pointed out to the new owners that there's a lot of things that would have to happen before a campground or any similar development could even be considered. They would need permission from the Michigan Department of Transportation for entrances onto the road. They would need sanitary approvals. They would need to secure Crystal Lake Watershed approvals on density and other matters. There would be restrictions based on slope. There would have to be run-off plans. A couple of zoning variances would be required and that would entail public notice. He told the new owners that there's just a lot of information they'd need to submit and permissions they would need to obtain before pursuing development of their Site Plan or any similar development. Kucera said at this point he doesn't know if the new owners will ever pursue it. Kucera said they need a variance to attempt to proceed but they need approval of a Site Plan before they could ask for a variance. Procedurally, if they do submit an application, there's an advertisement and notification procedure the Commission is required to go through. There may be discussions on this topic that the Planning Commission may hold at future meetings prior to setting a Public Hearing because the responsibility for setting a public hearing belongs to the Planning Commission. Once an application is received, it is reviewed for completeness. We don't accept any applications that are not complete with all the information we require, including all that he had already enumerated. If an application is accepted as complete with all the documents required, it is then submitted to the Planning Commission and is then available to the public. I shall keep a list of the email addresses that you all submitted to me. I'd advise you to watch the Township Web Site and the Benzie County Record Patriot newspaper for any future Notices: those are the two primary official sources we use to keep the public informed. The next step in the process after an application has been completed is for the Commission to decide if it should

even go any further and if so, then when to set a Public Hearing, and all landowners within a certain vicinity would receive notification of when and where a Public Hearing would be held. It is at the Township Web Site where anyone could see a completed Application set for Hearing. Letters of support and opposition can be submitted to the Planning Commission prior to and at the Public Hearing. All such letters received in advance would be read out loud at the Public Hearing, and then the Hearing proceeds. The applicant makes a presentation at that time, the Commission has an opportunity to ask questions, those wishing to voice support are given opportunity, those wishing to voice opposition are given opportunity, applicant and supporters and opposition are given opportunity for rebuttal, the hearing is then closed, and then the Commission goes into deliberation.

Unidentified Male Voice from audience asked Kucera how much impact does the public have? Kucera said he cannot answer as that question is for the Commission. Pasche explained that the quantity of input cannot have a bearing as the Commission must abide by rules that govern their responsibilities, and that it is not the public's responsibility to decide, but rather the Commission, and that is why there is a Commission, and that the public is there to help the Commissioners decide what should be done pursuant to the Ordinances, Rules, Laws, etc., to give the Commissioners information on impacts, etc. Pasche said we are not allowed to decide based on our feelings but that in the published Code, it tells us what we must consider. Part of the comments we might put into a decision might include comments from the public. Kucera said that in any permit that might be issued for a special land use permit, the Commission can add conditions to that permit that the applicant would have to meet and those conditions would become legal and binding.

Unidentified Female Voice asked when an environmental assessment would be submitted. Wright said a completed application would have to include all the impacts that the Commissioners would need to consider. Wright also added his personal reflection on the previous questioner's question that the Commission is always interested in how a project would impact the immediate neighbors.

C. Zoning Board of Appeals:

Kucera reported the Zoning Board of Appeals had received one request for a variance and that request had been denied.

9. UNFINISHED BUSINESS:

A. Short Term Rental (STR) Discussion/Lake Township Ordinance

This issue was taken up after the Items listed below. Wright said they've been working on this issue for over a year and they are getting close to sending something to the Township Board. Kucera has not had a chance to work on it recently. Herd said he wanted to talk about issues brought up by the public at a previous public information meeting, and talked at length about a list of issues he had compiled. Wright advised that they are using Lake Township's STR as a guide with some changes. Kucera asked Herd if he would provide his comments and list in writing.

B. Mix RV Park: Bond, Land Division

Kucera reported that the conditions for releasing the \$30,000 bond required by the Special Land Use Permit issued previously had not all been met. Discussion with Commissioners and Kucera

on status of various conditions, including landscaping requirements that have not been met, and on the land division that RV Park Owner Mr. Mix is contemplating, and on the acreage involved in the Permit. Kucera is waiting to get with the Township's new attorney on these matters. Discussion that changing the acreage would change the site plan. Discussion on the Articles.

C. Herban Property RV Park Update

This item was addressed earlier during the Public Comment period and Zoning Administrator Report.

D. 2024-25 Planning Commission Meeting Schedule

Wright suggested keeping the same schedule, that is, the fourth Wednesday of the month at 7pm at Crystal Lake Township Hall except the third Wednesday in November to avoid Thanksgiving week, and no meeting in December, with the last meeting of the Commission's current term in January, 2025.

Wright moved, and Pasche seconded, the following schedule for the 2024-25 Planning Commission meetings:

In 2024: February 28, March 27, April 24, May 22, June 26, July 24, August 28, September 25, October 23, November 20, no meeting in December.

In 2025: January 22.

All ayes. The schedule as presented was approved.

10. PUBLIC COMMENTS

Ann Kullenberg spoke about neighbor behavior, and about sometimes conditions are not always satisfied.

Karen Cunningham, said that as County Commissioner for District 3, she thanked all the citizens for their interest, and she thanked Kucera and the Commissioners for listening to the public, and for saying a link would be on the Web Site, should a completed Application be received and a Public Hearing set.

Unidentified Male Voice asked about Short Term Rentals permitting and enforcement.

Wright offered that they would be recommending that the permit for Short Term Rental be free the first year to give the Township Board an experience with the process, the number of STR's that would be involved, etc.. Kucera added that a Short Term Rental Ordinance would not be a Zoning Ordinance. It is what is called a Police Ordinance. He explained that it is the Township Board's responsibility to review the Planning Commission's recommendation, revise it, act or not act on it, whatever they wish. The Township Board would have to determine how to fund the administration of an STR and determine what would be the enforcement arm. He said there are a number of things the Township Board would have to work out before creating an STR. Pasche advised that the Planning Commission review the Zoning Ordinances that would be relevant to a potential STR.

11. OTHER BUSINESS

Kucera had forwarded emails some time ago to the Commission regarding discussions among Townships about the Crystal Lake Watershed Overlay District, and that Lake Township is

attempting to put together a cross-jurisdiction get-together on the subject. A meeting has been set for 4 pm, Feb. 6, at Benzonia Township Hall for a cross-jurisdiction meeting. Benzonia Township's Assistant Zoning Administrator Mary Pitcher volunteered to take on the task of at least the first meeting.

Kucera reported the Crystal Lake and Watershed Association has developed a brochure that will be distributed around the County and he provided copies.

Pasche reported on continuing education meetings being offered for Planning and Zoning.

12. ADJOURNMENT: All business concluded, Wright adjourned the meeting and thanked everyone for coming.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary

Note: All letters & emails received remain in the records File.

Attachments below are not inclusive of all that has been received:

Kullenberg Statement;
RV Park Performance Bond;
Notice of Cross-Jurisdiction Meeting;
RV Park Land Division Survey;
Benzie County Record Patriot Article.

Next Regularly Scheduled Monthly Meeting:

7 pm, Wednesday, February 28, 2024, at Crystal Lake Township Hall