

**Minutes
Regular Meeting & Public Hearing
Crystal Lake Township Planning Commission
7:00 PM October 23, 2019
Crystal Lake Township Hall**

1. CALL TO ORDER at 7:07 pm by Chairman Greg Wright.

2. ROLL CALL AND RECOGNITION OF VISITORS

Present: Commission Chairman Greg Wright,
Commissioners Lee Ewing, Bill Herd, Tammy May, Mike Pasche.

Also Present: Zoning Administrator Tom Kucera; Recording Secretary Jeannette Feeheley.

Recognition Visitors: (As listed on the Sign-Up Sheet):

- Daren Klooster, Living Waters Religious Organization
- Timothy Markham, Living Waters Religious Organization
- Anthony Bosher
- Mary Ferens
- Dave Wynne, Crystal Lake & Watershed Association
- Sue Brown, Crystal Lake & Watershed Association
- Mark Eggl, Team Ross Landscape Supply, LLC
- Bob Weisbrodt, Real Estate One
- Ann Kullenberg
- Elizabeth Rodgers

3. CALL FOR CONFLICT OF INTEREST: None presented.

4. CORRESPONDENCE: Chairman Wright reported none had been received.

5. APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 25, 2019:

Wright moved that the Minutes of the Regular Meeting of September 25, 2019 approved. Pasche seconded, all ayes. Minutes approved.

6. APPROVAL OF AGENDA:

Wright moved that the proposed Agenda be approved. May seconded, all ayes. Agenda approved.

7. PUBLIC COMMENTS: Chairman Wright asked if anyone wished to speak; no one did at this time.

8. REPORTS TO THE COMMISSION:

A. Chair Report:

Chairman Wright said there were basically two main items on the agenda: one is a pre-review of an application by Mr. Mark Eggl, and that discussion today is simply for informational purposes, as there has not been time for the application to be publicly noticed, but will be so noticed, if the applicant wishes to go forward, so the discussion today will be informal, pending a possible future public hearing. The other major agenda item is continued discussion of possible Commission action on solar energy. He also reported that the Benzie Summit will be held Friday, Oct. 25th, from 8 am – 12 pm at Grow Benzie, and that there is no cost to attend and all are welcome who may wish to learn about what's going on in the County. He also mentioned that the proposed resolution regarding

Zoning Permit Fees submitted to the Planning Commission for our input before presentation to the Township Board, and that we did not support, was rejected by the Township Board with the subject matter referred back to the Planning Commission for study, as we had advised.

B. Zoning Administrator Report:

Zoning Administrator Kucera reported he had received applications for permits for a couple of new homes, and that one home project that had started construction prior to applying for the necessary permits has been levied about \$1,000 in fines, and has subsequently applied, after the fact. Zoning Administrator said there was nothing, to his knowledge, before the Board of Appeals at this time. He reported that he had a stack of paper that he sent the Commissioners that were incorporations of revisions made per previous action on Articles 313 and 314 regarding Temporary Use of Vehicles and Temporary Permits, and that the Commissioners may now put those updates into their Manuals.

C. Zoning Board of Appeals: Nothing before the Board of Appeals at this time.

9. EGGLE SPECIAL LAND USE PERMIT PRE-APPLICATION REVIEW

Chairman Wright asked Mr. Eggli if he wished to speak. Mr. Eggli said he didn't really know what the Commissioners wished to hear at this time. Zoning Administrator Kucera suggested that Mr. Eggli walk the Commissioners through his application, as they were just gathering information at this time. Commissioners and Zoning Administrator agreed that the Application will be advertised to the public and put onto the November 20th Planning Commission Meeting Agenda. Mr. Eggli went through his application, explaining his desire to purchase the property currently owned by Living Waters Christian Church on Frankfort Highway, and to utilize existing structures and land to store and sell standard landscaping materials such as mulch, rock, etc., to wholesale landscapers in the area. He was asked about expected truck traffic. Mr. Eggli explained there will be a turnaround. He said a tractor, if needed, would be used to move supplies. He was asked if he would provide more detail on his plans so that traffic flow would be demonstrated, the types of surfaces, and any plans for upgrades, and show how and where a gravel truck would turn around. Mr. Eggli said currently Gillison Excavating is already getting a gravel truck in and out in order to provide gravel for the Betsie Valley Trail, and is also able to bring in a flatbed. He showed them a drawing that had not yet been provided to the Commissioners. He was asked if he could clarify under which category he wished his application to be considered, as, besides the landscape business, there is a residence is attached? Discussion ensued that it might fall into the category of a "cottage industry" but not exactly, as there is more to the application than just a residence out of which work is done. There will be employees, etc. Discussion of "value added agriculture". Zoning Administrator Kucera was asked if he would be submitting his usual "findings" page with his conclusions prior to advertising the application to the public, and he confirmed such. Mr. Eggli was asked if there will be other businesses in the future. Mr. Eggli said that his son with the landscape business does not yet use the entire property and so he contemplated possibly leasing to other businesses, but had not yet made a final decision on such. He was advised that such a use would change the application from being able to be categorized as a "cottage industry", and that if he applied as a "cottage industry", he would be prohibited from leasing to other businesses in the future. He was asked how many employees his son's landscape business planned for, and he answered up to ten, but that his son's employees would be on property on a limited basis, get their assignments, and then go off and do them. He was asked if his son is a landscape architect, and he answered no, his son is on the labor side. Mr. Eggli asked what he needed to do to proceed. Zoning Administrator answered that the application fee is \$300 and that if he wants to amend his application based on what he learned this evening, he was welcome to do so. A Commissioner added that a Special Land Use Permit can only be issued for what is expressed in the Ordinance, so that the applicant might want to read the Ordinance and adjust his application accordingly, and that the Ordinance is on line where he could see for himself the Articles that apply, depending on what he wants to do with the property. Mr. Weisbrodt, the realtor involved, asked that, since the area entails Rural Preservation and since the Township encourages agriculture, why a permit is needed, and what else would

be done at the next meeting? He was answered that the applicant will not be farming or growing anything, that he plans to run a business, and plans to live in an apartment on the property, and possibly lease to other businesses besides his son's landscape business, and that what the Commissioners and Zoning Administrator are required to address is the appropriateness of the Land Use per the Ordinance.

10. SOLAR ENERGY ORDINANCE WORK SESSION

Zoning Administrator Kucera went over his most recent handout on solar energy that he had provided to the Commissioners and all present. Discussion on what is considered "back" yards and "front" yards. One thing he is trying to address is that any ground mounted array would not be located where views of the lake, etc, would be involved. Discussion that perhaps the Commission is getting way too involved and that there should be as few regulations as safety requires. Commissioners discussed that ground-mounted and building-mounted arrays could be addresses separately, and possibly no permit required for building-mounted if treated as an accessory. Zoning Administrator felt that a height restriction for any array should be stated, and that a zoning permit should be required for ground mounted arrays because of setbacks. Discussion of glare and reflections impacting others. Concern expressed about the Part D section of the Administrator's working papers, so that once installed, an existing array may prevent a neighbor from putting up anything that impacts the array, maybe even from putting up a house; Administrator said he would work to address that concern. Further discussion on the impact on neighbors and whether the onus should be on the array owner, not the neighbors. Commissioners commented that Zoning Administrator's paper is a good first start as they continue to tackle this subject.

11. UNFINISHED BUSINESS:

A: PC Budget 20-21

Commission Chair reported he feels the Planning Commission should just ask for the same budget they had this year.

12. NEW BUSINESS: None.

13. PUBLIC COMMENTS:

Dave Wynne of Crystal Lake Watershed Association said his Association had done a lot of research on building on steep slopes, and that the Association would like to give the Planning Commission a 30-minute presentation with recommendations to amend the Watershed Overlay. The Commissioners agreed to the request and put it on the November 20th agenda. Zoning Administrator Kucera said, for sake of full disclosure, that he had been working with the Association on these matters. The Commissioners agreed that with an already full agenda Nov. 20th, not to discuss solar that same month.

Ann Kullenberg commented that she had concerns about the Eggli application, having just learned of it at this hearing, and it being quite near her property. She said it is a commercial enterprise with gravel trucks and front end loaders, not a cottage industry, and in a location that is supposed to be a quiet family place. She was reminded that agriculture is allowed everywhere in the Township. She reiterated her objections to the enterprise. She was thanked for her input and reminded that there will be a public hearing on the matter.

14. OTHER BUSINESS: None.

15. ADJOURNMENT: Chairman Wright adjourned the meeting with the Commissioners' consensus at 8:10 pm. Next regularly scheduled meeting: 7 pm, Wednesday, November 20, 2019.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary