

**Minutes of Regular Monthly Meeting & Public Hearing
Crystal Lake Township Planning Commission
7:00 PM Oct. 26, 2022
Crystal Lake Township Hall**

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

2. ROLL CALL AND RECOGNITION OF VISITORS

Secretary Dr. William (Bill) Northway called the roll of the Planning Commission:

Present: Commission Chair Greg Wright
Commission Vice Chair Bill Herd
Commissioner Mike Pasche
Commissioner Lee Ewing
Commissioner Dr. William Northway

Staff present: Zoning Administrator Tom Kucera
Recording Secretary Jeannette Feeheley

Visitors: George Mason
Barbara Newman
Barb Perry
Mike Perry

3. CALL FOR CONFLICT OF INTEREST: None.

4. CORRESPONDENCE: None.

5. APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 28, 2022

Wright moved approval of the draft Minutes of September 28, 2022. Herd seconded. All ayes. Minutes approved.

6. APPROVAL OF AGENDA

Wright moved approval of the draft Agenda. Ewing seconded. All ayes. Agenda approved.

7. PUBLIC COMMENTS: None offered at this time.

8. REPORTS TO THE COMMISSION

A. Chair Report:

Wright reported that Judy Van Meter was appointed Township Clerk by the Township Board of Trustees last night in order to fill the vacancy occasioned by the health-related resignation of Clerk Sue Sullivan.

B. Zoning Administrator Report

Zoning Administrator reported he had received a sign permit request, that there were 39 permits for the year, and that he had nothing more to report.

C. Zoning Board of Appeals

Zoning Administrator reported nothing pending before the Zoning Board of Appeals.

9. UNFINISHED BUSINESS

A. George Street Proposal

Wright said the Commission is still in its deliberation phase, the public hearing having been concluded at the last meeting. He asked Zoning Administrator Kucera if there was any update. Zoning Administrator reported he had contacted the applicant Jeff Ferrel on the 12th or 13th asking for followup but had received no communication back from the applicant and so there is nothing different from what's already been presented. Much discussion ensued among the Commissioners and Zoning Administrator. Concerns expressed included discussion of:

- The proposal's adherence or non-adherence to the Township's Master Plan;
- Whether the desire to preserve the area's rural character was advanced or not advanced by a proposal to build housing where there was already sewer & water established;
- That the number of supporters/opponents is important for Commissioners to hear but their decisions cannot be based on the number of voiced & unvoiced concerns but rather on the concepts/concerns advocated;
- The history of Mr. Ferrel's company or his boss's other projects in the area and whether some of that history eroded trust;
- Disappointment that Mr. Ferrel did not attend tonight's meeting and what that may or may not indicate;
- Whether Mr. Ferrel had furthered his expression of perhaps working with the Frankfort Land Trust in order to guarantee that the houses would, indeed, remain affordable through their lifetime, or
- Whether Mr. Ferrel had looked into the other possibilities the Commissioners or Zoning Administrator had suggested to him of establishing something similar to a condominium association or other means;
- That the Community Land Trust at this point is a non-profit with a theory but having not had time yet of proving it would be successful in its mission, so it should not be considered the only option for the George Street proposal, that there may be other options to solve the issues;
- That there is need to verify affordability;
- That the request, to date, is for rezoning, but that rezoning would not guarantee that affordability would be achieved or maintained past the first buyer;
- That the Board of Trustees needs the Planning Commission's input and may be pressured to rend a decision;
- That the procedure might be to reject the proposal as presented and let the Developer come back with a new proposal and whether such would require more notification to neighbors and to the public, and another public hearing;
- That the procedure might be to hold off taking action tonight and wait to see if the Developer comes back before the November meeting with his own answers and plans how to address the concerns expressed;
- That there is consensus among the Commissioners, at least to date, that none of them believe rezoning is desirable.
- That no motion was made at tonight's meeting and the Developer would be given till the November meeting to offer further input.

Chairman Wright next offered visitors the opportunity to weigh in.

Barbara Newman asked what do you call affordable housing and what can you build for that, and that workforce housing almost always has to be subsidized.

Herd answered affordable housing means your nurses and teachers, that is, salaried occupations rather than hourly workers in hospitality and restaurants.

Zoning Administrator said that the Developer did not provide any concrete financial analysis and had talked about selling to two-income households. Zoning Administrator also mentioned that changing interest rates can make a big difference going forward as well.

Barbara Newman said the houses would need people who could afford the upkeep and they also would need a garage.

Wright answered there's nothing mentioned about a basement but the Developer does plan on building each house with its own garage.

Barbara Perry said she just doesn't see how it would work.

Mike Perry said they are in the process of building themselves and questions the Developer's ability to bring in the houses at \$300,000, considering what building costs are today. He also said he is aghast at what the Developer's company did at the Boat Launch.

Ewing clarified that Mr. Ferrel was not responsible for what happened at the Boat Launch but that Mr. Ferrel's boss was responsible.

Barb Perry disagreed that the number of opponents doesn't matter, and brought up the denial she had received regarding a setback variance, although she recognized that the Planning Commission is different from the Zoning Board of Appeals.

Pasche clarified that the Planning Commission is obligated by law to take into consideration certain things but that whether a number of people simply do not like a project cannot be the basis for their decisions which must be based on the reasons, not the number of opponents or supporters.

Barb Perry asked if they are taking a look at what the Developer is building elsewhere?

Wright wondered if they are using local builders or bringing in their own crew and how that affects the price.

Ewing mentioned that lots of these companies have no one willing to work.

Public input having been exhausted, discussion on this agenda item concluded. Among the visitors, Mr. and Mrs. Perry and Ms. Newman departed.

B. Short Term Rentals Work Session

Zoning Administrator had provided Commissioners a copy of the recently passed Frankfort Short Term Rentals Ordinance. Before the Commissioners discussed the issue, visitor George Moore asked to speak, saying he had purchased the old Gleason farm place and has rented it out for at

least six years. The property has almost no neighbors so there are no worries about renters' noise or anything bothering people. He is very concerned about how the Planning Commission will envisage the requirements of a local contact person if a Short Term Ordinance is passed. He does not live here and unless you're a big operation, you can't possibly respond within an hour to a problem that might come up. He has always had local people he employs and can get someone on property within a day but not at 1 am at night. Hard to understand your vision – immediate contact would have to mean a large operation like a hotel and these are the places that have problems, the corporate places, not the small owners. You'd be defeating your purpose to have that kind of stricture on time.

Wright explained they have not written anything yet, that it is Frankfort that has the 60 minute response time.

Moore said none of his rentals have been thirty days. Usually it is a week or two in the summer.

The Commissioners next took up their discussion and included Zoning Administrator's input, who mentioned that the Frankfort Ordinance, in his view, lacks a couple of things. He felt there should be a fee based on the number of beds or rooms to cover the cost to the township. Herd said the fee should just be the administrative cost. Wright pointed out the City has a City Clerk who can handle the rental registrations and its cost, and that the City has an administrative infrastructure that the Township does not have.

Zoning Administrator said the word is out that the Township cannot do anything if there's a problem so there's no use lodging a complaint. The Township has no noise or trash ordinances and no enforcement. The Township has been aware of this for some time but it has not been remedied. Frankfort has no noise or curfew ordinances but they did develop a good neighbor guide honor system. Zoning Administrator also pointed out that the areas in question are zoned residential, not commercial, and that if an individual or organization buys a property solely to rent, that makes it a commercial operation in a residential zone.

Commissioner discussion touched on a number of points, including:

- Why doesn't the Township pass a Noise & Trash Ordinance that would apply to everyone, not just renters? Why have such ordinances in the past been repealed almost immediately?
- Enforcement is the problem, not only for noise & trash but also for rental possible overuse of septic systems. Different situation to be on the lakefront, with greater opportunity for people to be tenting. There could be a bed tax or a car tax.
- Junk Ordinance had gotten Township approval, but not attempts for a Blight Ordinance. No guarantee the Township will pass something even if the Planning Commission so recommends.
- What Frankfort did was to create a license structure for owners wanting to rent commercially in a residential zone, and with that license came penalties for not following the City's Ordinances. Zoning Administrator will be working over the winter on recommendations for such to be presented next spring.
- Frankfort Ordinance puts some pressure on owners to rein in their renters or lose their license.
- The Michigan Townships Association recommends that Townships consider the percentage of dwellings in the area when allowing rental ability.

Visitor Moore spoke again, saying he is familiar with AirBNB's and similar outfits. He said the Commissioners should see his renter rules. He said the area depends on the tourist trade and the Township needs to be aware of that. He was asked if he would supply the Zoning Administrator a copy of his rule book to add to the Commissioners' information gathering on the subject, and he said he would do so. Mr. Moore thanked the body and departed at 8:30 pm.

Further Commission discussion elicited that the Frankfort Short Term Ordinance in Section 4, graph 5 on the top of page 3, refers to a number of ordinances that Frankfort already has but that the Township does not. Zoning Administrator will check on all those.

There was some discussion of road ends in Crystallaire, the public use rights there, and the front and back lot owners' rights.

10. PUBLIC COMMENTS: None.

11. OTHER BUSINESS: None.

12. ADJOURNMENT: Discussion having concluded, Wright adjourned the meeting at 8:45 pm.

Respectfully submitted,

Jeannette Feeheley, Recording Secretary

Next Regularly Scheduled Meeting:

7 pm, Wednesday, November 16, 2022, at Crystal Lake Township Hall.

Attachments:

- Additional support letter for George Street proposal received from Myra Elias
- Frankfort Short Term Rental Draft Ordinance dated 6.13.22