

Minutes
Regular Meeting & Public Hearing
Crystal Lake Township Planning Commission
7:00 PM November 20, 2019
Crystal Lake Township Hall

1. CALL TO ORDER at 7:00 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 of Visitors: (As listed on the Sign-Up Sheet):

- Dave Wynne, Crystal Lake Watershed Association
- Sue Brown, Crystal Lake Watershed Association
- Mary Fereo, Crystal Lake Watershed Association
- Marcia Shutz, Crystal Lake Watershed Association
- Steve Stephens, Crystal Lake Watershed Association
- Chris Howard, Eggli Special Land Use Application
- Jason Barnard, Benzonia Township
- Susan Kirkpatrick, Crystal Lake Watershed Association
- Eleanor Comings, Crystal Lake Watershed Association
- Elizabeth Rodgers, Crystal Lake Watershed Association and Crystal Lake Twp resident
- Tassie Bosher, Crystal Lake Watershed Association
- Steve Loveless, Crystal Lake Township resident
- Ann Kullenberg, Crystal Lake Township resident
- Dave Seronsen, Crystal Lake Township resident
- James Eggli, Eggli Special Land Use Application
- Mark Eggli, Eggli Special Land Use Application
- Bob Weisbrodt, Eggli Special Land Use Application
- Melissa Hamp, Crystal Lake Watershed Association
- Daron Klooster, Living Waters Church, Eggli Special Land Use Application
- Tim Markham, Living Waters Church, Eggli Special Land Use Application
- Barry Hahn, Crystal Lake Watershed Association
- Linda Neiderhofer, Greene Knolls Home Owners Association (HOA)
- Jim Niederhofer, Greene Knolls Home Owners Association (HOA)

3. CALL FOR CONFLICT OF INTEREST: None presented.

4. CORRESPONDENCE: Chairman Wright reported receipt of Benzonia Village Master Plan and that, as of November 12th, it has been out for public comment.

5. APPROVAL OF MINUTES OF REGULAR MEETING OF OCTOBER 23, 2019:

Pasche moved that the Minutes of the Regular Meeting of October 23, 2019 be approved. Ewing seconded, all ayes. Minutes approved.

6. APPROVAL OF AGENDA:

Chairman Wright reminded the Commissioners that although the Agenda listed Solar Energy as it continues to be an ongoing issue, they had agreed not to take it up that night.

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

7. PUBLIC COMMENTS: Chairman Wright asked if anyone wished to speak; those present reserved their comments for later in the meeting.

8. REPORTS TO THE COMMISSION:

A. Chair Report:

Chairman Wright reported that, at the Benzie Summit, there had been two interesting presentations by ladies from Northport regarding solar and alternative energy, and also that dark skies had been discussed.

B. Zoning Administrator Report:

Zoning Administrator Kucera provided a log of permits to date. There were thirty permits to date for the year. Only three or so were for new homes.

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

9. EGGLI SPECIAL LAND USE PERMIT: REVIEW AND PUBLIC HEARING

Chairman Wright opened the Public Hearing on this application at 7:12 pm. Zoning Administrator Kucera introduced the topic, reading from his Review of the Application, hard copies of which he provided.

Mr. Eggli asked what more information the Commissioners wanted as he and his son had provided everything in writing that had been asked for.

Questions were posed to the applicant. Answers included that:

- 7 am – 11 am would be typical hours of operation and also by appointment when needed.
- The area will be graded.
- Any water accumulation would go back to the sand pile by the bluffs.
- Delivery and storage would be of standard landscape products.
- The building, a former Sanctuary is 40 X 60, allowing plenty of room to put in a couple of bedrooms, a fireplace, etc., to create a living space for Mr. Eggi, Senior, who would make it his principal residence. It will be like a large cabin.
- Employees of the landscape business of his son would be his son, his son's wife, and one employee, and the business would be leasing a portion of the building.
- Frequency of semi-truck delivery was estimated at once or twice a week once the start-up of all initial necessary deliveries were accomplished. FedEx or UPS deliveries were estimated to be about once or twice a week, just like a regular home.

Commissioners' comments were that this application is not typical for them to receive, that it would be the first cottage industry they would be permitting, and that it was a positive thing that the applicant would be living there. However, they expressed some difficulty in that cottage industries are supposed to be incidental to the residential use, and this appears different than that.

Mr. Eggli, Senior, replied that his son will be running the landscape business and the father will be a co-owner of both businesses, and that they have to set it up that way for record-keeping.

He was asked about parking of RVs, boats, etc.

The Egglis replied they had not thought about that.

They were asked whether mining would be part of the operation.

The Egglis replied that they were not thinking of mining, that purchase of the products was more economical than mining for product.

They were asked whether they would renting office space to others, and the reply was no.

Clarification was asked on the number of employees. Would it be four employees, counting the father? They were asked if there would be up to twenty employees in the future.

Applicant replied that they do not have capability for twenty employees now, maybe way in the future, but that, in any event, employees do not go into the area to stay, nor even to park their cars, but rather to pick up and deliver materials and leave the site to go do their work.

A question arose about establishing a residence there and possible usage in the future.

Zoning Administrator clarified that a permitted use in that district is for residential use, and that, if sold, a new owner could take over the business provided the new owner lived there and used the facility in the same way. Also, any different use would require any new owner to apply for a new Special Land Use Permit at that time.

The Egglis were asked how far away supplies would come from. They replied supplies would be local.

The Egglis were asked about winter business.

They replied that would include snow plow materials such as bags of salt, establishment of a sand pile for sanding needs.

Concern about noise at 7 am expressed. Answer that any loading sound would occur in the circular driveway, not near the road.

Concern expressed about the establishment of two businesses and that whether the ownership business would allow for leasing out of office space to other businesses. Commissioners said they might look to some restriction of such. Applicants answered they were fine with that.

Chairman Wright then opened the session to questions from any opponents who might be in the audience.

Jim Niederhofer of Greene Knolls HOA expressed concern about noise and if the traffic involved would become similar to the amount of traffic going into Crystal Gardens.

Applicant replied that Crystal Gardens is a retail business while the Eggli business would not be dealing with retail customers, only wholesale, and so they would not experience the kind of retail

traffic that Crystal Gardens has.

Mr. Niederhofer expressed concern about five years down the road what the number of employees would be.

Applicant replied that all we really need are two people to load and unload.

Ann Kullenberg of 3483 Casey Road said she would definitely have a problem with the noise. She quoted from sections of the Crystal Lake Master Plan, contending that the application did not meet its intent. She said Casey Road is an important link to the Betsie Valley Trail, that she is an avid cyclist, and this new business and its noise would change that pleasure. She contended the traffic would not be traditional nor compatible with the neighborhood. She said she is not opposed to anything being there, just to uses she feels are incompatible. Ms. Kullenberg handed some written material forward towards the Planning Commission table. She also commented that while the County is trying to protect the M-115 and M-22 corridors from becoming too commercial, this application, in her view, represents heavy industry. She read again from the Township Master Plan to support her contentions. She asked if, in addition to M-115, Casey Road would become a de facto ingress or egress. She predicted that noise is going to become the next big issue the Planning Commission will have to tackle.

After all opponents present and wishing to speak had expressed their views, Chairman Wright asked if the applicant would like to rebut.

Bob Weisbrodt, realtor for the proposed sale, said there is an awful lot of noise and traffic on M-115 already. Mr. Egli, Sr., said that traffic would be right into the driveway from M-115 – in and out the same driveway and that trucks would not be using Casey Road for deliveries.

Question from the Commission: would you mind if the Permit listed such as a condition?

Applicant had no objection.

Question from the Commission: can you disconnect the beepers on the trucks when they back up?

Applicant said that back-up would not be happening often and that beepers are required by OSHA. As for their own vehicles, they are looking at simply purchasing a farm tractor.

Zoning Administrator mentioned a number of conditions he recommended. He'd like the water run-off looked at. He read from his Findings of Fact, talked about possible buffer fencing or vegetation, and that he'd like to look at the location of dumpsters for trash removal and see whether that location is appropriate, and whether screening would be advisable. He said he understood the property sale to be conditioned on issuance of the Special Land Use Permit.

Chairman Wright closed the Public Hearing at 7:45 pm for deliberation among the Commissioners.

One Commissioner wanted more time to review the Township's Master Plan; another was concerned that this seemed to be a commercial operation with a residence instead of a residence with an incidental cottage industry.

A Commissioner commented that if the property had been a new blank lot, that yes, he, too, would not find favor with the usage, but that given there is already a property there with a long history of former uses, what else would any new property owner do there? He felt the noise and traffic could be dealt with adequately under restrictions and conditions to be attached to the permit. He also felt the proposed usage to be an appropriate use of this particular property, as it had been used before as light industrial. On another new site, such would be out of the question, but not on this site, given its history.

A Commissioner mentioned he'd like a survey to show the grades so that the Planning Commission would have a document showing the Plan for water run-off.

Zoning Administrator said right now the property is zoned RP2-5, not commercial. If the property is to be considered commercial, they'd have to open up the whole area for commercial development, which he did not feel anyone wanted, and that, in his view, the only vehicle the Commissioners could use regarding this application was to consider it as a cottage industry. He said conditional zoning was a possibility but he would not recommend such.

One Commissioner commented that he lives 100 yards from M-115 and is well aware of noise already emanating from M-115 traffic, including from trucks, and he did not think this business would be adding to the noise already there.

Jim Niederhofer commented from the audience that it is a different animal with trucks braking to turn into a driveway than trucks just driving down the highway. Other comments ensued, and Chairman Wright reminded all that the Public Hearing Comment period had passed and that Commissioners were in the process of deliberating among themselves.

In response to questions from the Commissioners about winter, applicant said 7 pm would be the latest he expected anyone to be loading sand for snow plowing.

One Commissioner again expressed a desire for more time to think about the application.

Zoning Administrator mentioned that all adjacent neighbors have been notified and that, with the exception of objections raised that evening by Ms. Kullenberg, he had received no other communications from adjacent neighbors, either for or against.

He was asked the history and replied it had been originally built as a transmission shop, then MacDonald Marine had used it, then the Church of the Living Waters had used it, and that nothing on the property has changed since their building was built.

Deliberations being exhausted, Commissioner Mike Pasche made the following motion:

Based on presentations by the Applicant and the Zoning Administrator, as well as public input and deliberations by the Board, I move to grant the Applicant's Special Land Use for the proposed Wholesale Landscape Supply Facility subject to the following conditions:

- **That the applicant will provide evidence of the contract for sale being executed and ownership transferred before the Zoning Administrator issues the final Decision & Order for the Special Land Use.**

Further, that the applicant will:

- **Provide a site plan showing surface runoff in the storage area will be controlled**
- **Provide a site plan, for approval by the Zoning Administrator, showing landscaping to be installed and maintained on the site.**
- **Provide a site plan showing where dumpsters will be located and screened.**
- **All truck traffic for delivery and pickup of landscape materials will enter and exit via the entrance off M-115. Use of Casey Road will be discouraged.**
- **No delivery or pickup of landscape materials before 7 AM or after 6 PM.**
- **Office space use is limited to Team Ross Landscape Supply, LLC. No third-party leasing.**
- **No commercial storage of cars, boats or vehicles.**
- **Exterior signage must be approved by separate permit. Signs must state business is “wholesale only, no retail sales.”**
- **An evaluation of the visibility of the material storage area will be made by the zoning administrator once it has been populated with piles of material to determine the need for fencing/buffering at the entrance to the storage area.**

Moved by: Mike Pasche, Supported by: Tammy May.

Votes were: Ewing Yes; Wright No; May Yes. Herd No; Pasche Yes.

Motion carried. Special Land Use Permit 2019-SLU-02_001-004-00 is approved with conditions as noted. The Zoning Administrator is directed to issue an appropriate Decision and Order after the conditions have been met.

Commission Chair Wright announced a brief break in the meeting before taking up the next agenda item. Meeting resumed at 8:26 pm.

**10. DAVE WYNNE, CRYSTAL LAKE WATERSHED ASSOCIATION:
UPDATED CRYSTAL LAKE WATERSHED OVERLAY**

Dave Wynne of the Crystal Lake Watershed Association presented a slide presentation on their recent research. The Crystal Lake Watershed Overlay created decades ago is now 25 years old, so members of his Association have been reviewing it in light of current circumstances. Based on their findings, they believe it has some gaps and needs to be updated. One of the identified gaps is that currently there is no permit required for tree removal, and their findings show that much of the Watershed’s former wooded areas are being depleted of vegetation for various reasons, and vegetative cover on the land is needed for many reasons, including the protection of the lake from too much nutrient-rich storm water runoff.

Zoning Administrator Kucera mentioned, as a disclaimer, that he has been working with and advising the CLWA. He also reminded everyone that the Crystal Lake Watershed Overlay District does not apply to all properties within Crystal Lake Township, only those within the Watershed.

A CLWA member in the audience said they would like to present specific proposals to the Planning Commission at their January meeting. The Commissioners expressed support for such.

Zoning Administrator Kucera said he felt a possible schedule could be for the Planning

Commission to look at the CLWA proposals this winter, and set a public hearing or hearings in May or June when more of the populace is in residence. If all proceeds well, any conclusions could be adopted in mid-to-late summer.

Commissioner Pasche recommended that the CLWA reach out to Networks Northwest for their planning expertise and to the Michigan Department of Environment, Great Lakes and Energy (EGLE).

CLWA members said that they are very engaged with those entities and many others.

On that topic, Zoning Administrator Kucera mentioned that there are some conflicting agency recommendations, such as that the Michigan Shoreline Stewardship Plan is in direct opposition to the rip rap currently encouraged by EGLE to lake frontage owners.

Commissioner Pasche also suggested the CLWA consider what another state has done, that is, consider not only the amount of storm water run-off but also the quality of the water involved, whether filtered or not filtered before reaching the lake, and that data not be skewed inadvertently by ignoring or measuring such equally.

It was also asked if the CLWA had, in addition to their slides and count of bigger homes, etc., any data on the amount of impervious surface that they feel has increased since the Overlay District was created 25 years ago. The CLWA countered they had no data on impervious surfaces specific to this Overlay District but that they did have general data showing percentages when it can be predicted that lakes will begin to be affected adversely. A Commissioner expressed his view that it might be helpful to begin to establish data specific to this Overlay District so that they would have a base going forward and from which to measure over time.

11. UNFINISHED BUSINESS:

A. Solar Energy Ordinance: Not taken up at this time.

12. NEW BUSINESS: None.

13. PUBLIC COMMENTS: No further public comments at this time.

14. OTHER BUSINESS:

The Commissioners briefly mentioned Capital Improvement and some small administrative matters for addressing in the future. Commissioner Ewing reminded his fellow Commissioners that he would be gone January and February 2020.

15. ADJOURNMENT: Chairman Wright adjourned the meeting with the Commissioners' consensus at 9:03 pm, announcing that there will be no meeting in December. The next regularly scheduled meeting is set for 7 pm, Wednesday, January 22, 2020.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary