

Minutes of Monthly Meeting
Crystal Lake Township Planning Commission
7:00 PM March 6, 2024
(Originally scheduled for Feb. 28 & rescheduled due to weather)
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
Recording Secretary Jeannette Feeheley

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

Visitors: Connie Black-Pond
Patrick Pond

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

4. CORRESPONDENCE:

Zoning Administrator Tom Kucera reported the Michigan Public Service Commission will be holding a meeting to begin to determine how they, as an agency, will begin overseeing and processing applications for the siting of wind and solar farms now that the Legislature has removed local jurisdiction over these matters. Another meeting is scheduled for March 19th.

5. APPROVAL OF MINUTES OF MEETING OF January 24, 2024

Wright moved that the Draft Minutes of January 24, 2024, be approved. Herd seconded. All ayes. Minutes approved.

6. APPROVAL OF AGENDA

Wright corrected the Agenda to read tonight, March 6, rather than Feb. 28 when the meeting was originally scheduled & then rescheduled due to weather.

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

7. PUBLIC COMMENTS: None at this time.

8. REPORTS TO THE COMMISSION

A. Chair Report:

Wright reported that the Traverse City newspaper ten days or so ago reported that the Traverse City Council and its Planning Commission have determined that Short Term Rentals (STR) are cutting into rental availability and housing costs within the City and they will be looking into this issue.

Pasche mentioned Traverse City has two classifications of rentals currently, that is, all Tourist Rentals must be in their district zoned commercial, whereas in the residentially zoned areas, a house owner may rent only if the owner is present. But they still are seeing some issues and are reviewing the current situation.

Patrick Pond in the audience spoke up to say the issue is enforcement.

Wright mentioned that, at the February meeting of the Crystal Lake Township Board of Trustees, it was asked if the Board really wants an STR Ordinance. He said the Board members said yes and expressed frustration that it is taking the Planning Commission so long to make a recommendation to them.

B. Zoning Administrator Report:

Kucera reported an Application for a Special Land Use Permit has just been received from the owner(s) of the former Herban property. It appears they have modified their initial approach. He has not yet had time to review it. As the next regular meeting of the Planning Commission is only three weeks away, he may not have time to report on it by then.

Regarding Roger Mix's request for a release of the bond required by their Special Land Use Permit after certain conditions were met, Kucera asked for a Commissioner to accompany him on an inspection for this purpose. Herd volunteered to do so.

Kucera reported that a lawsuit between the Airport Authority and the Pines Senior Living facility adjacent to the Airport has resulted in the issue that an Airport Overlay needs to be developed. He has had difficulty getting the information he needs. Every time he has requested information from the Airport Authority, the response has been to direct him to the Federal Aviation Authority.

Pasche said he knows some experts who could help regarding the development of an Airport Overlay. He said the Township Superintendent and Treasurer have sent documents to the Township's new attorneys to determine what the position of the Township is in regard to the Airport. The City of Frankfort claims the Township has no position but every year our Township has been paying towards the Airport.

Kucera and the Commissioners discussed that the sole liability of the Township is whatever constitutes the Township's agreement with the Airport Authority. There is a legal Judgment requiring the Airport Authority to pay the Pines a substantial sum regarding air rights. Out of that case came the result that there needs to be an Airport Overlay. Kucera does not feel he is equipped to deal on his own with developing an airport zoning overlay. It was discussed whether to add this issue to the next Planning Commission meeting.

As for the amount of permit requests before him, Kucera reported he has received five applications for permits to date.

C. Zoning Board of Appeals:

Kucera reported there is nothing currently before the Zoning Board of Appeals.

9. UNFINISHED BUSINESS:

A. Short Term Rental (STR) Discussion

Wright said that Fred McGill appeared before the Township's Board of Trustees and told them he is the representative for the community owning property on Mollineaux and he lives above the Herban property. Wright said the Township Board is in unanimous agreement that they want an STR recommendation. He said the Planning Commission needs to do some scheduling to address this matter. Pasche and Wright discussed whether the Board or the Planning Commission should hold the requisite public hearing. It was agreed that, at a minimum, the Board should be required to be at a Public Hearing on this issue if hosted by the Planning Commission. There was discussion that the Township Board needs to be prepared to own this issue and its results and so should be informed as the Planning Commission does the ground work to develop their recommendation.

Connie Black-Pond spoke up from the audience. She asked the time frame for addressing the Herban property application. Kucera gave a detailed description to her of the general process for all applications.

Ms. Black-Pond continued to speak, saying she had sent a request in January asking for an environmental and social study to be paid by the developer. She continued to press for timetables and responses. Kucera reiterated what he had said at the last meeting on this issue, that is, that he had compiled an email list of all those who, like Ms. Black-Pond, requested that he provide them notices of upcoming relevant meetings.

Wright then addressed a gentle disagreement he has with Herd over what determines a conflict of interest on any issue before the Commissioners. Herd said that if anything arises where he would have a conflict, he would not participate. Wright reiterated his position that there should never be even an appearance of a conflict.

The Commission then began discussion on the topic of STR. In preparation for this meeting, Kucera had sent the Commissioners a Working Document he had created. It was based on the Lake Township STR Ordinance but incorporates many changes including or excluding what the Commissioners had previously said they wanted. He also said that whatever gets enacted into an STR needs to go into the Zoning Ordinance definitions.

Herd said we're getting ahead of ourselves here and said he did not wish to work from the Lake Township STR.

Pasche pointed out several areas where Kucera had addressed Herd's issues in the Working Document that had been provided. He and others discussed various components of the Working Document.

Kucera and the Commissioners agreed the Township Attorney should be asked to review the Working Document and make any language suggestions he would advise. It was also discussed whether or not the Township's Insurance Agent should be consulted regarding whether the Township needs to be indemnified against any STR liability. The Commissioners also agreed to review the Working Document and get back to Kucera with their thoughts. He asked them to make sure to read the Definitions.

10. OTHER BUSINESS:

The Commission then took up Other Business ahead of Public Comments. Kucera was asked about the status of the Kullenberg court case. He said it's been back and forth between the Circuit Court and the Appeals Court as to whether she has standing, and the latest is that she does have standing and it has been remanded back to the Circuit Court, where, for some time it was on administrative leave and has now been reactivated. Kullenberg has also filed civil suit against the landowner with whom she has complaint.

11. PUBLIC COMMENTS

Patrick Pond said that he is impressed with what the Commissioners do.
Connie Black-Pond reiterated her earlier desires for emphasis on land use and rural preservation.

12. ADJOURNMENT: All business concluded, Wright adjourned the meeting at 8:35 pm.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary

Attachments:

Kucera draft of a Working Document on STR
Herd Email
Pasche Comments on Draft working document

Next Regularly Scheduled Monthly Meeting:

7 pm, Wednesday, ~~April 24~~, **March 27**, 2024, at Crystal Lake Township Hall