

Minutes of Regular Monthly Meeting & Public Hearing
Crystal Lake Township Planning Commission
7:00 PM June 22, 2022
Crystal Lake Township Hall

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

2. ROLL CALL AND RECOGNITION OF VISITORS

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

Staff present: Zoning Administrator Tom Kucera
Recording Secretary Jeannette Feeheley

Visitors: Jeanne Amond
Dean Michael
Craig Fiederlein, Esq., CF Legal
Leslee Mix
Roger E. Mix
Sarah Ross
Allen R. Gruss
Kristine Peterson
Darren Adair
Larry McQuay
Brenda Mead
Nicole Long, Up North Live News
Steve Church
Camille Vettraine
John Laubach
Dave Attanson
Sue Sullivan

3. CALL FOR CONFLICT OF INTEREST: None presented.

4. CORRESPONDENCE: Outside of correspondence read later during the public hearing portion of the meeting, neither the Chair nor Zoning Administrator reported any correspondence.

5. APPROVAL OF MINUTES OF THE REGULAR MEETING OF MAY 25, 2022

Wright moved that the proposed minutes of the May 25, 2022 meeting be approved without amendment. Pasche seconded. All ayes. Minutes approved.

6. APPROVAL OF AGENDA

Wright moved approval of the proposed Agenda amended, at his suggestion, to add under Item 11, Other Business: Capital Improvement Discussion. Herd seconded. All ayes. Amended Agenda approved.

7. PUBLIC COMMENTS: None at this time.

8. REPORTS TO THE COMMISSION

A. Chair Report:

Chairman Wright had nothing to report. He expressed appreciation for the attendance of all the visitors.

B. Zoning Administrator Report:

Zoning Administrator reported receiving a flurry of permit applications, most for remodeling and one for a new house to replace one at 943 South Shore.

C. Zoning Board of Appeals:

Zoning Administrator reported that the Zoning Board of Appeals met May 26 and clarified, per the applicant's request, their interpretation of the zoning on a piece of property owned by the Nugents on Lake Street, and they also met on June 15 and denied a setback variance that had been requested by the Perrys for their property on Michigan and George Streets.

9. UNFINISHED BUSINESS:

A. RV Park Special Land Use Permit Public Hearing

Chairman Wright opened the Public Hearing at 7:05 pm and asked the Zoning Administrator and the Applicant's Civil Engineer to summarize the application of Roger Mix for a Special Land Use Permit. Zoning Administrator summarized briefly his 21-page May 17, 2022 Staff Review & Findings of Fact that he had provided everyone. Sarah Ross, Civil Engineer for the applicant, displayed on an easel a large color overview map of the proposed development within the RV Park property, summarized briefly the information and updates that had been presented over the past year, and added that ten trees, a mix of deciduous and evergreen, have recently been planted along Lobb Road.

Al Gruss rose to object to the requiring of the applicant to plant trees. A question arose whether they were planted in the Right of Way (ROW) which the County might cut or prune during road improvements/maintenance. Sarah Ross said some are in the ROW and some are not – all consistent with the original consent decree. Sue Sullivan rose to say road construction is planned for Lobb Rodd this summer and that may affect any trees planted.

Chairman Wright returned to the order of business and protocol of the meeting, explained that first, all correspondence received in favor of the applicant's proposal will be read, and secondly, all correspondence received in opposition. He said following that will be opportunity for supporters among the attendees to speak, then for opponents, and then opportunity for rebuttal by the applicant, and then deliberation by the Commissioners. Visitors were reminded of the three minute time limit for comments per individual.

Chairman Wright read out loud letters of support. Some were form letters, the majority being from non-residents of Crystal Lake Township (CLT). After reading them out loud, Civil Engineer Ross reminded the Chair of three of the same form letter of support submitted earlier in the proceedings, handed him copies, and Chairman Wright then read out loud those letters.

Form Letters of Support dated Oct. 11, 2021 signed by Frankfort business owners:

Don LaBelle, Bayside Cycles, LLC;

Michael Elwell, Port City Smokehouse;

Joshua Vander Hyden, Frankfort Hardware;

Julie Singleton, Bella's Café;

Joseph Barcheski, Frankz, LLC.

Form Letters of Support dated Oct. 11, 2021 signed by individuals:

Gloria Borter (spelling unclear), Frankfort;
Vivian Mihalik, Arcadia;
Sergha (spelling unclear) Chacko, Beulah;
Lena Langley, Frankfort;
Jean Neuhardt, Crystal Lake Township

Individual emails of support, and a letter of support from:

Email 5.27.22 from Lucy Auguston, no permanent residence given, seasonal at RV Park;
Email 3.8.22 from Al Gruss, no residence given;
Letter 7.20.21 from Andrew Johnson, Frankfort Insurance Agency, and home in CLT.

Chairman Wright next read emails of opposition from:

Emails 2.25.22 and 3.8.22 from Cathy Morris, CLT resident & part of consent judgment group;
Email 3.28.22 from Liz Morris, Pilgrim Hwy, Frankfort;
Email 3.9.22 from Marjorie Finley, CLT resident;
Two emails 5.24.22 from Kenneth G. McNeil, no residence given.

Chairman Wright next invited those present who wished to speak in support to do so, and asked that they state their name and place of residence.

Voicing support were:

Sue Sullivan, 62 Lobb Road just on the other side of the Park;
Steve Church, Midland MI resident and seasonal resident at the RV Park since it opened;
Craig Fiederlein, Esq., CF Legal;
Larry McQuay, lives around the corner from the RV Park;
Brenda Mead, RV Park Manager, intends to set aside 3 campsites for work force housing and already has traveling nurses and others who stay there;

Voicing neither support nor opposition:

Jeanne Amand, lives right in front of the Park on M115; said not opposed but had issues.

Voicing opposition was:

John Laubach, lives on Elm Street off Lobb Road.

After all comments had been heard, Commissioners asked a few questions of some of the audience for clarification.

Rebuttal of the Applicant:

Civil Engineer Sarah Ross rose to answer the objections raised. She said it is the intention to have a few spaces for work force housing. Commissioner Pasche asked how they would know if someone was actually work force, and how do they reserve a lot that's been set aside? She said that typically, they let the Chamber of Commerce and the Visiting Nurses know of availability, and that those renters must, as everyone else, have their own RV or rent one from somewhere else. She also mentioned they have both "seasonal" and "transient" renters. Mr. Mix offered that he is okay with doing a Performance Bond for the landscaping. It was also reported that, pursuant to concerns about water usage, the aquifer in this area between Lake Michigan and Crystal Lake is one of the biggest in the state and all here are fortunate not to have that concern. Ms. Ross reported that the size of a lot required by the State of Michigan is 1200 square feet and

that the RV Park's lots are all 4,000 square feet. As for comments about the RV Park being an eyesore, detailed landscape plans have been provided.

Further rebuttal was given by Lee Mix on St. James Court.

With everyone having had opportunity to speak, Chairman Wright closed the Public Hearing at 8:00 pm and the Commissioners began deliberations.

Commissioner Wright said he has lots of concerns, including the size and intensity of such a development in this location and how dramatically it will impact the Township. He said he is also concerned about doing anything not in accord with the original consent judgment, a legal matter. He said this application is the same as proposed in 2011; it is not a small Park, it will bring in hundreds of people and vehicles.

Commissioner Pasche spoke to explain the process the Planning Commission must go through. We don't work in a vacuum, he said. There is a list of items in our Zoning Ordinance that they have to go through, and the Planning Commission is not there to tally support and opposition. One criteria to meet is how it fits or does not fit into the township; another criteria is how it affects the environment. The decision they make must be based on facts. Regarding visual impact, the Township Master Plan says that this area must continue to look rural. The topography of the RV Park, its setting unhidden on a hill, makes it challenging to keep the RV Park looking rural. He said many of the concerns listed have already been addressed in emails with representatives of the applicant.

Commissioner Herd said, even if we are enthusiastic about the RV Park, the Commission still has to see if it fits within the Township Ordinance and how decisions made might affect future requests. It is a struggle: while it might be good for the area, does it fit within our Township Ordinance? The Park is big; it is a dilemma.

Commissioner Ewing asked if they have someone who will police the area?

Commissioner Wright said this is a little bit like short term rental problems in a small community that cannot handle the influx and the policing necessary. He objected to contentions there are no other places to rent, as there are campgrounds where people can go.

Commissioner Pasche said this would be the most densely populated thing in the Township. He mentioned that if the Applicant would dedicate the Application's remaining open space as continuing to remain open in the future, that such might help mitigate concern about more units; he was just mentioning such to possibly help address the big problem of density. He said if a third phase for more units is planned down the road, such a plan would exacerbate the situation.

Commissioner Wright commented that Mr. Mix already had his infrastructure in place well before he had obtained a permit. Wright said storage is a concern plus the consent judgment ordered no commercial storage. He said there is no end to people who might want to store their boats and materials at the Park and he doesn't think the Planning Commission can allow that. What about parking? And how can the Township even enforce any conditions the Planning Commission might require? Right now the RV Park is small in comparison, but at 2 to 3 times bigger, the Township could not begin to enforce compliance.

Commissioner Herd said the Ordinance already says no one in the Township can store an RV on their own property unless they have a house there. He mentioned the relationship to the consent judgment.

Commissioner Pasche said one requirement in the Staff Review talks about ultimate plans for any future development. Zoning Administrator said one possibility would be to require a letter from the RV Park owner to the Township recognizing that any future development would require another application for another Special Land Use Permit (SLUP).

Commissioner Pasche said, instead of having to deal with a future permit application, he would rather tie the ultimate plan to this current SLUP process. Discussion ensued between the Commissioners and Civil Engineer Sarah Ross, with Commissioner Herd explaining they are less concerned about future recreational amenities that might be added as they are to even more increased density of people and sites.

Commissioner Wright mentioned another item of the consent judgment said there can be no trailer park. He said it is a storage facility and a trailer park and neither are allowed by the consent judgment.

Commissioner Herd asked when does a facility go from being a campground to a trailer park?

Commissioner Pasche said we need to go through all the relevant Ordinances detailed in the Staff Review before we can think about approving or denying.

Commissioner Herd said the Master Plan recognized the area as a resort area with seasonal cottages, but no one is allowed to build a small cottage anymore. He mentioned perhaps this could be considered resort-related-residential housing, like a mobile cottage.

Commissioner Pasche, with the Commissioners' assent, began tackling all the Ordinance Requirements, per the 21-page Findings of Fact of the Staff Review. The Commissioners followed along and discussed the items. Commissioner Pasche's process was to read the Ordinance requirement, then the Zoning Administrator's related Finding of Fact, and concentrating on the sentences highlighted by the Zoning Administrator in red as an item needing to be addressed. (That Staff Review document is attached to these Minutes.)

On discussion among the Commissioners and Applicant on the storage issue, there was consensus that March 1 through Nov. 30 would be the only time storage might be allowed. On page 18 of the Staff Review, the Zoning Board of Appeals acceptance of a storage building up to 2,000 feet was clarified that the Zoning Board of Appeals granted the variance only on the condition that such would be approved by the Planning Commission. Commissioner Pasche recommended eliminating item 2B of page 18, that is, eliminating the possibility of renting space within the storage building to RV owners, and requiring that the storage building be used for RV Park operations only, that is, their necessary lawn mowing equipment, etc. Commissioner Pasche recommended allowing, with such a proviso, the 2,000 square foot size of the storage building per the waiver granted by the Zoning Board of Appeals.

Dark skies lighting enforcement was discussed, including outside lights allowed individual RV occupiers, and that the RV Park include many of the conditions that the Commission might approve within the RV Park's Rules and Regulations, and that such document be provided to the

Planning Commission. Fire rings at the lots and the resultant smoke were also discussed. Also was discussed that there would always be an onsite Manager responsible for enforcement.

After completing their lengthy discussions of the Zoning Administrator's 21-page list of Ordinances, Findings of Fact, and the Zoning Administrator's conclusions and/or recommendations regarding each item, the Zoning Administrator explained that the next step might be an issuance of a draft Decision and Order, a document based on the night's deliberations that he could draft and circulate to the Commissioners. He suggested a special meeting no more than two weeks hence for the Commission to review the draft and make their decision regarding this Application for a Special Land Use Permit.

Consensus was reached to schedule a Special Meeting for Monday, July 11, at the Township Hall for this purpose. Commissioner Wright pointed out that all the conditions they have to consider attaching to any Special Land Use Permit demonstrate how difficult this is going to be.

B. Short Term Rentals Discussion

Chairman Wright noted this subject will continue to be taken up by the Planning Commission in future meetings.

10. PUBLIC COMMENTS: None at this time.

11. OTHER BUSINESS:

A. Capital Improvement Discussion

Chairman Wright noted this subject will be addressed at a future meeting.

12. ADJOURNMENT: Wright adjourned the meeting at 10:00 pm.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary

Special Meeting on the RV Park Application is scheduled for:
7 pm, Monday, July 11, at Crystal Lake Township Hall

Next Regularly Scheduled Meeting:
7 pm, Wednesday, July 27, 2022, at Crystal Lake Township Hall.

Attachments:

-2022-05-17 RV Park Findings of Fact. Pdf

(Staff Review & Findings of Fact re: Application for a Special Land Use Permit);
Letters/Emails of Support for the RV Park Application for a Special Land Use Permit;
Letters/Emails of Opposition to the RV Park Application for a Special Land Use Permit.