

**Minutes**  
**Regular Meeting & Public Hearing**  
**Crystal Lake Township Planning Commission**  
**7:00 PM August 28, 2019**  
**Crystal Lake Township Hall**

1. CALL TO ORDER at 7:08 pm by Chairman Greg Wright.

2. ROLL CALL AND RECOGNITION OF VISITORS

Present: Commission Chairman Greg Wright,  
Commissioners Lee Ewing and Mike Pasche.

Excused: Commissioner Bill Herd

Absent: Commissioner Tammy May

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

Visitors: None

3. CALL FOR CONFLICT OF INTEREST: None presented.

4. CORRESPONDENCE: None presented.

5. APPROVAL OF MINUTES OF REGULAR MEETING OF JULY 24, 2019:

**Wright moved that the Minutes of the Regular Meeting of July 24, 2019, be approved. Ewing seconded, all ayes. Minutes approved.**

6. APPROVAL OF AGENDA:

**Wright asked for two changes to the proposed agenda: "Election of Officers" be removed as Item 8, as that matter had been addressed the previous meeting, and that "Discussion of Budget" be added under "New Business". Wright then moved that the proposed Agenda with the proposed corrections be approved. Ewing seconded, all ayes. Agenda as amended approved.**

7. PUBLIC COMMENTS: None.

8. ELECTION OF OFFICERS: Deleted from agenda.

9. REPORTS TO THE COMMISSION:

A. Chair Report: Chairman Wright reported that the recent election held within the township concerning the establishment of marijuana establishments has been found invalid as the question was not put before the voters during a regular election, and that a do-over will be held in March to meet that requirement. He also reported that the County is having its annual summit Oct. 25<sup>th</sup> and will have the issue of solar on its agenda as the issue affects many townships. Short term rentals also continue to be an issue, and Frankfort is working on a short term rental ordinance. Discussion that Frankfort is at a tipping point with more rentals than residents, and the number of eligible voters to weigh in on such issues is declining. Zoning Administrator reported that Crystal Lake Township is getting more complaints about rentals. Discussion about the increase of the number of properties being purchased solely for rental, and questions arising whether such are appropriately deemed non-commercial. Discussion about owners not being present, especially when problems occur. Wright said Suttons Bay

is on top of this and could be a good source of information. Zoning Administrator mentioned that addressing such may entail a township decision rather than a zoning ordinance.

## B. Zoning Administrator Report

Zoning Administrator Kucera reported that he will be out of the office from September 11-18, returning on September 19<sup>th</sup>.

Administrator Kucera said that there have been lots of inquiries but no requests for permits.

Administrator Kucera reported that paperwork for the Kullenberg appeal has been submitted. He reported that nothing can happen until the attorney for the appellant files his first brief, which is not expected to start to happen until mid to late October, and then the township attorney has a 14 or 21 day response period to file briefs, and then the calendar will be getting close to Thanksgiving and Christmas. Thus he does not expect much to happen until mid-December to January. He was asked if the landowner has a role, and was answered no, it is a filing by the appellant against the township's Zoning Board of Appeals, and the landowner is not involved. Commissioners asked what was happening on the property in the meantime? Zoning Administrator said that last time he had talked with the property managers, Cottage Pros, they said the exterior work on the building was 100% complete and that they were waiting on the electrician regarding interior work. He was asked if the landowner was not respecting the STOP WORK ORDER the Administrator had issued. Administrator said that once the Zoning Board of Appeals ruling came down that upheld the issuance of the permit, which allowed the building work to continue, he has no choice but to respect that ruling. Commissioners wished clarification that the Court has not enjoined the landowner from continuing to get work done? Administrator answered that he was not aware of any legal injunction prohibiting the landowner from continuing work on the building. Question was raised what, exactly, has the appellant requested to have happen, other than a reversal of the Zoning Board of Appeals decision? And, if the building is completed in the meantime, what would happen? Administrator said that was a good question. Discussion about what the Court could or might do. Zoning Administrator said the township attorney feels the Court will either uphold the Zoning Board of Appeals decision or send it back to them for some process reason, which would mean it would have to be reheard at the Zoning Board of Appeals along with instruction from the Court regarding procedural reasons that need to be corrected.

C. Zoning Board of Appeals: Zoning Administrator Kucera said he has received notice from a landowner who may request to be allowed to put a little eyebrow over their door.

Chairman Wright returned briefly to the subject of short term rentals and mentioned that Suttons Bay requires someone to respond within forty minutes if a problem occurs on a rental property. Discussion. Commissioners agreed that the basic goal, regardless of requirements, would be to make property owners responsible for the behavior of their renters.

## 10. A. SOLAR ENERGY ORDINANCE REVIEW

Zoning Administrator provided hand-outs that included information from a class he had taken in 2017. He felt it was worthwhile for the Commissioners to go through the paperwork in order to begin to consider issues, among others, that the MSU Extension had raised. He conjectured that, if the Commission did take up solar, a set of definitions would be necessary. He said solar collectors are addressed in the current ordinance as a Special Land Use. Changes would necessitate changes to sections of the ordinance. Solar farms would need to be addressed. Administrator said he was not sure how the Commissioners wished to proceed and asked if the Commissioners wanted him to draft something? Discussion about reaching out to the public and the best way to do that. Commissioners expressed desire not to create unnecessary burdens for people wishing to install solar while ensuring protection of their neighbors' rights. Zoning Administrator suggested considering solar an accessory use by right in districts R1, 2, and 3, but in other districts, requiring a Special Land Use Permit above a certain size.

Commissioners agreed to take up and respond to the list of questions that the Zoning Administrator had submitted for their consideration. Chairman Wright said this would be a good project for the winter.

11. UNFINISHED BUSINESS: None.

12. NEW BUSINESS:

A. Discussion of Budget

Chairman Wright said the Planning Commission was working within its budget now and that it is currently adequate but he wanted to make sure they are prepared for the future. He mentioned that the Planning Commission budget is separate from Zoning. Commissioner Pasche suggested the purchase of Chrome Books so that Commissioners could see the whole picture of an issue and all relevant documents, and be enabled to make and see markups that all could follow. He said another Board on which he serves does so and it has worked well. Discussion of Chromebooks vs. Microsoft, which requires licensing, but is commonly used. Commissioners and Administrator discussed possibility of budget consideration for getting some simple electronics to allow easier communication amongst themselves and the public, and that would avoid the piles of paperwork currently involved.

13. PUBLIC COMMENTS: None.

14. OTHER BUSINESS: None.

15. ADJOURNMENT

Chairman Wright adjourned the meeting with the Commissioners' consensus at 8:15 pm. The next meeting will be September 25, 2019.

Respectfully submitted,  
Jeannette Feeheley, Recording Secretary