

Minutes of Monthly Meeting
Crystal Lake Township Planning Commission
7:00 PM, September 25, 2024
Grow Benzie, 5885 Frankfort Hwy (M 115), Benzonia MI 49616

1. CALL TO ORDER

Planning Commission Chairman Greg Wright called the meeting to order at 7:00 pm.

2. ROLL CALL AND RECOGNITION OF VISITORS

Planning Commission Secretary Bill Northway called the roll:

Present: Commission Chair Greg Wright
Commission Vice Chair Bill Herd
Commissioner David Spragens
Commission Secretary Bill Northway

Also present: Zoning Administrator Tom Kucera
Recording Secretary Jeannette Feeheley

Visitors who signed the sign-up sheet were:

Jon Peele	Amy Kullenberg	Mary Pitcher
Suzanne Peele	Fred McGill	Mary Ferens
Brian MacInnis	Lena Fox	Catherine Bosher
Mike Heintzleman	Patrick Pond	Sue Brown
Elizabeth Heintzleman	Connie Black-Pond	Robert Renwick
Doug Mansfield	Sidney Mueller	Jill Burnside
Haley Johnson	Michael Mueller	Margaret Kujawa
Barbara Drew	Jeff Karns	Kathy Collier
Mary Hughes	Lisa Jones	Joe Collier
Peter Ellsworth	Josephine Pace	Walter Kitchen
Abigail Ellsworth	Ann Mayo	Scott Sipiora
Neil Brilliant	Christine Decker	Ann Plinski
Barbara Johnson	David Decker	Dalton Waldeck
Judy Grant	James A. VanDyke	Chris Renner
Mary James	Christine VanDyke	Marjorie Renner
Doug James	Kathryn & James Wilson	Steven Hagen
Terry Frysinger	Dustin Fern	Ted Fisher
Jim Niederhofer	Ann Loveless	Barbara Fisher
Linda Niederhofer	Judy VanMeter	Sam & Christy Barber
Marilyn Remner	Joe Gentle	
Ann Kullenberg	Skye Gentle	

3. CALL FOR CONFLICT OF INTEREST: None reported.

4. CORRESPONDENCE

Zoning Administrator Kucera reported receiving, since the last meeting, 22 additional communications in opposition to the proposed Camp Nearby. The current number of signers on the Internet Change.Org petition lists 2,294 in opposition. A Commissioner asked how many of those included written comments. Township Supervisor Amy Ferris volunteered that over 75 were written. Kucera said he was going to say around 80 and that some of them were duplicate. All names and comments received has been put into the record.

5. APPROVAL OF MINUTES OF AUGUST 28, 2024

Wright asked if Commissioners had any corrections to the Draft Minutes. None were offered. **Wright moved that the Minutes of the August 28, 2024 meeting of the Crystal Lake Township Planning Commission be approved without amendment. Herd seconded. All ayes. Minutes approved.**

6. APPROVAL OF AGENDA

Wright asked if Commissioners wanted any changes to the draft agenda. None were offered. **Wright moved that the proposed Agenda of today's September 25, 2024 meeting be approved. Spragens seconded. All ayes. Agenda approved.**

7. PUBLIC COMMENTS

Wright asked attendees to limit their public comments tonight on the proposed Camp Nearby because the Commissioners have already received and heard public comments on this topic every monthly meeting since January. He also asked attendees to wait to make comments until after the Chair Report and the Zoning Administrator Report are given.

8. REPORTS TO THE COMMISSION

A. Chair Report:

Chairman Wright welcomed all visitors. He thanked the Heintzlemans and Doug Mansfield for their professionalism, and for listening to comments of the people of the community, and for responding by making significant changes in their program. He said in this process, he has found Doug Mansfield to be a very, very knowledgeable consultant. He has been very impressed with what Doug Mansfield has been doing. Chairman Wright also wished to recognize the remarkable support for our Rural Preservation Zoning. He talked about how the Township has been operating with Rural Preservation Zoning over the last few years.

He gave some history. Rural Preservation Zoning has been in effect since the mid-eighties, and it prioritized environmental issues. What the Planning Commission has done over the last dozen years has been to address such in the Township's Master Plan, and they have protected our Gateway and our scenic corridors and M 115 and River Road. The Planning Commission has permitted a couple of projects on Casey Road. With Rural Preservation Zoning, there are only two projects that are use "by right", that is, agricultural and/or residential, and both the projects on Casey Road were under Residential Ordinance. One has a cottage industry attached to it. However, the Planning Commission limited that cottage industry with a condition that prohibited them from engaging in any retail sales.

He said that, as someone mentioned at the Commission's last meeting, Rural Preservation Zoning has a subjective aspect to it, whereas other zoning has to do with setbacks, lot coverage, impervious surfaces, and all those things. With Rural Preservation Zoning, the Commission is also looking at that subjective aspect. He gave examples: Does it fit in the Township? Is it in the right place in the Township? Does it agree with the Master Plan? Does it preserve the rural character? He said he'd finish his report right there.

B. Zoning Administrator Report:

Kucera reported he doesn't have much to report. It looks like the year will end up with around 38 to 40 zoning permits. He also reported that the City of Frankfort has leased a piece of land at the corner of Bellows and Thomas Road on which they are going to erect a 195 foot

communications tower. Because it is on City property, Crystal Lake Township has very little control over what goes there. Construction may begin sometime in November.

C. Zoning Board of Appeals Report: Kucera reported nothing pending.

Addendum to Chair Report: Chair Wright spoke then to say he wanted to add that, on the subject he mentioned earlier on the subjective aspect of Rural Preservation Zoning, it is that aspect that gives the Township discretion in issuing permits, and this is very important.

9. SHORT TERM RENTAL UPDATE

Kucera reported that the draft Short Term Rental (STR) Ordinance came before the Township at their last meeting on Sept. 18th. Some questions have been sent to the Township Attorney for his input and review, and an ad hoc committee has been set up of three members of the Township Board to try to resolve some of the concerns the Board had relative to the Draft Ordinance. It is expected that the Township Board will take up the matter again at its October Board meeting.

10. CAMP NEARBY PUBLIC HEARING

At 7:13 pm, Chairman Wright opened the Public Hearing on the proposed Camp Nearby application. Wright asked the Applicants to give an update on their proposal.

Mike Heintzleman thanked everyone for coming out. They are hoping to build a boutique campground on the old Herban farm. He said before he gets into the details of the proposal, he wants to say a little about themselves. He said there's been a lot of mischaracterization that we are real estate developers from New York, and that is not true. They've only lived in New York a couple of years. He grew up in a small rural community in south-central Virginia without a single stoplight. His parents raised him to value hard work, education and kindness to others. These small town values shaped him. He met Elizabeth at the University of Virginia. After college, they started their careers as young professionals in New York and after a few years, they moved to Elizabeth's home town of Indianapolis, spending 7 years there, where he came to truly appreciate all the good things the Midwest has to offer. Now they wish to take a leap of faith and build something of their own in a place they love.

He said his wife Elizabeth has been coming to Big Platte Lake in Benzie County since childhood. Benzie County is part of her family history. It's their dream to create a family business in a place they love where their young son, Joey, can grow to understand the value of hard work. They've camped all over northern Michigan, the U.S and internationally. They've taken the best of those many experiences to try to create a special place for visitors who share their love of nature and adventure.

The center of the campground is the existing Herban red barn, which will be kept intact, and where campers will check in, have access to a camp store, a lounge area and more. They've listened to the feedback from the community and are meeting all requirements of developing land in the Crystal Lake Watershed.

Four important changes they've made pursuant to concerns from the community:

- RV and Trailer sites have been eliminated from their original plan, now allowing only passenger vehicles or camper vans under 22 feet, and no trailer traffic at all.
- Thus, the plan now requires less hard surface area, preserves more trees and maintains the natural landscape. Sewer or water hookups at each campsite are no longer needed nor a

dump station. The campground would consume 42% less water than 6 residential homes that could be built on this site “by right”.

- Modern high efficiency fire pits would be installed at every campsite to reduce air pollution and smoke-related issues for nearby residents.
- Boat trailers would not be allowed. Guests with kayaks or SUPs would be directed to nearby rivers or the DNR boat launch. Swimming guests will be directed to the on-site pool or the beaches in Frankfort or Beulah. They would not market the public boat put-in at the Onkeonwe Road-end.

To protect the privacy of neighbors, they would comply with the 100-foot setbacks from all residential properties plus preserve the mature trees along the property edge. They would abandon the existing driveway along Frankfort Highway and would instead use the county road connection, that is, Onkeonwe Road, as the entrance/exit. They would restrict access to Casey Road from the site by installing a gate at the existing driveway.

They’ve designed the site to meet all safety and environmental and Fire Code standards, and lighting that meets dark sky guidelines. During the season, there will be a fully authorized and trained individual on site 24/7 to ensure both campers and the local community access to someone who can address any issue promptly. He thanked the attendees for their time. They will do their best to continue to incorporate any constructive criticism going forward.

Doug Mansfield of Mansfield Land Use Consultants spoke next. The Mansfield firm includes civil engineers, land surveyors, planners, landscape architects, and architects.

Mansfield used an easel to display a large colored diagram of the 17.2 acre parcel and pointed out the various uses and areas of the proposed camp. There’s a 100 foot setback to any campsite. There’s a trail around the site. Each site meets or exceeds State requirements. Showers and bath houses would be installed pursuant to State requirements. Since it now would be a tenting-only site, they would install wash stations so that campers have a place to wash dishes with water going into a drain. They would have little impervious surface and they’ve met all requirements for impervious surface and for slope.

A Special Use Permit must be based on Standards and Findings of Fact. They could instead build six houses “by right” instead of seeking a Special Use Permit. However, their proposed campground use has much lower environmental impact versus what they could build by “right”. Comparisons he gave were:

- Density: The proposed use utilizes less area of disturbance than the “by right” scenario. The proposal is the same density as the already existing RV Resort, that is, 3.8 camp sites per acre, which was previously approved under the same ordinance. The proposed use provides 44% more vegetative cover than required, and 49% less impervious surface than what they could build “by right”.
- Septic Waste: The camp would produce 46% less discharge per year than the six three-bedroom homes they could build “by right” without a special use permit, that is, 4,950 gallons per day six months of the year compared to 5,400 gallons per day twelve months per year.
- Water Usage: 46% less water usage/year by the campground versus six three bedroom homes they could build “by right”. Campground: 4,950 gallons per day (66 sites using 75 gallons per day) for six months of the year. Six three bedroom homes “by right”: 5,400 gallons/day twelve months of the year.

- Traffic: The campground would increase trunk line average daily trips by 229 trips or 4.2%, 14 trips in the peak hours with half right turns and half left. The campground would close the private drive and improve the existing county road intersection on M 115. The Casey Road entrance would be gated and accessible only to authorized vehicles. The “by right” comparison of six three-bedroom homes would increase the average trips per day by 120 trips and it would maintain the drive on M 115. It would also create five new drives onto Casey Road.
- Noise: Outside the construction phase, the campground would prohibit no louder noise than any residential use and during the same time period allowed. The “by right” use would have to conform to the local noise ordinance. For comparison of other possible uses of this site, it should be noted that the Township’s Zoning Ordinance is out of context with the Michigan Right to Farm Act. Per the noise potential through Agricultural Use, there could easily be placed on this site 1,000 chickens and 100-250 roosters crowing at 130 decibels, the equivalent of a jet engine, from dawn to dusk.
- Smoke Fumes: The proposal would incorporate high efficiency/reduced smoke firepits, while six homes that could be built “by right” could have six fire pits with no management of firewood selection or any management of smoke generated. As for the smoke potential in an Agricultural Use, paper material can be burned in a barrel with a screen of only ¾ inches.

Upon conclusion of the Applicants’ plan update, Chairman Wright next called on Zoning Administrator Kucera for his Staff Report.

Kucera reported he had only received the revised drawings Sept. 13th and so has not had time to complete his staff report. He has begun preparing it. His initial review is that many of the base permits needed are still pending: the traffic review, the health department review and others, so the application cannot be considered complete at this time. He will endeavor to get the Report complete prior to the next Planning Commission meeting.

11. PUBLIC COMMENT

Chairman Wright opened up the hearing to public comment, saying that many attendees had already commented over the past nine months and he asked that the new faces present be allowed to present their comments first.

Walter Kitchen: Asked if the Applicants plan to relocate the pet cemetery on the grounds and named the animals there interred, their sites marked with little crosses. He then talked about the timing difficulty of crossing M 115 on foot fast enough to avoid traffic.

Mary Pitcher: Said the Ordinance says that not all property is suitable for farming.

Haley Johnson: Lives west of the property and asked about the fire pits. Also asked about wildlife control around the garbage to be generated and the tents because on her property she has trouble with raccoons getting into her garbage.

Wright asked the attendees not to ask a lot of questions. Public Comments are supposed to be comments not questions, and for the benefit of the Planning Commissioner to hear comments, and that comments need to be addressed to the Chair, not the Applicants.

Kathy Wilson lives up the road. Her issue is the highway. She predicts it will eventually be four lanes. Will there be a walkway under the bridge?

Jon Peele: The Commission needs to be careful of the impact on adjoining neighbors and the number of people camping there at one time. He hasn't heard anything about the water supply, how to get rid of the waste – the Commissioners must carefully look at that and at the environmental and wildlife impact. Before you make your decision, you should require an environmental impact statement.

Zoning Administrator Kucera responded that there was a well draw down study done which showed that the well on the property is plenty capable of handling the proposal without any impact on anyone else's well.

Mansfield said the well draw down study looked at the water usage if the campground was fully occupied and all spigots, etc., were completely turned on, which would, in actuality, never happen, but even at that level, the study showed there would be no impact on any adjoining properties. The well on site is more than sufficient. He invited attendees to read the documents that have been provided and posted on the Township Web Site.

Amy Kullenberg asked where are you getting the number of 170 people? She questioned the calculation.

Wright again asked attendees to address the Chair, not the applicants.

Terry Frysinger said the Michigan State Police have reported 12 traffic accidents on M 115.

Todd or Tadd Junctius (spelling unknown): Lives on Forrester Rd and not an adjoining property. He rides his bike on the Betsie Valley Trail and it's terrifying to cross M 115. He said campers will want to use the Betsie Valley Trail which will be dangerous to cross M 115. He said the Crystal Lake Outlet across M 115 from the proposed campground will be a draw for the campers, no matter what is said here.

Scott Sipiora; Family been here generations. This will not help Benzie County become more beautiful. Our grandchildren will be asking us why did we let this happen.

Jeff Karns on Jones Road: It's coming down to theory and practical application. In theory they meet the requirements but in practical application they don't. When the camping kids Google fishing, they will be directed by Google to Crystal Lake for all its good fishing species and they'll see how great Crystal Lake is for fishing. We know the dangers.

Jo Pace: Lives on Onkeonwee Road. The applicant said people will be told to go to Beulah for a beach. Why would you say there is public access on Onkeonwee?

Suzanne Peele: Where are we going to get our questions answered?

Chairman Wright: Doug Mansfield and the Applicants have offered to meet with anyone and everyone and have put their contact information out there, and it's also available at www.CampNearby.com.

Barb (no last name given): That doesn't help if one person calls! We should get our answers here! All of us together! Also, her comment is that the applicants won't be here to run things. She turned to them rather than the Commissioners, and demanded to know why aren't you running it, if it's your dream?

Fred McGill on Casey Road: Great plan for wrong piece of property. If you allow a commercial enterprise, there will be noise.

Abigail Ellsworth on Carlson Road: Questioned the calculations. Six homes might be 27 to 28 people, while this campground envisages 170 people. Doesn't see how the calculations that have been given can be accurate.

Tassie Boshier on South Shore: Mentioned the suitability of the property. Thanked the Chair for mentioning the rural character. Asked what is the benefit to Crystal Lake Township relative to the taxes and money and jobs to this area? Not sure what it is.

Mike Mueller on Jones Road: The dollar cost to maintain all this will add costs to the members of this township. It's not been built into the Applicants' plan because it would be our costs to maintain, not theirs. The Planning Commission should know all the costs to us before making a decision.

Kathy Collier on Onkeonwee Road: She lives on the dead end road. There will be many more walkers with their dogs if this goes through. All those strangers every week.

Haley Johnson: Her husband and her dream was to buy their own house. Their family's been here generations. They've worked very hard to buy their house, and now find out a campground might be next door. It's very scary. She just had her baby. It's scary. With food insecurity in the local grocery stores already, our tiny grocery stores with no fresh produce, no meat, and already too expensive. She's very, very scared.

Kathy Wilson: How are we going to get answers? In public together you Commissioners need to address this!

Ann Mayo on Jones Road: Disputes their math. How will they use less water than six houses? How can it be less car trips per day than six houses? What's the point of a public hearing if there are no answers?

Abigail Ellsworth: Lot of changes to the original plan have been made. She recognizes the Commissioners are trying to provide information on the Crystal Lake Township Web Site. The applicants have done a lot of work to provide information.

Sue Brown: What's the benefit? The City already does not have the infrastructure. There's a fundamental capacity problem in the summer.

Barb (last name not known): If this is okayed – she has ten acres across the street from her, so something across the road from her could get approved, too. She thought Roger Mix's RV Park was a one time thing.

Amy Kullenberg: Greg said that Rural Preservation has a subjective aspect to it. She

repeated verbatim Greg's statement he had given. Her husband's family has been here generations. This area hasn't turned into Traverse City yet. She mentioned a lot of the various flora on Onkeonwee Road she felt would be gone with this campground.

Jim Niederhofer: Asked what time of year MDOT would do the Traffic Study?

Zoning Administrator Kucera responded he did not know when.

Jim Niederhofer: This has been the busiest summer ever. If MDOT does their study in October, it won't be relevant. Ironman and the Fourth of July were incredible – car after car after car.

Zoning Administrator Kucera said that there will be a meeting at the Garden Theater regarding whether to hold Ironman again next year – for anyone who wants to be involved in that question.

Jim Niederhofer: Didn't mean to say Ironman was a negative – just the opposite. He has two restaurants in town and they saw a huge benefit to Ironman being here this year.

Ned B. (spelling?) on Shorewood: Regardless of what happens to this Application, the opportunity for the future is to change the Ordinance going forward. The Commission is stuck now evaluating this Application under the existing Ordinance.

Terry Frysinger: As for their claim that they'd be bringing jobs here, we don't have enough workers already.

Ann Kullenberg: Long and short of it is that it's not about the Heintzlemans. It's about the land and its use. She read a list standards from a document in her hand. She emphasized Item A "Be compatible with adjacent land use."

Amy Kullenberg: Said she used to hear the roosters on Joanne's farm and they always brought a smile to her face.

At 8:22 pm, Chairman Wright closed the Public Comment period. He said the Commissioners would next begin their deliberations in public. Many attendees stood up to converse among themselves and to leave.

Zoning Administrator Kucera asked for their attention. He repeated what the Chair had said, that the Commissioners would now be holding their deliberations, and that the meeting is not over, and that anyone interested in the Commissioners' deliberations are welcome to listen, while anyone who wants to leave can do so. Some attendees decided to remain.

In their deliberations, the Commissioners expressed concerns with safety, density and the impact on the neighborhood. At the same time, most felt that, before rendering a decision, they needed opportunity to review the revised documents that had only been given them recently. They agreed it would be best to put the matter on their October meeting agenda.

Jim Niederhofer asked how could you have even contemplated making a decision with so many documents incomplete? Why did you even discuss it?

Unidentified man: Is it possible this is the final application and no more revisions?

Chairman Wright said he thinks it best for the Commissioners to recess this matter for the time being and take it up in October.

Ann Mayo: How long does this have to go on?

Zoning Administrator Kucera: His Staff Report will try to address many of the concerns. He will work with the Applicants to bring this to a final design which he thinks they mostly have now at this point. Except for pending studies, the design is complete at this time. As for the decision process, it does not have to be an up or down vote, although it could be. It could also be an approval provided certain conditions are met, and, conversely, it could be a denial until certain conditions are met. An example would be that until the sanitary review is completed, no work could begin. That's just an example. That's part of the process.

Abigail Ellsworth: Asked Kucera about a 60 day time limit?

Zoning Administrator said all will be posted on the Crystal Lake Township Web Site, including his Staff Report. He said that the revised Application has a 60 day window and the applicants will try to get the pending studies to us as quickly as they can. The availability of resources and personnel in other agencies to work on these studies is very difficult. However, the applicants are just as anxious to get started as people here are for a decision. He will provide the Staff Report to the Commissioners and the public at least five to ten days in advance of the October meeting.

Doug Mansfield volunteered that, regarding communication concerns, the attendees are asking a lot of questions that don't apply to the Application but rather to the various governmental agencies who provide the formulas they used, for instance, for the calculations they've made. Never-the-less, he shall try to provide the identity of those agencies, and he'll try to report on how those agencies come up with their formulas and requirements, and he'll get what he can to Tom (Kucera). But he doesn't know if he can get those agencies to provide all the answers to the questions asked here. There's a state agency basis for everything. He also mentioned that all of us living Up North are impacted by the fact that people have discovered Northwest Michigan and will continue to come here.

12. OTHER BUSINESS: None

13. ADJOURNMENT: Chairman Wright adjourned the meeting at 8:40 pm.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary

Attachments:

- Mansfield Impact Study & Diagram of 6 Homes vs. Campground
- Michael Heintzleman's Statement of Sept. 25, 2024
- Attorney at Olson & Howard opining that decision should not be made Sept. 25, 2024

Next Scheduled Meeting:

7 pm, Wednesday, October 23, 2024: Regular Monthly Planning Commission Meeting