

Minutes of Regular Monthly Meeting & Public Hearing
Crystal Lake Township Planning Commission
7:00 PM Sept. 28, 2022
Crystal Lake Township Hall

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

2. ROLL CALL AND RECOGNITION OF VISITORS

Secretary Dr. William (Bill) Northway called the roll of the Planning Commission:

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

Staff present: Zoning Administrator Tom Kucera
Recording Secretary Jeannette Feeheley

Not all Visitors signed the sign-in sheet. Those who did are listed here. Recording Secretary begs forgiveness for any misspellings as these are her best guess of the signatures provided.

Jim Buzzell
Mrya Elias
Andy Miller
Stephen Shreiner
Mac (illegible)
Jim Niederhofer
Linda Niederhofer
Margie & John DeVine
Jane E. Dennison
Carol Luther
Liz Negrau
Doug Taylor
Trevor Cooper
Ronald Rinkinen
Linda Milzow Rinkinen
Barbara Newman
Jeff & Judi Tousley
Jeffrey Ferrel
David & Betsy Blessing
Mike & Barbara Perry
Alan & Jill Marble
Amy Ferris

3. CALL FOR CONFLICT OF INTEREST: None.

4. CORRESPONDENCE: None unrelated to George Street proposal on the agenda.

5. APPROVAL OF MINUTES OF REGULAR MEETING OF AUGUST 24, 2022

Pasche moved approval of the draft Minutes of August 24, 2022. Herd seconded. All ayes. Minutes approved.

6. APPROVAL OF AGENDA

Wright moved approval of the draft Agenda. Herd seconded. All ayes. Agenda approved.

7. PUBLIC COMMENTS: Wright asked if there were any public comments unrelated to the George Street agenda item that will be taken up later. There were none.

8. REPORTS TO THE COMMISSION

A. Chair Report:

Wright attended an MTA seminar on Short Term Rentals and Solar Energy.

B. Zoning Administrator Report

Zoning Administrator reported he will have a log update of permits for the first three quarters of the year at the next meeting.

C. Zoning Board of Appeals

Zoning Administrator reported nothing pending before the Zoning Board of Appeals.

9. UNFINISHED BUSINESS

A. George Street Proposal: Public Hearing

Wright opened the Public Hearing at 7:05 pm and asked applicant Jeff Ferrel to give overview of his plans. He was assisted by Kari King. He desires the property he plans to develop to be rezoned from RP 2.5 to R.2 in order to divide the expanse into six lots, each to be 1.888 acres and 110 feet in width, similar to what has already been developed on the opposite of the street of George Street. The proposed house sizes and the setback would also be similar. He has several proposed house types ranging from 1700 – 2000 square feet, containing three bedrooms, an open style kitchen with island, and a garage. Their target is to build affordable houses for working families, young families and retirees for a price of \$300,000 or less. Those that might not sell immediately they would rent for \$1,000-\$1,200 per month. He went into detail how they plan to get to that selling price, saying among other things that the land is flat, excavation costs very low with few existing trees, and short driveways to the road. Sewer and water access is already there, making it \$70,000 - \$90,000 savings difference between a lot with and a lot without, and containing other efficiencies he mentioned. Also, building six houses at the same time makes for cost savings, plus they have buying power that allows them to get things less expensively without compromising quality. There's a housing need here and he has built projects like this elsewhere, one recently in Virginia where they built 45 houses in a 2-year period, providing affordable housing to that area. He had some handouts that he replaced later with larger ones for the Commissioners and for some in the audience.

Chairman Wright explained the next step in a Public Hearing is to read aloud all the letters submitted on the topic, and that he would start with those in support and follow with those in opposition. Wright, Zoning Administrator Kucera, and Pasche took turns reading the many letters out loud.

Letters of Support:

Andrew Luedders
Judy & Jeff Tousley
Janet Smeltzer
Anna Davis Holmes
Faye Fitch
Vicky Slater
Suzy Voltz

Letters of Opposition:

Eleanor Cummings
Jim & Linda Niederhofer
Lisa Dunphey
Chris & Amy Sharp
Rick Cosaro
Jonathan A. Knight
Mike Perry
Barbara Perry
John & Carol Lauder
Jill Marble
Alan Marble
Margaret M. Nahnsen
Natalie Crawford
Elizabeth and Craig Jackson
Jeffrey & Cynthia Williams
David Seabury and Pamela Marszal
Cynthia Hood

After all the letters were read, Wright explained the role of the Planning Commission in a requested change of zoning is only to make a recommendation to the Township Board; it is the Township Board who would decide this matter. He is not sure the Planning Commissioners will be ready to make a recommendation tonight. This is a public hearing for Commissioners to gather input and hear from those who wish us to know their opinions. He said now we shall hear from Speakers in the audience, first those wishing to voice support, then those wishing to voice opposition, then there will be opportunity for rebuttal. After that, the public hearing portion will close, and the Commissioners will deliberate.

Speakers in Support:

Brent Larkin
Judy Tousley
Kari King

Speaker with no position but asked a question of the developer:

Jane Dennison

Speakers in Opposition:

Trevor Cooper
Jim Niederhofer
Jill Marble

Wright next asked the developer for any rebuttal he wished to offer. Ferrel said he is a local government guy and thanks all present for their comments and letters and that he agreed with much that was said. He said they are looking at working with the Community Housing Land Trust whereby the Land Trust would become owners of the land underneath the houses and explained how that would work as a controlling mechanism to keep the houses affordable now and in the future. He said there may be other controlling mechanism that would work, like a deed restriction, whatever gets them to do what needs to be done regarding the zoning issue. Grant raising and fund raising can only be done by the Land Trust,

not us. He said he does not know what will happen in six or twelve months regarding costs or other issues, and if they cannot build it affordably, they will not build.

Wright asked him to take questions from the audience.

Judy Tousley asked about the garage plans for the houses.

Jill Marble said this is the first we've heard you are working with the Land Trust.

Ferrel said there was a meeting here in July where we talked about that and lots of other things as well, but no member of the public showed up for that meeting.

An unidentified lady asked a brief question and Ferrel responded.

Jim Niederhofer took Ferrel to task about his claim to want to work for the community's best interest and said, in reality, you are making money.

Ferrel responded that they will hire contractors and the contractors will get paid.

Amy Ferris asked if you did not get the area rezoned, how many houses could you build?

Ferrel answered just two. He said we are just people like everyone else. I cannot find another parcel in the area to put six houses.

Jill Marble said so you can't do this with current zoning.

Liz Negrau said she and Doug Taylor are with the Community Land Trust and one of our people has had a conversation with Mr. Ferrel but that is the extent of our involvement to date.

Judy Tousley asked why people are concerned about a possible Frankfort annex?

Ferrel answered they think that the City would be tempted to annex for taxation the six houses because of their connection to Frankfort sewer and water but those using Frankfort water and sewer who reside outside Frankfort pay 1 ½ times what those inside the City limits pay, to make up for those outside who are not paying city taxes.

Margie Devine asked about the relationship of Terra to other projects in the area.

Ferrel said they have eight houses under construction on South Shore Drive on Crystal Lake, a property on Main Street in Frankfort, and one or two properties in the Dune area.

Margie Devine asked what the feedback has been on those other projects.

Ferrel responded this is my first negative feedback.

Dave Lessing said he's building a simple two car garage and it's already at \$205,000 in costs and not yet completed, so he doubts the numbers Ferrel shows.

Jim Bezell mentioned a property, something about the name Tobin.

Mike Perry asked about deed restrictions and other methods of control.

Zoning Administrator Kucera said that would be part of the development proposal. How is yet to be determined, that setting up a condominium with a master deed is a possibility and the Planning Commission could set parameters. He said in this case, however, the petitioner is asking for a rezoning and once rezoned, the developer can develop whatever he wants. The Planning Commission could set up a special spot zone which is not illegal but discouraged.

Mike Perry asked there are no other methods of control?

Kucera said a condominium, which is a misnomer, could say many things. He mentioned that a particular condo association on Crystal Lake has 23 pages of covenants in their deeds. Kucera said he'd like to see the developer's proposed controlling mechanism in writing. He mentioned that R2 zoning already exists on the road around the Bay towards the bridge to Elberta and that R2 is connected to Frankfort water and sewer.

Ferrel said at the meeting here in July, he offered to agree to conditional zoning. He would like to place conditions on the zoning to require the development to do what we say we are going to do and that would ride with the land forever.

Pasche said conditional zoning is not in our zoning ability.

Ferrel said the State can provide that for you. He gave an example of a gas station built in a rural area.

Jim Niederhofer asked what would prevent an adjacent property owner from splitting their property as well? If you approve these splits, you're opening a Pandora's Box.

Wright said conditional zoning is really spot zoning and our training warns against that.

An unidentified woman said she lives on Cox Road and M-22 and when she wanted to sell 2 ½ acres, there was no chance of the variance she needed for a sliver of land.

Ron Rinkinen asked how would someone get financing approval with a \$50,000 salary?

Ferrel answered they are basing their plans on a two income household with at least \$70,000 combined.

Ron Rinkinen asked if you're tapping in sewers, are there tap fees?

Ferrel said the fees are not that large.

Jim Niederhofer said he totally disagrees. He said he just did one.

Dave Lessing said there's been a torrent of negative response and he wants to know what the Planning Commission thinks about this? Are you going to take into consideration these concerns?

Wright answered that their deliberations take place in public after you have all had opportunity

to offer comments.

Ferrel said there are lots of reasons not to do it and some reasons to do it. If they find they cannot do it per their planned affordable housing costs, they will not do it.

Wright asked Zoning Administrator if he had anything to add.

Zoning Administrator Kucera said there are things that could be put forward by the developer to attack the concerns expressed. It's up to the developer, not the Planning Commission nor the Zoning Administrator to solve. He mentioned that the Planning Commission in this case is not the approval body and would simply be making a recommendation to the Township Board. Another option is for the Planning Commission to ask the developer to flush out his proposal. If there are covenants in the deed, present a sample deed. If they're going to have a relationship with the Land Trust, put that in writing. It's up to the developer. The Planning Commission can ask the developer to improve the information he's provided.

Herd asked, there are possible ways not involving a rezoning?

Zoning Administrator answered yes.

Pasche said a condo development is all one process rather than a two-step process of rezoning. Asked about precedent, he said there's no lot split precedent he's aware of.

Zoning Administrator said any split has to follow the zoning. All those now on George Street are less than 5 acres and cannot be split. Without extending George Street to the east, there's no other area that has this combination of things, including water and sewer.

Unidentified man in audience said he talked to Josh Mill and the County about George Street.

At 8:55 pm, after all members of the public had had opportunity to comment, Chairman Wright closed the Public Hearing portion of this agenda item. Commissioners' deliberations then began. Wright said he has the sense we should ask the developer for more information. He asked fellow Commissioners their thoughts.

Ewing said \$300,000 is, in his view, not affordable housing and that is his concern.

Pasche said the level of economics is his big concern. He said to the developer he believes in his intentions but how you can figure out to make that work needs to be in the proposal to firm it up. That would alleviate a lot of the concerns heard here. He said his other concern is the relationship to the Master Plan which the Township Board members will ask about. He said if we have concerns about the Master Plan, the over-arching concerns are about rural preservation.

Ewing said it's not like Forest Avenue – and it's not urban sprawl. Deer and wildlife will still walk through the area. His main concern is affordable housing.

Herd said it is close to other development.

Pasche said encouraging development where sewer and water already exist does help the Township remain rural.

Herd asked isn't there something in the Master Plan about Affordable Housing?

Pasche said yes, but not in the Cornerstones.

Zoning Administrator said there is already R3 zoning specifically for those areas that have water/sewer linkage, and another option for the Planning Commission is to recommend rezoning to R3 rather than R2.

After the Commissioners finished their deliberations without making a recommendation, Chair Wright concluded this agenda item. All members of the public then departed on their own volition.

B. Short Term Rentals

The Commissioners began a short discussion of this agenda item. It was mentioned that any regulation of short term rentals would require a Police Power ordinance rather than as a zoning matter. Commissioners agreed to have Zoning Administrator resubmit for their consideration as a sample the recently passed Frankfort Short Term Rentals Ordinance at the next Commission meeting.

10. PUBLIC COMMENTS: No public still present.

12. OTHER BUSINESS: None.

13. ADJOURNMENT: Wright adjourned the meeting at 9:30 pm.

Respectfully submitted,

Jeannette Feeheley, Recording Secretary

Next Regularly Scheduled Meeting:

7 pm, Wednesday, October 26, 2022, at Crystal Lake Township Hall.

Attachments:

2022-08-21 George St. Finding of Facts.pdf

2022-08-21 Gmail – J Ferrell – Request Info. pdf.

Letter of Authority – to Tom Kucera 9.20.22.pdf

COF_Utility Connection Memo_Century 21_2022.pdf

CCF03292022(2).pdf

2022-08-21 Gmail – J Ferrel – Request for Info.pdf

Accumulated Letters as of 9.26.22.pdf

Additional Accumulated Letters.