

Millington Township Planning Commission

Meeting Minutes & Special Use Hearing

August 12, 2024

Meeting was called to order by Chairman Zavitz at 6:00PM. Roll call showed board members Matt Opperman, Doyle Pletcher, Luanne Jaruzel, Alvin Zavitz & Ed Maschke present. Also present were Zoning Administrator Tammy Daenzer and 36 others.

Minutes from July 8, 2024 were unanimously approved.

Old Business – 1. Don Payea asked for update on his request to get a conex shipping container to use for storage. Jaruzel explained that they are not currently allowed. An amendment is needed & that requires a public hearing.

2. A draft amendment Millington Twp Ordinance Section 14.11 Prohibited Structures is being considered and direction will be sought from the Township Board on this issue. Motion by Pletcher, second by Opperman to table a decision until next meeting after advice from the board. Unanimously approved.

3. Procedure for Processing Special Use Permits draft document from Zoning Administrator Daenzer was reviewed & discussed. Maschke asked Daenzer to identify the ordinance article sections for each reference & add to the draft. Moved by Jaruzel, second by Zavitz to use this reference document as written for today's meeting after sections were identified. Unanimously approved. Maschke moved to update this document to include the Ordinance sections to be used at future meetings. Second by Opperman, unanimously approved.

New Business – Moved by Zavitz, second by Pletcher, to close regular meeting and open public hearing at 6:35 pm for Special Permit Renewal request from Tri-County Aggregate at 10222 Sheridan Rd. Millington, MI to continue sand and gravel operations on the following Parcel ID numbers: 017-035-000-0100-07, 017-035-000-0100-09 and 017-035-000-0100-10. Agreed unanimously. Bob Gilling spoke, asking to renew permit with the same wording. Discussion included review of questions compiled by Zoning Administrator Daenzer (included) starting with question 2 regarding clarification on the different parcel ID numbers. Gillings said the three numbers listed are accurate for the areas being mined. Compliance points showed escrow account is in place as requested in 17.02 procedure point 3. Proper notices were sent as per article 18.02. Daenzer noted and informed Gilling that per state statute the permit goes for ten years from renewal date, not the date of expiration of the previous renewal. Gilling agreed. Copy of EGLE permit WRP019633 v 1 was provided. A discussion on whether the bond of \$10,000 was large enough. Jaruzel asked how many acres currently being mined. Gilling reports only 20 active acres of mining at any time, and stated that this amount is sufficient for his 10% bond as called for in article 17.05. Jaruzel noted that that the original permit and the

extension permit specifically says no bringing in of other aggregate materials, asphalt or concrete. Gilling admitted he had taken in asphalt from the SLRT repairs in the past but he feels it was not a violation because he used it for fill and didn't "process it." He also admitted to bringing in sand to mix with his aggregate for a state job, and stockpiling limestone for resale. Jaruzel noted that none of that was allowed in current SLUP. Supervisor Loomis addressed that issue from the audience and said bringing in the sand was just a misunderstanding. The limestone was processed at another site so Gilling and Loomis felt it was not a violation. Gilling mentioned that he was interested in stockpiling beach sand and other soils in the future but was not asking for that now. Permit conditions 7 & 8, regarding Township Supervisor inspecting the property no less than two times a year and to respond to complaints, Supervisor Loomis produced list of complaints he checked on and said the yearly inspections were on file. The reclamation plan Cedar Lakes Estates was reviewed by the commission and meets the requirements in the ordinance section 5.03 C-D. Gilling also stated that he plants native grasses and plants as mining is done in an area. The supervisor looks at these areas when he inspects but no written reports were provided. Gilling says that all equipment onsite is in operating condition and meets the condition of the permit. With regard to condition #11, setback and buffer area, Gilling agreed to the new 200 ft buffer due to the change in township ordinance section 5.03 B 1-4, except at west border that abuts recent parcel he bought. He asked that it remain at 50 feet there. Discussion on whether a variance would be needed to do the 50 ft. setback on that area. After discussion and question from Pletcher about preventing cave-in in that area, commission members agreed to the change. The SLUP requires Soil Erosion permit, and other necessary state and legally required permits be maintained, and copies were submitted with the request. This includes liability insurance as required by ordinance section 5.03 H, and proof of being registered with MSHA as required in section 5.03.I.4 of our ordinance. The Planning Commission will waive documentation requirements of Section 5.03.I.1.a-f as allowed. Also waived are documentation on haul routes from section 5.03.I.2.a-h as these were covered with the original permit. Regarding ordinance section 5.03.I.3.a-d, the Planning Commission never requested this information from Gilling. It was noted that parking and signage requirements are met, as well as dust control and noise compliance according to article 18.03. Gilling stated he had adequate amount of aggregate for road gravel, noted that he has 12 employees at this time & plans to continue to mine for gravel in this area for 10 to 20 years more, or until the site runs out of gravel. Gilling answered multiple questions from the commission regarding other types of aggregate in his other mining areas, weights of each, and approximate volume of increased truck traffic if mason sand, limestone or other aggregate was allowed to be brought in. It was noted by citizen Lorinda Jensen that Gilling requested only the SAME permit with the SAME wording, as on previous permit.

Citizen comment letters read from Lorraine Martin and Ina-Beth Male & are attached.

Public Comment – Bob Worth stated that from his time on the board 2012 till 2020 there were no written violations. He also noted that Sheridan Rd. is a Class A trucking route road.

Lorinda Jensen discussed property that had to go to court and wanted to be sure the property parcels are correct. Daenzer said she is sure the parcel numbers are correct.

Public comment closed. Zavitz moved to close the public hearing, second by Maschke.

Approved. Motion by Luanne, Second by Opperman to Reopen regular meeting.

Zavitz reviewed the SLUP process with the commission. After deliberation, it was decided all of the conditions F 1-6 of the previous permit issued in 2012 and ordinance article 18.03 were being met and a vote was called. Motion by Pletcher second by Maschke to approve the SLUP for TriCounty Aggregates on parcel numbers noted above with the following conditions: no change to wording, especially on conditions f; waiving request 5.03 conditions I, 1-4; modify condition J to 200 feet boundary with the exception of west boundary to remain at 50 ft. as specified; permit start date is immediately from date of sign off for a duration of 10 years. Zavitz moved to approve the permit with the same conditions and wording, second by Opperman. Doyle -yes, Maschke – yes, Opperman – yes, Zavitz – yes. Jaruzel abstained from voting as she is within the mailing area of notices and commission bylaws consider that a potential conflict of interest.

Moved by Maschke, second by Opperman to accept the site plan as shown, not including D – G as they are variables & will change due to the nature of the business. Vote shows Maschke – yes, Opperman – yes, Zavitz – yes, Pletcher – yes, Jaruzel – abstain. Motion carried.

Break at 8:50 PM, Meeting restarted 9:03 PM.

Zavitz made a motion to close regular meeting and open public hearing for Mark and Sherry Morris's request for a SLUP for a short term rental in the LR zone on Murphy Lake. Second by Pletcher. Sherry Morris answered questions for the commission members noting she rents to up to 4 people at a time, usually a couple and 2 children. The unit has 6 parking spaces & is maintained with a cleaning service and lawn service. She stated it is their practice to meet renters when they arrive to review necessary information. Morris stated she did receive the notice of pending litigation & possible complications. Reviewed requirements of ordinance amendment Section 14.26 B.1 – 10. 1, and the list of questions from Daenzer, Zoning Administrator. Morris stated the rental unit meets all residential health and safety codes or the state would not allow them to open. Questions 2 & 3. The unit is in the LR zone and is the only one they own in that zone. 4. They are willing to supply when asked for proof. 6. The proof of address is with this application. 7. Photo attached as proof of adequate parking. 8. Mr. Morris is in charge of maintenance and trash removal. 9 & 10. Provided proof of emergency contact numbers with this request. Morris stated it is their policy for renters to keep their pets on a

leash when renting. It was noted by Daenzer that no site plan is needed and Escrow has been established in sufficient amount. Copy of documents provided by the Morris's are included.

Public Comment – Steve Ley feels the permit should be denied because it violates the ordinances as it is a commercial business. No survey of citizens was done by the township as asked.

Karen Yeger-Stiver – lives nearby and has never seen Morris's meet with renters, also feels it is a business & thus not allowed, has had trespass problems and dog interactions.

Richard Yeger-Stiver – Reminded the board of previous meeting comments and questions the safety of the neighborhood, he feels threatened.

Andrew Concanon – attorney from Saginaw. He noted Morris's had willful violations of the PC the past 4 years and said not to reward them, & cited ordinance Articles 18.02 & 18.03. This request concerns Murphy Lake residents & they feel it is incompatible, private road is an issue to consider & asked for a delay in the decision until a court rules on this.

Paul Martin – do not need businesses in residential area, don't commercialize the area. Please enforce the ordinances the way they were. Other businesses were shut down.

Nick Acquino – Referred to Articles 18.02 & 18.03, feels it is unjust to have to live next to business, house is only 20 feet away on set-back, questions set-back rules, has camera footage of renters hazardous driving, feels bullied by owners & threatened by renters.

Paul Dudley – feels the first meeting was an ambush, also feels bullied & noted that 19-20 neighbors have rented his unit for their family members.

Diane Wood – Has been on the lake 60 years, has had trouble recently, syrup in mailbox. Her elderly mother is scared & they have to lock their doors after the rentals came in. Has called police 4 times. Flowers being killed. She feels they don't fit the master plan.

Jim Cobb – feels the Morris's make threatening comments, STR's are the worst thing to ever happen to Murphy Lake, supervisor Loomis lied about the lawyer's opinion & letter, the area would secede away from Millington Township if it could.

Carol Kager – questions why STR's are being considered because it isn't in the master plan of the township. Permit should not be granted because a self-created need by the owner isn't a true need & don't fit guidelines. The STR's change the character of the LR zone.

Emory Close – noted this issue has created friction in the community, he has had to call the police for thefts. Asks the board to think of the community & fix this.

Ruth Ann Davenport – just because a person has rented it doesn't mean approval. No fences makes it hard to define clear property lines, already parking problems in the area, it is homeowners vs renters. Layout of Murphy Lake area not layed out right for businesses.

Bill Heusted – he has deep family roots in the area, he is a veteran, has considered getting a gun for defense because of threatening letters & trespass issues. Knows of two letters sent to the office for this meeting.

Dennis Specia – wants a quiet area and is against STR'S.

Dan Davenport – 100 signatures were turned in previously and feels the board should pay attention to that. Taxpayers should be heard, opinions of “the people” should matter & not let a select handful raise havoc.

Renee Dudley – The people that have different opinions should be heard. Questioned if the STR goes away would it bring loving and kindness back to the neighborhood? Has also been bullied & asks for respect & kindness for different viewpoints since the laws allow them.

John Booko – supports the original ordinance that doesn’t allow STR’s in LR zone, 85% of lake residents want that and majority opinion should make a difference.

Sherry Morris – stated her rental is compliant, has renters there now & her immediate neighbor likes renters.

Mike Utley – worst decision of his life to buy at Murphy Lake, had \$9000 damage from Kappan Tree & noted he is improving the house.

Mark Morris – Thanked the board for their work, believes in property rights for all, noted his unit is not rented 4 months of the year, he donates to road maintenance.

Letters read into public comment from Todd Newton, Linda Newton & Tamera Ley. Attached.

Jaruzel moved to close hearing & return to regular meeting, second by Pletcher. All approved.

Consideration of the Special Land Use Permit for Mark and Sherry Morris Short Term Rental at 3025 Orchard Lane, Millington, Parcel number 017-001-000-1100-00 Ordinance 18.03 was reviewed in discussion of the request. Pletcher moved to table a decision until the lawsuit is settled. No second, motion withdrawn. Deliberation continued. Parking is adequate. The request meets all standards of 18.03 A through D, won’t create hazardous traffic problems & is allowed by ordinance with SLUP. Motion by Pletcher, second by Opperman to approve the SLUP as it meets all the requirements. Roll call vote – Pletcher-yes, Opperman – yes, Jaruzel – no, Maschke – yes, Zavitz – no. Motions passed.

Next meeting will be held Sept. 9, 2024.

Motion by Jaruzel, second by Zavits to adjourn. All in favor.

Meeting adjourned at 10:55 PM

Respectfully submitted,