

Millington Township Planning Commission Minutes
Special Meeting Special Land Use Permits Review Public Hearing
Thursday, March 6, 2025

Meeting was called to order by Chairman A Zavitz at 6 PM. Roll call showed members D. Pletcher, E. Maschke, M. Opperman, L. Jaruzel, Supervisor R. Loomis and 5 guests present.

Jaruzel made a motion to add the approval of minutes from the 2/10/25 meeting to the agenda. No Second. Discussion. Motion died.

Motion by Zavitz, second by Pletcher to close regular meeting and open special hearing at 6:02pm. All voted yes, motion carried. Pletcher made a motion, second by Opperman, to immediately open the public hearing for the Special Land Use for Mark and Sherry Morris, parcel number 017-001-000-1100-00 located at 3025 at Orchard Lane, Millington, to review already approved Short Term Rental Special Land Use Permit document content corrections.

Public comments – Millington Supervisor Loomis gave his opinion about liability insurance, & inspections. Stated the only thing he & the Zoning Administrator can agree on is the requirement set forth in the amendment needs to be incorporated into the SLUP. He believes as the Planning Commission & Tuscola County Planning Commission & Township Board, what was agreed on should be the requirements in the permits. He mentioned items requirements in Section 10, A through E of the Short Term Rental amendment procedure. Maschke asked for clarification & Loomis said he thinks those are the only items that should be in a SLUP.

Secretary Jaruzel read letters from Nicholas Acquino and Steve Ley. These letters are attached to the minutes.

Pletcher moved to close public comment, second by Maschke to close public comment at 6:14 pm.

Motion by Maschke, second by Pletcher to reopen meeting immediately. All approved. Meeting reopened.

New business – Zavitz said the Zoning Administrator added items to the Morris permit that she felt was needed. Zavitz approved & signed the permit because the PC thought the Township Board approved them but now there is a difference of opinion. He now feels certain conditions listed on the permit should not be there. He feels the conditions in question should be added to the amendments before putting them in a permit. Discussion on procedure of SLUP approval. Maschke said the ZBOA noted condition G on the permit allows for the PC to make changes or corrections, then the Morris's withdrew their appeal at the meeting on 1/30/25. Jaruzel noted she had checked that proper notification was given to surrounding property owners by comparing the list used from the office with list from the original hearing on this permit. All property owners appear to have received notification except for two letters returned. Discussion – Jaruzel noted the lawyer wanted to know if there was a written request from each permit holder & if there was, he would like a copy of it to be included in the minutes. It was noted there were no written requests. Maschke noted that item G on the Morris' permit the PC can on its own make changes. Noted that the Morris's was a verbal request. After the ZBOA meeting they come

back with a request and the Dudley and Clark requests are being done by some of the planning commission members decision to do so.

Document was reviewed point by point. Item 2, "Status of Permit", after discussion, Maschke made a motion to remove "The permit shall be conditional upon the applicant meeting all residential building, health department, & safety codes" & only put "approved." No second, motion died. It was noted that the way permits were issued in the past made permits unclear & hard to enforce. Zavitz noted this sentence prevents SLUP from being changed without applicant knowing. Jaruzel noted that many of these items listed, (example item N) were put in on advisement of MSU extension & MTA recommendations as protection of the township, & do not need to be in the ordinance. Zavitz said since the board didn't agree to them specifically, these items should be reviewed tonight, as well as the areas the Morris's didn't like. Permits need to be functional & complete. Pletcher noted if permit not complete it doesn't give the public the information they need. Maschke moved to keep wording as is under item 2, "Status of Permit" and add the word "approved" after the final draft is complete, second by Opperman. All voted yes, motion carried.

Item 4, A, under Permit Conditions - Maschke made a motion that the wording "Property Owner may rent the premises to a maximum of 4 people at one time" be changed to ""4 people overnight." Second by Opperman. All voted yes, motion carried.

Item 4 C – "They Property Owner and renters must observe quiet hours from 10 pm to 7 am". Maschke questioned that the intent was not for the property owner to be obligated to follow these quiet times if they are at the unit themselves. Maschke moved to remove the words "Property Owner and" from the condition C. and it read "The renters must observe quiet hours from 10pm to 7 am." Second by Pletcher. Vote Zavitz – yes, Opperman-yes, Maschke – yes, Pletcher – yes, Jaruzel – no. Motion carried.

Item L –Opperman made a motion to removed item L regarding liability insurance in its entirety. Second by Pletcher. During discussion Jaruzel noted this only refers to the fact that the permit owner is to have liability insurance & feels it should stay. Pletcher – yes, Maschke – yes, Zavitz – yes, Opperman – yes, Jaruzel – no. Motion carried.

Item M reads - "The Planning Commission shall review this permit annually and the Planning Commission may revoke this permit if any noncompliance exists." Maschke feels this condition be removed because it is already part of our procedure & not in the amendment. Stated it did not follow the proper amendment process to be added. Maschke moved to remove item M in its entirety, second by Pletcher. Opperman – yes, Zavitz – no, – Pletcher – yes – Maschke – yes, Jaruzel – no. Motion carried.

Item N – Maschke noted the first two sentences are verbatim from the ordinance but are written as one paragraph not two, as written in this permit. He stated the third sentence was added & did not follow the normal amendment process. Maschke made a motion to remove "No permit shall be revoked until the Property Owner has been given a written notice of any violation forming the basis of such a revocation & not less than 30 days have elapsed to correct the said violation." Support by Zavitz. Jaruzel feels that needs to be in the permit in writing to protect the property owner & the township, so she votes no, Opperman – yes, Zavitz – yes, Pletcher – yes, Maschke – yes. Motion carried.

Item O – regarding the annual fee to cover the cost of inspections and additional meetings, Maschke moved to remove in its entirety because it didn't follow the normal amendment process. Second by

Pletcher. Opperman – yes, Jaruzel – this was only to be used if there were complaints, feels it is a good item to have in, as such votes no, Maschke, yes, Pletcher – yes, Zavitz – yes. Motion carried.

Item P – “The Commission may upon the request of the applicant, or on its own initiative modify the requirements of this permit upon such findings of need and justification and upon a formal Special Use Permit amendment being made under the same procedures used for adopting the initial permit.”

Maschke feels there are other ways to do this in our ordinance & felt it did not follow the amendment process. He moved to remove this sentence. Jaruzel noted this statement is the reason modifications on a permit can be made, it gives the PC the authority to do this. This aids the PC in doing its job. Discussion on keeping this wording. Maschke referenced page 58, Article 20.04, under Amendments and rezoning but it was noted that refers to rezoning or ordinance amendments. Jaruzel moved to accept this item P in this permit, as it applies only to special use permits, and keep it in the SLUP as worded. Second by Pletcher. Maschke – no, Pletcher -yes, Opperman – yes, Jaruzel – yes, Zavitz – yes. Motion carried.

Maschke noted the date of hearing and date of effect as 8/12/24 of this SLUP. Discussion. Maschke moved to change date that it takes effect to 3/6/24. Vote showed Maschke – yes, Pletcher – yes, Opperman – yes, Zavitz -yes, Jaruzel- yes, Motion carried. Zavitz moved to have Maschke rewrite the permit with the changes noted at this meeting & bring to the April meeting. Second by Pletcher. Maschke -yes, Pletcher – yes, Opperman, yes, Jaruzel – yes Zavitz – yes. Motion carried.

Jaruzel wanted to note the reasons the changes were made to the permit. Opperman said these changes were not deliberated by the PC in the original document, it was not approved by the Tuscola County Planning Commission, & the township board. Several board members said it didn't follow the amendment process. Zavitz stated when the PC amended the ordinance for the STR's, sections L, M & parts of N were in the original draft & the county PC said to remove them. He also said the Millington Township Board said to remove them. He said that is why they are not in the amended ordinances for STR's. Maschke will write up a permit with these changes and send them to the rest of the PC for review. He noted when responding, respond only to him, if any changes or errors are found.

Maschke moved to close PC meeting, second by Zavitz. All voted yes, motion carried. Meeting closed at 7:17 pm, Immediately opened Special Public Hearing for Paul and Renee Dudley Special Land Use Permit on Parcel ID 017-001-230-2800-01 at 3214 Huston Dr., Millington, to review per-approved STR Special Land Use Permit approval document content for corrections.

Public comment – Sherry Morris spoke about the last paragraph of her permit not being removed.

Paul Dudley – spoke to the fence issue and that it is to be removed. Does not want it as a requirement. He asked for the number 6 renters referenced in his permit changed to 9 renters overnight when the board reviews.

Mark Morris – said changes removing the last paragraph have opened a pandora's box.

Public comment closed at 7:27pm.

Motion by Maschke to close public hearing for Paul and Renee Dudley's permit, second by Pletcher. All voted yes, motion carried. Zavitz moved to open the regular meeting, second by Maschke. All voted yes. Motion carried.

New Business – Discussion on Paul and Renee Dudley’s SLUP as listed above. Maschke moved, second by Zavitz to add “approved” on the final permit under item 2, Status of Permit. All voted yes – motion carried.

Discussion on Permit item 4, Condition A. Opperman moved to change “6 people at one time” to “9 overnight guests” second by Maschke. All voted yes, motion carried.

Discussion on permit item C – Maschke moved, second by Pletcher, to removed “Property Owners and” leaving only “Renters must observe quiet hours from 10pm to 7 am.” Maschke – yes, Pletcher – yes, Zavitz – yes, Opperman – yes, Jaruzel – yes. Motion carried.

Discussion on permit item 4, D. Maschke made a motion, based on letters from the concerned neighbor and agreement by Dudley’s to remove the fence requirement. Second by Jaruzel. Pletcher – yes, Maschke – yes, Opperman – yes, Jaruzel – yes, Zavitz – yes. Motion carried.

Discussion on item M – regarding Liability Insurance proof. Maschke moved, second by Opperman, to remove this requirement because it did not follow the amendment process. Pletcher – yes, Maschke – yes, Zavitz – yes, Opperman – yes, Jaruzel, feels insurance is an important requirement – no. Motion carried.

Discussion on item 4, N – Discussion that this refers to a review of all permits, including STR’s for compliance. Maschke noted the township already has a complaint log already in place. Zavitz noted the process by the Zoning Administrator already followed. Jaruzel noted the importance of permit reviews as a PC obligation and it hasn’t been done in the past practice. Pletcher moved to remove item 4, N in it’s entirety, second by Opperman. Maschke – yes, Pletcher – yes, Zavitz – yes, Opperman – yes, Jaruzel – no. Motion carried.

Discussion on item 4, O – Maschke made a motion to retain sentences one and two in item 4.O & remove the third paragraph, second by Pletcher. Opperman – yes, Zavitz – no, Pletcher – yes, Maschke – yes. Jaruzel – no. Motion carried.

Discussion on Item P – Regarding inspections. Pletcher moved to remove this section because it didn’t follow the amendment process. Second by Maschke. Opperman – yes, Maschke – yes, Pletcher – yes, Jaruzel – no, Zavitz – yes. Motion carried.

Discussion on item Q – It was moved by to leave it in the permit by Pletcher, support by Jaruzel. Maschke – no, Pletcher – yes, Zavitz – yes, Opperman – yes, Jaruzel – yes. Motion carried

Discussion on the date of hearing & date to take effect, which on the permit is October 14, 2024. Since the permit is being modified today and some board members agreed it had never been finalized, it was moved by Pletcher, second by Zavitz to put today’s date on the permit. All voted yes. Motion carried.

Maschke will update this document and present the final draft of the Dudley permit at the April meeting. All approved. Zavitz said in his opinion these changes were made because the changes were added after the fact, once the original draft was done and had left our hands. There was items added to the draft that weren’t approved by this PC. That is why this commission made the changes to this draft. Maschke added that these additional items did not go through the official amendment process and the PC did not deliberate on each item individually. It was noted that there were votes on it but it was never finalized. Dudley’s don’t need to come request a change because it wasn’t signed.

Zavitz moved to close the PC meeting, second by Maschke. All voted yes. Motions carried. Meeting closed at 8:45 pm. Motion by Maschke to open SPLU hearing for Rachel Opperman and Cody Clark, second by Pletcher. Zavitz asked Opperman to remove himself from the table due to a possible conflict of interest. Opperman left the table. Zavitz opened the Special Public Hearing for Rachel Opperman & Cody Clark proposal for SLUP on Parcel ID 017-001-451-1400-00 located at 7655 Osborn Dr. Millington. Review of already approved STR SLUP Document content corrections

No Public comment. Public comment closed at 7:48 pm.

Public hearing closed. Regular PC meeting reopened at 7:49 pm.

Discussion item by item on Opperman & CLark SLUP as listed above. Maschke moved, second by Pletcher to add “approved” on the final permit under item 2, after permit is signed. Status of Permit. All voted yes – motion carried.

Review of Item 4 A, motion by Maschke, second by Pletcher to read “4 people overnight” instead of “4 people at one time.” All voted yes, motion carried.

Review of Item 4 C, Maschke moved to remove the words “Property Owners and” from that sentence. Second by Pletcher. All voted yes, motion carried.

Review of Item L regarding liability insurance – Maschke moved to remove that paragraph in it’s entirety as it did not follow the amendment process, second by Pletcher. Jaruzel spoke up that she still thinks having that requirement is important. Maschke – yes, Pletcher – yes, Zavitz – yes, Jaruzel – no. Motion carried.

Review of Item M – regarding annual permit review – Maschke moved to remove that paragraph in its entirety because it didn’t follow the amendment process. Second by Pletcher. Pletcher – yes, Maschke – yes, Zavitz -yes, Jaruzel -no. Motion passed.

Review of Item N – regarding written notice of any violation before revocation. Maschke moved to remove the third paragraph and wring the first two sentences as one paragraph to match the way it is written in the ordinance. Maschke -yes, Pletcher- yes, Zavitz – yes, Jaruzel – no. Motion carried.

Review of item O – regarding cost of inspections. Maschke moved to remove the paragraph because it did not follow the amendment process. Jaruzel – no, Maschke – yes, Pletcher – yes, Zavitz – yes. Motion carried.

Review of Item P – Pletcher moved to keep that paragraph in, second by Zavitz. Pletcher – yes, Zavitz yes, Jaruzel – yes, Maschke – no. Motion carried.

Maschke moved that the date of hearing and date of effect be March 6, 2025. Second by Zavitz. All voted yes. Motion by Zavitz, second by Pletcher to have Maschke type up the final draft for the final approval signature and bring it to the April meeting. All voted yes. Motion passed.

Old Business – Opperman returned to the table. Jaruzel asked Zavitz if he had gotten any responses on people coming to the Renewable energy Workshop that was scheduled for Monday, March 10. Zavitz had asked Supervisor Loomis to contact the fire chief. Jaruzel found out the County Emergency Services Coordinator had not heard about it & cannot make it on that date. Jaruzel feels it is very important for him to be there as battery storage units will also be discussed in the workshop. Discussion. Jaruzel

moved to delay the workshop till an April date that is mutually agreeable with Adam from Wade Trim, and hold a regular meeting on March 10. Second by Pletcher. Jaruzel will get the list of people to be contacted. Supervisor Loomis noted Representative Bierlein should be included. Jaruzel moved to tentatively approve April 28 as an alternative date, but will also ask for alternate dates in case one is needed. Second by Pletcher. All voted yes. Zavitz moved to have a Jaruzel contact the people on the list of attendees to invite. Second by Pletcher. All voted yes. Motion carried.

Discussion on agenda items to be discussed on 3/10 at the regular meeting time. The issue of Midwest Auto permit discussed but a notice has to be sent out before a public hearing. Jaruzel questioned why the permit would be reviewed or changed if he has not asked for it. The lawyer's words were "absent a request by the permit holder there really isn't an issue worth raising." Opperman said it isn't good practice to have things look different from the other permits, & stuff was added that was not voted on by this board. Maschke stated it didn't follow the amendment process. Was noted that the Midwest Auto permit holder would not be responsible for the cost of a special hearing. Zavitz suggested discussing whether to review that SLUP & gravel pit SLUP at Monday's meeting. Agreed upon agenda item will be conex containers and the appeals going to the ZBOA. Maschke will get the agenda to the office to be posted on Friday morning.

Motion made by Maschke to adjourn, second by Zavitz. All voted yes. Motion carried. Meeting adjourned at 8:10 pm.

Respectfully submitted.