

# Millington Township Planning Commission Special Meeting

## & Public Hearing for SLUP

October 10, 2024

Meeting was called to order by Chairman Zavitz at 6:00 pm. Roll call showed members A. Zavitz, E. Maschke, M. Opperman, D. Pletcher, L. Jaruzel, Zoning Administrator Tammy Daenzer and 15 guests present. The agenda was reviewed. Motion was made by Maschke to add a public comment time near the beginning of the meeting adding a review of the bylaws for conflict of interest, second by Pletcher. All approved, motion passed.

Public comment – Robert Benard spoke regarding new SLUP on the property in Ag/R zoning Section 5.02 noting that open air businesses are not included as permitted uses listed. Current business is under a SLUP for “quarrying of materials from its natural location” is allowed under Section 5.02C. The Millington Township Ordinance 10.02A Special Land Use Commercial Zoning identifies where an open air business use is permitted, under a special use conditions & where it is allowed per zoning map and master plan. He asked the board to consider carefully.

New business – Planning Commission Bylaws conflict of interest section were reviewed, covering #1 - whether any family member of a board member is involved with the requested business, all answered no. #2 - whether a board member has a financial interest in the request, all answered no. #3 – whether a board member owns or has financial interest in neighboring property, Maschke - no, Zavits – no, Pletcher – no, Opperman – no, Jaruzel – stated “I fall within the mailing notification area of this request and will refrain from discussing & abstain from voting.” After discussion per recommendation from MTA, it was decided Jaruzel is allowed to discuss but will refrain from voting. #4 – a reasonable appearance of a conflict of interest. – Zavitz – no, Pletcher – no, Opperman – no, Jaruzel – already covered, Maschke – no. Motion by Maschke, second by Zavitz to close regular meeting and open special hearing at 6:14 pm. Unanimous approval.

Special Public Hearing Tri-County Aggregates LLC proposal for Special Land Use Permit on Parcel ID #017-035-000-0100-10 located at 10222 Sheridan Rd in Millington to bring in aggregate and landscape supplies for resale. Bob Gilling said he wants to bring in preprocessed material for resale. Jaruzel asked if this is a complete list. Gilling answered yes. The list of questions from the ordinance were reviewed. Gilling said concrete would be crushed at another site. Stated no crushing of concrete or asphalt would be done onsite. Gilling assured trucks would not use Willard Road or Oak Road, but his customers may use those roads. Gilling stated he would give reports to Supervisor Loomis of the scale reports every two weeks on product being brought in, with an estimate of 5000 tons per year. Issue of previous

violations was mentioned and asked about assurance that a new permit would be followed. Gilling stated the scale slips would do this and Supervisor Loomis is welcome to come onsite to check. Gilling mentioned crushed concrete from Caro, mulch from Kappan & ground off site before delivery, sand would come from Mayville. He stated no grinding of any of these products would be done on this site. Discussion on his permit reference to ordinance section 5.03 regarding the need for product, but that it refers to product excavated onsite, not the new request, which is a different nature. This request is a commercial business. Discussion by the board on open air businesses and proper zoning placement of such a business referencing the future use map and our ordinances.

Public comment – Robert Benard referred to his previous statement letter, and noted that this is based on ordinance and retail desire. This request does not fall under Section 5.03 because it is not a quarry request and does not comply with Article 23 (page 63) identifying removal of material from natural location. His statement “retail yard” is an open air retail operation falls under 10.02 (pg. 19). He also voiced concern about the mixing material in the bucket, as it is an extension of the quarry permit not the permit being requested.

Rebecca Spooner – is new to Millington, she lives near Arbela and Oak Rd. She voiced concern for safety of her small children riding bikes, and privacy. She feels it is unnecessary.

Duane Church – questioned how long a permit like this would run & feels request is too vague.

Ma Male – noted that in 2019 a request by Gilling for concrete and asphalt to be brought in was denied, over concern of possible contamination of concrete. She feels the ordinance should be followed. Also questions how a combined business like that would be taxed?

Camden Loudon – Arbela Road. He is concerned about bucketing in material to mix for use on county roads because he doesn't have the right material. Adding more traffic to the back roads like Willard Road & Oak because of locals that would use that route to come get these products. Need to realize how it affects the locals.

Lorinda Jensen – 9950 Sheridan Rd. How is the board going to monitor this? Original intent is for mining NOT bringing in to sell out. Gilling doesn't have trucks to deliver so locals will have to hire their own truck at an added cost. It is a mining operation only and it shouldn't be changed because he is making another business and could bring in more than the 5000 ton he stated. Monitoring will be a problem & true verification is impossible.

Carrie Petzold – Sheridan Rd. #1 it is against the ordinance and #2 noted the tax ID number wasn't complete on the agenda.

Jackie Petzold – Arivaca Drive. Is a neighbor to the gravel pit and has concerns about what is being brought into the pit & whether previous rules are being followed, after attending meetings in the past. Wants to keep the country living but has to put up with the noise and traffic already. Don't expand the guidelines already in place. There has been concerns over what is being brought into the gravel pit that shouldn't be & it appears the township doesn't have a good way to monitor this business. Asks that the gravel pit operation stay under its

current permit. Don't turn our neighborhood into a commercial and retail area.

Karen Schmaltz- voiced a concern about maintaining the roads, the damage done to her road after clearing the farmland property. Voiced safety concerns and dust and neighbors with breathing problems.

Five letters were read and are attached to these minutes.

Motion made by Maschke, second by Pletcher to close special use hearing & return to regular meeting. Aye – all. Returned to regular meeting at 7:12pm.

New Business – Tri-County LLC proposal for Special Land Use Permit on Parcel ID #017-035-000-0100-10 located at 10222 Sheridan Rd in Millington to bring in aggregate and landscape supplies for resale. Discussion on the Application according to Millington Township Ordinance requirements starting at Section 18.01. The parcel ID number was correct on the application and was corrected on the agenda. The commission felt the application was complete and met the requirements of 18.01. The commission felt the hearing for the special land use met the requirements of Section 18.02. Standards of Section 18.03 A. The commission felt there was a question as to whether the request met the requirements of being in harmony with the surrounding neighborhood as it is a commercial request. Maschke raised the question that the request doesn't fit the requirements of 18.03D noting that open air retail business belongs in the Commercial District per Section 10.02 A & this is Ag/Residential District. Open air sales are not listed by use or special use permit. Chairman Zavitz noted it must meet all 4 standards to be approved. Mr. Gilling asked a question that "if it was zoned local commercial would it be permitted?" Discussion on what that means because a change of zoning would be required to make this site commercial, & that would be spot zoning. Mr. Gilling asked to table the decision till a future meeting because he claims that the property is zoned commercial back in 2019. It was noted that on all maps and he marked on his request that it is Ag/R zone. Mr. Gilling claims he has a letter & will come back to the board. Pletcher moved to table decision until a future meeting, seconded by Opperman. Vote was Pletcher – yes, Opperman – yes, Maschke – yes, Zavitz – yes, Jaruzel – abstained. Motion carried.

The board took a break at 8:35pm, Returned to regular meeting at 8:47 pm.

Old Business - consideration of Midwest Motor LLC proposal for Special Use Permit Parcel Identification #017-033-000-4000 located at 10435 State Road in Millington to Buy and Sell used cars site plan. After review, motion by Maschke, second by Pletcher to accept the site plan as presented. Unanimously approved. Motion by Maschke, second by Jaruzel to approve the SLUP with the conditions noted from the last meeting. Unanimously approved.

Motion by Maschke, second by Jaruzel to adjourn. All approved. Meeting adjourned at 8PM.

Respectfully submitted,

*Luanne Jaruzel*  
*Secretary*