

MILTON TOWNSHIP Planning Commission gets an earful during marathon session

By Steve Yencich, Contributing Writer

Hundreds of residents attended Monday's Milton Planning Commission meeting in person or online. The public hearing focused on the special use permit application to develop the Torch River RV Park. Joining them were legal counsel and consultants who summarized closing positions for both sides. The purpose of the night was to provide residents a final chance to comment on the application, and comment they did, with dozens speaking in a session that lasted over three hours. It all begins with page 100 of Milton Township's Zoning Ordinance.

117.1600 Special Land Uses (excerpt)

"A Special Land Use is a use that may be permitted within a specified zoning district after meeting specific requirements listed in this Chapter 16. It is the purpose of this Chapter to set forth the procedures that will apply to the consideration, review and evaluation of special land uses. Due to the nature of the use, Special Land Uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole."

Those three sentences provide more than a legal description of all language that follows. They also summarize the two-year debate over the application for the much-studied special use permit application. One side argues that all requirements have been met, and the needs of adjacent property owners carefully considered. The other side contends that the application has major shortcomings, raising numerous environmental, public safety, and adjacent landowner concerns.

Representatives for developers Jim Brewer and John Peel spoke first, summarizing changes to the second application. Developer consultants outlined improvements to the plan, including changes in stormwater facilities they said would prevent erosion from 25- and 100-year storms and backup pumps for drinking water and drain fields. In addition, developers had expanded open space in the park to 59% of total acreage. Various native Michigan trees will be planted, shielded lighting, additional screening, and fenced dumpsters will be provided. Developers said the overall plan met or exceeded all requirements of the ordinance and had been reviewed by eight different local, county, and state regulators.

Developer attorney Andy Blodgett offered his perspective on some of the written comments he had seen on the project to date. Blodgett said, "I'm not hearing that specific rules that this planning commission has put together have not been followed; I'm hearing that people don't like the project. That's fine for an opinion, but that is not fine for the basis of the Planning Commission's vote." Closing his comments, Blodgett said, "It's time to move this project forward, and that is my final point." Finally, citing language from the ordinance, Blodgett suggested that his client would hold the commission to the requirement to render a decision within 100 days from the application. "We want a vote; if we can't have it tonight, we want it real fast, please, and if not, we'll have to take [legal] action."

Scott Howard, counsel for the lake organizations, opposed to the permit's approval, pointed to facts he said were important. Howard told commissioners, "You are going to hear some facts from us tonight, and those facts are important and germane to your decision. I also want to say history matters, the past matters. You are evaluating a site plan for a special use permit that was done midstream after the property had been denuded of vegetation, after significant grading had occurred and before any permit was requested from this Township. This is a direct violation of your ordinances. That past matters."

Also joining Howard was an environmental engineer who pointed to what she said were numerous shortfalls in the application, contending, among other things, that the stormwater retention plan would, in fact, not protect against 25- and 100-year rains. In addition, she said screening was still not in place where required and pointed to a lack of evergreen trees, eliminating screening in many areas when the deciduous trees lose their leaves each fall. The remainder of the hearing was devoted to hearing residents' concerns regarding the RV park. One participant called it "Democracy in action."

There are ongoing court suits over the project, with possibly more to come. Public opposition to the application has hardened over time. It's not an easy decision for an all-volunteer Planning Commission and experienced, but still, part-time zoning administrator to make. Nevertheless, that decision will almost certainly come at 6 p.m. on Monday, January 24, 2022, when the commission reconvenes to deliberate the matter and render a decision.
