

**EATON COUNTY
PLANNING COMMISSION
December 3, 2025**

Call to Order: Brian Ross, Chair of the Eaton County Planning Commission, called the meeting to order at 6:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Ed Kemp, Ray Whitaker, Tim Catron, Frank Holmes, Scott Hansen, Ben Tirrell, Zachary Dillinger, and Brian Ross

Absent: Lisa Lawitzke

Staff Present: Brandy Miller and Tammy Alger

Agenda Approval: A motion was made by **Commissioner Dillinger** to approve the agenda for the December 3, 2025 meeting. **Commissioner Hansen** supported. Motion carried.

Public comments: None

Public comment closed: 6:01 p.m.

CU-12-25-21: Request by Daniel & Peggy LaPoint and Preston & Sydney Schlee for a Conditional Use Permit to allow for the operation of a landscaping business as a Construction Contractors Establishment and Storage of Heavy Equipment per Zoning Ordinance Section 14.29 at 6547 W. Butterfield Highway, Section 36 of Bellevue Township.

Staff Report: Ms. Miller read the staff report and comments from MDOT and the Eaton County Road Commission into record. **Commissioner Ross** asked if the operation would be across the road from where it is currently located. Ms. Miller stated that was correct.

Applicant's Statement: Ms. Sydney Schlee stated she would answer any questions of the Planning Commission. **Commissioner Ross** asked where the nearest residential home was to the operation. Ms. Schlee stated there is a home to the west with a parking lot and trees between. **Commissioner Dillinger** asked if the applicant owned the house to the east. Ms. Schlee stated that was correct. **Commissioner Ross** asked if there is another home near the storage. Ms. Peggy LaPoint stated the home belongs to the Barnells and they maintain a good relationship.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 6:11 p.m.

Commissioner Whitaker moved to approve CU-12-25-21 a request by Daniel & Peggy LaPoint and Preston & Sydney Schlee for a Conditional Use Permit to allow for the operation of a landscaping business as a Construction Contractors Establishment and Storage of Heavy Equipment per Zoning Ordinance Section 14.29 at 6547 W. Butterfield Highway, Section 36 of Bellevue Township, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Daniel & Peggy LaPoint and Preston & Sydney Schlee for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Cattron supported the motion. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-11-15-31: Request by Daniel and Peggy LaPoint for a Change of Conditions of an existing Conditional Use Permit which allows for the operation of a Construction Contractors Establishment and Storage of Heavy Equipment (construction & excavating business) per Article 14.29 of the Ordinance at 6578 W. Butterfield Hwy., Sec. 25, Bellevue Township. Specifically, the required change is to remove the landscaping business from the operation.

Staff Report: Ms. Miller read the staff report and a comment from MDOT into record.

Applicant's Statement: Ms. Peggy LaPoint stated she would answer any questions of the Planning Commission.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 6:17 p.m.

Commissioner Dillinger moved to approve CU-11-15-31 a request by Daniel and Peggy LaPoint for a Change of Conditions of an existing Conditional Use Permit which allows for the operation of a Construction Contractors Establishment and Storage of Heavy Equipment (construction & excavating business) per Article 14.29 of the Ordinance at 6578 W. Butterfield Hwy., Sec. 25, Bellevue Township. Specifically, the required change is to remove the landscaping business from the operation, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Daniel and Peggy LaPoint for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Hansen supported the motion. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-12-25-20: Request by William and Kathleen Pitylak for a Conditional Use Permit to operate an excavation and contracting business as a Construction Contractors Establishment and Storage of Heavy Equipment per Zoning Ordinance Section 14.29 at 1296 Island Highway, Section 17 of Eaton Township.

Staff Report: Ms. Miller read the staff report and comments from The Charlotte Fire Department, The Eaton County Road Commission, and the Eaton Conservation District into record.

Applicant's Statement: Mr. Will Pitylak stated he would answer any questions of the Planning Commission.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 6:24 p.m.

Commissioner Tirrell moved to approve CU-12-25-20 a request by William and Kathleen Pitylak for a Conditional Use Permit to operate an excavation and contracting business as a Construction Contractors Establishment and Storage of Heavy Equipment per Zoning Ordinance Section 14.29 at 1296 Island Highway, Section 17 of Eaton Township, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to William and Kathleen Pitylak for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Dillinger supported the motion. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-10-06-30: Request by Jeremy and Kathryn Harton for a Change of Conditions of an existing Conditional Use Permit which allows for the operations of an Agricultural Business (nursery with sales) Per Zoning Ordinance Section 14.1 and a Construction Contractors Establishment & Storage of Heavy Equipment (sale of landscape supplies) per Zoning Ordinance Section 14.29 at 3401 W. Bellevue Highway, Section 28 of Walton Township. Specifically, the requested change is to construct additional buildings/additions for business operations and storage.

Staff Report: Ms. Miller read the staff report and comments from Walton Township and Lisa Lawitzke into record. **Commissioner Holmes** asked if the Planning Commission could decide how many employees the business could have. Ms. Miller stated when the applicant's original CUP was approved, they were approved for a Home Business which the Zoning Ordinance

does limit the number of employees. She stated since their approval, the Planning Commission has determined that an Agricultural Business can also sell goods, therefore the Harton's will no longer have a Home Business, just the Agricultural Business and the Construction Contractors Establishment.

Commissioner Catttron asked if the conditions from the prior Conditional Use Permit would carry over to an approval for this application. Ms. Miller stated if approved, this application would only include the requirements for a Construction Contractor's Establishment and an Agricultural Business.

Commissioner Ross asked why the applicant was applying for a Construction Contractor's Establishment. Ms. Miller stated they sell landscape materials from their property.

Applicant's Statement: Ms. Kathryn Harton stated she would answer any questions of the Planning Commission. **Commissioner Tirrell** asked if most products were grown on site. Ms. Harton stated yes, but occasionally sell soil from elsewhere as well as items in the gift shop. **Commissioner Tirrell** asked if over fifty percent of the goods sold are ag products from the Harton's property. Ms. Harton stated yes.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 6:37 p.m.

Commissioner Tirrell moved to approve CU-10-06-30 a request by Jeremy and Kathryn Harton for a Change of Conditions of an existing Conditional Use Permit which allows for the operations of an Agricultural Business (nursery with sales) Per Zoning Ordinance Section 14.1 and a Construction Contractors Establishment & Storage of Heavy Equipment (sale of landscape supplies) per Zoning Ordinance Section 14.29 at 3401 W. Bellevue Highway, Section 28 of Walton Township. Specifically, the requested change is to construct additional buildings/additions for business operations and storage, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Jeremy and Kathryn Harton for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Catttron supported the motion. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-12-25-10: Request by F.G. Cheney Limestone Company, Inc. for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 9400 Sand Road, pare numbers 130-028-300-075-00, 130-032-200-020-00 & 130-033-100-001-00, Section 28, 32 & 33 of Bellevue Township.

Staff Report: Ms. Miller read the staff report and comments from EGLE into record.

Applicant's Statement: Mr. Sky Cheney stated the mining operation has been ongoing since 1946 and in the current location since 1994. He stated they have partnered with US Fish and Wildlife as part of the reclamation plan. Mr. Cheney stated 20 acres of the reclaimed area has been replanted natural flora. Mr. Cheney stated half of the mining production is agricultural lime, so the farmers in the community have been supportive of the operation. **Commissioner Ross** asked how many acres are currently being worked. Ms. Miller stated it was less than 20 acres, but the bond allows up to 22 acres. **Commissioner Cattron** asked if there was anything being done with the wetland area in the southeast corner. Mr. Cheney stated that area will not be mined.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 6:48 p.m.

Commissioner Whitaker moved to approve CU-12-25-10 a request by F.G. Cheney Limestone Company, Inc. for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 9400 Sand Road, parcel numbers 130-028-300-075-00, 130-032-200-020-00 & 130-033-100-001-00, Section 28, 32 & 33 of Bellevue Township, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to F.G. Cheney Limestone Company, Inc. for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Hansen supported the motion. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-12-25-11: Request by Daniel L. LaPoint Sr. & Daniel L. LaPoint Jr. for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 6098 Sherwood Highway, Section 25 of Bellevue Township.

Staff Report: Ms. Miller read the staff report and comments from EGLE and the Eaton Conservation District into record.

Applicant's Statement: Ms. Peggy LaPoint stated she would answer any questions of the Planning Commission.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None
Speakers opposed: None
Public hearing closed: 6:56 p.m.

Commissioner Ross asked if the violation that was on the property was noted by Staff. Ms. Miller stated yes, it was noted during the annual inspection; processing plant was ten feet too close to the property line.

Commissioner Cattron moved to approve CU-12-25-11 a request by Daniel L. LaPoint Sr. & Daniel L. LaPoint Jr. for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 6098 Sherwood Highway, Section 25 of Bellevue Township, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Daniel L. LaPoint Sr. & Daniel L. LaPoint Jr. for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Dillinger supported the motion. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU12-25-13: Request by Reinhart Cook owner of Lime and Gypsum Products Inc. for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 9449 Sand Road, Section 32 of Bellevue Township.

Staff Report: Ms. Miller read the staff report and comments from EGLE, the Eaton County Road Commission, and the Eaton Conservation District into record.

Applicant's Statement: Mr. Reinhart Cook stated he would answer any questions of the Planning Commission.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None
Speakers opposed: None
Public hearing closed: 7:03 p.m.

Commissioner Tirrell moved to approve CU-12-25-13 a request by Reinhart Cook owner of Lime and Gypsum Products Inc. for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 9449 Sand Road, Section 32 of Bellevue Township, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.

2. This Conditional Use Permit is granted to Reinhart Cook for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Dillinger supported the motion. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-12-25-14: Request by Reinhart Cook owner of Lime and Gypsum Products Inc. for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 8645 Kelley Highway, Section 3 of Vermontville Township.

Staff Report: Ms. Miller read the staff report and comments from Vermontville Township, EGLE, the Eaton County Road Commission, and the Eaton Conservation District into record.

Commissioner Dillinger asked why the township wanted to add weekend hours. Ms. Miller stated it was to add separation to the gravel and lime operation.

Applicant's Statement: Mr. Reinhart Cook stated he would answer any questions of the Planning Commission.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers opposed: Mr. Robert Meyers, Kelly Hwy, stated he lives in the house in front of the pit. Mr. Meyers stated there is no dust control and that silt has been pushed onto his property. He stated he would like a silt fence installed, time frame for the operation, dust control, and traffic control. Mr. Meyers stated the gravel pit is decreasing the value of his property. He stated trucks are being ran up and down his fence row, rather than on the driveway. Mr. Meyers stated he did not think a permit was ever obtained for the driveway, and that this is no culvert. He stated there is also flooding on his property due to the operation. Mr. Meyers stated there was also noise concerns and that he felt a berm should be installed.

Mr. Cook stated there has been a wash out on the property since the eighties or nineties, but that he would be willing to put dirt there to prevent the runoff. He stated he is also working with the Eaton County Road Commission currently to obtain the driveway permit. **Commissioner Whitaker** asked if they are applying for a concrete driveway. Mr. Cook stated they are working through a variance application for the Eaton County Road Commission to have a concrete driveway rather than an asphalt driveway. **Commissioner Tirrell** asked if the area without the berm is where the water runoff is happening onto Mr. Meyers property. Mr. Cook stated there is a berm on the east side and partially across the north side. Mr. Cook stated if Mr. Meyers would like a berm, than he can install one. **Commissioner Ross** asked if he had not obtained a driveway permit. Mr. Cook stated there was an old driveway that has been modified, but that is part of the application he is working through for the Eaton County Road Commission.

Commissioner Holmes asked if what the difference was between asphalt and cement. Mr. Cook stated it is easier to tear out an asphalt driveway than a cement driveway, however, the cement driveway is more durable and will last longer.

Commissioner Tirrell asked if the weekend hours was something Mr. Cook was aware of. Mr. Cook stated he was, and that he had been using those hours already, but just wants it to be clear

on the CUP. He stated there will be no excavation on the weekends. Mr. Cook stated there is also cattle on the property and a lot of activity with hauling hay and manure.

Commissioner Cattron asked what could be done for dust control. Mr. Cook stated he would comply with whatever the Planning Commission determined. He stated a mister could be installed.

Mr. Steve Briggs stated he installed the culvert that is there and did it install it out of the right of way. He stated there was heavy rainfall and the culvert will drain to the other side. Mr. Briggs stated there was a plug in the culvert at one point which did cause flooding, but has since been resolved. Mr. Briggs stated the discussion with the Eaton County Road Commission is to obtain a permit for a cement driveway rather than the asphalt. **Commissioner Tirrell** asked if the culvert is on the east entrance and what the flow of water is. Mr. Briggs stated the culvert is on the east end, and that the water flows to the east. He stated there is no ditch beyond and it sits uphill.

Mr. Nick Meyers stated his property is across from Kelly Hwy to the North. Mr. N. Meyers stated this property is now taking on all of the diverted water and that it is well over an acre underwater by up to two feet. He asked if there was a way to prevent this, perhaps with a retention pond. Mr. N. Meyers stated the dust is also a problem, and asked if something be done to control that as well. **Commissioner Holmes** asked if the dust originates from the operations driveway. Mr. N. Meyers stated it does.

Mr. Cook stated he has had conversations with Mr. N. Meyers and that he will continue to communicate to resolve the issues presented. Mr. Cook stated they could install tile for the drainage issues and also utilize a water wagon for the dust.

Public hearing closed: 7:35 p.m.

Commissioner Tirrell stated a berm would be beneficial where there isn't one. He asked staff what might be done about the dust. Ms. Miller stated the issue with the drainage and the silt fencing are not the purview of the Planning Commission, but of the Eaton County Drain Office. She stated staff would reach out to the drain office to come up with a plan of action for the water issues. Ms. Miller stated water trucks or a mister could be utilized for dust control. Ms. Miller stated the applicant is actively working on their variance with the Eaton County Road Commission.

Commissioner Hansen asked how close a berm can be to the property line. **Commissioner Ross** stated it can run right to the property line. **Commissioner Holmes** stated the wheel was may not be efficient if it is not on a paved surface.

Commissioner Tirrell moved to approve CU-12-25-14 a request by Reinhart Cook owner of Lime and Gypsum Products Inc. for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 8645 Kelley Highway, Section 3 of Vermontville Township, with the following conditions:

1. A uniform berm be installed on the north and west sides of the property, similar to the existing berm.
2. A wheel was station at points of vehicle egress.
3. Include hours of operation for agricultural lime as specified by Vermontville Township.
4. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County

Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.

5. This Conditional Use Permit is granted to Reinhart Cook for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Cattron supported the motion. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-12-25-15: Request by Steve and Lisa Briggs, owners of Nightingale Valley, LLC and Cole Briggs for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 10580 & 10320 W. Vermontville Highway, Section 20 of Vermontville Township.

Staff Report: Ms. Miller read the staff report and comments Vermontville Township and EGLE into record.

Applicant's Statement: Mr. Steve Briggs stated the Eaton County Road Commission did not request any work to be done at the driveway. Mr. Briggs stated the driveway location would be preferred elsewhere, but could not be so due to wetland. Mr. Briggs stated this would be the first time anyone has requested to have a paved approach. Mr. Briggs stated he does want a concrete driveway and has reached out to the road commission to begin that process. **Commissioner Whitaker** asked if a wheel wash station could be installed there. Mr. Briggs stated that might be more difficult due to the wetland. **Commissioner Whitaker** stated he was concerned the loose sand on the road may create hazardous road conditions. Mr. Briggs stated he is working to address those issues.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: Mr. Reinhart Cook stated he was at the same meeting with Vermontville Township as Mr. Briggs. He stated due to a staff member's health issues, the process of obtaining driveway permits has been lengthened.

Speakers opposed: None

Public hearing closed: 8:06 p.m.

Commissioner Tirrell moved to approve CU-12-25-15 a request by Steve and Lisa Briggs, owners of Nightingale Valley, LLC and Cole Briggs for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 10580 & 10320 W. Vermontville Highway, Section 20 of Vermontville Township, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Steve and Lisa Briggs for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Dillinger supported the motion. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-12-25-19: Request by Shaytown Gravel, LLC and Davis Construction, Inc. for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 11659 & 11777 N. Shaytown Road, Section 14 of Sunfield Township.

Staff Report: Ms. Miller read the staff report and comments from the Barry Eaton County Road Commission, the Eaton Conservation District, and Sunfield Township into record.

Applicant's Statement: Ms. Heather Hendges stated she would answer any questions of the Planning Commission.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers opposed: None

Public hearing closed: 8:15 p.m.

Commissioner Cattron moved to approve CU-12-25-19 a request by Shaytown Gravel, LLC and Davis Construction, Inc. for a Conditional Use Permit to allow for the operation of a Surface Mine per Zoning Ordinance Section 14.25 from property located at 11659 & 11777 N. Shaytown Road, Section 14 of Sunfield Township, with the following conditions:

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Shaytown Gravel, LLC for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Dillinger supported the motion. A roll call vote was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

PA 116 Applications: None

Other Business: None

Reports: Ms. Miller reviewed the business that was discussed at the December 3, 2025 Public Works and Human Services meeting. She stated that they voted to repeal the Eaton County Land Development Code as of May 30, 2026.

Public Comments: None

Upcoming Cases: Ms. Miller stated there will be a Planning Commission meeting on January 6, 2026 to hear the application for the Narrow Lake Country Store.

The meeting adjourned at 8:18 p.m.