

**Highland Township Planning Commission
Record of the 1416th Meeting
Highland Township Adult Activity Center
August 1, 2024**

Roll Call:

Grant Charlick, Chairperson
Kevin Curtis (absent)
Chris Heyn
Mike O'Leary
Roscoe Smith
Scott Temple (absent)
Russ Tierney
Guy York

Also Present:

Elizabeth J. Corwin, Planning Director

Visitors: 10

Chairman Charlick called the meeting to order at 7:30 p.m.

Ms. Corwin noted that the applicant for agenda item 2 was delayed by traffic and recommended that the agenda be reordered to take agenda item 3 first. Mr. Charlick moved to modify the agenda accordingly. Mr. Tierney supported the motion which was approved by voice vote.

Agenda Item #1: Call to the Public: Opportunity for anyone to bring forward issues of interest or concern for Planning Commission consideration. Each participant limited to 3 minutes.

No public offered comments

Public Hearing:

Agenda Item #3:

Parcel # 11-02-300-002
Zoning: ARR, Agriculture and Rural Residential
Address: 1131 White Lake Rd (Wiggles & Giggles)
File#: URSA 24-05
Request: Use Requiring Special Approval for childcare center
Applicant: Khalid Mheisen
Owner: KHAB, LLC

Mr. Charlick invited the applicant to explain his proposal.

Mr. Khalid Mheisen of KHAB, LLC purchased Wiggles & Giggles in December. He retained Cassandra Westfield, the long-term director of the center as the onsite manager. He owns a second childcare center

and hopes to enhance this center to better serve the client families and the community. The proposal is to add a portable classroom building to care for children under 1-1/2 years of age.

Ms. Westfield explained that there is pent up demand for additional space at the center. Wiggles and Giggles is licensed for 30 children at this site but have 60 enrolled and a waiting list for over a year and a half.

Mr. Charlick opened the public hearing at 7:35 p.m.

Deanna Williams, owner of Wee Friends Child Care Center at 105 E Ruggles noted her total support of expansion of Wiggles and Giggles. She noted that there is a definite need in the community for more capacity in all the centers.

Mr. Charlick closed the public hearing at 7:38 p.m.

Ms. Corwin noted that there were review letters from Carlisle-Wortman Associates, Hubbell, Roth & Clark and from the Fire Marshal. There was no other correspondence from the public.

Mr. Heyn asked what the licensing limits would be at the site once the added building is complete. Mr. Mheisen noted the limit would be 60 children. He asked about the portable classroom unit, which looks like a "jobsite trailer". Brandon Chaney, Nederville Engineering explained that the pictures of the unit were from a remote location, and showed two parts of a unit that would be put together onsite.

Mr. York asked how old the trailer was and about its life expectancy. Mr. Mheisen said the unit was 17 years old, and that he hoped to replace it with a building within five years. Ms. Westfield noted that Cheryl Stockwell Academy has used similar portable units and were able to utilize them beyond the anticipated service life. They recently retired buildings that were 30 years old.

Mr. York asked if the building would be placed on a foundation or left on its axles with skirting. Mr. Mheisen believed it would be placed on a foundation, negating the need for ramps and such.

Mr. Charlick noted that the flat roof and vertical rippled siding is not compatible with the existing neighborhood or the existing historic structure onsite. He thought to be compatible, the building would need a pitched roof and horizontal siding. Mr. Mheisen noted that the intent is to blend with the existing structure onsite, using similar colors and materials, and had a proposal for a mural from an artist that completed the HDDA's mural in the downtown.

Mr. York was concerned about the parking and site circulation, especially given that one driveway would be closed. Mr. Chaney explained that the Fire Marshal requested that neither driveway be removed and noted that revised site plans will be submitted. Mr. York asked how the center deals with events since there may be 60 to 120 families and only a dozen parking spaces. Ms. Westfield explained that the center has maintained a good relationship with Bonadeo Farms, who has allowed use of his driveways for parking.

Mr. Tierney asked about if there were any renderings of what the unit would look like when in place on site. Mr. Chaney pointed him to drawings of the mural. Mr. York asked if the mural was to be applied to the vertical corrugated siding. Mr. York asked if the mural would be applied to the corrugated siding. Mr. Mheisen indicated that no decision has been made since they wanted to see from the Planning Commission what might be allowed.

Mr. Charlick noted that he would be less concerned about the character of the building if it were a short time solution and not a permanent fixture on the parcel. He asked if there would be a specific time limit.

Mr. Charlick suggested that a site built structure may be more affordable than one suspects when taking the expense of modifying the roof and siding. Mr. Charlick asked if there would be a way to allow for a two year limit. Ms. Corwin noted that this becomes an administrative challenge since the Township could not hold a performance guarantee for that period. Mr. Heyn noted that there were challenges to establishing the trailer at an appropriate grade and connecting to the septic system. He agreed with Mr. Charlick that it might be easier and more affordable to build new.

Mr. O'Leary added that he does not think the portable building is compatible with the neighborhood and noted that variances would be required to place the structure as proposed.

There was discussion about the mural. Ms. Westfield explained that they hoped to use inspiring words and inspire the community to their responsibility in creating a positive environment to raise children as well. They selected neutral colors to blend better into its surroundings and the existing structure.

Mr. Smith noted that the use appropriate and desirable, but that adding a mural to a construction trailer does not alter the fact that it is still just a temporary trailer and is not compatible with its surroundings. Ms. Corwin asked for clarification about why a residential manufactured home does not work, and whether the hvac units mounted on the ends of the units could be ground mounted and screened. Mr. Mheisen explained that they had investigated other types of temporary buildings, but that this type of unit is specifically constructed for childcare and educational needs and meets the building code requirements for education.

There was some debate among the Planning Commissioners about how to interpret the parking requirements in the zoning ordinance, and whether the requirement was a total of 3 per 8 children or 2 spaces plus one per 8 children. Mr. York wanted to see a concept plan for where a permanent structure would be in the future, and how the parking would work.

Ms. Mheisen explained the pickup/drop-off system. The peak drop off is around 8:00 am and pickups begin around 3:45. The building is serviced by public school busses. Mr. York asked about traffic conflicts between the busses and the general traffic. Ms. Westfield noted that in the past, the busses have used the White Lake Road driveway. Staff meets the children to walk to the building.

Mr. York asked for clarification of site lighting, especially given that there were no pole lights at the entrances. Mr. Chaney explained that they intend to use wall packs mounted on the portable building. Ms. Westfield noted that there has never been lighting at the driveway entrances and this has not caused a problem in the past.

Mr. York summarized concerns as follows: 1) The proposed building must look and feel like a residential building, consistent with the character of the neighboring properties. 2) Side yard setbacks will be subject to obtaining a variance from the Zoning Board of Appeals. The special use approval would not be finalized if the applicant is unable to obtain variance approvals. 3) The parking and traffic circulation patterns seem appropriate for 60 children with the 2-1/2 year old to infants occupying the new building and the 3-4 year olds remaining in the historic building provided the driveway on White Lake Road remains as recommended by the Fire Marshall. 4) The landscaping plan should address minimum standards, identifying the number of square feet of landscaping and percentage of site so covered. 5) Lighting wall packs are appropriate, but a streetlight at the intersections should be considered. 6) Trash containers shall be stored in the garage when not at the street for pickup.

Mr. Smith added that the goal of landscaping is to achieve a tree-lined "canopy" over the roads. Mr. Chaney noted that the stormwater management system places constraints on where trees could be planted. Mr. Smith responded that more than 2/3 of the site has no landscaping and thought this could be improved.

He also noted that there should be a formal recognition of the overflow parking agreement with Bonadeo Farms.

Mr. York offered the following motion: To recommend approval of the special land use permit, URSA 24-05 to expand the Wiggles and Giggles Child Care Center at 1311 White Lake Road, parcel 11-02-300-002 by addition of a building and site modifications identified on the site plan by Nederveld, dated July 1, 2024 subject to the following conditions: a) architectural character must match the residential character of its surroundings, (which details may be worked out during site plan review and approval) b) the necessary variances for setbacks must first be obtained from the Zoning Board of Appeals;; c) site plan review and approval may require formal modifications to the site plan as discussed this evening and as required by the Fire Marshal and other agencies, d) the number of parking spaces is adequate provided a written agreement is developed for overflow parking for events; e) landscaping notes must be added to the site plan to require ordinance standards are met and that canopy trees are provided and that no trash enclosures or permanent dumpsters are required provided the trash cans are stored within a building when not at the road for pickup. This motion is based on the Planning Commission's review and consideration and recommendations of Carlisle-Wortman Associates for conformance with the required standards of approval under Section 6.03H of the Zoning Ordinance. Mr. Charlick supported the motion. Vote: Heyn-yes; O'Leary-yes; Tierney-yes; York-yes; Charlick-yes; Smith-yes. Motion carried (6 yes votes, 0 no votes.)

Agenda Item #5:

Parcel # 11-02-300-002
Zoning: ARR, Agriculture and Rural Residential
Address: 1131 White Lake Rd (Wiggles & Giggles)
File#: PR 24-06
Request: Site Plan for expansion of childcare center
Applicant: Khalid Mheisen
Owner: KHAB, LLC

Mr. York moved to table the site plan review. Mr. Charlick supported the motion. Vote: York, yes; Tierney, yes; Smith, yes; Charlick, yes; Heyn, yes; O'Leary, yes. Motion carried (6 yes votes, 0 no votes).

As the applicant for Agenda Item #2 had arrived, the Planning Commission resumed with the original order of the agenda.

Agenda Item #2:

Parcel # 11-22-376-009
Zoning: HS- Highland Station Business District
Address: 394 N Milford
File#: URSA 24-04
Request: Use Requiring Special Approval for gas station
Applicant: Tarek Gayer, G&G Investments, LLC
Owner: G&G Investments, LLC

Mr. Charlick invited the applicant to explain his proposal.

Mr. Tarek Gayar of G&G Investments explained that he is proposing a new gas station at the southeast corner of Highland Road and North Milford Road, on the site of the former Marathon gas station. This will be a 4 dispenser facility, under a canopy with a small retail building offering convenience food sales. The project satisfies Oakland County Health Division requirements for a septic system and will be served by municipal water. He has also received feedback from the Michigan Department of Transportation regarding his driveway on Highland Road.

Mr. Charlick noted that this is not proposed as a 24-hour operation. Mr. Gayar explained that hours will be limited to 6:00 am to midnight, perhaps 11:00 p.m. on the weekdays.

Mr. Charlick opened the public hearing at 8:36 p.m.

Mr. Larry Williams, 3900 Pepperidge, White Lake and owner of the Wee Friends Child Care Center at 105 E Ruggles, which shares a boundary line with the subject parcel. Mr. Williams asked for an explanation of the provisions to protect from another accidental spill at the new gas station.

Mr. Gayar explained that modern standards require double wall containment of all underground components, as well as sensors under dispensers, automatic shutoffs for the pumps and alarms. He noted that these engineering controls are required by law, and there is no room for error. He noted that he has developed gas stations for over 10 years and have had no accidental spills. He also noted that there is a significant financial liability insurance requirement.

Laura Palmer, also with Wee Friends, asked whether there will be continued testing of the monitor wells installed after the Marathon Oil leak was detected. Mr. Gayar replied that there would be continued monitoring and that he had done due diligence to assure himself that he would not be placed at jeopardy for reusing this site. He noted that there are strict reporting requirements for the operators to the State to demonstrate that there is no loss of product.

Mr. Charlick closed the public hearing at 8:45 p.m.

Ms. Corwin noted that there was no correspondence from the public to enter the record. There are review memos from the Fire Marshall, Carlisle-Wortman and Hubbell, Roth and Clark.

Mr. O'Leary asked if stormwater management is required in the Highland Station District. Ms. Corwin noted that there will be stormwater management, but that preference is given to low impact design standards. She noted that in these small infill sites, the Township must accommodate some creative solutions such as underground basins. She noted that Hubbell, Roth & Clark had reviewed the site enough that they believe a solution can be devised.

Mr. Charlick asked about the status of the recent ordinance amendments that would permit the gas station as a special use. Ms. Corwin noted that the amendments had been adopted by the Board and circulated to the Planning Commission prior to the meeting.

She noted that the Supervisor, who is a member of the Highland Downtown Development Authority design committee had reviewed the drawings briefly today, and suggested that alternative materials, such as horizontal siding and residential scale windows would be more appropriate. She also noted that the canopy exceeds 18 feet and would require a finding from the Planning Commission that the excess height is justified by a design element such as wrapping the canopy posts in similar materials as the building or a special roof design.

Mr. O'Leary noted that the façade uses utility scale brick, which is a relatively modern development. He noted that this is not historically appropriate and suggested other materials should be considered. Mr. Gayar agreed that he could consider other models he has used with cement board siding, such as is employed in the Township Hall.

Mr. Charlick spoke about the traffic patterns, recalling how the site operated in the past and the issues with the Milford Road driveway. He noted that the site will not have easy access to and from all directions. Mr. York asked about left turns into and out of the Milford Road driveway, which would have the potential to back up traffic into the nearby intersection. Mr. Gayar explained that he has not approached the Road Commission for Oakland County for approval of the driveways. He was also concerned about the turning movements of tanker trucks, which must drive under the canopy to access Milford Road. It did not appear there would be room to square the truck to turn north. He commented that the site was very tight, and he was not confident that the traffic conflicts would not be a serious issue.

Mr. Charlick asked if the pumps could be pushed further east on the site. Mr. Gayar said the septic system requirements pose a constraint. He believed there was room for maneuvering. Mr. York suggested the delivery company be given an opportunity for input. Mr. Gayar stated that fuel deliveries can be scheduled for non-peak traffic hours, and that delivery trucks would wait until customer traffic cleared to position themselves under the canopy. Mr. York suggested that the Planning Commission could condition site plan approval upon limiting deliveries to after midnight.

Mr. York was also concerned about the number of customer parking spaces and the limits of space for queuing cars at the pump. He noted that industry wide, customer traffic is down 70 percent from pre-COVID levels but that he was confident this site would be an attractive business for the area and do well. He said each pump is capable of dispensing approximately 50,000 gallons of gas per month, but that he is expecting to sell about 75,000 gallons per month for the entire station. Mr. York asked if 8 pumps are necessary. Mr. Gayar explained it is for customer convenience during peak periods.

Mr. Tierney asked whether the Highland Road driveway could be centered on the site. Mr. Gayar explained that it is already optimally placed per MDOT requirement and that one driveway that Marathon previously used must be closed due to its proximity to the intersection.

Mr. York was concerned about the grading plan, noting that the back of the building is 4 feet lower than the existing contour at the property line. He saw that there was a large tree on the property line, that perhaps interfered with options for grading. He did wonder if a commercial fence should be installed on this lot line.

Ms. Palmer injected there is a scrubby Chinese Elm on the property line that should be removed, and that there was an aged fence that serves as a boundary for the outdoor playground and asked that some sort of fence be maintained at the south property line.

Chris Heyn noted that some sort of fence should be required on the commercial site plan, so that future owners are obligated to maintain a fence.

Mr. York asked if the nature of the takeout had been determined. Mr. Gayar noted that he has not decided yet, but that the peak hour varies by the type of food served. Mr. York asked about the parking calculations in this case, whether the parking for the takeout is in addition to the gas station. Ms. Corwin explained that the gas station parking requirements presume a convenience retail or food service, but that the standard of one space per 150 square feet in our current ordinance exceeds what would be required of retail or a restaurant at one space per 200 square feet. She reminded the Planning Commissioners that the last gas station site plan they had reviewed included a second parking lot sort of removed from the building and seemed as if though it was unlikely to be used. She thought the Planning Commission should study those requirements and decide if the parking standard should be brought in line with other retail uses so that we did not end up with an “overparking” scenario as that creates different problems. She noted that Mr. Gayar’s site plan does not meet the one space per 150 square feet standard.

Ms. Corwin noted there is similarly an issue with the maximum lot coverage. Given the lot sizes in this district, 20 percent seems much too restrictive. For example, a residential property in the Lakes and Villages District would be allowed 35 to 40 percent coverage. Ms. Corwin explained that our ordinance counts only roofs and decks, not all impervious areas. The Highland Station District ordinance has never been applied to a vacant site. Ms. Corwin is convinced that the lot coverage is not properly calibrated to the typical lots size and that an ordinance amendment is necessary for this issue. The parking issue requires further consideration. This site shows 24 percent coverage per the Ordinance definition.

Mr. York suggested the takeout be placed on the west side of the building to support neighborhood traffic and wondered if a walk up take out window should be considered with seating for pedestrians. He suggested that the sidewalks should be extended onto the site rather than make pedestrians walk up driveways. He reminded the applicant that the intent of the Highland Station District is to promote a pedestrian-friendly downtown atmosphere.

Mr. York asked if it was acceptable to have a passive use of the septic area, such as seating. Ms. Corwin noted that this has been allowed in the past, but that one would not want to promote vehicle traffic or other compacting activities.

Mr. Charlick noted that there was a photometric plan and reminded the applicant that even though the photometrics show acceptable levels at the property lines, the lighting fixtures must also be fully shielded, downward directed in compliance with the ordinance.

Mr. Charlick offered the following motion: To recommend approval of the special land use permit, URSA 24-04, for a gas station in the Highland Station Business District, 394 N Milford Road, Parcel 11-22-376-009, based on the site plan by Ziad Al-Baba Engineering, dated June 27, 2024 with the following conditions: a) the canopy must be modified with architectural features to qualify for consideration of a greater height than 18 feet; b) Landscape features shall be modified to utilize greater variety of trees and consider canopy trees along right-of-way c) the internal traffic circulation should be refined to improve traffic flow; d) grading agreements must be obtained for any offsite grading on the south or east property lines e) consideration of utilizing horizontal siding and other architectural features to improve compliance with the Highland Station Design Guidelines, f) hours of operation limited to 6 am to 12 midnight g) reasonable screening between the gas station and the child care center to the south. This motion is based on the Planning Commission’s review and consideration and recommendations of Carlisle-Wortman Associates for conformance with the required standards of approval under Section 6.03H of the Zoning Ordinance. Mr. Heyn supported the motion. Vote: York yes; Tierney, yes; Smith, yes; Charlick, yes; Heyn, yes; O’Leary, yes. Motion carried (6 yes votes, 0 no votes).

Agenda Item #4:

Parcel # 11-22-376-009
Zoning: HS- Highland Station Business District
Address: 394 N Milford
File#: SPR 24-05
Request: Site Plan Review
Applicant: Tarek Gayer, G&G Investments, LLC
Owner: G&G Investments, LLC

Mr. Charlick moved to table the site plan review. Mr. O’Leary supported the motion. Vote: York, yes; Tierney, yes; Smith, yes; Charlick, yes; Heyn, yes; O’Leary, yes. Motion carried (6 yes votes, 0 no votes).

Agenda Item #6:

Parcel # 11-22-176-016
Zoning: IM – Industrial Manufacturing
Address: 828 N Milford
File#: SPR 24-07
Request: Site Plan Review
Applicant: Deanna & Juan Bueno
Owner: Beuno Investment Group, LLC

Mr. Charlick invited the applicant to explain the proposal. Mr. Brad Thompson, BF Thompson, PC explained that the site had been partially developed by Synergy Electric under an approved site plan, although that work had never been fully completed. The proposal is for a less intense use to support Ms. Bueno’s taco cart business and Mr. Bueno’s security business. The pole barn is notably smaller than that originally approved.

Ms. Bueno explained that the taco carts are stored onsite, but she tows them to event locations. Everything used for events is disposable, and the carts are stored onsite empty and clean. There are currently 4 carts, and she hopes to add a 5th cart.

Synergy had completed the drainage system improvements, but had brought in asphalt millings and compacted them, whereas the plan originally called for hot mix pavement. There is a drainage structure that needs a casting. A second structure needs to be adjusted for grade. There is no as-built drawing of the storm sewer currently. Other adjustments may be needed before paving.

The proposal calls for completing a small parking lot on the west side of the residential building, with the hope to display a cart when weather permits. The driveway approach and all pavement west of the house would have new asphalt paving with the appropriate cross-section. The applicant would like to continue to use the asphalt millings at the east side of the house for those areas which are used for cart storage and employee parking. These areas are not necessarily open to the public.

The house includes an office space for the security business, but the rest of the house will be rented out as a “watchman’s dwelling.” The Fire Marshal has already inspected the house for entry into the Township rental program.

Mr. O’Leary asked for clarification that there would be no new buildings. Mr. Thompson explained that the shed that sits east of the south now may be sitting on the septic system and does not comply with the setbacks. The shed will be moved east of the barn. There was a side yard setback variance granted for the pole barn.

Mr. Charlick noted that the millings would be acceptable if the use is restricted to storage. He noted that it is much harder to maintain in a safe ice-free environment since it tends to rut and hold water in spots.

Ms. Bueno asked if there would be an issue with holding small CPL classes. Mr. Charlick noted that if the parking lot is maintained, it would not draw the attention of the code enforcement officers. If the parking lot is not properly maintained, it may become an issue.

Mr. York asked some clarifying questions. He wondered if given all the differing uses discussed, if it was intended to increase the size of the barn in the future. This would require a new site plan proposal and approval. He also asked if the property is still served by a well. Ms. Corwin explained that the front yard had been torn up to develop a parking lot which was red tagged and drove the application for the original site plan. The well in the front yard is now abandoned and the house is connected to municipal water. The front yard has been left in an unstable condition for years.

Mr. Charlick asked if anything was required specifically for the taco cart to operate at this location. He asked if there would be seating, or just a grab and go situation. Ms. Corwin noted that this is different than the situation discussed earlier this summer on West Highland Road, since this is a formal site plan with an approved location for a taco truck and will not be subject to a renewable permit. Ms. Bueno clarified that the cart would not have a constant presence, and that there would be no seating.

Mr. Charlick moved to approve the site plan as presented for 828 N. Milford Road, parcel 11-22-176-016 based upon the use of the site as storage for the taco carts, office for the security business and dwelling unit for the caregiver, noting that if the land use is intensified, the issue of the asphalt millings must be revisited by the Planning Commission prior to issuance of a new land use permit. Mr. Smith supported the motion. Vote: York, yes; Tierney, yes; Smith, yes; Charlick, yes; Heyn, yes; O'Leary, yes. Motion carried (6 yes votes, 0 no votes).

Agenda Item #7.

Committee Updates

- Zoning Board of Appeals:
- Township Board:
- Highland Downtown Development Authority:
- Planning Director's Update

Committee updates and future agendas were discussed.

Agenda Item #8:

Minutes: July 18, 2024

Mr. Tierney offered a motion to approve the minutes of July 18, 2024, as presented. Mr. O'Leary supported the motion which was approved by voice vote (all ayes, no nays)

Adjournment:

Mr. Charlick moved to adjourn the meeting at 10:10 p.m. Mr. Tierney supported the motion, which was unanimously approved by voice vote.

Respectfully submitted,

A. Roscoe Smith, Secretary
ARS/ejc