

**Highland Township Planning Commission  
Record of the 1421st Meeting  
Highland Township Auditorium  
November 7, 2024**

***Roll Call:***

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

***Also Present:***

Elizabeth J. Corwin, Planning Director

Visitors: 9

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

**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 comment offered.

**Agenda Item #2:** Z-0032 Zoning Text Amendment for maximum lot coverage in Highland Station District and parking requirements for vehicle gas filling stations (with convenience stores)

Ms. Corwin explained that the proposed text amendment addresses a couple of issues that came to light during the review of the proposed BP Gas Station at Highland Road and Milford Road. First, the parking ratio appears to be based on an old model of small service stations whose primary function was gasoline sales, not the retail stores that they have become. At one space per 125 net square feet, plus parking for pumps and stacking spaces, the parking generated far exceeds that of most retail space, which is calculated at one space per 200 square foot gross area.

The second issue leads back to the original draft of the Highland Station District regulations, where the maximum lot coverage was set at 20 percent. Given the small size of lots in the district, this is inadequate even for residential use. A maximum lot coverage of 35 percent is more appropriate.

Mr. Charlick reminded the Planning Commission that they had also considered eliminating maximum lot coverage in the Highland Station District. He opened the public hearing at 7:37. No public spoke. He closed the public hearing at 7:38 and turned the discussion over to the Planning Commission.

Mr. Tierney asked for clarification of whether the ordinance amendment affects other issues such as site circulation, fire truck turning radii, and other factors.. Ms. Corwin explained that maximum lot coverage

is only one of the factors of consideration in approving a site plan. All other features of a site have to be considered, such as safe access for fire trucks, parking, septic systems, etc. but the lot coverage basically limits the amount of rooftop and deck that can be built.

Mr. Charlick moved to recommend approval of text amendment Z-0032 for maximum lot coverage in Highland Station District and parking requirements for gas filling stations (with convenience stores). Mr. Curtis supported the motion. Vote: Curtis, yes; O'Leary, yes; Tierney, yes; York, yes; Charlick, yes; Smith, yes; Heyn, yes. Motion carried (7 affirmative votes, 0 negative votes).

Mr. Charlick moved to reorder the agenda so that agenda item 5 would be taken before agenda item 4. Mr. Curtis supported the motion which carried by unanimous voice vote.

**Agenda Item #3:**

Parcel #	11-21-451-007
Zoning:	LV, Lakes and Villages
Address:	1160 W Livingston
File#:	SPR 24-08
Request:	Site Plan Review for Essential Services
Applicant:	Amy Gilpin, Consumers Energy
Owner:	Consumers Energy

Rob McEachern, Consumers Energy and Sarah Gamache, NTH, Inc. (civil engineering consultants) were present to present the proposal. Mr. McEachern explained that the project involves updates and service improvements to the site such as telemetry upgrades, but that processes will not change. The new layout represents an increase in the overall footprint. There would be no increase in noise, odor or traffic to or from the site.

Mr. McEachern reviewed the plans with the Planning Commission. He explained that there was an existing pre-emptive easement along the east side of the site, where the neighbor has been provided driveway access to a barn at the rear of the site, and a fenced garden area. Consumers has allowed continued use of the driveway and has oriented the new site fencing to respect that access, with a gate on the northeast end of the site to share the use of the driveway. A second gate allows access to the site from the southwest corner of the site at Livingston Road.

He explained that the fence will be a six foot high chain link fence. Security experts would prefer an 8 foot fence with barbed wire, but they will accept the community standard.

Mr. Charlick asked how the fire department accesses the site, with the multiple gates. Mr. McEachern explained that the fire department is unlikely to enter the site, at least without first contacting Consumer's Energy. Ms. Corwin explained that the Fire Marshall had reviewed the site and would keep their equipment on Livingston Road if called to the site. Mr. McEachern said that if personnel was down and injured on the site, a smaller vehicle would probably go in, but the gate would be open. The surface is gravel, 21AA and would provide a firm service to drive.

Mr. Charlick asked if the site was totally designed around preserving access to the neighbor to the east. Mr. McEachern noted that there is some mature landscaping and that CE was respectful of their desire to maintain the site as is. He noted that the neighbor cooperates with maintaining the landscaping on the site and keeping "eyes on the site." Ms. Corwin confirmed that the neighbor had called and is presumably satisfied.

Mr. Smith asked about landscaping. Mr. McEachern said for security sake, there was little that could be done to the Livingston Road frontage, as the desire was to maintain a clear view into the site. He thought there would be some switchgrass strategically planted. Ms. Corwin note that between the two driveways, there are numerous pipes entering the site, limiting options for planting street trees due to concerns of root intrusion. Technically, since this is technically a residential lot, the only landscape requirement would be one tree in the yard. Commercial lots would typically be required one tree per 30 foot of frontage less the driveways, but the piping limits opportunities.

Mr. Charlick asked if there would be flexibility to alter the façade of the pole building to fit the residential character of the neighborhood, especially if there is to be little or no landscaping. Suggestions included wainscoting, false windows, false vents, or anything to break up the south façade.

Mr. Smith insisted some green plant materials are needed. Ms. Gamache asked if there would be a preference between landscaping or façade improvements if only one could be accommodated. Mr. Smith was concerned the neighbors should be provided some living materials to soften the impact of the industrial appearance of the site in their neighborhood, especially since so many existing trees are to be removed.

Mr. McEachern thought there may be some room to provide short shrubs, such as spreading junipers. Mr. Smith pointed out that the site at Cooley Lake and Duck Lake has attractive flowering shrubs that are quite pleasant amenities. Mr. Smith asked what kind of landscaping CE would offer to Bloomfield Hills. Mr. McEachern said that if the TSA had its way, the site would be even starker than proposed since they would want nothing to interfere with sight lines. Mr. McEachern agreed to engage “Safety and Security” to provide a proposal for some landscaping.

Mr. York offered an observation that the neighborhood is part of a Lakes and Villages district, and that surrounding properties are somewhat wooded. He would like to see some sparse pines or something to help disguise the industrial nature of the site. He also agreed that something should be done to the façade of the building to better fit the residential area, even as simple as changing the color of the gable end. He complemented the team on pulling together a good plan.

Mr. Heyn asked for clarification of the term “diamond mesh fence”. Mr. McEachern explained that this is traditionally called “chain link” fence. It would be galvanized.

Mr. O’Leary asked for clarification of the use of the building. Mr. McEachern said the piping network with valving and metering was contained within. The gas comes in at high pressures, and is distributed out at lesser pressures to the community. It is considered a static process. Mr. York asked if odor is added at this location, which Mr. McEachern confirmed that it was, but that this process is not changing.

Mr. O’Leary expressed a concern about impacts to the neighbor on the west, since the fence is so close to the existing structure that he will no longer be able to access the east side of his building to maintain it. The building apparently predates the zoning ordinance and is only a few feet off the property line. Mr. McEachern admitted that no one had reached out to the neighbor to discuss the project. Ms. Gamache suggested that they could stone up to the east foundation of the building so that the lawn would not need to be maintained. Mr. McEachern agreed to discuss the project with the property owner.

Mr. Charlick asked for the timeline for the project. Mr. McEachern thought this would be an early Spring project, perhaps April or May start.

Mr. York moved to approve SPR 24-08 for the Consumers Energy Gate for parcel 11-21-451-007, 1160 W Livingston noting that the Planning Commission was in general agreement with the plans as submitted but would like to see aesthetic improvements to the south façade of the structure more in keeping with the

residential character of the neighborhood. He further noted that while the Planning Commission appreciated the security issues and the desire to preserve sight lines into the site, there should be some compatible landscaping materials. He noted the concerns of the fence on the west side and encouraged the applicant to start a discussion with that neighbor and applauded the cooperation that has been demonstrated with the neighbor on the east and preserving access to the rear of the site. He added that the final details of landscaping and the building elevation could be worked out administratively with staff. Mr. Charlick supported the motion.

Mr. Smith asked if the motion could be amended so that the landscape plan would be presented to the Planning Commission for approval. Mr. York thought this was unnecessary.

Mr. Charlick asked the applicant for an understanding of their schedule. Mr. McEarchern explained that they were aiming for a Spring start. Ms. Corwin suggested that prior to granting any administrative approval, she would seek input from the Planning Commission so that it was unnecessary for the applicants to attend another meeting. Mr. York and Mr. Smith agreed that the motion should stand as initially stated

Mr. Charlick called for a vote: Curtis, yes; O’Leary, yes; Tierney, yes; York, yes; Charlick, yes; Smith, yes; Heyn, yes. Motion carried (7 affirmative votes, 0 negative votes).

Mr. Charlick moved to amend the order of agenda to reverse the order of Agenda Item 5, PLU24-0039 and Agenda Item 4, SPR 24-09.. The motion was supported by Mr. Curtis and was approved by voice vote (all ayes, no nays).

**Agenda Item #5:**

Parcel #	11-30-200-017
Zoning:	C2, General Commercial
Address:	3365 W Highland
File#:	PLU24-0039
Request:	Temporary Land Use for Food Truck
Applicant:	Wendy Hiebert, Nonnie’s Best
Owner:	Whelan Design Studio, LLC

Mr. Charlick introduced the proposal and invited the applicant to explain the project. Mr. Tim Heiber explained that the application was for a seasonal food truck with a season exceeding 90 days. They have been at the Flowers Powers site for three seasons. They had approached the Planning Commission about a year and half ago to seek a solution to allow for a season extending from March to November. This is a period of about 270 days, but the truck is set up only about 4 days a week, for a presence of less than 180 days a year. There are no permanent structures involved. They had arranged for an electric pedestal so that the noise of a generator would not be necessary.

The ordinance allows for only 180 consecutive days without a full site plan approval, which they had not understood. They would like to continue on at the current site, but since the ordinance does not allow, they propose to move to the adjacent site, where they could still access their electric drop.

Mr. Heiber asked for consideration of ordinance changes such as changing the permit period to 180 “calendar days” instead of “consecutive days,” or allowing more permit renewals to cover their entire season. They are concerned about the permit fees, as they are a small, growing business.

Mr. Heiber thought the truck was a good fit for this site, and that it serves the purpose of slowing down traffic on the marginal access.

Mr. Charlick explained that while the Planning Commission could consider changes to the zoning ordinance, there was a process involved, and the Planning Commission could not allow continued use at the Powers Flowers site at this time. The existing site is off the table for this year.

Mr. Charlick noted that he had heard positive things about this business, but he has also heard from the business community, who are concerned that the truck is afforded advantages that the brick and mortar sites are not allowed. He has visited the site, and notes that the site proposed by the applicant seems to be partially within the right-of-way and he is not confident the trailer could be accommodated.

Mr. Heiber noted that the truck would have to be detached from the trailer to fit in the space.

Mr. Charlick reviewed the standards of approval, including setbacks, traffic circulation and parking. He is concerned that the current location fills the required landscape buffer, which is already inadequate for the existing site. The Planning Commission would not even allow a parking lot where the trailer location is proposed. He thinks that perhaps these issues had been overlooked at the Powers Flowers site, and is inconsistent with the vision. He is concerned that this would set a precedent that other buffer zones would be subject to encroachments.

Mr. Heiber asked if it was possible to allow continued use of the Powers Flowers site while the ordinance was worked out. He thought this a simple matter of interpretation.

Mr. Curtis objected to this simplification. He noted that in any activity requiring a permit, there is always a hard start and stop day. The days the operator chooses is a personal decision. The Township cannot continually move the goal posts for each individual. This is in addition to the other concerns about greenbelts, parking and traffic circulation. Everyone should be subject to the same rules, even temporary uses.

Mr. Charlick noted that he does not see anywhere on the 3365 W Highland Road property where the trailer could be accommodated and still satisfy ordinance amendments and supply the parking needs of AKD cabinet showroom.

Mr. Tierney asked if the truck is currently parked in the right-of-way at the Powers Flowers site. Ms. Corwin explained that the AKD cabinet site does not provide the required greenbelt, and that the Powers Flowers site is not developed so the greenbelt is not defined. One would have to look to the west to Peter's True Value for an example of a modern site plan, and project his lines for the sidewalk and greenbelt to the east to determine where the required greenbelt would fall.

Mr. Curtis noted that reviewing the aerial photograph, the trailer sits further off M-59 on the Powers Flowers site than where proposed on the AKD site. Mr. Smith asked what the building setback would be. He thought the building setback would be 100 feet, and suggests the trailer should operate behind the required building setback since it is the equivalent of a building.

Mr. Tierney asked if the sidewalk was at the property line. Ms. Corwin explained that when the sidewalk was installed by the Mahelich's they matched the sidewalk at the BP station, but also ordered a survey because there was a question about exactly where the right-of-way lies. The AKD sign is just barely south of the right-of-way line.

Ms. Wendy Heiber asked when the ordinance was changed from 180 days to 180 consecutive days. Mr. Charlick reviewed the language of the ordinance. Mr. Tierney said it is common for a permit to be issued on consecutive days. Elsewhere in the ordinance it says permits are issued for consecutive days. He noted that the alternative is for the applicant or property owner to develop a site plan. He noted that it would never be appropriate to park any vehicle in the right-of-way for any amount of time.

Ms. Heiber suggested that they are contained on the new site since they are at the curb. Mr. Charlick noted that the curb denotes the required greenbelt, and should be respected as a barrier that should not be breached. That would suggest the Township should allow LaFontaine to park and display vehicles right up to their right-of-way line.

Mr. Curtis said he understood that the Heibers obviously rely on visibility of the trailer, but suggested that perhaps there is just somewhere else on the AKD site they could park. Mr. Heiber explained that the proximity to the electric pedestal is important.

Mr. Charlick noted that he is not on board with that anyway. Moving the trailer to the neighboring site is just a technicality. Mr. Curtis noted that being present on a site year after year for more than 180 days a year is looking permanent. Mr. Heiber suggested a circus comes to town every year to the same site. Mr. Charlick said there is a significant difference between one weekend a year and six months of a year. He was firm in expressing that the ordinance is very generous in allowing even 180 days for a temporary business.

The Planning Commission discussed other options such as the Peters True Value site, that was previously approved. The Heibers felt they could not make that site work because of the topography.

Ms. Corwin noted the only place that does not require Planning Commission approval is within the Highland Station District. That is a 30 day permit. She reviewed the ordinance requirements.

Mr. Charlick noted that he has received a lot of calls about the temporary use ordinance, and it is likely to be revisited. He cautioned that the changes may not satisfy the Heibers.

Mr. Heiber requested to withdraw the application from consideration to pursue a permit in explore other options that may be available.

Mr. Charlick disclosed that he had a financial interest in the next agenda item, as he has been contracted to do the site improvements and construct the building. Mr. Curtis moved to recuse Mr. Charlick from the agenda item. Mr. York supported and the motion passed by voice vote (all aye, no nays.) Mr. Charlick removed himself from the Commission table and Mr. Heyn assumed the chairman position.

**Agenda Item #4:**

Parcel #	11-21-201-005-014
Zoning:	IM, Industrial Manufacturing
Address:	1303 Enterprise Drive
File#:	SPR 24-09 (previously SPR-22-11)
Request:	Site Plan Review – extension of previous approval
Applicant:	Allison Van Haverbeke, S.A. Sheid Properties, LLC
Owner:	S.A. Sheid Properties, LLC

Ms. Corwin explained that the site plan had been presented to the Planning Commission for approval November, 2022. The parcel is located just south of the boundary of Oakland Business Center, off Enterprise Drive. The intent was to incorporate this parcel into the larger development and bring it under the governance of the condominium association for the industrial park. Due to a death in the family, the project was put on hold and while the site plan has not expired yet, it will expire before building permits could be issued. The surviving owner is now ready to proceed and has presented the plans for approval without changes.

Ms. Corwin went on to explain that the project involves a large multi-tenant structure with associated parking. There is a retention basin, which ties back to the drainage system for the larger industrial park.

Public water is available, and the building will be looped with watermain. The site plan calls for an onsite septic system in the northwest corner of the site. There are review letters on file from the original approval from the Township Engineer, Fire Marshal and Township Planning Consultant.

Mr. Charlick offered to answer any questions on behalf of the owner, who was unable to be present for the meeting. He noted that there are no residential parcels nearby, and that there is a 100 foot wide gas main easement. There is significant grade difference.

Mr. O'Leary asked for a description of the building. Mr. Charlick explained that it was a typical premanufactured steel structure, similar to those constructed on the west side of Enterprise Drive. It is basically double the size of the other existing buildings. There is built up demand for the lease space, with tenants from the other buildings seeking more space and the interior space would be configured to meet the tenant needs.

Mr. Tierney noted that it had been approved once and there have been no significant changes to the plan or to the ordinance. He could see no reason to deny the request.

Mr. Curtis moved to grant approval of the site plan renewal. Mr. Tierney supported. Vote: Curtis, yes; O'Leary, yes; Tierney, yes; York, yes; Smith, yes; Heyn, yes. Motion carried (6 affirmative votes, 0 negative votes).

Mr. Charlick returned to his seat as chairman.

**Agenda Item #6:** Text Amendment discussion –event venues; storage on vacant residential lots, shipping containers as accessory structures

Ms. Corwin explained that she has made additional efforts to the proposed amendments. The new changes were differentiated with highlighting.

First the Planning Commission addressed event venues. Mr. Ron Bonadeo had been invited to the meeting since his property would be directly impacted. The major changes involve defining permit requirements. The ordinance was left fairly flexible for the Planning Commission and Board to define limits on the use, such as the months of the year, the number of events in a month or hours of operation.

There was discussion about whether there were sufficient protections to discourage wedding events from taking over valid farming activities. Ms. Corwin said it is important to address the scale of the event activity in relationship to the farming activity. For instance, would it ever be appropriate to build a structure solely for the purpose of events.

Mr. York noted that one possibility would be under section 6. to add the term “resident” property owner. He asked what the objections would be to creating event venues whose principal purpose is events. Mr. Charlick noted that those would not fit into a residential neighborhood, and that our agricultural properties are also typically residential.

Mr. York asked if the Master Plan could identify parcels that are appropriate, such as an overlay district. Or he suggested that the venues could be limited to M-59 frontage. It was thought by some that this would not address the demand, which is to enjoy rural surroundings. Mr. Charlick noted it has become fashionable to be married in a field.

Mr. Charlick thought that it was one thing for a use to “drift” into a wedding venue over time, but that he wanted to guard against a sudden increase of intensity overnight. As an example, the neighbors came out

in force to protest Bonadeo Farms initial permit, but now there are no complaints. For the Township to now amend the permit to allow a little more activity would not be a shock to the neighborhood.

Mr. York thought that the ordinance as written has not opened the door to the specific development of a wedding venue. He thought the language about a secondary use was sufficient.

Ms. Corwin noted that she believed what Mr. Charlick was trying to express was the proportionality between farming activity and the secondary use. Is a horse breeder with four horses eligible for a wedding venue? What about an owner who raises a few chickens and sells three dozen eggs per month. Is the ordinance sufficient to prevent someone from putting up a guise of a farm to become eligible for a use that should otherwise be situated in a commercial zoning district?

Mr. Charlick was concerned that there needs to be enough teeth to allow for denial. Mr. York suggested we review paragraph B, which seem to be the exclusionary paragraph. He suggested various conditions that could be piled on. Ms. Corwin thought the only thing that might need to be addressed is the question of whether you could build a new structure for the specific intent of the use as a wedding venue.

Mr. Heyn thought the 200 foot buffer was inadequate. Ms. Corwin reminded the Commissioners that if the sheriff receives noise complaints, it won't matter what the ordinance says.

Mr. York wondered if there should be language about providing toilet facilities. Mr. O'Leary pointed out that it is covered by the requirement that building official review the structure for occupancy. He said it is fairly complex to change a structure from agricultural use to assembly use.

The Planning Commission discussed the difference between a "temporary use" and a secondary use that must exist within the boundaries set. Ms. Corwin explained the process that Bonadeo Farms went through to allow assembly use in his barn. He has a strict limit of 100 persons based on a thorough review of building code. The problem is when someone thinks he can just invite the public into the bam with no review. One possible solution would be to require that the building predates the ordinance or that the size of a proposed building is strictly tied to other factors specific to the site to protect health, safety and welfare.

Mr. Curtis suggested that limiting the use to a seasonal basis might deter the 365 day per year investor from setting up shop.

Ms. Corwin noted that she had some second thoughts about limiting the use to properties on major thoroughfares. Huff Tree Farm for instance, would be on a natural beauty road, but not on a major thoroughfare. There may be some types of events that would be satisfactory on some sites that do not front major thoroughfares.

Mr. Charlick said they would have to narrowly interpret the ordinance so that someone cannot shoe horn the use into an inappropriate site.

The next section of the ordinance discussed was in regards to open storage and parking of commercial and recreational vehicles on residential lots. Basically, Ms. Corwin rearranged the entire discussion to differentiate between small lots and acreage lots and between open storage and parking. She suggested that it was late in the evening, and perhaps the best approach would be to postpone the discussion to the next meeting.

The final section of the ordinance addressed shipping containers as accessory structures. The discussion previously was to focus on industrial and general commercial districts; to prohibit use in local commercial



and office districts; and to not touch on use in residential districts but rather leave it to the building official to decide.

Mr. Charlick suggested perhaps adding the language that the use would be allowed only where outdoor storage was permitted. Ms. Corwin explained that outdoor storage in general commercial is handled differently than in industrial zones. She had taken the approach to discuss compatibility with the character of the principal structure instead. More detail would probably be needed for a commercial zone than for an industrial zone.

Mr. York suggested perhaps the phrase “shipping containers set in place as a permanent structure” to differentiate between transient containers and those used as structures. He also suggested that there should be an investment in some sort of foundation, especially if a roof structure is added. Ms. Corwin agreed to discuss this issue again with the Building Official to determine what might be appropriate.

Before closing the discussion, Mr. Charlick turned the discussion back to food trucks. He thought this topic needs serious consideration on a larger scale. He has heard from other business owners after the Heibers publicized the issue on social media. They are indignant that a temporary business is allowed to basically disregard the rules that the permanent brick and mortar businesses have to deal with. The Planning Commission allowed a temporary barbeque joint to open only a quarter mile from a permanent barbeque restaurant.

Mr. Charlick has called neighboring communities. No other community around us allows these food trucks to come in except for festivals and parties. The presence of businesses operating on this mobile model may discourage investments in brick and mortar stores and an investment in the community.

Mr. Curtis agreed, and said that the idea that a vendor could bounce from site to site to site makes this a more or less permanent business.

Mr. Charlick said some communities might find that the mobile truck fits a need to offer more options and cheaper dining. But he believes the Planning Commission role is to be forward thinking and set up an environment where business can succeed.

Mr. Heyn asked how we can go back into the ordinance and change the ground rules. Ms. Corwin explained that the ordinance is a living document. The Planning Commission just recommended amendment number 32.

Mr. Zeolla suggested that another idea would be to require that the operator of the mobile food service own the property where they are installed. Mr. Charlick noted that there is one property like that, including the Buenos who own an industrial site and operate taco carts. Mr. York noted that it is a different model when the restaurant sets up their own food truck on their own site.

It was agreed that Food Trucks will be added to the ordinance discussion at the next meeting.

**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: October 3, 2024

Mr. Curtis offered a motion to approve the minutes of October 3, 2024, as presented. Mr. Tierney supported the motion which was approved by voice vote (all ayes, no nays)

***Adjournment:***

Mr. Tierney moved to adjourn the meeting at 10:52 p.m. Mr. York supported the motion, which was unanimously approved by voice vote. (all ayes, no nays)

Respectfully submitted,

A. Roscoe Smith, Secretary  
ARS/ejc