

**Highland Township Planning Commission  
Record of the 1427<sup>h</sup> Meeting  
Highland Township Auditorium  
March 20, 2025**

***Roll Call:***

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

***Also Present:***

Elizabeth J. Corwin, Planning Director

Visitors: 4

Chairman Curtis 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 was offered.

***Work Session:***

**Agenda Item #2:**

Parcel # 11-02-300-002  
Zoning: ARR, Agriculture and Rural Residential District  
Address: 1131 White Lake Road  
File#: SPR24-06 FINAL APPROVAL  
Request: Site Plan Approval for expansion of childcare center  
Applicant: Khaled Mheisen  
Owner: KHAB, LLC

Ms. Corwin explained that the package includes revised plans approved by the Road Commission for Oakland County, the Health Division permit for the septic system connection and architectural plans for a site-built structure in lieu of the mobile unit previously approved. She noted that the Zoning Administrator had reviewed the plan for conformance with the approved variance request and found the plan to be consistent with the approvals from the Zoning Board of Appeals. She noted that the plans were administratively complete and ready for Planning Commission final action.

Ms. Cassandra Westfield, Director of Wiggles and Giggles was present to answer questions about the site plan.

Mr. O’Leary asked about the architectural plan, noting that they seem quite consistent with the trim details of the existing building. Ms. Westfield confirmed that the colors will be selected to match the existing structure. He asked if any canopies or other overhangs had been considered over the doors and windows. He thought the architect should be consulted to determine if it was appropriate for the direct single door entrance into the day care building, or whether the energy code might dictate a vestibule or porch. From a practical point of view, it would provide a less drafty and warmer environment for the children. Ms. Westfield did not think Mr. Mheisens had considered any details beyond what was required for consistency with the other building.

Mr. York noted that the west elevation was very plain. He asked for clarification about site circulation, and noted he was still concerned about pedestrian safety and conflicts. This is particularly difficult since a gravel parking lot does not have the benefit of painted lines delineating parking spaces. Ms. Westfield explained that she has never seen more than eight vehicles in the parking lot in the morning nor more than four vehicles at peak times in the afternoon. She believes the better definition of the driveways with the paved entrances will serve to calm traffic and lead to better safety.

Mr. York also confirmed that the easternmost driveway is maintained for staff only and at the request of the fire department.

Mr. Charlick moved to grant final approval of the site plan for expansion of the Wiggles and Giggles Child Care Center at 1131 White Lake Road, parcel 11-02-300-002, applicant Khaled Mheisen based on the plans and permits submitted in conformance with the preliminary approval granted September 19, 2024 and architectural plans for a site-built structure. Mr. Zeolla supported the motion.

Mr. Curtis called for a vote. Roll call vote: Charlick -yes; O’Leary – yes; Zeolla – yes; Heyn – yes; Curtis – yes; York - yes; Smith – yes; Temple– yes. Motion carries (8 yes, 0 no).

**Agenda Item #3:**

Parcel # 11-30-200-016  
Zoning: C-2, General Commercial  
Address: 3395 W Highland Rd  
File#: PLU-0013  
Request: Temporary Land Use for mobile food truckr  
Applicant: Wendy Hiebert  
Owner: Whelan Design Studio

Ms. Corwin explained that the permit application under consideration is for a 90-day temporary land use for the Nonnie’s Best mobile food truck at 3395 W. Highland Road, a vacant lot which also houses the seasonal Power’s Flowers greenhouse and seasonal agricultural sales. The proposal calls for placement of the trailer in the location that it occupied during the 2024 season. There are no other details provided, but staff has attached previous permits and photographs of the trailer installation. This proposal is presented to the Planning Commission because of the misunderstanding of the applicant over communications with staff during the 2024 season, which resulted in a lapse of the permit coverage.

Mr. O’Leary asked for clarification of the term of the permit, which is limited to 90 days, unless the Planning Commission provides direction to the staff regarding possible administrative renewals. There is a pending ordinance amendment that will modify the land use permit for mobile food trucks which may preclude the issuance of a renewal.

Mr. Charlick explained that he has received negative feedback from other business owners in the community, regarding the differential treatment of temporary land uses and permanent site plans. In researching these complaints, he noted that under the Temporary Land Use provision of the zoning ordinance in Section 4.16, it has become clear that this site was not properly scrutinized in the past. In particular, the Planning Commission is to consider whether the proposal provides for appropriate setbacks, and conformance with sign regulations for temporary commercial special events as dictated in Section 14.07.G.

The proposal as presented places the trailer parallel with the right-of-way line, approximately 10 feet south of the line. If this were a permanent business, the only use allowed in this space would be the 20 foot greenbelt.

Mr. Charlick also noted that the limitation of signage is for one sixteen square foot sign. Power's Flowers uses all he allowable signage, but the lettering on the side of trailer also constitutes a sign, which exceeds the size permitted and is placed nearer the road than would be permitted. On a commercial property with multiple uses, the allowable signage must be split between the businesses. This site has no principal use and two temporary uses.

Mr. Charlick stressed that this criticism is not personally directed at the applicant. He appreciates their business and hopes they are successful; but thinks that it is blatantly unfair to the brick and mortar businesses to compete head to head with a temporary business that does not have the same investment in the community. He noted the difficulty and cost for a new restaurant to provide adequate septic systems and fire suppression. Over time, the proliferation of mobile businesses could chill development in the township. This is a policy issue that deserves more serious evaluation and discussion.

Mr. Hiebert responded that if the issue is signage, he would be willing to rip the vinyl lettering off the trailer. He is not relying on the signage to draw customers, but rather to help create a brand and stand apart from similar businesses.

Mr. Hiebert noted that this would be the third year operating in the Township, and that statistics show that most new restaurant businesses do not survive their first year. They have looked at properties for a brick and mortar business; but have not identified any that meet their needs. They are operating on a five-year plan to build a loyal clientele based on their product and move into a more permanent facility. He noted that the business is still growing, but there is not enough business to support that investment yet. He did stress though that they are a local property owner and are not transient.

Mr. Charlick asked the applicant to consider how they might view a similar new food truck moving into the township if they had taken the next step to establish a brick-and-mortar location. He suggested that the applicant might be offended.

Mr. Hiebert said he was not afraid of the competition, and asked how this scenario differs from Sheetz moving into town and coming in direct competition with existing gas stations on Milford Road. Mr. Charlick noted that the Sheetz example is not a good analogy, since all the gas stations have been subject to the same site plan requirements such as pavement, lighting, signage and the like.

Mr. Temple noted that this discussion was not fruitful. He noted the Planning Commission had worked with the applicant, granting them the permit first for 90 days, and then modifying the ordinance to allow them more time to operate. But now, the community is considering a different policy direction. He noted the Planning Commission has three options before them this evening. They could approve a 90-day permit under the current ordinance; they could take no action and wait to see how the public hearing on the ordinance and the Board's action plays out; or they could deny the permit for the reasons enumerated by

Mr. Charlick. Mr. Temple noted that he was inclined to favor a 90-day permit as it was allowed under the current ordinance language in the past.

Mr. Heyn asked for clarification on how the ordinance stands, since there had been considerable discussion on previous meetings and the Planning Commission has developed language which they are comfortable with proceeding with. Ms. Corwin explained that the proposed amendment has been set for public hearing on April 3, 2025. If the Planning Commission determines to offer a positive recommendation and move it forward to the Board, the Board requires both an introduction and consideration for approval at separate meetings. The most ambitious schedule would have the ordinance in place in mid-June. A 90-day permit issued in the coming days would expire after the ordinance is in effect.

Mr. Heyn voiced support of the local business community and noted they greatly contribute to the tax base that allows the township to provide services to community. Mr. Heibert responded that his agricultural property is also a significant contributor to the tax base, and that he pays \$30,000 annually and feels he does not receive commensurate benefits. Ms. Heibert also added that mobile food trucks are subject to significant codes and regulation and must provide fire suppression. She noted that the food trailer represents a significant investment. She also noted that Mr. Whelan does pay taxes on the subject parcel.

Mr. O'Leary thought it would be acceptable to approve the permit for 90 days only, Mr. Zeolla suggested perhaps the permit could be up to 90 days unless the ordinance changes first. Ms. Corwin responded that once the permit is issued, it would be allowed to run out, even if the ordinance changed. If they were uncomfortable approving 90 days, they could direct staff to a shorter term, with clear direction as to what conditions would allow for staff renewal of a permit and those terms.

Mr. Hiebert explained that he had hoped for another 180-day permit to bring them through the year, so they can make a different plan for 2026.

Mr. Smith noted he was having difficulty with the decision. He does not see how the Planning Commission can approve any permit now that they realize the conflicts with the ordinance. And it is not possible to make a statement about the future since they are not sure what the ordinance amendment process will bring.

Mr. Curtis asked if the applicant would want to table the application until after the public hearing on April 3, when the Planning Commission can determine what comments the public might offer. Mr. Hiebert was opposed to delay, noting he was ready to open for business now.

Mr. Hiebert noted that other temporary sales such as the fireworks tents are not being scrutinized to this level, which makes this seem like his business is being targeted. Ms. Corwin noted that the longest the fireworks tents are in place is three to six weeks. No temporary firework tent has ever been issued a 90-day permit nor sought any renewal term. She did note that it has been some years since the original approvals before the Planning Commission of these sales locations and they could be directed back to the Planning Commission.

Mr. Charlick noted that the food truck issue is evolving around the region. He noted that some communities are providing for food truck parks. He did note that he has spoken to many of the neighboring communities and none of them allow such a long-term permit. Others allow food trucks to operate only at events and festivals.

Mr. York noted that we are discussing a land use permit and suggested that the property owner should be present. He asked how two temporary land uses are allowed on one parcel, and if there was any limit as to how many temporary uses could coexist on one parcel. As an example, he wondered if a property owner could set up a flea market with sixteen different vendors and obtain a 90-day permit for a temporary use, which could be renewed again and again. Ms. Corwin noted the ordinance does not discuss that, and a

commercial site often obtains multiple land use permits for the different suites in a building. So in theory, this might be approvable, if the site were big enough to accommodate the use.

Mr. Curtis asked the applicant why he does not follow the model of other food truck businesses and rotate between multiple communities. He thought there could be a profitable model there. Mr. York noted he understood the benefit to the business of building a loyal customer base who could rely on their presence.

Mr. Temple thought it was only fair to approve a 90-day permit consistent with past permits. Mr. York asked what conditions might be attached to such permit. The sketch was imprecise. He asked if the trailer blocked the site lines to the Whelan sign. He could see on the sketch that the trailer is about 10 feet from the right of way, but asked about the electrical service pedestal, and how long the cable is to service the trailer.

Mr. Hiebert explained that the trailer does not interfere with site lines to the Whelan sign, which he pointed to in an aerial photograph. He noted that the electric service pedestal is on the northeast corner of the site, approximately 80 feet from the trailer, and that it is laid in the grass outside the travel way. He noted it was protected by a box placed to prevent customers from parking on it.

Mr. Temple offered a motion to approve the application for a temporary land use permit for a mobile food truck for parcel 11-30-200-016, 3395 W. Highland Road, Applicant Wendy Hiebert, Property Owner Whelan Design Studio. Motion died for lack of support.

Mr. Charlick offered a motion to deny the application for a temporary land use permit for a mobile food truck for parcel 11-30-200-016, 3395 W. Highland Road, Applicant Wendy Hiebert, Property Owner Whelan Design Studio. He noted the inadequacy of the setbacks and the excessive signage on the site. Mr. Zeolla supported the motion.

Mr. Smith noted that a yes vote signified denial of the permit application.

Mr. Curtis called for a vote. Roll call vote: Temple-No; Zeolla, Yes; York – No; Curtis – yes; Heyn-yes; Charlick – yes; O’Leary – no; Smith – yes; Motion carries (5 yes, 3 no). Permit application is denied.

**Agenda Item #4:** Committee Updates

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

Committee liaisons reported on the activities of their respective organizations.

**Agenda Item #5:** Minutes: March 6, 2025

Mr. Charlick offered a motion to approve the minutes of both February meetings as presented. Mr. Heyn supported the motion which was approved by voice vote (all ayes, no nays)

***Adjournment:***

Mr. Curtis moved to adjourn the meeting at 9:05 p.m. Mr. Heyn supported the motion, which was unanimously approved by voice vote. (all ayes, no nays)

Respectfully submitted,

A. Roscoe Smith, Secretary  
ARS/ejc