

**Highland Township Planning Commission  
Record of the 1428<sup>h</sup> Meeting  
Highland Township Auditorium  
April 3, 2025**

***Roll Call:***

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

***Also Present:***

Elizabeth J. Corwin, Planning Director

Visitors: 40

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.

***Public Hearing:***

**Agenda Item #2:** Text Amendment Z-034 regarding Class C Farm Markets

Ms. Corwin explained the text amendment modifies regulations governing events at Class C Farm Markets. These markets require special approval by the Board of Trustees following public hearing. Any active farm parcel is eligible, although the intensity and frequency of events will be determined by the Planning Commission after study of factors that mitigate noise, light, traffic and other potential nuisances such as topography, landscape buffers, road access, setbacks and other factors.

Ms. Corwin noted that there is currently one parcel approved for a Class C Farm Market in Highland Township, namely Bonadeo Farms on White Lake Road. Other agricultural properties are operating as legal non-conforming uses such as Lazy J Ranch and Broadview Tree Farm.

Mr. York asked if the ordinance language is clear that direct to consumer sales activity as a prerequisite for the even venue. Ms. Corwin believed the definition of Farm Market and the Generally Accepted Agricultural Management Practices (GAAMPs) promulgated by the Michigan Department of Agricultural make the prerequisite clear.

Mr. Curtis opened the public hearing at 7:38. There was no public comment and the hearing was closed at 7:39 p.m.

Mr. Charlick noted that the Planning Commission had mulled over this and the proposed ordinance for over six months. One of the benefits of adopting the new regulations is to protect the existing non-conforming uses so that there is a path forward for them to expand or re-establish their activity in the future should it be disrupted by circumstances such as a fire.

Mr. Charlick offered a motion to recommend Text Amendment Z-034, regarding Class C Farm Markets with events for approval by the Township Board. Mr. Heyn supported the motion. Voice vote: Heyn-yes; Charlick-yes; Curtis-yes; Smith-yes; York-yes; Zeolla-yes. Motion carries (6 yes votes, 0 no votes)

**Agenda Item #3:** Text Amendment Z-035 regarding Mobile Food Trucks

Ms. Corwin explained the text amendment modifies regulations regarding Mobile Food Trucks. Currently, mobile food trucks are allowed on parcels zoned for commercial use on a temporary permit for up to 90 days with the possibility of one renewal. Any time a food truck seeks to occupy a site more than 180 days, a full site plan with improvements is required such as parking, grading and drainage systems.

The text amendment would remove food trucks from this temporary permitting scheme and allow them only as part of events such as subdivision social nights, HDDA sponsored events like the Farmers Market or larger festivals such as the Red, White and Blues festival. Food trucks could also be included for events at a Class C Farm Market, up to 3 consecutive days or at the approved outdoor promotional events at a business.

The text amendment also covers other regulations that cover things such as parking, trash receptacles, sound systems and the like.

Mr. York explained the burden of full site plan approval and the improvements that might be required such as utilities, paving, landscaping, lighting and signage. He noted that it would be inappropriate to develop revisions to the site plan process for uses approved on a temporary basis, but that the cost of such improvements is typically insurmountable for a temporary use.

Mr. York questioned the limit of three consecutive days for a food truck at a Class C Farm Market without explicit approval, but supposed it was an arbitrary number to provide a benchmark, which could perhaps be changed. He thought provided the applicant informed the Township that their plan was reasonable and for a reason related to the event, it could be approved administratively. Ms. Corwin confirmed that this is the intent of that subsection.

Mr. Charlick also explained past history of this ordinance. He noted that when the ordinance was extended to allow renewals of up to 180 days, the publicity drew some comments from the existing business community. Mr. Charlick noted that once he started hearing those concerns, he contacted adjacent communities such as White Lake, Village of Milford, Milford Township, and Hartland. Those communities either have ordinances limiting the permitting of food trucks or are silent on the topic. Some have policies limiting food trucks to events.

Mr. Charlick noted that the existing business community bears a great burden in providing the infrastructure to support their businesses. They are required to have modern septic systems and wells, fire suppression, paved parking lots, safety and insurance. He believed it was unreasonable to allow temporary uses to skirt these rules, some of which are state or county rules. He thought the real issue was where the line falls so that a business is no longer temporary, but rather a permanent use just operating on a less than full time schedule.

Mr. Charlick noted that the ordinance does not prohibit food trucks; but rather allows them to operate at events such as a retirement party, festival, farmer market and the like, which he believes is the appropriate venue for a mobile food truck.

Mr. Curtis opened the public hearing at 7:50 p.m.

Ms. Judy Tompkins – 805 N. Hickory Ridge Road noted that the neighbors are pleased with the food truck, Nonnie’s Best that has been parked just west of Hickory Ridge Road on M-59. They appreciate the food, the service and noted that the operators are local residents.

Ms. Wendy Hiebert – 893 N. Hickory Ridge Road explained that she had been operating Nonnie’s Best All-American Chuck Wagon as a local woman owned business for three years. She typically parks at the parcel shared with Powers Flowers which she leases from Matt Whelan. She is present four days a week for about eight hours for the allowable 180 days and takes the truck home about 2:00 p.m. every day. She does not see her business as permanent; but rather temporary. She was denied a temporary land use a few weeks ago, on the grounds that her use was not temporary, had an unfair advantage over brick-and-mortar restaurants and that her trailer was characterized as a sign on wheels.

Ms. Hiebert inquired about the record of complaints with the Planning Department and was told there was none and that no study of impacts had been undertaken. She did not understand how this amendment could be viewed as anything other than discriminatory since she was the only food truck operating in this fashion and there have been no complaints filed.

Ms. Hiebert submitted a study entitled “Food Trucks Truth; why restaurants and cities have nothing to fear from Mobile Food business” published by the Institute for Justice and summarized the findings that food trucks can be found in a symbiotic relationship with neighboring businesses. She noted that she coexists well with the flower business, hardware store and other local businesses.

She implored the Planning Commission to reconsider the text amendment and allow the free market to decide for itself whether food trucks will succeed in this market. She explained that she believes the amendment as written is contrary to the American values of creativity, entrepreneurship and free market principles and asked to be allowed to operate within the 180-day window currently allowed.

Ms. Hiebert also submitted a petition signed by about 150 individuals in opposition to the text amendment.

Mr. Gerard Hiebert - 893 N. Hickory Ridge Road expressed his opposition to the ordinance amendment.

Mr. Tim Hiebert - 893 N. Hickory Ridge Road expressed his concern that this ordinance was directed specifically against Nonnie’s Best food truck. He noted that he has never received anything but positive comments from the operations. He quoted from past Planning Commission minutes where Mr. Beach expressed a preference for the current location over the space on Peter’s True Value parcel next door, since it is not taking any parking spaces away from the hardware store and Mr. Heyn noted that this location provides better visibility for the food truck. The discussion in the minutes included an explanation of the permit renewal process, which he was led to believe would be an administrative approval unless complaints were received. He noted that to his knowledge, there are no complaints on record.

Mr. Hiebert explained that they arranged for an electric feed for their current site to spare the neighbors the aggravation of the generator. He noted that Nonnie’s Best is a locally owned business. He explained that Nonnie’s Best is open for business from 8:00 to 2:00 p.m. 4 days a week; and operated only 88 days out of the allowable 180 days under the current ordinance. Since some of those days experienced adverse weather, there is even less impact on other businesses.

Mr. Hiebert asserted that there has been no negative feedback about the food truck until Mr. Charlick began expressing his disapproval of the land use. He asserted since Mr. Charlick has interest in the “Press and Scoop” he should have disclosed the potential conflict of interest. Mr. Hiebert announced that he is filing a formal complaint with the Supervisor.

Mr. Roger Hempel - 3434 Lone Tree Road stated that he does not like to eat at McDonald’s or other fast-food chains. He prefers to choose fresh food and “homemade” dishes. He stated that no other Highland Township restaurants are open at 8:00 a.m. when he is away from home seeking a meal.

Ms. Audrey Shilkey – 1500 Addaleen noted that the Hieberts had been working hard to build their business for over three years. She stated the business is well liked in the community and was offended the Planning Commission was considering ordinance amendments to limit food trucks.

Ms. Melinda Capuano – 855 North Hickory Ridge Road offered a history of food trucks. To her, Nonnie’s Best represents the “American Dream” of the small business owner getting ahead through hard work. She challenged the Planning Commission to think differently than neighbors in Milford and White Lake. She noted that young people like food trucks.

Ben Pryor – 2432 Elkridge Circle believes this ordinance amendment does not serve the needs of the community. He noted that with a food truck, the sewage disposal and fire protection are self-contained. He noted there is no evidence of specific complaints and believes this ordinance causes a unique hardship on one family. He also believes the burden of registering the employees with the Township Clerk is unreasonable.

He went on to note that gravel haulers have been known to stop at the site since there are no other places for them to pull in and be served, and that people who shop at Nonnie’s also shop at Power’s Flowers or the adjacent hardware store. He did agree that some sort of permit makes sense, but that fees must be commensurate with similar business models.

Martie Warren – 3534 Kingsway explained that she moved to Highland because she loves the area and fell upon the food truck accidentally but has become a regular customer. She had never planned to drive across the town to Peter’s True Value or Power’s Flowers but was drawn to them by the food truck. She would like to invite Nonnie’s Best to set up in her neighborhood as part of an event.

Alison Whittee – 1438 Odette, Hartland Township explained that she works in Highland and finds Nonnie’s Best to be a great stop and offers a convenient choice. She did not believe the rules that apply to restaurants are appropriate to apply to food trucks.

William Grant – 2098 Jackson noted that sometimes it is good to have a place you can stop and grab a bite in your grubby clothes that would not be appropriate for a sit-down restaurant.

Kevin Whittee – 1438 Odette, Hartland Township is the principal at the West Baptist School. He disagrees with the idea that food trucks would be limited to 3-day events.

Chairman Curtis closed the public hearing at 8:24 p.m.

Mr. York thanked the audience for participating in the public hearing and encouraged them to get more involved in the community. He recalled that the Planning Commission had hosted a visioning session in 2024 which was well attended, but that it is challenging to draw people out to the day-to-day business of the Township. He noted that all who spoke were quite eloquent and offered some new perspectives. For

instance, he had not heard that Nonnie's operated only 88 days of the 2024 season. He was glad for Nonnies to have such public support.

Mr. Charlick noted that his objections to the way temporary land uses are regulated has nothing to do with this specific business. He owns multiple businesses and has approved site plans for others that are in direct competition with his business concerns. For instance, he approved the Sheetz gas station which is a more likely to draw business from the South Milford corridor because they are willing to make a major investment in the community and address all the infrastructure limitations.

Mr. Charlick noted that once attention had been brought to the food truck issue, he had been quietly approached by other business owners who asked him not to disclose that they had spoken to him because they do not want to make waves. But they expressed their aggravation over how little is expected of a temporary business and how much latitude is afforded them when as a permanent brick and mortar business, they have no right to park a commercial vehicle with logos against the right-of-way or to have so much signage as the side of a food truck has. They are seeking fair treatment.

Mr. Charlick believed the appropriate place for food trucks is at festivals and events. The current situation has allowed not for a temporary use, but for a permanent use that is not present every day. The rules should be applied equally.

Mr. York noted that the Hieberts have come before the Planning Commission many times, always asking for a little more time. The troubling thing to him is that this piece of property is uncontrolled. He believed that the landowner seeking an extended land use such as this should be willing to step up to the responsibility of assuring safe and convenient access and all the other issues reviewed under a site plan.

Mr. Curtis responded to a complaint from the crowd that fireworks and Christmas tree sales are also allowed to operate under a temporary use permit. He noted that typically these are about a one-month sale, and then every sign of the business is gone. There would be no reason to renew a Christmas tree land use permit since there is only a limited season. Even 88 days out of 180-day season each year is more than temporary.

Mr. Heyn asked for clarification about registering employees. Ms. Corwin explained that there is an existing Board Ordinance for solicitation that requires registration of employees for vendors like ice cream trucks. Mr. Heyn noted that the Planning Commission must consider that the brick-and-mortar businesses are paying for the services that support the residents. He would not want to see a preference for a transient business model discourage investment in the community.

Mr. York thought it would be reasonable to allow for a "permanent home" for these businesses that are less than full time on the site. He also asked if the double bottom gravel haulers drive up onto the site or stop on the highway.

Mr. York offered a motion to take the public comments under advisement and table Ordinance Amendment Z-0035 concerning food trucks for further consideration. He noted that not all Commissioners were in attendance. Mr. Smith supported the motion. Voice vote: York – yes; Zeolla – yes; Charlick – no; Heyn - no; Curtis – yes; Smith – yes. Motion carried and ordinance amendment is tabled until a future meeting.

**Agenda Item #4:**

Parcel # 11-22-301-007  
Zoning: C-1, Local Commercial Zoning District

Address: 140 W Highland  
File#: URSA 25-01 PH  
Request: Use Requiring Special Approval for Drive-Through Facility for restaurant  
Applicant: Steve Kolber, Kolbrook Design  
Owner: OM Group

Mr. Curtis introduced the agenda item for special approval to allow a drive-through facility as part of a permitted use of restaurant on a parcel in the C-1, Local Commercial Zoning District. The restaurant will be established at the site of a former bank, on the northwest corner of Highland Road and Milford Road. The agenda packet includes review letters from the Planning Director and Township Engineer.

Mr. Steve Kolber of Kolbrook Design was present to explain the project and address questions. He represents OM Group, who operate similar restaurants throughout the region and have settled on the Dunkin' Donuts/Jimmy John combination as a good fit due to the differing peak hours of their operations. Dunkin' Donuts staff open that store to the public at 5:00 a.m. and peaks before 10:00 a.m. Jimmy Johns opens to the public around 11:00 am and peaks during lunch. Both stores will remain open until 10:00 or 11:00 p.m.

Mr. Kolber explained that the project includes an interior remodel to accommodate both a Dunkin' Donuts and Jimmy John restaurant. The traffic circulation on the east side of the building will be reconfigured to provide space for ten vehicles to queue. The pavement, drainage and landscaping will be replaced, although the layout will not drastically differ from existing conditions.

Mr. Kolber acknowledged that available parking may fall short of the ordinance requirements. He explained that because of the character of the businesses, he is confident that the parking and queuing space will be adequate. The average queue at OM Groups similar stores maxes out at 8 or 9 vehicles. The average queue time is only 90 seconds. The drive-through facility is limited to the Dunkin Donuts traffic. Jimmy Johns is essentially a take-out shop, although customers are welcome to take their purchase through an interior hallway and dine on the Dunkin' Donuts side. He believed that provisions for shared parking could reduce the parking requirements, as well as refined calculations for the net area of the building.

Mr. Kolber explained that he had discussed the site with both the Michigan Department of Transportation staff and the Road Commission staff. He thought the traffic engineer for the Road Commission understood the peak hour traffic movements to and from the site and might be willing to reconsider the turn restrictions on the Milford Road driveway.

The basement is proposed as office space for three or four employees of the OM Group. There are two stairways to allow appropriate ingress/egress.

Mr. Charlick asked about the 30-foot easement along the west side of the site. Mr. Kolber explained that this is a holdover from an earlier property owner and was meant to be an access drive. Ms. Corwin verified that this easement could likely be abandoned since it serves no apparent purpose and does not appear to convey rights to any parties other than the property owner.

Mr. Curtis opened the public hearing at 8:58 p.m. There was no public comment offered. The public hearing was closed at 8:59 p.m.

Mr. Charlick noted that he has no objection to the establishment of these restaurants at this site. The challenges of operating on a septic system and redeveloping this site will require a serious investment and experienced operator.

Mr. Zeolla asked if this would be a “baked” on site store. Mr. Kolber noted that this model has basically vanished, and that most stores receive multiple deliveries of baked goods in any given day from a central commissary. There will be some frozen product that could be baked in a pinch.

Mr. York noted the importance of this corner in the Highland Downtown Development Authority District and its proximity to the historic Highland Station. While this property is not required to comply with the design standards that properties on the south side of Highland Road, it should accommodate the pedestrian traffic onto the site. A sidewalk connection between the multi-purpose pathway on Highland Road and the west façade of the building where the public entrances are proposed.

Mr. York also noted that the corridor sees a lot of truck and recreational vehicle traffic, and a better solution must be offered for the longer vehicle parking. Mr. Kolber committed to exploring other options, noting that the dissolution of the easement offers more space and once they have the final design of the septic system approved and know what is available to work with.

Mr. Zeolla expressed a concern about the photometric plan and the issue of light trespass. Mr. Kolber committed to providing a revised design for lighting that is consistent with ordinance requirements and will submit the required photometric plans with the final site design.

Mr. Smith noted the sensitivity of the adjacent cemetery and asked that the landscape design provide a dense enough screen to help buffer noise from the order system.

Mr. Charlick reviewed the required standards of approval for special land use under Section 6.03.H of the Zoning Ordinance, also referencing the memorandum from the Planning Director dated April 3, 2025. In particular, he offered the following findings: that the proposed use of a restaurant is consistent with the Master Land Use designation of Office and Local Commercial, and that the parcel has been operated with a drive-through facility in the past. The site layout provides for safe and effective vehicular traffic, and appropriate stacking distances. He noted there would not be an unreasonable burden on the capacity of public services because public water is available on the site, and the property owner will provide a private sewage disposal system.

Mr. Charlick offered the following motion. To recommend approval of the Special Use approval for a drive-through facility for the permitted use of a restaurant on parcel 11-22-301-007, 140 West Highland Road based on the findings noted earlier and conditioned upon the following: pedestrian connections to multi-purpose pathway on the south; provision of a landscape design that includes buffers to deaden the sound and screen from the cemetery; site lighting consistent with the ordinance and a final site plan, based on the preliminary site plan prepared by Kolbrook Design and responsive to the other issues identified by the Planning Director, Township Engineer and as discussed.

The motion was supported by Mr. York.

Mr. Curtis called for a vote. Roll call vote: Zeolla, yes; York – yes; Curtis – yes; Heyn-yes; Charlick – yes; Smith – yes; Motion carries (6 yes, 0 no).

**Agenda Item #5:**

Parcel # 11-22-301-007  
Zoning: C-1, Local Commercial Zoning District  
Address: 140 W Highland

File#: SPR 25-01  
Request: Site Plan Review for restaurant for drive-through facility  
Applicant: Steve Kolber, Kolbrook Design  
Owner: OM Group

Chairman Curtis introduced the site plan for the proposed restaurant. He noted that many site plan issues had been discussed during the previous agenda item and in the Planning Director and consultant memorandums. He invited the Planning Commission to raise any other issues that should be discussed.

Ms. Corwin noted that the site plan should also include a designated loading/unloading zone, which she had not included in her memorandum. Mr. Kolber responded that the driveway on the north side of the building is wide, and that a truck could be loaded/unloaded along that driveway without impeding traffic.

Mr. Charlick offered a motion to table the site plan review for a future meeting. Mr. Curtis supported the motion which passed by voice vote. (all ayes, no nays).

**Agenda Item #6:** 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 20, 2025

Mr. York offered a motion to approve the minutes of the March 20, 2025, Planning Commission minutes as presented. Mr. Curtis 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. York supported the motion, which was unanimously approved by voice vote. (all ayes, no nays)

Respectfully submitted,

A. Roscoe Smith, Secretary  
ARS/ejc