

**Highland Township Planning Commission
Record of the 1429^h Meeting
Highland Township Auditorium
May 1, 2025**

Roll Call:

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

Also Present:

Elizabeth J. Corwin, Planning Director

Visitors: 10

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.

Ms. Anne R. Goulet, Argitct, LLC an architectural consultant to food, agricultural and small businesses in the area. She noted her 30-year experience working in regulatory affairs and the development process with Planning Commissions around the country, including the New York City Planning Commission. She spoke to the proposed text amendment regarding food trucks, asserting that the Planning Commission lacked jurisdiction over food trucks and that the ordinance was unenforceable as written. She claimed it was not the Planning Commission's purview to write ordinances regarding activity on private property and claimed that only professional consultants, fire marshals and building code experts should write such ordinances. She claimed the Planning Commission's only role was reviewing plans and directing policy so that the professional can draft ordinances that do not conflict with other regulations.

She noted that the language of the proposed zoning text amendment does not mirror the language of the Michigan Department of Agriculture and Rural Development (MDARD) which regulates "Special Transitory Food Unit (STFU)." She noted that all STFU are vehicles licensed by MDARD via the local health department and are further licensed by the Secretary of State. She claimed this local ordinance attempts to usurp the state jurisdiction and would be superseded by state laws.

She encouraged the Planning Commission to defer their drafts to professionals and the attorneys and re-evaluate their goals in regulating food trucks.

Mr. Benjamin Pryor-2432 Elkridge Circle argued that his public comment from the April 3, 2025, Planning Commission meeting had not been properly documented in the draft minutes. He noted that the recorder had failed. He claimed that food trucks have the same sanitation and fire safety requirements as brick-and-mortar restaurants. He asserted that food trucks must go above and beyond the requirements of restaurants

according to the county and state, representing a burden that restaurants do not have. He also claimed the ordinance amendment would create an unfair business environment that imposes unwarranted and self-serving restrictions on a competing business model. He noted there is clear public demand for access to this business model and cited the example of his subdivision bringing in food trucks on every other Wednesday. He claimed the ordinance would impinge on their rights to do so. He thought every individual business should have the right to do anything they want on their own property as long as it is reasonable. He believes Nonni's Best brings in more customers to the businesses around them. He said the food trucks create a destination and that there is nothing within 3 to 5 miles of the location Nonni has occupied to provide food service. He chided the Planning Commission for not having a firm grasp of the proposal and thought it was improper for the members to vote on an ordinance if they did not understand everything included in the text as it impacts people's livelihoods. He also encouraged the Planning Commission to read the food truck study submitted by the Hieberts at the April meeting and thought it was improper that Highland Township had not conducted its own study before amending the ordinance. He also thought a 3-day limit on food trucks at festivals was unwarranted. He submitted a letter accusing Mr. Charlick of malfeasance for failure to disclose a conflict of interest and calling for his removal.

Chairman Curtis closed the call to the public at 7:43 p.m.

Agenda Item #2: Zoning Ordinance discussions: food trucks, commercial and recreational vehicle parking in residential districts, other items of interest.

Mr. Charlick explained that the requirement for operator and staff to be registered with the Clerk under Section 17.27 of the General Code of Ordinances is in place to protect the public. This applies to all transient merchants and their staff, for such things as door-to-door sales and any other mobile businesses (not just food trucks) because of the threat that a negative event such as stolen credit cards, food-borne illnesses, child safety issue could impact the community. This gives the residents peace that the Township knows who is operating in the community and how to contact them.

Mr. Charlick noted that nothing in this ordinance will impede a subdivision's ability to invite a food truck in for an evening. Such activity is a short-term event, and the subdivisions are welcome to continue that practice.

Mr. Charlick also addressed the charges that he has targeted this business model because he owns a competing business. He does own an ice cream store. At one time he sold coffee and breakfast sandwiches but does not currently do so. The Township has sought an opinion from our attorney, and she has confirmed that it is appropriate for him to participate in discussions and vote on the ordinance as there is no conflict of interest under the law. The ice cream shop is not his primary business, and he owns multiple businesses in the community. He noted that he has three separate perspectives. As a business owner, he has first-hand experience in what is involved in shepherding a project through the permitting process and operating the business. He also sits as an elected official on the Board of Trustees and as a representative on the Planning Commission. His role in this case is to advocate for what is best for the Township and its long-term success and safety of the citizens. He has taken part in reviewing and approving and advocating for businesses in much more direct conflict with his ice cream business because they represented a significant investment in the community and would contribute to the long-term wellbeing of the community. Finally, he is a life-long resident of Highland Township and is entitled to his personal opinions of how he would like to see his community develop.

Mr. Charlick also noted that other business owners have not come forward publicly because of the negative impacts of social media. Not every business owner is willing to take the public beating that he has endured.

Mr. Charlick noted that the elements regulated under the zoning ordinance must be applied equally to all businesses because we have deemed them to be important, such as traffic safety, drainage, sanitation and similar issues. This is not an ordinance amendment to regulate the food truck itself, but rather the locations in which they can operate. It is an ordinance to regulate land use. There are times and places where the food truck is appropriate, such as 3-day festival. This ordinance does not prevent that activity.

Mr. Tierney reminded the public that the Planning Commission is a recommending body. They review the information provided by staff and stakeholders and make recommendations to the Board of Trustees that makes the final decision. He stated that he is a business owner also and has brought a project through the permitting process. He has no objection to food trucks but noted that the property owner must provide the safe and appropriate location for the mobile unit, taking into consideration fire safety, access, parking and similar elements.

Mr. York and Mr. Zeolla supported the comments of Mr. Tierney and Mr. Charlick.

Mr. Temple regretted that the Planning Commission has changed the ordinance over the last few years and was inclined to leave it as it stands today.

Mr. Curtis confirmed that the public hearing of April was sufficient and there was no need to reopen the public hearing.

Mr. Zeolla offered a motion to recommend approval to the Board of Trustees of the Zoning Text Amendment Z-0035 concerning food trucks as presented. Mr. Charlick supported the motion. Voice vote: O'Leary – yes; Tierney -yes; York – yes; Zeolla – yes; Charlick –yes; Temple -no; Curtis – yes; Smith – yes. Motion carried and amendment is recommended to Board of Trustees (7 yes votes, 1 no vote)

The Planning Commission turned its attention to the ordinance regarding commercial and recreational vehicle parking in residential zones.

Ms. Corwin reminded the Commissioners that this ordinance is still in draft form, not yet released for a public hearing.

Mr. Zeolla explained that the ordinance amendment seeks to allow for two commercial and/or recreational vehicles parked or stored on the small residential lots, and the issue remains to be decided as to whether more vehicles would be allowed on larger lot parcels.

Mr. Charlick noted that under the current ordinance, where no commercial vehicles can be parked on a residential parcel, it has proven impossible to enforce the ban. These vehicles are prevalent in most neighborhoods except where subdivision covenants prevent them. The Zoning Administrator has essentially overlooked this regulation in most cases because it is overly restrictive. Mr. Charlick noted that it is a challenging ordinance to open up, since it could lead to abuse, but he believes a small change should be allowed and see where it leads us.

Mr. Zeolla stated that he would prefer to see the ordinance specify one recreational and one commercial vehicle instead of a blanket two vehicles.

Mr. Charlick confirmed that the current ordinance allows two recreational vehicles parked or stored on a residential lot.

Mr. Curtis noted that there has been no disagreement about the language of the ordinance, but rather the number of vehicles.

Ms. Corwin reminded the Planning Commission that the other change envisioned is the allowance of two recreational vehicles to be parked on a vacant lot separated from the principal dwelling unit only by a road right of way.

Mr. Temple asked what the enforcement history has been, and why the Planning Commission should consider changing anything. He noted that he is generally reluctant to change ordinances without a solid objective. He wondered if allowing the extra vehicles will change anything or if it was just an empty gesture.

Ms. Corwin explained that under the current ordinance, there is no allowance for parking a commercial vehicle. The Zoning Administrator would like to be able to allow a resident to park his daily driver, which may be no more than a crew cab pickup with toolbox sides or a van with lettering to have some protection against a neighbor's complaint. Mr. Temple said that was an acceptable reason for a change and would not impact subdivisions with active homeowner associations.

Ms. Corwin said the other issue is parking and storage of recreational vehicles on vacant lots around lake neighborhoods.

Mr. Charlick reiterated his concern that there are different interpretations over whether a truck and trailer represents one vehicle or two, and if there is heavy equipment on the trailer, does that amount to a third vehicle.

Mr. Curtis thought this would be addressed by requiring all vehicles be plated and operational. Ms. Corwin noted this is already a requirement under the General Code Nuisance Ordinance.

Mr. York suggested that new definitions should be included. Mr. Charlick called the Planning Commissioners to consider what the impact would be to neighbors. Mr. Tierney thought it was unlikely that changing the ordinance was going to create an overflow of commercial vehicles on lots.

The Planning Commission debated whether we should exempt five acre and greater parcels from any restrictions. Mr. Charlick thought this was dangerous, and that it might generate unwanted activity like an auto salvage yard.

Ms. Corwin directed the Planning Commissioners back to the text, and the differentiation between small lot parcels (HS and LV) and larger lot parcels. She noted that on small lots, there will be an allowance of two vehicles, it could be a commercial and a recreational or two of either. In addition, if you own the vacant lot across the street, you could have two more. That is the limit for small lots.

Ms. Corwin went on to explain that for larger lot parcels, the owner could have two vehicles outdoors in the front yard, but other vehicles could be parked or stored indoors and others outdoors as long as they are screened, with no specific limit.

The Planning Commissioners noted that the size of the parcel is not necessarily correlated to Zoning Classification. There are some very small ARR Zoned lots and some very large R-1.5 Zoned lot.

Mr. Charlick recommended that it would be reasonable to allow two commercial, and two recreational vehicles stored on large lots, but only two in the required front yard. Mr. Zeolla thought it should apply only to parcels over 5 acres.

Mr. York noted that the discussion on numbers of vehicles may be unnecessary since the clear language of Section 8.08 allows the outdoor storage of any number of vehicles as long as they are properly screened.

This is an existing section of the ordinance. Of course, it is possible that this leaves an opening for someone to establish a car sales lot in their screened yard. Mr. Charlick noted this seems to directly conflict with the previous sentences.

Ms. Corwin observed that the Section 8.07.C was probably incorrect, and she would strike the phrase “subject to the following” and add a qualifier “*and* vehicles stored onsite subject to the outdoor storage requirements of Section 8.08.”

Mr. Charlick asked Mr. York to explain his neighborhood situation. Mr. York does not live in a covenanted subdivision. The neighbor has two large trucks with trailers in the front yard, plus three pickup trucks plus two fifth wheels, all on a 150 foot by 200-foot lot. This is totally inappropriate for a subdivision but might be acceptable on a five-acre lot. This is clearly a violation under the current ordinance and should not be encouraged in the text amendment.

Ms. Corwin suggested that the regulation should be “two recreational vehicles plus two commercial vehicles” parked outside (or whatever the number is agreed to) plus anything parked inside. But reserved the outdoor storage of vehicles to parcels over 5 acres.

Mr. Charlick was concerned about what would be considered appropriate screening. Mr. Zeolla referred to Section 8.09, Fencing and Screening Structures.

The Planning Commission went on to discuss the lot sizes and suggested a 3-acre lot size for allowing outdoor storage. They agreed to allow four vehicles, whether that be commercial or recreational, but only two of those vehicles can be commercial vehicles. In other words, a property owner with no commercial vehicles could have four recreational vehicles.

Staff will revise the draft ordinance language for a future discussion.

Agenda Item #3: 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 #4: Minutes: April 3, 2025

Ms. Corwin noted that minutes are not meant to be a verbatim transcript of what transpired. Mr. Curtis noted that it would be appropriate to deal with Mr. Pryor’s concerns by documenting them in the May 1, 2025, minutes.

Mr. Charlick offered a motion to approve the minutes of the April 3, 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 8:49 p.m. Mr. Tierney supported the motion, which was unanimously approved by voice vote. (all ayes, no nays)

Respectfully submitted,

A. Roscoe Smith, Secretary
ARS/ejc

UNAPPROVED