

**Highland Township Planning Commission
Record of the 1402nd Meeting
August 3, 2023**

Roll Call:

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

Elizabeth J. Corwin, Planning Director

Visitors: 3

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

Roll Call:

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.

Mr. Tim Faull, 3300 N. Duck Lake Road spoke to express his concerns about the role of the Planning Consultant in studying and formulating a policy direction for short term rental as a land use.

Public Hearing:

Agenda Item #2: Zoning Text Amendment Z-029, Home occupations, Temporary Uses, Accessory Structures:

Mr. Charlick opened the public hearing at 7:40 p.m. No public comment was offered. The public hearing was closed at 7:41 p.m.

Mr. Tierney moved to recommend approval of Zoning Ordinance text amendment Z-029, regarding home occupations, temporary uses and accessory structures for approval by the Board of Trustees. Mrs. Lewis supported the motion. Roll call vote: Charlick, yes; Curtis, yes; Lewis, yes; Smith, yes; Tierney, yes; Heyn, yes; O'Leary, yes. Motion carried (7 yes votes, 0 no votes).

Work Session:

Agenda Item #3:

Parcel # 11-34-326-015
Zoning: C-2, General Commercial
Address: 2675 S. Milford
File#: PLU23-0026

Request: Land Use Permit to allow outdoor parking of snow removal equipment and flex parking for overflow inventory for established Boat Dealership
Applicant: Vandrey Properties, LLC
Owner: Vandrey Properties LLC

Ms. Charlick introduced the agenda item, explaining that the site was subject to a previous approval of a site plan for a multi-tenant commercial building and a site plan and special use permit to allow for a self-storage facility in C-2, General Commercial Zoning. The self-storage portion of the site is still under development. The current request is for permission to store boats, maintenance vehicles and equipment associated with all the approved uses on the property on that portion of the site approved previously only for self-storage.

Mr. Andy West of Vandrey Properties was present to explain site operations and his request. He noted that he needed operational flexibility to accommodate the staging of inventory for his tenant, Oakland Boat Sales while he develops the adjacent property to the north recently rezoned to accommodate inventory overflow. He would also appreciate the ability to utilize some of the newly paved space on the east end of the property for parking snow removal equipment or other maintenance equipment used for his property. He was surprised there would be doubts about using any part of the parcel to support the businesses already established on the property since the entire parcel was zoned C-2, General Commercial.

Ms. Corwin explained that the request was consistent with zoning ordinance regulations and would have been a simple site plan amendment even if the Special Use for the self-storage was not in place. A boat dealership is an approved use under C-2 Zoning and the maintenance equipment is considered accessory to the approval principal uses. A land use permit will document that the storage of the equipment and the staging of the boat inventory is a compatible and acceptable condition.

Mr. Charlick confirmed with the applicant that this permission was sought as a permanent part of the site plan approval and not only as a temporary use. He noted that the area under discussion was blocked by view of Milford Road by the existing building.

Mr. O'Leary asked for clarification of the progress on the site to date, and whether the space is adequately screened from the existing residential neighbors. Mr. Vandrey explained that his approved site plan shows a chain link fence interior to the site and evergreen trees in the space between the fence and the property line. Mr. Vandrey explained that the fence is currently being installed and there have been 130 trees planted for screening. He thinks once the fence is installed, some of the tension between the development activity and the neighbors will be relieved.

Mr. Charlick moved to approve land use permit PLU23-0026 to allow for the addition of parking and outdoor storage of equipment, trailers, boats and similar items as accessory use to principle uses on the property. Mr. O'Leary supported the motion. Roll call vote: Charlick, yes; Curtis, yes; Lewis, yes; Smith, yes; Tierney, yes; Heyn, yes; O'Leary, yes. Motion carried (7 yes votes, 0 no votes).

Agenda Item #4:

Parcel # 11-21-426-007
Zoning: C-2, General Commercial
Address: 522 W Highland
File#: PLU23-0027
Request: Land Use Permit to allow Seasonal Outdoor Artisan Market
Applicant: Donna Charlick
Owner: Highland Rev LLC

Mr. Charlick disclosed that he was co-owner of EZ Storage Space, and that the applicant was his mother. The Planning Commission voted to recuse him from this agenda item by voice vote. Mr. Heyn assumed the chairperson role.

Ms. Donna Charlick, 1170 Clyde Road explained her proposal for an outdoor artisan vendor market, similar to a "Farmer's Market". The event would take place on the south end of the existing parking lot of the multi-tenant building commercial which is currently shared with Salvation Army and a sports facility. She explained that the event schedule will be closely coordinated with the other tenants to ensure that the parking lot capacity is not overwhelmed.

She explained that the events would begin sometime this Fall, weather permitting. She envisions no more than three days per week, with similar operating hours of 9:00 am to 8:00 pm., consistent with nearby businesses.

Mr. Smith asked about sound and lighting. Ms. Charlick thought that perhaps there would be music, but that there was no intention to add any lighting beyond the existing parking lot lighting. There would be a porta potty for the use of the vendors and customers. Any food vendors would be separately licensed through the state of Michigan. Signage would be limited to what is acceptable under the ordinance, presumably a 16 square foot vinyl banner which would be removed from the site when not actively advertising an event for the week.

Mr. Tierney moved to approve land use permit PLU-0027 for an outdoor artisan market, consistent with the terms outlined in the application. Mr. Curtis supported the motion. Roll call vote: Curtis, yes; Lewis, yes; Smith, yes; Tierney, yes; Heyn, yes; O'Leary, yes. Motion carried (6 yes votes, 0 no votes).

Mr. Charlick returned to the table and resumed his role as chairperson.

Agenda Item #5: Master Plan Discussion: Goals and Objectives

Ms. Corwin opened the discussion of goals and objectives by asking for feedback from the Planning Commission regarding the draft document that had been provided by the consultant.

Mr. O'Leary questioned whether the policies were merely suggestions from the consultants or truly directions from the community leaders? He thought there were a lot of suggestions that seemed more appropriate for a more established community.

Ms. Corwin agreed. She suggested that the tenor of the policies seemed to miss the basic underlining philosophy of Highland Township to just knock down roadblocks that prevent good things from happening. She said there were a few ways to move forward with this framework: The Planning Commission could take each of these primary objectives and brainstorm the proposed policies to come up with our own lists, or break into committees, each assigned with a few of the primary objectives and flesh them out in smaller groups.

Mr. Charlick noted that it was not clear whether the goals and objectives had captured the key points from each of the four discussion areas that were breakout stations at the Public Visioning Session. He thought a good first step would be for each of the pairs of commissioners to agree on the two or three takeaway points from their focus topic. For instance, he and Mr. O'Leary had moderated the topic area of Transportation/Utilities. There was considerable discussion among the participants about where sewers were appropriate and connecting trails and sidewalks. He wasn't sure that sentiment had been reflected.

Mr. Curtis noted that the discussion in the residential focus group was on air bnb, sidewalks and senior housing parcels. There was also discussion of lot sizes, and maintaining large lot parcels.

Mr. Tierney noted that business group focus was that people were generally satisfied with how the development has occurred. There was some discussion of ag-businesses.

Mr. Curtis noted that the sewer question has been a can that keeps get kicking across the street. Its been discussed for years, but the obstacles that our existing land use patterns present, such as the great percentage of state recreation land makes it difficult to achieve. He was doubtful that we would see sanitary sewer service in his lifetime. But yet, if we acknowledge it may never happen, do our policies set the stage for smart growth with onsite systems or even make opportunities where sewers could happen.

Mr. Tierney suggested that the only property owners who seem interested in sewers were those who would benefit by increasing their density of development. No one wants to pay for sewers if their property is established.

Mr. Charlick explained that looking ahead, the increasingly difficult regulatory environment will dictate that we either provide sewer service, or existing buildings and investments will fall into decay. He believes the choice will essentially be taken away, and sewers will be essential for any healthy community. The Planning Commission discussed the use of engineered sewage disposal system. The investments today in a more advanced system means that property owner no longer supports a community wide solution—but not every property has access to the resources or potential of an advanced system.

Mr. Heyn explained that his focus group focused on the beauty of the community and the natural resources currently protected by all the state land. The policies should all point to protecting that “set apart” sense of our community. Ms. Corwin noted that this is the difficult challenge to articulate. How to foster the type of business community the residents say they want—the desire for some progress and growth—while not threatening the very thing that attracts the residents to the community—the wide open spaces. How do we do both? With or without a sewer system?

Mr. Charlick noted that water supply is also an issue—he pointed to the cost of providing fire suppression for the new Leo’s restaurant and questioned whether we would have that restaurant if the owner had understood the costs upfront. He noted that one of his fears is that if property owners are left without options for the types of businesses that rely on a centralized sewer and water service, are we prepared to live with the types of businesses that can survive without such service, and what would that look like.

Mr. Smith noted that we need to be careful about how density affects the quality of the lakes without a sewer system. He noted that their have been swimming restrictions on Duck Lake this summer. If the lakes are too fouled for use, what happens to the value of the existing cottages. Mr. Tierney suggested that individuals would find their own solution with engineered fields. Ms. Corwin noted that not every lot has the basic building blocks to devise an individualized solution. If the community is unable or unwilling to facilitate a group solution, then what happens to the existing investments when the solution evades the individual? Do we allow homes to be condemned or buy them back and turn the space back to nature?

Mr. Charlick noted that there was also a lot of discussion of how the Township can help homeowners find group solutions to all manner of problems—not only sewers, but also maintaining roads and building out sidewalk connections?

Ms. Corwin noted that the task before the Planning Commission is to take examine our existing land use patterns in light of what our existing ordinances and policies have been; to evaluate what has become of efforts on our part to facilitate change, and what do we hear from the resident. This all goes together to synthesize a path forward to the future.

Mrs. Lewis asked about the horizon year of the Master Plan. Ms. Corwin explained that traditionally, the plan was a 20 year look forward, with a requirement to revisit it every five years. Mrs. Lewis noted that the Master Plan is a fluid document, because what you see today is not necessarily what you’ll get even five years from now.

Mr. Charlick asked every commissioner to nominate 2 to 4 points in an email to the Ms. Corwin for her use in refining the Goals and Objectives before August 11.

Mw. Corwin also noted that we need to dedicate an evening to reviewing the map. She noted several property owners are unhappy with how their properties are currently classified and would appreciate a fresh look and new direction.

The discussion shifted to how a short term rental policy would or could support the goals and objectives of the Master Plan, and whether it was appropriate to pursue ordinance language at this time. It was debated whether allowing short term rental merely offered a property owner an opportunity to earn some income from the property to maintain it, or if the net result would be to force the market out of the reach of the typical single family homeowner. There was discussion about whether the national trend of corporations purchasing and managing housing stock as vacation rentals harmed the fabric of the community.

Mr. Tierney asked whether this use could be tied readily tied to the use lists for larger acreage parcels, like 3 or 5 acre parcels where there was more room between neighbors. Ms. Corwin explained that in our regulatory scheme, typically all single family is treated nearly the same, except for the setbacks. It would be unusual to differentiate for instance between 1.5 acre zones and 3 acre zones, especially given the prospect of clustering which allows small, near proximity lots in a large acreage zone. It would be better to identify characteristics such as lot size.

It was further discussed that a permit based system would be better than a simple use by right or special use scheme. Permits can be revoked if there is a failure to perform, or if a nuisance develops.

Mr. Charlick referred to a recent article from Public Notice Weekly that described the ordinance approach being considered by Wolverine Lake. They are considering limiting the number of bedrooms as a criteria. If someone were building a home with AirBnB in mind; and built a huge house on the lake with 15 bedrooms, it could easily become “party central” and create a nuisance for the neighbors.

Mr. Heyn noted that the Planning Commission should understand the number of and nature of the complaints against existing short term rentals as they consider ordinance development. Mr. Charlick asked the Planning Commissioners whether it was acceptable to just leave the ordinance as is and deal with complaints as they come in, or whether it was better to develop a simple framework for the ordinance officers to determine which properties were eligible to offer short term rentals.

Mr. Smith noted that in developing the ordinance, we need to protect the neighboring homeowners who have a right to enjoy the quiet use of their property. There must be minimum criteria for qualifying to offer short term rental. He believed the interests of a long term resident should be prioritized over the financial/commercial interests of absentee landlords.

Mrs. Lewis also asked if short term rentals are currently treated as any other home occupation, and if the use should be addressed in the Master Plan and ordinances with other business concerns. The home occupations ordinances may also have to be adjusted when short term rentals are addressed. Mr. Heyn thought the very definition of short term rental must be addressed before the community can decide how the use is regulated.

It was agreed that the Planning Commission should continue with the study and development of an ordinance, and that the Planning Commission should articulate how the use fits into the goals and objectives of the Master Plan.

- Agenda Item #6:**
- Committee Updates
 - Zoning Board of Appeals:
 - Township Board:
 - Highland Downtown Development Authority:
 - Planning Director’s Update

Committee reports were discussed.

Agenda Item #7: Minutes: July 20, 2023

Mr. Tierney moved to approve the minutes of July 20, 2023 as presented. Mr. Curtis supported the motion, which was unanimously approved by voice vote.

Mr. Tierney moved to adjourn the meeting at 9:40 p.m. Mr. Heyn supported the motion, which was unanimously approved by voice vote.

Adjournment:

Respectfully submitted,

A. Roscoe Smith, Secretary
ARS/ejc