

**Highland Township Planning Commission
Record of the 1396th Meeting
March 16, 2023**

Roll Call:

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

Also Present:

Elizabeth J Corwin, Planning Director
Doug Lewan, Carlisle-Wortman Associates

Visitors: 6

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

Work Session

Agenda Item #1: Master Plan Update and discussion of planned Public Input Session

Mr. Lewan reviewed his memorandum which outlines the visioning session proposal. The session would begin at 6:00 p.m, ending at 9:00 p.m. The session would include an opening and overview, with a presentation on the background information and survey results. This would set the stage for breakout discussions at one of five stations, where a commissioner would be assigned to facilitate the discussion. Each participant would rotate through all the five stations. Finally, the group would come together to synthesize the results.

The intent is to generate new ideas and vision for the community over the next 25 years. These might include unrealistic or controversial suggestions. These ideas will generally fall out in the voting over preferences. Budget issues should not constrain the free flow of ideas.

For each topic, there would be questions for conversation starters and some basic information that would help the facilitators keep the ideas flowing. Mr. Lewan reviewed the roles of the Planning Commissioners and explained that there would be staff support.

The Planning Commissioners discussed what topics would be appropriate for the stations. The initial topics identified are community character, residential land use, commercial land use, environmental resources, and transportation/utilities. Mr. Lewan pointed out that transportation was a broader topic than just roads, which are not controlled by the Township, but also transit, trails, etc. Mr. Charlick was concerned about turning the conversations into complaint sessions, where the Township has little control, such as the condition of roads. Mr. York believed it was important to have conversations about issues where the

Township might be able to influence outside agencies through its policies, such as sharing a larger percentage of a project cost that was important to the Township. Ms. Corwin noted that the Road Commission for Oakland County does have strategic planning sessions with local jurisdictions to set their plans, and that if the community suggests a project, it could be considered, but if never suggested, it might not ever be reviewed by the road agency.

Ms. Corwin suggested that the commercial/industrial land use topic should be broader, such as how to foster a good business environment. She would expect conversation about home based businesses, that might fall outside of commercial zoning districts.

Ms. Corwin also encouraged the Planning Commissioners to consider the visioning session as an opportunity to be the ears of the Board and help to set policy—not just focus on the bread and butter work of writing and enforcing regulations. All the committees and commissions are vital in helping the Board set direction. Mr. York noted that pressure from the roots of the community lead to the discussions of how the local government might make something happen—whether through exerting political pressure or through practical means such as developing a special assessment district or pursuing grants.

Mrs. Lewis asked if there would be supporting data at each of the stations to help in the conversation, such as growth in population, the data about acres of parkland or miles of trail, etc.

The Planning Commission members discussed the best time to invite the public into the visioning session. The consensus is to begin promoting May 18, 2023 for the session.

Agenda Item #2:

Parcel #	11-34-176-007
Zoning:	C-1 Local Commercial
Address:	Vacant S. Milford Rd
File#:	RZ23-01 Initial Review
Request:	Rezoning to C-3, Low Impact Commercial with Offer of Conditions
Applicant:	Andrew West, Vandrey Properties LLC
Owner:	Vandrey Properties, LLC

Ms. Corwin presented the application for rezoning of a vacant parcel just north of the “Tuffy Muffler” at 2675 S. Milford. The request is for rezoning to C-3, Low-Impact Commercial with an offer of conditions to restrict the use to an overflow inventory lot for a boat dealer. The application appears to be complete and ready for public hearing.

Mr. Andy West of Vandrey Properties, LLC was present to explain his request and answer questions. Oakland Boat Sales is currently a tenant at 2675 S. Milford Road. The business started out as a broker for used boats, but has been wildly successful. The business has branched out and now offers a wider range of new boats. Mr. West envisions building a lot with no new access to Milford Road just for the inventory of the dealership. The lot would be minimally improved, in order to preserve the use as a transitional lot, capable of easy transition to a different commercial use in the future. The overflow lot would allow the dealership to continue to grow in this location before transitioning to a larger site in the future.

Mr. Temple asked if the property was purchased just with this project in mind. He recalled that the neighbors had resisted rezoning this parcel to any commercial use, although the Board did ultimately approve C-1, Local Commercial uses. He encouraged Mr. West to consider appropriate screening and appreciated the voluntary conditions that would limit the potential to develop nuisances for the neighbors.

Ms. Corwin reiterated to the Planning Commission that the offer of conditions limits the parcel to only one land use—not to the whole variety of land uses that might be allowable under C-3 Zoning. If the land use

were discontinued, it would fall to the Township to take the action to revert the zoning back to C-1 or to another zoning designation to allow a reasonable use.

Mr. Curtis asked if there would be stacking on the site. Mr. West explained that was not planned. Mr. Curtis noted that traffic had been a point of contention in the previous zoning attempt and thought an inventory lot limits the traffic impacts.

Mr. Temple moved to set the public hearing for the rezoning request for the Vandrey Properties parcel, 11-34-176-007 for April 20. Mr. Tierney supported the motion. Roll call vote: Charlick, yes; Curtis, yes; Heyn, yes; Lewis, yes; Smith, yes; Temple, yes; Tierney, yes, York, abstain, O’Leary, yes. Motion carries (8 yes votes, 1 abstain).

Agenda Item #3:

Parcel #	11-21-476-009
Zoning:	R-1.5, Single Family Residential
Address:	680 W. Livingston
File#:	PLU 23-10
Request:	Temporary flea market and food truck event
Applicant:	Thrive Church of Highland
Owner:	Methodist Church

Ms. Corwin noted that there was no representative of the applicant available to answer questions, and that the event is scheduled sometime in June, although a specific date is not noted. As she had no familiarity with the application, she suggested it would be appropriate to table the request.

Mr. Charlick moved to table agenda item #3, a temporary use permit for a flea market and food truck event at Thrive Church to a future date when a representative could be present to address the Planning Commission. Mr. York supported the motion which carried by voice vote.

Agenda Item #4: Text Amendment: Short Term Rentals and Temporary Land Uses

Ms. Corwin explained that there were two issues presented to the staff that might merit study and consideration of text amendments.

She provided a copy of a letter from Ryan Brown, encouraging the Commission to consider an ordinance amendment to allow short term rentals. She further explained that recently a violation had been issued against a short term rental in a house located in the C-1, Local Commercial Zoning District, and that due to the structure of our ordinance, there was no path for relief for that property owner. Short term rental is not explicitly listed as an allowable use in any zoning district and the Zoning Board of Appeals does not have the authority to grant use variances. Ms. Corwin also noted that the Township has had complaints in some neighborhoods because of conflicts between homeowners and short term tenants.

Currently, the Zoning Administrator has determined that the use of short term rental is most similar to a hotel/motel, which is permitted only as a Special Land Use Approval in the C-2, General Commercial and IM, Industrial Manufacturing Zoning District. This use differs from a Bed and Breakfast in that Bed and Breakfast facilities are owner-occupied spaces and must meet the State definitions and licensing criteria, which entail offering a meal as well as sleeping accommodations. She also noted that the state has been discussing the potential of pre-empting local control of short term rentals as a regulated land use.

Mr. Lewan also explained that many communities such as Highland Township rely on the definitions of single-family and non-transitory occupancy in regulating or prohibiting the use and noted that the definition of family is particularly vulnerable to reinterpretation. Mr. Lewan noted that the character of a

neighborhood can be impacted if there is a continual flow of transients in and out of an area designated for families.

Ms. Corwin noted that there is also consideration of whether it is appropriate to allow short term rentals in an apartment building, which is not designated specifically for single families. It was acknowledged that there probably are short term rentals currently occurring throughout the Township. She suggested that if the Planning Commission is inclined to take up an ordinance, CWA could prepare an analysis and draft ordinance language. Specific standards would be useful in addressing conflicts and enforcement.

Ms. Lewis asked for an explanation of how short term rentals differed from Bed and Breakfast. Ms. Corwin explained that Bed and Breakfast is regulated differently under state law. There is the requirement for owner occupancy and the requirement of a meal being served. Short term rental, like the Uber driver business model, skirts licensing and regulations that apply to hotels and bed and breakfast. No one is checking your home to ensure that it meets minimum safety standards for the tenant.

Mr. Heyn expressed concern that as a landlord, it would make little difference whether he rents to one tenant for a year versus a series of tenants for subsequent weeks. He was unclear of what the government interest was in regulating the length of the stay. Mr. York noted that it makes a significant difference to the neighborhood. A homeowner should have the right to expect that when one buys into a single family neighborhood, the rest of the property owners should be single families who live up to the same standard.

Mr. Heyn suggested that the expectations might be different in larger acreage parcels. Mr. Tierney was concerned about overly restricting a property owner's right to use his property as he sees fit. He thought it would be best handled as a response to complaints. Ms. Corwin noted that if the Planning Commission left the ordinance as is, the staff is left with few tools to address complaints. Even if the policy direction does not change, it would be useful to have a few standards other than nuisance regulations in place.

Mr. Lewan will prepare some recommendations.

Ms. Corwin explained that the second issue the Planning Commission is asked to address is the duration of temporary land uses. Currently, temporary land uses are limited to 90 days. This has traditionally been used for the circus, farmer's markets, tree stands and the like. The one exception is that food trucks in the Highland Station Zoning District are licensed monthly and can operate year round. Another exception is that an existing commercial business may incorporate an accessory use that might otherwise be considered a temporary use, as part of its permanent site plan.

Ms. Hiebert currently operates a food truck on the vacant parcel between the AKD Designs and Peter's True Value Hardware. She noted that she has invested in an electric drop on the pole at this spot. She could move back onto the Peter's True Value site, 10 feet away, and have a new permit, but she would be abandoning her previous investment. She believes she was misled into thinking she could renew at her current location administratively, but understands now that the ordinance as written limits her to 90 days on any one parcel.

Mr. Curtis wondered if an easy fix would be to require a "down time" of 90 days a year. Ms. Corwin reminded the Planning Commission to consider the original intent of the ordinance. It has been argued that it is not fair to the proprietor of a "brick and mortar" store, to allow a proliferation of pop up businesses that do not bear the same burden of investment in the community to undermine their business.

Ms. Hiebert argued that in the case of a food truck, there are rigorous licensing requirements and that this is not the same as a pop up tent selling t-shirts.

Mr. Charlick was sympathetic to the brick and mortar property owner. He thought it was important to have some time limits.

Mr. Temple agreed that the ordinance was envisioned to limit the “peddler” of retail goods which should not be allowed to set up a permanent shop in a van. Food trucks seemed to be a totally separate use.

Ms. Corwin reviewed the monthly licensing requirement for food trucks in the Highland Station District. Mr. Charlick was concerned about the burden on both staff and the vendor to issue a monthly permit, and wondered if an annual permit would be appropriate. Ms. Corwin explained that a more frequent permit renewal allows for a better opportunity to address problems if they arise.

Mr. York asked Ms. Hiebert about licensing requirements for the food truck. She explained there were periodic inspections by the Health Department.

Mr. Smith explained that the Food Truck regulations were written to support the Downtown Development Authority goals of developing a walkable community and encouraging restaurants where the septic systems would not otherwise support them.

Mr. Temple asked if any of the licensing and or land use permits would apply to the relatively new practice of subdivisions bringing in a food truck for a one day a week event in the summer. Ms. Corwin noted that although staff has taken notice that this is happening, they have not addressed it.

Ms. Corwin noted that it really comes down to the choice of regulatory approaches: a) allow more flexibility in establishing the time limits for “temporary uses” or b) develop a monthly license scheme similar to the Highland Station District. With either policy direction, there should be a review mechanism that prevents the use from becoming permanent and allows the Township to cease permission.

Ms. Corwin also noted that there has been a request to amend the zoning ordinance to allow a 50 foot rear yard setback for accessory structures. She explained that there is a peculiarity in our ordinance that carried forward a 100 foot rear yard setback in the ARR, Agricultural and Rural Residential District, which now applies to parcels that previously were entitled to a 50 foot rear yard setback.

Agenda Item #5: Call to the Public: Opportunity for anyone to bring forward issues of interest or concern for Planning Commission consideration

Mr. Joe Karcher expressed his continued interest in the zoning of the vacant property on West Highland Road, lying between the single family neighborhood at Pommere and the private road serving Shimmers Car Wash. He supports a commercial land use on the east side of the parcel, and is sensitive to the concerns for retaining low intensity uses on the west side, compatible with the neighborhood. He requests that the Planning Commission consider this in mapping the land in the future master plan.

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

Committee updates were discussed.

Agenda Item #7: Minutes: February 1, 2023

Mr. Tierney moved to approve the minutes of February 1, 2023 as presented. Mr. York supported the motion. The motion was approved by voice vote with Mr. O'Leary abstaining and no nay votes.

At 9:50 p.m., Mr. York made a motion to adjourn the meeting. Mr. Tierney supported the motion. The motion was approved by a unanimous voice vote.

Respectfully submitted,

A. Roscoe Smith, Secretary
ARS/ejc