

**Highland Township Planning Commission  
Record of the 1410th Meeting  
Highland Township Auditorium  
March 21, 2024**

**Roll Call:**

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

Elizabeth J. Corwin, Planning Director

Visitors: 18

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.**

No members of the public offered comment.

***Public Hearing:***

**Agenda Item #2:**

Parcel #	11-15-326-017
Zoning:	C1-Local Commercial
Address:	Vacant N. Milford Rd
File#:	URSA 24-01
Request:	Use Requiring Special Approval for Gas Station
Applicant:	Sarmed Raouf
Owner:	Rima Properties, LLC

Mr. Charlick introduced the request for special approval for a gas station for the vacant parcel at the northeast corner of Milford Road and East Wardlow Road. The 1.7 acre parcel was rezoned to C-1, Local Commercial in 2022. The applicant, Sarmed Raouf submitted a conceptual plan to support the request.

Mr. I Shan Turk of Turk Architects was present to explain the request. The project would include a 4500 square foot convenience store and a 3600 square foot canopy for fuel pumps. The concept plan shows how the project could fit within the setbacks, and also provide room for the septic system, water well and a storm water basin. If a basin proves infeasible, the applicant is prepared to construct under parking area infiltration basins.

Mr. Sarmed Raouf, the applicant explained that project is also envisioned to include a drive thru fast food store, such as a Tim Horton's.

Mr. Charlick opened the public hearing at 7:36 pm.

Mr. Sam Impastato, whose family owns a strip retail building on Milford Road, south of East Wardlow expressed his concerns about environmental risks, particularly the protection of drinking water wells. He also noted that one tenant in the building is also a convenience store, and noted his concern that there was not enough demand for two stores to thrive.

Mr. Charlick closed the public hearing at 7:37 pm.

Mr. Charlick asked about the hours of operation. Mr. Raouf explained that the plan is for a 24 hour operation, but would be willing to accept some restrictions, such as 5:00 am to midnight. Mr. Charlick thought that might be important since there is residential property to the east of the railroad. Mr. Temple asked about the hours of the nearby 7-11, which Mr. Raouf explained the corporate preference is 24 hours, but the Highland Store closes overnight.

Mr. Temple was concerned that the site geometry did not allow enough room for drive through traffic and still provide access for the dumpster.

Ms. Corwin reminded the Planning Commission members that the plan before them is not the detailed site plan, but rather a concept to support the request for the use. She reviewed the Standards of Approval from the Zoning Ordinance.

Mr. O'Leary noted that the traffic circulation seemed appropriate and that he liked the ability to offer two driveways, one of each road.

Mr. Charlick noted that one advantage of this location for this use is its proximity to public water supply should an environmental spill threaten the groundwater for this or neighboring properties. He further noted that it is reasonable to have services offered in each quadrant of the township. The residents would appreciate a convenient location to fill gas cans for mowers and the like.

Mr. Curtis expressed a concern about the sweep of headlights from the drive-thru to residential properties to the east. He thought a significant landscape buffer should be provided.

Mr. York expressed concerns about traffic and suggested a comprehensive traffic study would be needed. Ms. Corwin reviewed what is known about traffic counts on the adjacent roadways, with about 10,000 vehicles for two-way traffic on Milford Road and 4000 vehicles for East Wardlow. She further noted that a gas station of this size is expected to generate about 120 peak hour trips. She explained that the Road Commission for Oakland County would base its requirements for driveway access and geometry, acceleration/deceleration lanes and/or turn lanes on traffic warrants.

Mr. Smith was concerned about the proximity to the Apollo Center on the west side of North Milford, which currently hosts a daycare service. He felt that liquor sales would not be compatible with nearby school district owned property.

Mr. York also noted that the concept plan shows little landscaping on the north side, which would not promote harmony with the adjacent office use. He asked which property would be responsible for the landscaping. Ms. Corwin noted that there is not a requirement for a substantial landscape buffer between non-residential uses. Mr. Temple noted that marginal access should be provided to the north.

Mr. Temple moved to table the request until the next meeting, which is April 4<sup>th</sup>. Mr. Curtis supported the motion. Vote: Heyn-yes; O’Leary-yes; York-yes; Curtis-yes; Charlick-yes; Smith-yes; Temple-yes. Motion carried (7 yes votes, 0 no votes).

Mr. Raouf was advised to contact the Road Commission for Oakland County and Health Division to get their initial reactions to the proposal.

**Agenda Item #3:**

Parcel # 11-32-300-012  
Zoning: ARR. Agriculture and Rural Residential  
Address: 2700 Honeywell Lake Rd  
File#: URSA24-02  
Request: Use Requiring Special Approval for kennel  
Applicant: Elizabeth Earl Harding  
Owner: Elizabeth Earl Harding

Mr. Charlick introduced the request for special approval of a kennel on a ten-acre parcel on Honeywell Lake Road. He invited the applicant to explain her proposal.

Ms. Elizabeth Harding, 2700 Honeywell Lake Road, explained that she has lived on the property since 1991. She runs a non-profit foster-based rescue, focused on small breed dogs and has 30 years of experience in training, grooming, boarding and fostering dogs. She has fostered for other organizations at this site for five years.

When dogs are brought to the property, they are quarantined for 7 days, and assessed for temperament before being assigned to foster placements. She maintains two fenced areas for the dogs to run outside. The fence is four-foot farm fence with a smaller spacing on the lower two feet to keep the dogs from squeezing through. The east fence is on the property line. The middle fence is approximately 100 feet from the east property line, and the west fence is approximately 100 feet from the west property line.

Ms. Harding said the dogs are seldom out for long periods of time unless the family is outside with the dogs, and that she brings them in if they start to bark. She said tries to be mindful of the neighbors.

Mr. Charlick opened the public hearing at 8:02 pm.

Ava Hilton, Milford Township, was surprised to hear the applicant had been fostering for so long. She has had no problems in the past. She asked how many dogs were involved.

Mr York was also curious about the number of dogs and invited Ms. Harding to respond. Ms. Harding owns 14 dogs and has as many as ten dogs in the assessment stage of fostering at any given time. She stated that she treats all her dogs and foster dogs as pets, and they live in the house with her family.

Mr. Charlick asked if Highland Township imposed limits on the number of dogs. Ms. Corwin explained that without a kennel permit, the limit was 2 adult dogs as well as puppies under the age of 6 months. She said that the Township did not actively pursue enforcement of households with more than 2 dogs, but did respond to complaints when received. She noted there were noise ordinances and dogs were required to be in owner’s control. Any limits on the number of dogs would come from the Oakland County Animal Control Kennel license based on their assessment of the capacity of the facility.

Ms. Harding explained that Animal Control would not assess her property and tell her what her limits would be until she first obtained a special use permit from the Township. Mr. York thought this practice was unreasonable.

Mike Tressler, Milford Township, believed this land use should not be allowed in a residential area.

Mr. York asked when the Lakes of Milford Subdivision was developed. Mr. Tressler answered around 2004.

Jennifer Liddy, a neighbor of Ms. Harding spoke positively about Ms. Hardy's character and experience in caretaking dogs and people. She is worried about the size of and number of dogs in Ms. Harding's care. She thinks a four foot fence is too short, and related a story of a dog who once escaped Ms. Harding's yard and bit her daughter when she went to recover the animal. She is further concerned about advertisements for home grooming and pet sitting. She asked the Planning Commission to restrict Ms. Harding's business so things do not get out of hand.

Christin Bracken, 3121 Bradford Ct is a realtor who lives in the subdivision south of Ms. Harding's property. She noted that sellers are required to disclose whenever there is a nearby land use that generates nuisance odors or noises. She is concerned about property values. She also noted that there are no street lights or sidewalks in her neighborhood and that many people jog in the early morning. She thinks a loose dog would create a threat.

Mr. Don McCann, 3061 Exeter Court asked if correspondence was considered as well as live comments at the public hearing. Mr. Charlick assured him the Planning Commission reviews the emails and letters as well, and that there were some emails that had not made it into the online packet. Mr. McCann wanted to affirm the comments in Ms. April Moore's email.

Greg Swarthout, 2860 Honeywell Lake Road noted that noise carries farther than 300 feet which he described as the limits of influence. Mr. Charlick explained that State law dictates the 300 foot mailing radius.

Mr. Charlick closed the public comment period at 8:20 p.m.

Ms. Corwin noted that 7 emails had been received, including one signed by 25 households in the Lakes of Milford Subdivision. She read the two emails that had been received too late to include in the e-packet. All of the public comment correspondence urged denial of the special use permit.

Mr. Temple noted that it would make it easier if the County would issue the license parameters first, contingent upon the special use permit. He noted often the public responds to the fear of what something could become, rather than be grounded in the practical limits of what can be a more likely scenario. At a minimum, it is clear that the Township should impose some reasonable restriction. For instance, it sounds like the fence should be taller.

Mr. York asked about how other dog care facilities such the Sniffer Station were approved. Ms. Corwin explained that there are other categories such as a commercial pet care facility or veterinary clinics that can offer services such as boarding. Grooming is typically handled as a home occupation through a simple land use permit that is managed administratively.

Mr. O'Leary asked if there were other kennels licensed in Highland Township. Ms. Corwin could recall only one other application in 20 years, and it was denied.

Mr. Curtis noted that it was the Planning Commission's responsibility to balance the rights of the property owner with the rights of the neighbors. He thought when he heard the first participant comment that the dogs had not been a problem in the past, that it may be possible for this use to coexist peacefully with the neighbors.

Mr. Charlick asked if the Special Use Permit would run with the land or could it be restricted to this applicant. Ms. Corwin said that typically it runs with the land, but she sees no reason that it could not be restricted to an individual.

Ms. Harding explained that she did not think traffic would ever be an issue since she delivers the dogs directly to the assigned foster homes. She does bring people to her site. She stated that she has kept up to 17 dogs at her home for over 10 years, and it was never an issue before. She stated she was willing to accept restrictions from the township on the number of dogs and was willing to stipulate that she would not breed dogs. She also explained that after the dog discussed previously had jumped the fence, she initiated a leash policy where newly acquired dogs are not allowed to run free.

Mr. Temple noted that while 17 dogs seems a lot for one home, he thought it might not be too many dogs for a ten acre parcel. In his subdivision, he suspects there are 2 dogs for every household, so there are probably 60 dogs of various sizes on 60 acres. Although this is not an apples to apples comparison it was an interesting observation. He suspected a similar situation exists in Lakes of Milford.

Mr. Charlick moved to table the request until the next meeting, which is April 4<sup>th</sup>. Mr. Temple supported the motion. Vote: Heyn-yes; O'Leary-yes; York-yes; Curtis-yes; Charlick-yes; Smith-yes; Temple-yes. Motion carried (7 yes votes, 0 no votes).

***Work Session:***

**Agenda Item #4:**

Parcel # 11-22-401-011  
Zoning: ARR, Agriculture and Rural Residential  
Address: 400 Beach Farm Circle  
File#: SPR 24-02  
Request: Site Plan Review for pavilion  
Applicant: Dave Bell, Community Sharing  
Owner: Highland Township

Mr. Charlick introduced the proposal for an outdoor pavilion at the Community Sharing site, north of the library. The property belongs to Highland Township but operated by the non-profit under a land lease agreement.

Mr. Bell explained that the pavilion would be used for some of the special events that the organization conducts annually such as the community garage sale, pop-up food banks made possible through contributions by Gleaners or the Autumn clothing give-away for back to school. The pavilion envisioned is similar to one built by the Lutheran Church on the east side of Highland Township. The plot plan has been developed to show conformance with required setbacks.

Mr. Heyn asked if the pavilion would be made available for others to rent. Mr. Bell said they had not considered that possibility; but would probably be open to it with some rules in place to make sure its use was consistent with the goals and mission of the organization.

Mr. Temple suggested that while he was personally impressed with Community Sharing and proud that the Township was willing to partner with a worthy charitable organization, he cautioned that his neighbors that about the property would not be pleased with parties and constant activity at the site.

Mr. Curtis offered a motion to approve the site plan for a pavilion on Township owned property leased to Community Sharing as found to be compatible with its surrounding land uses and consistent with the Master Plan. Mr. O’Leary supported the motion. Vote: Heyn-yes; O’Leary-yes; York-yes; Curtis-yes; Charlick-yes; Smith-yes; Temple-yes. Motion carried (7 yes votes, 0 no votes).

**Agenda Item #5:**

Parcel # 11-30-200-017  
Zoning: C2, General Commercial  
Address: 3365 W Highland  
File#: SPR 24-03  
Request: Site Plan Review for accessory structure  
Applicant: MJ Whelan Construction  
Owner: MJ Whelan Construction

Mr. Charlick introduced the request for site plan modification to permit the addition of an accessory structure at the AKD Showroom at 3365 W. Highland. The structure consists of two storage containers with a roof bridging them and open storage beneath. The request comes to the Planning Commission after the applicant placed the roof without a permit. The storage containers were allowed within the fenced storage unit as part of the previously approved site plan.

Mr. Charlick noted that this is a unique structure within Highland Township, and it is not clear how to approach such structures. Since there is no foundation, it seems less than a permanent structure, yet under the ordinance, it is not a temporary structure, which may be permitted for only six months. He thought a policy direction needs to be established, to define the “middle ground” between permanent and temporary, since he was not certain it was beneficial to the community to see this construction type become prevalent. As a business owner and contractor, he appreciates the utility of the structure and would appreciate the shelter from the elements afforded by this arrangement, there seems to be a need for some aesthetic control as well as a means to ensure that it is built safely.

Matt Whelan, applicant, explained that he did not realize that he had crossed the line into a structure that would require permits and approvals. The storage containers were on site, and an employee had the idea to build the roof from trusses from a different job. This space affords them somewhere to have a flexible overflow storage and shelter for their busy times when more building supplies are delivered than they have room for in the barn.

Mr. Charlick suggested that the Planning Commission should recommend that there be a stay on enforcement while they research and adopt a policy position. He believes it is likely an ordinance revision would be required. He would also like to discuss this with the building official to see what building code allows. Staying the enforcement action does not mean that the Township has determined the structure to be safe. The liability remains with the applicant.

Mr. Heyn stated that he sees no difference between this structure and a shed. As long as Mr. Whelan moves the structure to comply with setbacks, he was satisfied. Mr. Charlick noted that a shed greater than 400 square feet would be required to have at least a rat wall.

Mr. Temple said he could see a use for such structure even on residential properties. Storage containers have been allowed as sheds on residential properties.

Mr. Whelan noted that he was willing to address the aesthetic concerns. He would be willing to paint the containers or perhaps side them.

Mr. York noted that as a structural engineer, he saw the containers merely as a construction material. This is nothing more than two sheds with an attached breezeway. As long as the details of construction for the roof attachment were properly designed, it should be as stable as any pavilion. He noted that the applicant has not proposed bringing electric service or plumbing to the structure, so no foundation should be necessary.

Ms. Corwin asked Mr. Whelan to describe how the current structure is placed. Mr. Whelan explained that the containers sit on treated lumber in a bed of gravel to keep the bottoms elevated off the native ground and promote drainage.

Mr. Smith noted that the appearance of the structure may not be appropriate for a commercial property. He reminded the Planning Commission of the concern they expressed about the plain steel pole structure recently proposed by Iverson's, and how the members had discussed possible changes such as adding a split block face. He asked if the Planning Commission would be satisfied with this structure if it were more visible from a major street.

Mr. York said that when you think of the container merely as steel building material and apply the proper treatments to improve the façade, it would be sufficient. It is appropriate and responsible to repurpose materials.

Mr. Curtis noted that his main concern is that the structure is safe. He would be concerned that the proper methods of securing the roof structure could withstand snow loads and wind lift.

Mr. Charlick moved to table the request until the next meeting, which is April 4<sup>th</sup> with the understanding that the Building Department is advised to stay any enforcement action while the Planning Department determines its policy direction. It is further noted that although the structure may continue to stand as unpermitted, the Township offers no assessment as to the safety or conformity of the structure with applicable codes and all liability rests with the applicant. Mr. Temple supported the motion. Vote: Heyn-no; O'Leary-yes; York-yes; Curtis-yes; Charlick-yes; Smith-yes; Temple-yes. Motion carried (6 yes votes, 1 no votes). The motion is approved.

**Agenda Item #6:**

**Committee Updates**

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

Mr. Smith asked that Ms. Corwin draft a letter from the Planning Commission thanking Mrs. Lewis for her service on the Planning Commission.

Committee reports were discussed.

**Agenda Item #7:** Minutes: March 7, 2024.

Mr. York moved to table approval of the minutes of March 7, 2024 for the next meeting. Mr. Temple supported the motion, which was unanimously approved by voice vote.

Mr. Charlick moved to adjourn the meeting at 9:50 p.m. Mr. Heyn supported the motion, which was unanimously approved by voice vote.

***Adjournment:***

Respectfully submitted,

A. Roscoe Smith, Secretary  
ARS/ejc