

**Highland Township Planning Commission
Record of the 1409th Meeting
Highland Township Auditorium
March 7, 2024**

Roll Call:

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

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.

No members of the public offered comment

Agenda Item #2 Election of Officers

Mr. Temple nominated the current slate of officers for re-election: Grant Charlick, Chair; Chris Heyn, Vice-Chair; Roscoe Smith, Secretary. Grant Charlick, ZBA Liaison. Mr. York supported. Motion carried by voice vote.

Work Session:

Agenda Item #3:

Parcel #	11-15-376-008 & 11-15-376-009
Zoning:	IM – Industrial Manufacturing
Address:	1570 & 1664 N. Milford Rd
File#:	SPR24-01
Request:	Site Plan Review for new storage building on site
Applicant:	Mike Bruns
Owner:	Iverson’s 1664 N Milford, LLC

Mr. Charlick reported that the applicant had presented a request for variance to the Zoning Board of Appeals at the February 20, 2024 meeting. A reduction in the front yard setback was approved consistent

with the proposed site plan. The Zoning Board of Appeals was content to approve without conditions, leaving the details of the site plan to the Planning Commission for review.

Mike Bruns, applicant, explained that the only changes to the plan previously approved was the addition of two trees on the west of the storage building and extension of fencing on the north side of the building. The plan reflects the presence of some existing trees that will not be disturbed. He provided a rendering showing mature evergreen trees screening the building on its west face.

Mr. O’Leary asked for clarification of the elevation view. The new building will be a white steel pole structure, to match the color of the existing block/brick buildings. No additional façade features were proposed since the applicant believes the landscaping will screen the view.

Mr. Smith asked if the Fire Marshal approved the plan, which Ms. Corwin confirmed he had and was satisfied with the site layout. He will review further when the building permit is reviewed.

Mr. Charlick offered a motion to approve the site plan as proposed, with added landscaping and fencing. 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).

Agenda Item #4: Zoning Ordinance Amendments—Special Event Venues and Highland Station Use Lists.

Ms. Corwin noted that she had distributed the previous draft ordinance and amendments that had been discussed in March of 2022. It was tabled then since there was no clear consensus, and no further action has been taken with the draft.

She noted that the Planning Commission could pick up the draft and refine it, or they could decide not to adopt this ordinance at all, but rather evaluate means to expand opportunities for event venues on a more limited scale., One idea would be to allow in conjunction with farm markets or some other qualifying conditions. The thought had been that as written, the applicability was much too broad.

Various properties were discussed that might be appropriate for the use. These included some “legacy” farms such as Broadview Tree Farm, the Lazy J Ranch, and Bonadeo Farms who is currently operating under a Class C Farm Market. Mr. Charlick asked if these could be dealt with on a case by case basis. Ms. Corwin explained that the ordinance had to at least permit those activities to be included in a Special Use Permit, and it is currently silent on the topic.

Mr. Curtis asked how churches can accommodate events such as weddings. These operate under Special Use Permits. Ms. Corwin noted that events are incidental to the primary land use as a church. Mr. York noted that if one went back to the original special use permits, the events may have been specifically permitted within the language. He asked why Thrive Church came to the Planning Commission from time to time if they were operating under such a permit.

Mr. Charlick expressed his concern that a permissive ordinance might attract these venues, and it would be counter to the concept of preserving farming activity. Ms. Corwin reminded the Planning Commission that one of the old farm properties on Hickory Ridge Road started hosting a farm market last fall without permission. There was a pumpkin patch on the site, but during the “festival” there were far more pumpkins on the site than those vines could have possibly produced. The Township should not place itself in the position of having to determine whether the barn and event venue is supporting a working farm or a charade of a farm.

Mr. Heyn asked if there have been complaints from those who have held events. Ms. Corwin noted that the existing farms do not draw complaints, but the new venues draw immediate concern from the neighbors, who know there have been no public hearing or approvals in place.

Ms. Corwin noted that one of the concerns is that almost any event venue requires fire suppression as an “assembly” use. While this is not insurmountable for those who don’t have access to public water, it is a major expense of development to drill a large enough, productive well and install the required storage tanks and sprinkler systems.

Mr. York noted that if the Township is satisfied that a property such as Bonadeo Farm is appropriate, we should determine what characteristics of the property make the use work. Mr. York thought the Planning Commission should continue to flesh out this draft, focused more clearly on further limiting where the ordinance applies. The draft covers important issues such as frontage on major thoroughfares, parking, lighting, noise, etc.

Ms. Corwin distributed a simple map from the GIS system. Parcels were divided into size categories of less than 5 acres, 5 to 10 acres, 10 to 25 acres and then greater than 25. County primary and state highways were shown in bold print. She noted that all of the properties that had been discussed as good candidates this evening feel in the 10 and above category with frontage on a major thoroughfare. Bonadeo Farms maps in the 5 to 10 acre category, but the total contiguous land holdings is 17.5 acres.

Mr. Charlick noted that the discussion applied only to properties outside the commercial zoning districts. Mr. Charlick noted that if we would allow an event venue anywhere in residential zoning, it should follow that any commercial zone should be appropriate. Ms. Corwin thought local commercial and office zoning had been excluded and should be excluded due to the near proximity of established neighborhoods. Mr. Charlick was not convinced that the negative impacts could be even greater on larger acreage agricultural parcels due to the scale of events that could be supported. He was concerned about farming properties being carved up with large commercial “barns” and cottages to support the venue.

Ms. Corwin noted that the use could be tied to active primary agricultural use. Mr. Charlick thought the Special Use Permit process would be better than a whole ordinance. Ms. Corwin explained that the process is appropriate, but one cannot write a special permit for a property if the ordinance does not specify that the use is allowed in the zoning district. The minimum effort that could go into an ordinance would be to modify the use list and perhaps write a few supplemental provisions such as those in Chapter 10 of the Zoning Ordinance.

The Planning Commission reviewed the Bonadeo Farms Special Use Permit. It has strict limits on the time when events could be hosted and what events could be hosted. The Zoning Administrator has taken the position in the past that the language does not permit weddings and parties outside the few months when the permit is in effect.

Mr. York asked for clarification of what types of events does the Zoning Administrator not allow, and what is the process required for the Zoning Administrator to authorize the permit. He thought if the process was not too burdensome, Mr. Bonadeo could request specific permits for every party or wedding and work within the existing permit.

Ms. Corwin asked the Planning Commission their thoughts about what Ms. Heiber had suggested in the past, which is a large outdoor pavilion on a large acreage farming parcel. The pavilion itself would not be tied specifically to agricultural use, but rather provide another income stream from the property. Mr. Charlick thought the Township would not support this activity.

Mr. Smith thought the draft as presented was too broad. He did not think that allowing the use in any residential zone property was consistent with the goal of farmland preservation. He thought the intent statement allowed nearly any residential property to take on a commercial nature. Ms. Corwin explained that this is an unintended consequence of lumping agricultural and residential land uses into one district, because of the liberal practice of allowing each property owner to request either zoning classification regardless of the zoning of neighboring parcels.

Mr. Charlick invited Mr. Bonadeo to explain what he would like to see permitted. Mr. Bonadeo noted that he would like to be allowed 200 person weddings or parties, probably 25 to 30 per year. He was thinking when the weather was appropriate to allow the building to be opened up with screen door so that he could satisfy the Fire Marshal concerns. He would be looking for a period of April to December. There have been thoughts of adding Christmas Trees to his business model.

Mr. Charlick asked him to explain what types of crowds are drawn to his “haunted house” and corn maze. Mr. Bonadeo thought it was hard to quantify, because people were engaged in different parts of the site at any time—some outside in the maze, some in the haunted house, others in the building he hopes to use for hosting parties. He thought the site could accommodate at least 200 persons. The events were held every weekend night from the last week of September through the month of October.

Mr. Charlick thought that if the permit were “slow rolled” out where the larger events are limited to the weekend with points where the Township could assess whether any problems arise.

Mr. Heyn thought a party was different than a wedding. He did not want to stop a homeowner from hosting a large party. Ms. Corwin reminded the Commissioners of how much controversy swirled around the private party at the Red Poppy which coincided with a request to host the bed and breakfast/retreat type activities which were more commercial in nature, but less likely to create a negative impact on the neighborhood since they were so sedate. The neighbors objected to anyone using their residential property as a business.

Mr. York thought that based on the conversation this evening, there was a path to approve the parties without any significant change to the ordinance or to the special use permit. Ms. Corwin explained what she understood the Zoning Administrators’ interpretation to be, which was limited in time, and limited in purpose to being directly tied to promotion of sales of farm products. Mr. York thought we had a conflict in the interpretation then, and that a simple clarification was sufficient. As he reads the clear language, he believes the Zoning Administrator could authorize events, and would not be limited to the fall season.

Ms. Corwin summarized the conversation as follows: The Planning Commission is reluctant to create a new ordinance that might incentivize building any new structures to host events. The Planning Commission is open to exploring avenues that would expand opportunities on existing Special Use Permits in agricultural properties.

Ms. Corwin noted that the rules surrounding temporary land uses had changed since Mr. Bonadeo’s Special Use Permit was approved. Under the current ordinance, the Planning Commission could issue a 90 day permit with the conditions of approval. If the parties are conducted in compliance with the terms of the permit, the Zoning Administrator could renew the permit as outlined by the Planning Commission. If the Planning Commission wanted to review progress, that could be stated in the terms of approval. Staff could work out the process and fees, so it would not be as burdensome as a permit for every event.

Mr. Charlick agreed that approach could work, with the Planning Commission reviewing after the first year.

Ms. Corwin noted that if we were willing to re-evaluate this permit, we should probably invite Lynn Benaglio of the Red Poppy in for a similar discussion.

Ms. Corwin also noted that there has been considerable discussion of a future gas station at the old lumber yard site at Highland Road and M-59. She noted that the Master Plan that was developed after the Charette with the Highland Downtown Development Authority designated those parcels as Highway Oriented Services. The use list was never expanded to include anything that fits the common understanding of services oriented to the passing traffic on the highway. The uses are more similar to neighborhood commercial and office services.

Mr. Charlick asked if a use like a gas station was added to the list, would it apply everywhere throughout the Highland Station District. Ms. Corwin noted that there could be a provision that limited certain uses to parcels fronting M-59.

Mr. Charlick asked why those parcels are even in the Highland Station District. Ms. Corwin noted that this designation brings them under greater architectural scrutiny.

Mr. Temple thought it would be better to wait for a project to be presented to them. Mr. Charlick thought it would probably be worthwhile to consider the use, but it would be good to dissuade the property owner from that use.

Mr. York thought it would be good to have a work session when the Planning Commission could be educated on the Master Plan and Design Guidelines so they would be prepared to evaluate site plans.

Agenda Item #4:

Committee Updates

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

Committee reports were discussed.

Agenda Item #5: Minutes: February 15, 2024.

Mr. York suggested changes to simplify the language.

Mr. York moved to approve the minutes of February 15, 2024 as modified. Mr. O'Leary supported the motion, which was unanimously approved by voice vote.

Mr. York moved to adjourn the meeting at 9:15 p.m. Mr. Curtis supported the motion, which was unanimously approved by voice vote.

Adjournment:

Respectfully submitted,

A. Roscoe Smith, Secretary
ARS/ejc