



# Memorandum

To: Planning Commission Members  
From: Elizabeth J Corwin, PE, AIPC; Planning Director  
Date: March 2, 2024  
Re: Text Amendments  
Event Venues  
Highland Station Business District Use List

---

As some of you recall, we began work on an ordinance that would allow certain residential properties to host outdoor events “for hire”. This ordinance was not intended to regulate or restrict home parties, but rather allow property owners to offer use of their land to others within reasonable limits. We did not reach consensus and set the ordinance aside for a time to be reconsidered later.

I am attaching the draft ordinance that was last considered and some minutes.

In the meantime, Mr. Bonadeo suggested that he would like to expand his Special Use Permit at the Bonadeo Farms on White Lake Road to include the use of his barn for an event venue. I have attached his Special Use Permit so you could understand the history here, and compare the approval process with what the ordinance amendment might provide.

I am not sure where this discussion will take us, but another property that might be a candidate is the Red Poppy on Harvey Lake Road. I’m also providing their special permit and some minutes so you can have that experience to consider as well.

I would suggest reviewing these materials and come prepared with questions or observations about these and similar properties that might come to your mind.



**CHARTER TOWNSHIP OF HIGHLAND**  
**ORDINANCE NO. Z-\_\_\_\_**

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF HIGHLAND ZONING ORDINANCE (CHAPTER 25 OF THE GENERAL CODE OF ORDINANCES) BY REVISING ARTICLE 2, DEFINITIONS TO ADD KEY TERMS RELATED TO EVENT VENUES; ARTICLE 4, DISTRICT REGULATIONS TO AMEND USE LIST FOR RESIDENTIAL ZONING DISTRICTS TO ALLOW EVENT VENUES AS A SPECIAL LAND USE; ARTICLE 5. SITE PLAN REVIEW: PROCEDURES AND STANDARDS TO IDENTIFY REVIEW AUTHORITY FOR EVENT VENUES AND ARTICLE 10, SUPPLEMENTAL USE REGULATIONS TO ADD PROVISIONS TO REGULATE EVENT VENUES.

THE CHARTER TOWNSHIP OF HIGHLAND ORDAINS:

**Section 1. Amend Article 2. RULES OF CONSTRUCTION AND DEFINITIONS** as follows:

*Amend Section 2.14 Definitions beginning with the letter “M” as follows:*

*Major thoroughfares.* For the purpose of this Ordinance, the following roads are considered ~~major thoroughfares: Clyde Road, Duck Lake Road, Harvey Lake Road, Hickory Ridge Road, Highland Road (M-59), Livingston Road, Milford Road, Rose Center Road and White Lake Road.~~ See Section 2.18 for definition of “Road Classifications”

*Add item to Section 2.18 Definitions beginning with the letter “R” as follows:*

*Road Classifications:*

- 
- A. *Major Thoroughfare.* For the purpose of this Ordinance, the following roads are considered major thoroughfares: Clyde Road, Duck Lake Road, Harvey Lake Road, Hickory Ridge Road, Highland Road (M-59), Livingston Road, Milford Road, Rose Center Road and White Lake Road.
- B. *Collector Road* For the purpose of this Ordinance, the following roads are considered collector roads: Rowe Road, Honeywell Lake Road, Cooley Lake Road, Tipsico Lake Road, Lone Tree Road, Pettibone Road, Teeple Lake Road, Wardlow Road (east of S. Milford Road), Middle Road, Fish Lake Road, Buckhorn Lake Road, Collector Roads may be paved or gravel surfaced, but are typically publicly owned roads.
- C. *Natural Beauty Road* For the purpose of this Ordinance, the following roads are considered natural beauty roads: Wardlow Road (west of Milford Road) Beaumont Road, and Waterbury Road.
- D. *Local Road.* A local road typically carries traffic to and from collector roads and

major thoroughfares. A local road may serve commercial and/or residential traffic. For the purpose of this Ordinance, the following Roads are considered local roads: Alloy Parkway, Highland Hills Drive, Jackson Boulevard, Eagle Road, Town Center Boulevard, Beach Tree Farm Circle, and Reid Road

E. Subdivision Street For the purpose of this Ordinance, subdivision streets are streets primarily intended to carry local residential neighborhood traffic and may be publicly or privately owned.

**Section 2. Amend Article 4. DISTRICT REGULATIONS as follows:**

Add item 9 to Section 4.05 C, *Special Land Uses*. and renumber subsequent items::

9. Event Venues as accessory to a principal residential use, subject to Section 10.35

Add item 5. to Section 4.06.C, *Special Land Uses*. and renumber subsequent items:

7. Event Venues as accessory to a principal residential use, subject to Section 10.35

**Section 3. Amend Article 5. SITE PLAN REVIEW: PROCEDURES AND STANDARDS as follows:**

Amend Table 5.1 ELIGIBLE USES AND REQUIRED REVIEW PROCEDURES,

Situation/Uses		Required For:		
		Full Site Plan	Sketch Plan	Admin. Review
<b>A.</b>	<b>New Development</b>			
	Class C Farm Market <u>and other</u> Event Venues	PC/TB		

**Section 4. Amend Article 10. SUPPLEMENTAL USE REGULATIONS to add the following:**

**Sec. 10.35 – Event Venues in Agricultural and Residential Zoning District**

A Intent. It is the intent of the Township to allow accessory uses of residential property that provide an economic return to the property owner provided such use does not unduly infringe upon the rights of neighbors to the quiet enjoyment of their own properties. It is intended that income from such use might promote and maintain local farming and preservation of open space as well as encourage entrepreneurial efforts that contribute to the general economic conditions of the Township and its surrounding region.

B. Purpose. The purpose of these regulations is to establish a framework to identify properties where such use could be considered, and under what conditions such uses would be operated.

C. The site shall have a minimum parcel size of 5 acres with vehicle access to a major thoroughfare or collector road with a drive approach approved by the road agency with jurisdiction. Eligible sites shall also exhibit natural characteristics such as topography and woodlands that mitigate concerns about potential trespass of noise, light and objectionable odors to adjacent residential properties. Only sites with an owner-occupied principal residential use may be considered.

D. A minimum 100 foot buffer shall be maintained between any outdoor activity and adjoining residential properties. This includes parking areas, pavilions, temporary structures, such as but not limited to tents and canopies, and sanitary facilities.

E. A minimum 100 foot buffer shall be maintained between any permanent structures utilized for events and adjacent residential properties. The Planning Commission may approve use of existing structures that are located closer than 100 feet, provided mitigative measures are provided to reduce potential nuisance for adjoining properties.

F. Buffer plantings shall be provided along property lines abutting adjacent residential parcels, subject to Section 12.04, Screening between land uses.

G. Offstreet parking areas must be provided to accommodate the anticipated attendance of any event. The parking areas may be mowed grass or gravel for seasonal use, but shall be clearly delineated with paint, stakes and ribbon or other such means. Entrance to and from the site shall be limited to an approved driveway. On street parking for events is prohibited.

H. A lighting plan shall be provided for review of the Planning Commission. All lighting shall comply with Section 13. LIGHTING. The Planning Commission may exempt parking lots designed for seasonal use from lighting levels otherwise required in Section 13.05.B.

I All signage must comply with Article 14. SIGNS. Event venues are not entitled to temporary commercial event signs.

J. Outdoor sound systems may be approved when it is demonstrated that sound would be contained within the property and would be dampened by natural features. The volume shall be controlled so as to not create a nuisance under Chapter 12, NOISE, BLIGHT AND OTHER NUISANCES of the General Code of Ordinances of Highland Township. Approval of a special use permit for an event venue does not constitute an exception from the provisions of Chapter 12. Repeated violations of these provisions shall result in the prohibition of outdoor sound systems until such time as a remedial

proposal is presented to and approved by the Board of Trustees.

K. Any food service for events must be catered from a licensed offsite facility.

L. An operations plan must be submitted for review by the Planning Commission. The plan shall detail the anticipated frequency and duration of events, hours of operations and seasonal limits of operation. The plan shall discuss plans for licensing, sanitation, food service, and rubbish management.

M. All events shall be supervised by the owner. The owner or their representative shall be onsite at all times an event is in progress. Contact information for the responsible party must be filed with the Township.

N. No overnight camping.

O. No firework displays are permitted without a separate pyrotechnic displays permit issued by the Board of Trustees.

## **Section 5. Savings Clause**

That nothing in this ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

## **Section 5. Severability**

The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

## **Section 6. Adoption**

This Zoning Ordinance amendment is hereby declared to have been adopted by the Charter Township of Highland Township Board at a meeting thereof duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

## **Section 7. Effective Date**

The effective date of this Ordinance shall be on the 8th day after publication, or a later date as provided in the Michigan Zoning Enabling Act for when a petition for voter referendum on this Ordinance and/or a notice of intent to submit such a petition is timely filed with the Township Clerk.

---

Rick A. Hamill, Township Supervisor

---

Tami Flowers, Township Clerk

DRAFT

CERTIFICATION OF CLERK

I hereby certify that the foregoing is a true and complete copy of a Zoning Ordinance amendment adopted by the Township Board of the Charter Township of Highland on \_\_\_\_\_ which was a regular meeting. I further certify that at said meeting there were present the following Board members: .

I further certify that the adoption of said Zoning Ordinance amendment was moved by Board member \_\_\_\_\_ and supported by Board member \_\_\_\_\_.

.  
. .  
. .  
. .  
. .  
.....

DRAFT

I further certify that the following Board members:  
\_\_\_\_\_ voted for adoption of the Zoning Ordinance amendment  
and that the following Board members: None voted against the adoption of said Zoning Ordinance  
amendment.

I hereby certify that said Zoning Ordinance amendment has been recorded in the Ordinance  
Book in said Charter Township and that such recording has been authorized by the signature of the  
Township Supervisor and Township Clerk.

\_\_\_\_\_  
Tami Flowers, Township Clerk

Planning Commission Recommendation:

Introduction:

Adoption:

Published:

Effective Date:

DRAFT



**Highland Township Planning Commission  
Record of the 1384th Meeting  
April 7, 2022**

**Roll Call:**

Scott Green, Chairperson (absent)  
Eugene H. Beach, Jr.  
Grant Charlick (acting chairman)  
Kevin Curtis  
Chris Heyn  
Beth Lewis (absent)  
Roscoe Smith  
Scott Temple  
Russ Tierney

**Also Present:**

Elizabeth J. Corwin, Planning Director  
Kari Littlebear, Zoning Administrator

Visitors: 3

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

*Work Session*

**Agenda Item #1:**

Parcel #	11-30-200-021
Zoning:	C2-General Commercial
Address:	3455 W Highland
File#:	PLU22-0007
Request:	Permit for Temporary Land Use
Applicant:	Kelly D. Benjamin
Owner:	Grebeck, LLC

Ms. Corwin introduced the request for a temporary land use for sale of ready to eat food at Peter's True Value Hardware at 3455 W. Highland Road. The property is zoned C-2, General Commercial, and the proposed hotdog stand is a permissible use under Section 4.16, Temporary Land Uses in any district.

Ms. Kelly Benjamin, applicant was present to explain her proposal for Great Lakes Dawg House. Her business specializes in Michigan made products. She intends to operate from 11 a.m. to 2 or 3 p.m. on Saturday and Sunday afternoons from April through October. Her setup includes a trailer, which will be removed from the site each evening, as well as a folding table, umbrella and flags. The trailer will be charged at night, but there is also a small generator. She will not need extension cords to draw energy from the hardware store structure.

Mr. Beach commented that there has been a hot dog pushcart at the hardware store in the past, and presents a “hometown”/summer feel that would likely be well received. The use should be a low traffic generator, which can easily be accommodated in the existing parking lot, and if it draws in a little business for adjoining businesses, that would also be welcome. Mr. Charlick noted that the traffic light at the crossover should help access.

Mr. Beach confirmed that future temporary land uses would be approved administratively. The applicant would not be required to appear before the Planning Commission again unless something significant changed in the proposal.

Mr. Smith asked about hand washing stations. The applicant explained that only hand sanitizers would be provided for the applicants.

Mr. Tierney moved to approve the temporary land use permit for Great Lakes Dawg House at 3455 W. Highland per plans as submitted. Mr. Beach supported the motion. Roll call vote: Curtis-yes; Heyn-yes; Temple-yes; Tierney-yes; Beach-yes; Charlick-yes; Smith-yes. Motion carries.

The applicant asked for clarification about the process for other properties, such as Huron Valley Schools, the Township parks, or special events. Ms. Corwin noted that Planning Commission approval is required for private properties through this same process, but that the school district and township properties required only permission from the property owner.

## **Agenda Item #2**          General Discussion—Wedding Event Venues and Agri-tourism

Ms. Corwin reviewed the draft ordinance language with the Planning Commissioners. She explained that as the ordinance is drafted, it is important to respect the regulations already in place for small scale institutions, since the Township cannot be more restrictive on those uses than for others such as the event venue without running afoul of the Religious Land Use and Institutionalized Persons Act (RLUIPA). It is also wise to consider regulations already on the books for nuisance abatement such as noise and light trespass, signage, etc. There is an ordinance on the books for Outdoor Gatherings which refer to a time limited event, but those regulations are written specifically to crowds exceeding 500 persons, which should not be blindly applied to events which might have only 25 or 100 participants. Ms. Corwin noted that the current version of the draft ordinance has not addressed capacity limits.

The general regulatory approach proposed is to allow event venues with special approval in any residential zoning district, provided the parcel has a minimum size of 5 acres and exhibits certain natural features that allow for mitigation of potential nuisance such as noise and light trespass. The ordinance includes some new definitions, as the use should be restricted to major thoroughfares and collector roads. One would expect that neighbors on a private road or subdivision street would not welcome this use.

Mr. Beach noted that this ordinance could apply to any event-not just to weddings. Some other events might include funerals, class reunions, baby showers, conferences, etc.

Ms. Corwin noted that perhaps the most contentious issue is addressing the need for a sound system for an outdoor event in a temporary structure. Typically, the Township does not allow

amplified sound systems for other outdoor activities. The nuisance ordinance in the general code does provide some guidance. Staff's current thought is that the applicant may propose a plan for outdoor amplified sound system that complies with those regulations, but a land use permit does not protect the operator from noise complaints. If there are continued noise complaints that cannot be resolved, then use of the outdoor amplified system shall cease until a remedial plan is presented to the Planning Commission or Board for approval.

Mr. Beach suggested that there must be some objective acoustical standards, similar to lighting standards, that provide guidance for type and placement of devices, wattage limits, decibel limits, etc. He suggested there is probably a national association of sound engineers or similar that may have developed standards for designing the system. Mr. Charlick noted that especially for the outdoor venues, it is likely that each event would employ a different sound system through hire of deejays or other professionals. He thought it would come down to complaints. There are just so many variables to consider in design.

Mr. Smith noted that 100 feet seemed like an insufficient buffer. Ms. Corwin noted that the minimum lot width for a 5 acre parcel in the ARR, Agriculture and Rural Residential is only 330 feet. She noted that if we establish too great a buffer, than we have excluded the use all together.

Mr. Beach noted that there is a significant difference between a fully contained indoor use such as a pole barn, and the outdoor pavilion, and that objective design standards could be developed for the internal use that may prove useful for the outdoor application. Perhaps a sliding scale of buffers is appropriate depending upon the character of the event.

Mr. Charlick suggested decibel limits at the property lines would be appropriate to ensure the operator stays within the appropriate limits. Ms. Corwin noted that the attorneys have recommended in the past to stay clear of such standards. Complaints would be addressed first by the Sheriff deputies, and they are unlikely to be equipped with the proper tools and training to measure the sound levels.

Mr. Tierney explained his experience with technical measurements of noise with dirt bikes.

Mr. Beach asked about limits on hours of operation, and also wondered if mention should be made of alcohol use, or if that was strictly regulated through state law. Ms. Corwin noted there are a whole host of ancillary issues that need to be addressed, such as overnight camping, and fireworks.

Mr. Charlick noted that the road interfaces must be carefully considered. If unpaved parking lots are typical, there could be issues with mud tracking onto the public streets. Significant traffic volumes could be exiting/entering the site in a concentrated time frame.

Mr. Tierney suggested we might consider a sliding scale of capacity based on the acreage or frontage of the site.

Mr. Smith thought the capacity of the site would be different based on surrounding land uses, such as subdivisions on one, two or three sides of the subject parcel. He was especially concerned about quality of life for neighbors.

Mr. Heyn thought that exceptions to the minimum lot size might be appropriate when surrounding land uses are state lands or forested areas. He noted that he lives on a three acre parcel, but he is surrounded by state land and noise would not be a problem.

Mr. Beach noted that this is a special land use, and that neighbors would be given an opportunity to comment prior to approval of the use.

Mr. Charlick questioned whether the ordinance had drifted too far from the original discussion of protecting open space by allowing accessory uses for an economic return. He suggested that five acres is not that large of a parcel, and that he would hate to set an expectation that any five acre parcel was entitled to such use. It was noted that it would take at least an acre to park 100 cars. Mr. Beach reminded Planning Commission that area churches on five acres might regularly enjoy an attendance of 500 or 600 persons. Mr. Smith noted that those activities are typically indoors.

The Planning Commission discussed that event venues would be an accessory use with an owner occupied principal dwelling. A stand-alone event venue should not be allowed on a large acreage parcel as a principal use. They also discussed how the frequency of events would affect impacts on neighbors as well as whether activities were conducted fully indoors or were partially or wholly outdoors. They discussed existing businesses such as Red Poppy on Harvey Lake Road, Ron Bonadeo's farm on White Lake Road, the Lazy J Ranch at S. Hickory Ridge Road and Broadview Tree Farm on N. Hickory Ridge Road. Mr. Curtis suggested that those properties should be studied to evaluate minimum lot size and parking requirements since they are operating without complaint from neighbors.

Mr. Charlick asked at what point a full blown site plan would be required with engineering? Ms. Corwin explained the approach with Class C Farm Markets. A site plan review is required before the Planning Commission whenever site improvements are proposed, but a rule of reason applies when it is determined what plans are accepted and whether an engineer must be involved.

Ms. Corwin brought the issue of signage to the Planning Commission's attention. The current zoning ordinance allows a free standing sign of 32 square feet, 4 feet high., which is the same as would be allowed for a commercial business. Mr. Beach suggested that the size should be limited to half that size, and of a more sedate appearance, such as would be seen on a high class horse farm. Mr. Charlick noted that an LED, changeable message sign would not be appropriate. He would envision more of a natural painted rock.

Mr. Tierney suggested we flesh out standards of approval, some capacity limits due based on the size of the parcel, some guidance on the types of structure. Mr. Charlick thought there should be some limits on the scale of improvements on any parcel so as to retain the rural character. An operator shouldn't be able to turn 5 acres of a 10 acre parcel into a gravel parking lot.

Ms. Corwin noted that the ordinance is still lacking a definition of event. The event ordinance should not be utilized to establish commercial activity like retail sales or flea markets. Those uses should be confined to commercial zones. Mr. Beach also suggested we should consider regulations to preclude sporting events since those uses carry different potential for noise and traffic nuisance.

Ms. Corwin noted that she was unsure that anything could be prepared in time for discussion at the April 21, 2022 Planning Commission meeting. If there was anything ready, she will add the discussion to the agenda.

Tim Hiebert, 893 N. Hickory Ridge Rd expressed frustration that he could not tell whether any real progress has been made with an ordinance, since he expected a much simpler focus on only the wedding venue to help preserve agricultural lands. Mr. Beach explained that the process of drafting an ordinance is very complicated. Rather than having to evaluate 100 different little sections, the Planning Commission considers all the variety of uses that might have similar impacts. It brings out a broader range of stakeholders, who will bring out other concerns to consider. The process requires the Planning Commission to consider all analogous uses, since future applicants may be able to pigeonhole such uses even though there are much different impacts.

Ms. Corwin explained also that the Planning Commission must always look at the ordinance as a whole, since there could always be unintentional consequences if you examine a use in isolation. The Planning Commission must also consider federal law, state law and case law. Mr. Beach cautioned that once a land use is established, it is difficult to rein it back.

**Agenda Item #3:** Committee Updates

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

Committee updates were discussed.

**Agenda Item #4:** Minutes: March 17, 2022

Mr. Beach moved to approve the minutes of March 17, 2022 as presented. Mr. Charlick supported the motion which passed by voice vote.

Mr. Curtis moved to adjourn the meeting at 9:10 p.m. The motion was supported by Mr. Tierney and passed by voice vote.

Respectfully submitted,

A.Roscoe Smith, Secretary  
ARS/ejc

BONADEO SPECIAL USE PERMIT

**DEVELOPMENT AGREEMENT**  
**and**  
**SPECIAL LAND USE PERMIT**  
**BONADEO LANDSCAPING AND NURSERY**  
**CLASS C FARM MARKET VENUE**  
**1215 WHITE LAKE ROAD**  
**PARCELS # 11-02-300-017, 11-02-300-018, 11-02-300-019**

This Development Agreement and Special Land Use Permit is entered into this 20 day of March, 2014 by and between the CHARTER TOWNSHIP OF HIGHLAND, a Michigan Charter Township ("Township"), with offices located at 205 N. John Street, Highland, Michigan 48357, and Bonadeo Landscaping and Nursery ("Bonadeo"), whose address is 1215 White Lake Road, Highland, Michigan 48356.

**RECITALS:**

1. On July 10, 2013 the Charter Township of Highland Board of Trustees held a public hearing concerning a land use requiring special approval for a Class C Farm Market, (file #URSA 12-02). The subject parcels are currently zoned ARR, Agricultural and Rural Residential District. The Planning Commission subsequently approved a sketch plan at their meeting of July 18, 2013. The approved sketch plan is date stamped approved by Highland Township Planning Commission and staff, with a date stamp of July 18, 2013 and covers real property described as:

T3N, R7E, SEC 2 PART OF SW 1/4 BEG AT PT DIST N 01-42-20 E 242.22 FT FROM SW SEC COR, TH N 01-42-20 E 415.73 FT, TH S 88-39-13 E 753 FT, TH S 01-42-20 W 44.52 FT, TH S 55-28-36 W 633.18 FT, TH N 88-42-00 W 242.22 FT TO BEG 5.01 acres

and

T3N, R7E, SEC 2 PART OF SW 1/4 BEG AT PT DIST S 88-44-40 E 242.22 FT FROM SW SEC COR, TH S 88-44-40 E 510.78 FT, TH N 01-42-20 E 612.24 FT, TH S 55-28-36 W 633.18 FT, TH S 01-42-20 W 242.03 FT TO BEG 5.01 Acres

and

T3N, R7E, SEC 2 PART OF SW 1/4 BEG AT PT DIST S 88-42-00 E 753 FT & N 01-42-20 E 69.35 FT FROM SW SEC COR, TH N 01-42-20 E 587.99 FT, TH S 88-39-13 E 567.40 FT, TH S 01-42-20 W 528.27 FT, TH ALG CURVE TO RIGHT, RAD 940 FT, CHORD BEARS S 80-59-46 W 313.32 FT, DIST OF 314.78 FT, TH N 89-24-37 W 259.58 FT TO BEG 7.49 Acres

Currently known as 1215 White Lake Road.

2. Bonadeo's sketch plan proposal (on file with the Township Planning Department) calls for expansion of an existing landscape nursery for a seasonal farm market. The previously approved site plan (1995) was completed under a previous Zoning Ordinance. Minimal site improvements are proposed to create a more pleasant surrounding and to mitigate potential impacts on neighboring properties through screening. The existing natural features such as trees will be preserved and supplemented to provide adequate screening.

3. In the ARR, Agricultural and Rural Residential District, "Class C Farm Market" is allowed as a Special Land Use. The Township Board approved the Special Land Use to establish this use at their meeting on July 10, 2013 with conditions as follow:

- a) All farm market operations shall be conducted in accordance with Generally Accepted Agricultural Management Practices (GAAMPs) as published by the Michigan Department of Agriculture and Rural Development.
- b) Farm Market "entertainment events" shall be limited to the period of September 1 through December 31 each year. "Entertainment events" shall mean activities intended to draw potential customers to the site for the purchase of agricultural products specifically "you pick" berries and pumpkins, a petting zoo, cider mill with sale of cider, donuts, caramel apples, and fruit pies, honey and jams and similar farm products, Christmas trees, roping and wreaths. Musical entertainment, whether live or recorded, is permissible as long as the sound is contained within the property boundaries in accordance with the Noise Ordinance. Events authorized for the month of October include hayrides, haunted house and corn maze.

- c) The operator shall not promote or operate any activities either than those listed in subsection b. above unless a permit is first issued by the Planning Commission or Zoning Administrator under Section 4.16, Temporary Uses in Any Zoning District. For a five year period commencing on the date of this agreement fees for temporary use permits are waived.
  - d) The operator may bring in products for sale such as jams, jellies, honey, baked goods, donuts, cider and Christmas trees provided that the sales of any products (farm and non-farm related) not produced by the operator at this or an affiliated site do not exceed 49 percent of the sales from the site. The operator shall maintain accurate sales records and be prepared to demonstrate compliance with this restriction. Supporting documentation shall be provided to the Township or Michigan Department of Agriculture and Rural Development (MDARD) within four days of a request, no more frequently than once per month.
  - e) From January 1<sup>st</sup> through August 31<sup>st</sup>, the operator may operate a Class B farm market, including the sales of produce grown on this site or other sites owned or leased by the operator. No entertainment activities may be conducted during this period without written authorization of the Zoning Administrator.
  - f) The operator may conduct landscape business at the site year round.
  - g) The approved sketch plan provides a basic plan for annual crops such as pumpkins and corn. The operator may shift the plantings around on the site each season to employ best nutrient management and soil conservation practices.
  - h) The hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Sunday through Thursday and 7:00 a.m. to 9:00 p.m. on Friday and Saturday. No events shall be scheduled to commence before 9:00 a.m. any day of the week. An exception is granted for evening eventson Friday and Saturday evenings during the last two weeks of September and the month of October, and everyday during the week in which Halloween falls (e.g. Sunday through Thursday, October 27-31) when events may run through 11:00 p.m.
  - i) The parking for any event or activity planned for the site shall be limited to approved onsite parking areas. Parking shall not be allowed on public streets or nearby driveways. The operator shall actively manage traffic flow on site to minimize queuing on the public roads, and will close the site entrance if parking capacity is filled. The applicant may utilize temporary signage to direct traffic, in accordance with the Zoning Ordinance.
  - j) Any outdoor sound system, whether temporary or permanent, shall be operated so as to contain all amplified noise within the property boundaries.
  - k) Any outdoor lighting, whether temporary or permanent, shall be downward directed and shielded as required by the Zoning Ordinance, and shall be operated so as contain light and glare within the property boundaries.
  - l) The operator is entitled to utilize two onsite temporary or permanent signs at the site entrances (one on White Lake Road and one on Milford Road as illustrated on the sketch plan) of no more than 32 square feet. In addition, the operator may utilize temporary agricultural signs as allowed by the Zoning Ordinance (Section 14.07). All temporary signs must be removed by January 15.
  - m) Execution of a development agreement addressing issues related to site improvements consistent with approvals and conditions from the Highland Township Planning Commission.
4. This development agreement documents the following obligations of Bonadeo Landscaping and Nursery as a condition of sketch plan approval by the Planning Commission and staff:
- a) Installation of additional landscape screening materials along the east property boundary and along the White Lake Road right-of-way line to be completed over a period of three years from the date of Special Use Approval until a solid screen of 80 percent opacity is provided onsite per the requirements of the Zoning Ordinance. Plantings along the north property line shall be completed over a period of six years from the approval date.
  - b) Installation of hard-surfaced parking area to provide two barrier-free parking spaces and ramps near the entrance of the primary building.
  - c) Installation of a concrete pad and screening for the existing dumpster.
  - d) The operator may construct play structures, tables or benches, or new or improved animal shelters in the location identified as "Play and Sitting Area" provided that required setbacks are observed. No new structures shall be constructed onsite until such time as Planning staff can verify that the area is properly screened in accordance with the Zoning Ordinance. Plans for any proposed structure or amenity shall be submitted for Planning staff review in order to determine compliance with the approved sketch plan and requirements for building permits where required.

**IT IS HEREBY AGREED AS FOLLOWS:**



1. This development agreement shall constitute the Special Land Use Permit for Bonadeo Landscaping and Nursery, 1215 White Lake Road, Highland, Michigan 48356 and shall be fully valid upon execution.
2. The Special Use permit may be revoked by the Township, upon determination by the Township Board that any of the following conditions apply:
  - a) The operator has ceased the use for a period of one year or more
  - b) The operator has repeatedly violated provisions of the permit
  - c) The operator has repeatedly violated other provisions of the General Code of Ordinances

In making their determination, the Township Board shall consider the operator's response to any notices of violation that may have been issued by the Township. The Township Board may refer the matter to the Planning Commission for a recommendation.

3. Should Bonadeo wish to propose any changes to the approved sketch plan or the land use, he must contact the Township and seek approval by following the appropriate review process. An example of changes that require new approvals includes, but is not limited to, a determination by Bonadeo to construct structures in locations other than the "Play and Sitting area" or to improve the parking lot other than a mowed surface. The occasional placement of a load of gravel to stabilize muddy spots is acceptable without prior notice, provided the overall condition of the parking area remains pervious and does not impact drainage patterns.
4. This special use permit may be extended to a subsequent operator/and or property owner provided said parties agree to the terms and conditions of this permit and development agreement in writing. If the Zoning Administrator determines that a proposed use is of a different scale or character of that considered in approving this Special Land Use permit, than the permit shall be nullified. The operator may then seek a new permit following whatever process is in place at that time.
5. Bonadeo may appeal to the Oakland County Circuit Court from any interpretation of any term, condition or provision of this Development Agreement, but such appeal shall be limited to a determination as to whether the Township's interpretation of this Development Agreement is significantly more burdensome and costly to than would be justified by a fair and reasonable reading of the Development Agreement or whether the Township's interpretation of permit limits is clearly erroneous. No appeal shall be available to relieve Bonadeo from any term, condition or provision of this Development Agreement. Under no circumstances can any appeal provide for an award of monetary damages, including attorney fees or other fees or costs, against the Township. No elected official, director, officer, agent, consultant or employee of the Township shall be charged personally or held contractually liable by or to the other party under any term or provision of this Development Agreement or because of any breach thereof, or because of its or their execution, approval or attempted execution of this Agreement. By execution of this Development Agreement, Bonadeo agrees that the conditions contained herein are fair, reasonable and equitable requirements and conditions; agrees that this Development Agreement does not constitute a taking of property for any purpose or a violation of any constitutional rights; and agrees to be bound by each and every provision of this Development Agreement. Furthermore, it is agreed that the improvements and undertakings described herein are necessary and roughly proportional to the burden imposed, and are necessary in order to ensure that public services and facilities will be capable of accommodating the Project, and the increased service and facility loads caused by the Project; to protect the natural environment and conserve natural resources; to ensure compatibility with adjacent uses of land; to promote use of the Property in a socially and economically desirable manner; and to achieve other legitimate objectives authorized by law. It is further agreed and acknowledged that all the improvements are clearly related to the burdens to be created by the Project, and all such improvements are clearly and substantially related to the Township's legitimate interests in protecting the public health, safety and welfare.
6. This Development Agreement shall be binding upon and inure to the benefit of the parties and their heirs, successors and assigns. The rights and obligations contained in this Development Agreement shall run with the Property. Bonadeo, at his sole cost, shall record a copy of this Development Agreement at the Oakland County Register of Deeds, and provide a recorded copy to the Township within thirty (30) days of the execution of this agreement.
7. This Development Agreement has been duly authorized by all necessary action by Bonadeo and the Township. By the execution of this Agreement, the parties each warrant that they have the authority to execute this Development Agreement and bind the Property in its respective entities to its terms and conditions.
8. This Development Agreement may only be amended pursuant to an instrument executed by the Township and Bonadeo after mutual consent of the parties.
9. Invalidation of any of the provisions contained in this Development Agreement, or of the application thereof to any person by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person and the same shall remain in full force and effect.
10. None of the terms or provisions of this Development Agreement shall be deemed to create a partnership or joint venture between Bonadeo and the Township.

11. The recitals contained in this Development Agreement, the introductory paragraph, and all exhibits attached to this Agreement and referred to herein shall for all purposes be deemed to be incorporated in this Development Agreement by this reference and made a part of this Development Agreement.
12. This Development Agreement is intended as the complete integration of all understandings between the parties related to the subject matter herein. No prior contemporaneous addition, deletion or other amendment shall have any force or affect whatsoever, unless referenced in this Development Agreement or embodied herein in writing. No subsequent notation, renewal, addition, deletion or other amendment shall have any force or affect unless embodied in a written amendatory or other agreement executed by the parties required herein.
13. The parties intend that this Development Agreement shall create no third-party beneficiary interest except for an assignment pursuant to this Agreement. The parties are not presently aware of any actions by them or any of their authorized representatives which would form the basis for interpretation construing a different intent and in any event expressly disclaim any such acts or actions, particularly in view of the integration of this Agreement.

BONADEO LANDSCAPING AND NURSERY


By: 

Its: President

**ACKNOWLEDGEMENT**

STATE OF MICHIGAN )  
 ) ss  
 COUNTY OF OAKLAND )

On this 21 day of MARCH, 2014, before me appeared Ronald Bonadeo, to me personally known, who, being by me duly sworn, did said that he/she acknowledges said instrument to be his/her free act and deed.

  
 Notary Public

OAKLAND County, Michigan

My Commission Expires: 11/6/17

CHARTER TOWNSHIP OF HIGHLAND

By:   
 Rick A. Hamill

Its: Supervisor


By:   
 Mary L. McDonell

Its: Clerk

**ACKNOWLEDGEMENT**

STATE OF MICHIGAN )  
 ) ss  
 COUNTY OF OAKLAND )

On this 7th day of March, 2014, before me appeared Rick A. Hamill and Mary L. McDonell, to me personally known, who, being by me duly sworn, did say that they are, respectively, the Supervisor and the Clerk of the Charter Township of Highland, Oakland County, Michigan, and that said instrument was signed and sealed on behalf of said Township, by the authority of its Township Board, and they acknowledge said instrument to be the free act and deed of said Township.

  
 Notary Public

Oakland County, Michigan

My Commission Expires: 10/11/2018

Drafted by:  
Elizabeth J. Corwin  
Charter Township of Highland  
205 N. John Street  
Highland, MI 48357

When recorded return to:  
Planning & Zoning Department  
Charter Township of Highland  
205 N. John St.  
Highland, MI 4835

# BONADEO LANDSCAPE AND NURSERY

## SKETCH PLAN FOR CLASS "C" FARM MARKET VENUE

1215 WHITE LAKE ROAD

PARCELS # 11-02-300-017, 11-02-300-018, 11-02-300-019

### PROPERTY DESCRIPTION

T3N, R7E, SEC 2 PART OF SW 1/4  
BEG AT PT DIST N 01-42-20 E 242.22 FT  
FROM SW SEC COR, TH N 01-42-  
20 E 415.73 FT, TH S 88-39-13 E 753 FT,  
TH S 01-42-20 W 44.52 FT, TH S 55-28-36 W  
633.18 FT, TH N 88-42-00  
W 242.22 FT TO BEG 5.01 acres  
and

T3N, R7E, SEC 2 PART OF SW 1/4  
BEG AT PT DIST S 88-44-40 E 242.22 FT  
FROM SW SEC COR, TH S 88-44-  
40 E 510.78 FT, TH N 01-42-20 E 612.24 FT,  
TH S 55-28-36 W 633.18 FT, TH S 01-42-20 W  
242.03 FT TO BEG 5.01 Acres

and  
T3N, R7E, SEC 2 PART OF SW 1/4 BEG AT  
PT DIST S 88-42-00 E 753 FT & N 01-42-20 E  
69.35 FT FROM SW SEC COR, TH  
N 01-42-20 E 587.99 FT, TH S 88-39-13 E 567.40 FT,  
TH S 01-42-20 W 528.27 FT, TH ALG CURVE TO RIGHT,  
RAD 940 FT, CHORD BEARS S 80-59-46 W 313.32 FT,  
DIST OF 314.78 FT, TH N 89-24-37 W 259.58  
FT TO BEG 7.49 Acres  
Currently known as 1215 White Lake Road.



RECEIVED

JUL 18 2013

HIGHLAND TOWNSHIP  
PLANNING COMMISSION

### APPLICANT

Ronald Bonadeo  
1215 White Lake Road  
Highland, MI 48356  
248-787-4553

### OWNERS

PARCELS 11-02-300-017 and -018  
Ronald Bonadeo  
1215 White Lake Rd  
Highland, MI 48356

PARCEL 11-02-300-019  
Sue Schultz  
3225 Kingsway  
Highland, MI 48356

PLANS PREPARED BY:  
Ronald Bonadeo  
April 22, 2013

### NOTES:

#### 1. LIGHTING

- Under existing conditions there are 5 wallpacks on the main building
- No other permanent lighting is proposed
- Any temporary lighting will be downward directed and conform to Ordinance

#### 2. SIGNAGE

- Two entrance signs proposed – 32 SF Maximum. Sign designs will be submitted to the Planning Department at a future date.
- Signs will be placed in conformance with ordinance (15 foot or more from ROW)
- Changeable copy signage anticipated

#### 3. DUMPSTER

- Existing dumpster will be placed on concrete pad and screened by landscaping

#### 4. TRAFFIC CIRCULATION AND PARKING

- Farm Market Traffic will enter only from main entrance on White Lake Road
- Two-way traffic is allowed on the main gravel drive
- Overflow traffic will be one-way traffic only to the east field. East gate would be open during such use to allow exit to White Lake Road
- Driveway on Milford Road will be signed "One Way" and will be used only for the convenience of the nursery business (moving plant and landscaping materials as has been the practice until now)
- During peak hours, staff will direct traffic. If the parking is all filled, a barrier will be placed at entrance to prevent overloading of site.
- No parking will be permitted along the public road rights-of-way or blocking driveways.
- 38 parking spaces are provided at the main building, including 2 barrier free spaces on a concrete pad, adjacent to the building entrance.
- Approximately 180 parking spaces will be available in the grassed overflow parking. The maneuver strips may be augmented by a gravel surface to stabilize the area as necessary. No further improvements of the parking area will be undertaken without appropriate approvals.
- Typical parking space is 10 foot by 20 foot.
- The approaches to public roads are not to be altered. RCOC permits are not required.

### GENERAL DESCRIPTION OF PROPOSED USE

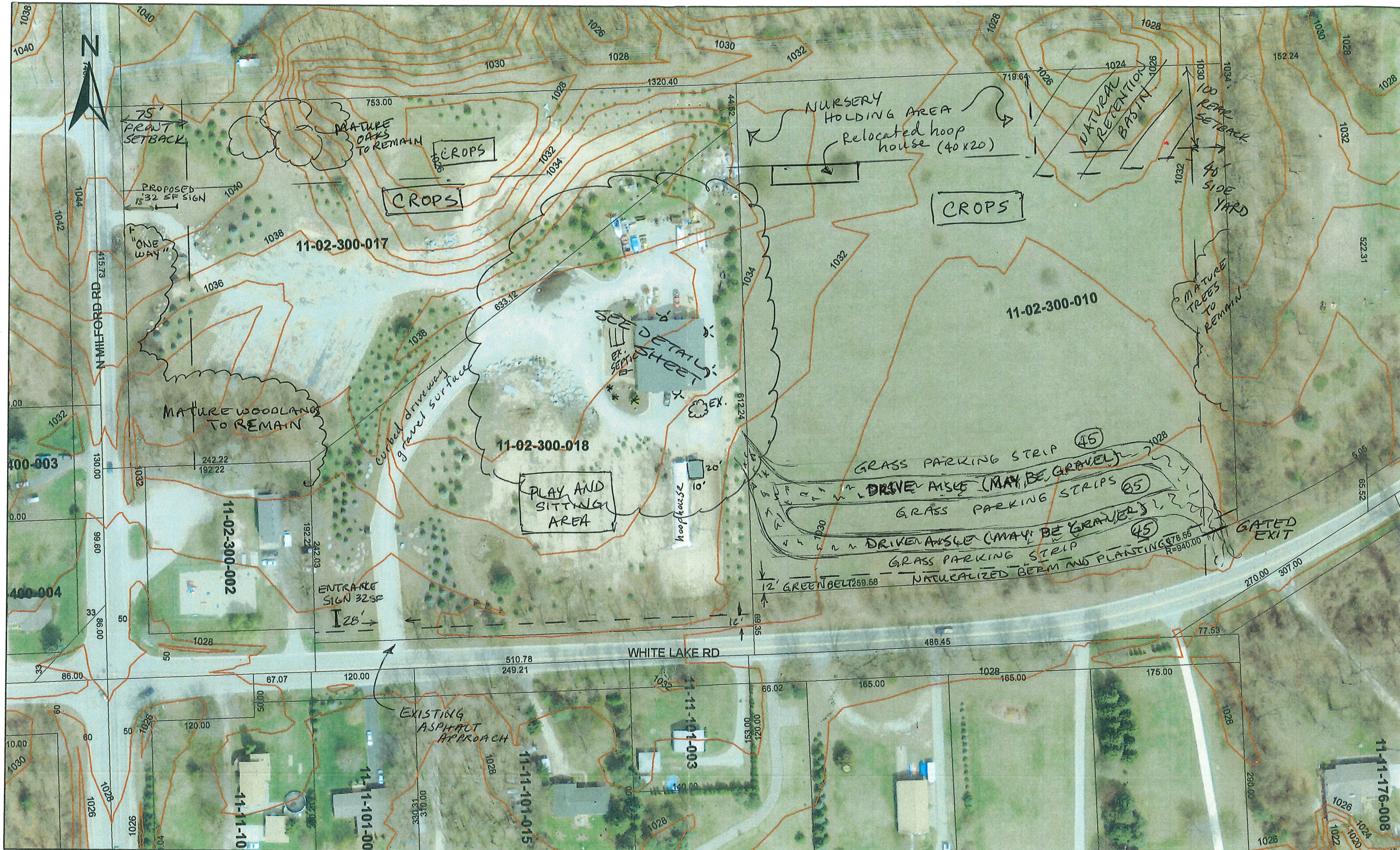
EXISTING USE IS LANDSCAPE AND NURSERY  
PROPOSED USE WOULD PROVIDE  
SEASONAL FARM MARKET WITH EVENTS AS APPROVED  
IN SPECIAL LAND USE PERMIT (E.G. U-PICK BERRIES,  
PUMPKIN PATCH, CHRISTMAS TREE SALES).  
NO NEW STRUCTURES PROPOSED.

#### 5. LANDSCAPING

- There are a number of mature trees along the rights-of-way and external boundaries of the site. These shall remain.
- There are many mature trees in areas identified as "crop". Any healthy tree will be relocated on site. The crop areas will be stripped of topsoil, graded and smoothed as necessary. Overflow parking area will also be stripped, graded and smoothed and reseeded. A naturalized berm will be created along the White Lake Road right-of-way in the greenbelt.
- The "Natural Retention Basin" will not be graded unless a grading plan is first approved by the Township Planning Department.
- There is immature nursery stock scattered around the site that has been planted as part of the landscape business. These plantings are subject to relocation or removal from the site.
- The operator will work diligently at plantings along the right-of-way and property boundaries to provide adequate screening in accordance with the Ordinance. Materials planted in these buffer areas will be selected from the approved plant list in the Ordinance. These will be a mixture of fruit trees, evergreen and deciduous trees to avoid a monoculture.

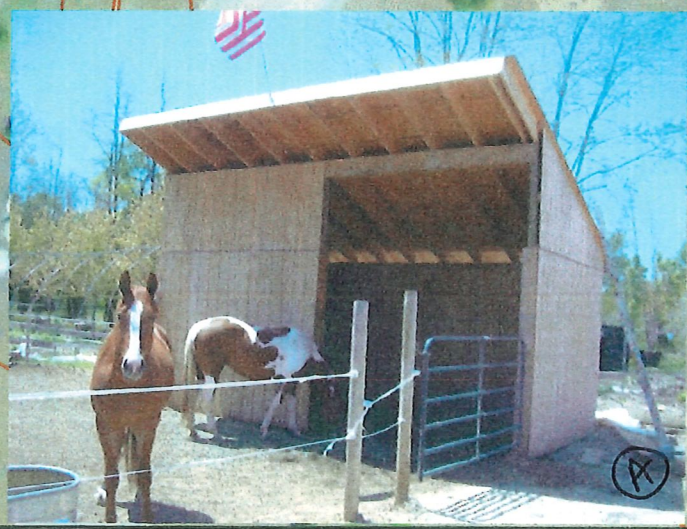
#### 6. PLAY AND SITTING AREA

- The play and sitting area will include picnic tables and benches, a petting zoo and fire pits. Future improvements may include a play structure and pavilion.



60 30 0 60 Feet

1" = 100'



**Highland Township Planning Commission  
Record of the 1276th Meeting  
Highland Township Auditorium  
July 18<sup>th</sup> , 2013**

**Roll Call:**

Michael Wiza, Chairperson  
Eugene H. Beach, Jr., absent  
Chris Gostek  
John Stewart  
Patricia Hamlin  
Scott Temple, absent  
Russ Tierney  
John Miller  
Roscoe Smith

Also Present:

Beth Corwin, Planning and Development Director

Visitors: 8

Mr. Wiza, the Chairperson, called the meeting to order at 7:30 p.m.

**Work Session:**

<u>Agenda Item #1:</u>	Parcel #:	11-15-351-003
	Zoning:	IM
	Address:	1555 N. Milford Rd.
	File #:	SPR 13-04
	Request:	Request for contractor storage suites
	Applicant:	Jeffrey Heyn
	Owner:	Fifth Third Bank

Mr. Stewart reviewed the application and provided the subcommittee report. The plan is for contractor's storage rental suites in an enclosed yard, a use by right in the IM Zoning District. Mr. Jeffrey Heyn and Mr. Chris Heyn were available to answer questions as well as Mr. Brad Thompson of BF Thompson, Consulting.

The site plan was presented as a concept only, in order to gain some feedback regarding the use and layout as part of a due diligence effort. Mr. Heyn is evaluating purchase of the property. The project will also be presented to the Zoning Board of Appeals next month, although the final layout is not yet determined.

This lot presents unusual challenges in layout due to the fact it fronts public or private roads on three sides. Mr. Heyn has also decided to strive to save the existing farmhouse

and repurpose it, possibly for use as temporary office space for the contractor's renting storage units. There are some back porches in a state of disrepair that will be removed, and the most easterly storage building will be reconfigured to provide clear space between the existing structure and the proposed unit.

Mr. Gostek questioned if the target storage area could be accomplished in two wider buildings, in order to provide some setback from Transfer Drive. Mr. Heyn discussed the desire to provide a variety of spaces, some shallower and some deeper. Mr. Thompson suggested they could consider some sort of "U"-shape layout that would provide a better "courtyard" for trailers to maneuver. Mr. Stewart also pointed out that the buildings should be shifted to the south to provide better turning radii near the north property line. The Consumers Power Company Easement also poses a constraint on the layout.

The industrial site to the north has solid fencing enclosing the rear yard, placed at the Transfer Drive right-of-way. Feedback from the commissioners was that although it seems reasonable to treat Transfer Drive more as an alley, therefore calling for a rear yard setback of about 40 feet, they would prefer to see a fence at the property line rather than the wall of a storage building.

The concept calls for all access from Transfer Drive. Mr. Stewart reminded the applicant of the need for a marginal access easement, even if they do not propose to improve it at this moment. Mr. Thompson pointed out that Transfer Drive already provides that function. Ms. Corwin pointed out that Section 11.04.c. enables the Planning Commission to approve a plan without marginal access due to functional circumstances.

Mr. Gostek moved to table Agenda Item #1, Site Plan for 1555 N. Milford Road to enable the applicant to seek variances and refine the site plan. Mr. Miller supported and the motion carried with a roll call vote: Miller-yes; Gostek-yes; Wiza-yes; Smith-yes; Stewart-yes; Hamlin-yes, Tierney-yes (7 yes votes.)

<u>Agenda Item #2:</u>	Parcel #:	11-34-327-001
	Zoning:	OS
	Address:	2725 S. Milford Rd.
	File #:	SPR 13-05
	Request:	Addition to existing structure
	Applicant:	Leopold Investments II, LLC
	Owner:	Louis E. Leonor

Mr. Stewart reviewed the application and provided the subcommittee report. The plan is for a small addition to an existing dental office. The architect, Robert J Cliffe, Moiseev/Gordon Associates, Inc. was present to answer questions.

The site was developed in the 1970's. There are a number of site deficiencies including: no sidewalk along Milford Road, no marginal access drive, no dumpster pad and screen. Also, the



sketch plan does not include a landscape plan, lighting plan or utilities information which would allow the commissioners to evaluate those site components.

Mr. Cliffe pointed out that the information presented on the sketch plan complies with the requirements for a small addition. However, there was no existing site plan available for reference. Mr. Stewart noted that there are a number of stately mature trees in the front yard, and if the locations were identified we might find that the site already complies with the landscaping requirements, although such trees are not in close proximity to the Milford Road right-of-way.

Ms. Cliffe noted that on an old site plan provided for his files, the marginal access drive was shown just east of the Milford Road right-of-way, an infeasible location due to the retention basins at Maverick Office Park to the south. Ms. Corwin explained that staff attempted to contact Dr. Limberg, the owner of this site when Maverick Park was developed, but he was not willing to discuss the marginal access. A stub was left at the property line by the Maverick Park developers. It is suggested that a marginal access easement be shown to align with that location, and development of that access be deferred to the future.

Mr. Stewart discussed the parking requirements. There is no intended use shown for the basement level, but if it is assumed that the use is general office space the requirement would be 28 spaces, whereas only 25 are shown. If the use were medical/dental office, additional parking spaces would be required. Ms. Corwin explained that the applicant need not develop the spaces at this time, but should indicate their location and label such undeveloped spaces as "reserved."

Mr. Cliffe objected to the requirement of installing sidewalk as unrelated to the small building addition. Mr. Wiza explained that it has been the Township's policy to require that sites be brought substantially into compliance with the zoning ordinance or original approved site plan whenever approvals are sought for site modification, and that sidewalks, in particular, are a priority for the community. He further noted that sidewalks would have been a requirement on the original site plan. Mr. Stewart noted that there was sidewalk both north and south of the site, and that this infill would bring the community closer to its vision of continuous sidewalks. Mr. Cliffe suggested that his client may choose to withdraw the plan if required to install the sidewalk.

Mr. Gostek moved to table Agenda Item #2, Site Plan for 2725 S. Milford Road to allow the applicant to refine the submittal. Mr. Stewart supported and the motion carried with a roll call vote: Miller-yes; Gostek-yes; Wiza-yes; Smith-yes; Stewart-yes; Hamlin-yes, Tierney-yes (7 yes votes.)

---

Agenda Item#3: Parcel #11-02-300-017, 11-02-300-018, 11-02-300-019  
Zoning : ARR  
Address: 1215 White Lake Rd.  
File#: SPR13-06  
Request : Class C Farm Market Site Plan Review  
Applicant: Ronald Bonadeo  
Owners: Sue Schulte and Ronald Bonadeo

Mrs. Hamlin reviewed the application and provided the subcommittee report. The plan is for a Class “C” Farm Market. The Special Use was approved by the Board of Trustees at their meeting of July 10, 2013, with the condition that the applicant would return after one year of operations for review of the restrictions. Mr. Ron Bonadeo was available to discuss the site with the commissioners.

Mr. Bonadeo explained that in year one, his plan is only to sell the pumpkins he has planted. There will be no corn maze or Christmas tree sales. He intends to focus his energies in preparing for the full range of approved events next year.

Mr. Stewart noted that he had found a few deficiencies in the site plan, which he had identified at the April 18, 2013 meeting: loading/unloading area is required, parking layout and additional dimensioning of the parking should be shown, protection of the septic system, more driveway widths. His biggest concern is adequacy of parking lot lighting along the main driveway and around the existing building.

Mr. Bonadeo asked about temporary lighting and/or low voltage lighting, since the site would be open to the public only a limited percentage of the year. Mr. Stewart responded that this would be inadequate and recommended the applicant bring in a lighting designer—the required light levels may be achieved with only five or six lamps. The requirement does not apply to the temporary overflow parking. The lights could be turned down or off at night, except for security lighting at the main building.

Mr. Stewart moved that to approve the sketch plan for SPR 13-06, Bonadeo Landscaping at 1215 White Lake Road subject to submittal of revised drawings for staff approval including the following: parking layout, protection of existing septic field, driveway traffic patterns and widths, and site lighting that meets ordinance requirements for 38 cars and the main driveway. Supported by Mr. Miller.

Agenda Item #4      **Committee Updates**

Zoning Board of Appeals  
Township Board  
Highland Downtown Development Authority  
Parks and Recreation

Agenda Item #5:      Minutes of June 20, 2013

Mrs. Hamlin moved to approve the Minutes of June 20, 2013 as corrected. Supported by Mr. Miller and the motion carried with a unanimous voice vote (7 yes votes).

The Information Note was reviewed and discussed.

At 9:20, Mr. Gostek moved to adjourn the meeting with Mr. Stewart supporting.

Respectfully submitted,

Secretary

A. Roscoe Smith

ARS/ejc

**CHARTER TOWNSHIP OF HIGHLAND  
REGULAR BOARD OF TRUSTEES MEETING  
205 N. JOHN STREET – HIGHLAND, MICHIGAN  
July 10, 2013 – 7:30 P.M.**

Supervisor Hamill called the meeting to order at 7:30 p.m. and led the Pledge of Allegiance.

Roll Call: Rick Hamill, Supervisor  
Mary L. McDonell, Clerk  
Judy Cooper, Treasurer  
Mary Pat Chynoweth, Trustee  
Russ Tierney, Trustee  
Brian Howe, Trustee  
Charles Dittmar, Trustee

Also Present: Karen Beardsley, Recording Secretary  
Fire Chief Crunk  
Sgt. Snyder

Visitors: 49

**Consent Agenda Approval:**

- a. **Approve: June 12, 2013 Regular Board Meeting Minutes**
- b. **Receive and file: Building Department Report – May 2013**  
**Financial Report – May 2013**  
**Fire Department Report – June 2013**  
**Ordinance Department Report – May 2013**  
**Treasurer's Report – May 2013**

Mrs. Chynoweth moved to approve the Consent Agenda, as presented. Mr. Dittmar supported and the motion carried with a unanimous voice vote (seven yes votes).

**Announcements and Information Inquiry:**

- a. **Additional Regular Board Meetings added July 24 and August 28 at 7:30 PM**
- b. **Public Comment: None.**

**Pending Business:**

- a. **Public Hearing: A request for a Special Land Use Approval for establishment of Class C Farm Market submitted by applicant Ronald Bonadeo and Owners Ronald Bonadeo and Sue Schulte, 1215 White Lake Road, Parcel ID #11-02-300-017 and 11-02-300-018 and 11-02-300-019 (tabled from the June 12, 2013 meeting).**

**The Public Hearing was opened at 7:33 PM.**

Carol Litzelman, 1274 White Lake Road commented on Mr. Bonadeo's intentions for the property and felt it would set a precedent for the area. She was also concerned about the fencing.

Ellie Lewis, 1196 Craven Drive commented on the size of the property, traffic control and that she felt the newspaper articles were misleading.

Daniel Tarin, 765 Spring Mill Road, previously of 4161 Harvey Lake Road, supports Mr. Bonadeo's project.

Dennis Schneider, a youth representative from the Michigan Columbian Squires from Holy Spirit, spoke in support of Mr. Bonadeo's project.

Ellen Dekoker, 1427 White Lake Road, stated that she moved to this area for peace and quiet, and was opposed to the Class B license. She also felt the fencing was not adequate.

Mark Rothman, 5076 N. Milford Road spoke about his concerns about the traffic increase.

Keith Karbum, 1300 White Lake Road voiced his concerns for the wildlife, the environment and liabilities.

Rick Bingham, 1150 White Lake Road, stated that all concerns could be addressed in the approval process, and was in support of Mr. Bonadeo's venture.

Keith Cotcher, 3187 Big J. Drive, White Lake, a 62 year area resident spoke of the benefits of Mr. Bonadeo's proposed project.

Frank Dyson, 2324 Duck Lake Road, spoke against Mr. Bonadeo's proposed project.

Chris Nielson, 3963 Taggett Lake Drive spoke in favor of Mr. Bonadeo's proposed project.

Vivien Darrin, 3561 Tara, spoke of her concerns about increased traffic and damage to the environment.

Kevin Zelenka, 1427 White Lake Road spoke in opposition of the proposed project.

Mr. Bonadeo stated that he will operate within the ordinance. He has never had any violations. Regarding traffic, he stated that Holy Spirit has 320 parking spaces and has 3 masses each week and that hasn't been seen as a problem. He feels his property is private, and will plant more to screen. He is surprised about so much opposition for a good thing. He offered to control parking with gates. He feels his proposed project will be a positive experience for Highland.

**The Public Hearing was closed at 8:10.**

Mr. Tierney reviewed his concerns regarding traffic and noise as it would affect neighboring residents, and shared that Mr. Bonadeo's development agreement was approved through the Planning Commission with a 6-3 vote. The commissioners that voted against were concerned about the traffic and noise as well.

Mr. Dittmar confirmed with Mr. Bonadeo that he will screen all sides of the property. Mr. Dittmar also asked what would be required to monitor Mr. Bonadeo's activities and how it would be remedied and was reminded that if there were complaints, they would go through the Township ordinance officer or the Police and that there would be no added costs to follow up or respond to any complaints. Mr. Dittmar felt that enough controls were in place to allow Mr. Bonadeo to proceed with his proposed project.

Mr. Tierney expressed concerns about a sketch plan versus a site plan, and the locations and layout of all of the activities within Mr. Bonadeo's proposed project.

Mrs. McDonell thanked Mr. Bonadeo for his timeliness and thoroughness in providing the information needed to develop the proposed agreement, and stated her approval of Mr. Bonadeo's proposed project for a one year trial to see the impact of the items being approved under the special use.

Supervisor Hamill felt Mr. Bonadeo's proposed project could bring a needed element to Highland. He asked that those in opposition try to see the benefits of a venue that brings our community together.

Mr. Dittmar moved to approve Mr. Bonadeo's request for a Special Land Use Permit for Parcel ID numbers: 11-02-300-017, 11-02-300-018, and 11-02-300-019 for establishment of a Class 'C' Farm Market for a one-year time period pursuant to the Development Agreement drafted and subject to township attorney review and approval, and conditions put in place by the Planning Commission. Mrs. Cooper supported and the motion carried with a roll call vote: Howe-yes; Dittmar-yes; Cooper-yes; Hamill-yes; McDonell-yes; Chynoweth-yes; Tierney-no.

**New Business:**

**a. M-59/Milford Road Median Mowing Request**

Mrs. Cooper stated that funds are available through the Metro Authority payments to pay for mowing the median at M-59 & Milford Roads. It would improve the sight lines as well as improve the look. S&D Seasonal Services LLC has submitted a proposal for \$115 per mow and trim as needed to the areas as presented. Mrs. Chynoweth moved to approve the proposal from S&D Seasonal Services for \$115 per mow and trim as presented. Mrs. McDonell supported and the motion carried with a roll call vote: Dittmar-yes; Cooper-yes; Hamill-yes; McDonell-yes; Chynoweth-yes; Tierney-yes; Howe-yes.

### **b. DDA Presentation on Streetscape Project and Request for Bonding**

Mr. Hamill, speaking as a DDA Member, reviewed the presentation made to the previous board regarding the DDA's purpose and direction, and projects and goals that have been attained to date. The HDDA is requesting the Township Board's approval to pursue a bond for a scaled down streetscape project. Mr. Hirzel added that since the last presentation, many modifications have been made to the project, current interest rates are low and construction costs have gone up about \$150,000 since the last presentation. He stated that the HDDA has made a commitment to make the operating budget secondary to the repayment of the bond and the bond payments are expected to be under 40% of projected revenue. Mr. Hirzel explained that the bond would not exceed \$400,000.00 and the HDDA will reserve \$300,000 of their current \$700,000 fund balance in a special account to make the required bond payments, as well as keep \$100,000 in the operating fund at all times. The HDDA would use the bond proceeds of \$400,000 and \$300,000 from their fund balance to proceed with the minimal amount of infrastructure, while it continues to look for sponsors and buy-ins from property owners. The HDDA needs the Township's full faith and credit to seek a direct purchase bond and attract the best interest rates. The estimated bond payments would be approximately \$40,000 per year, with an approximate interest rate of 2.25%.

Mr. Hamill discussed the items that were eliminated from the project, the reasons for the choices, and the potential and methods to possibly be able to add them back in the future.

Mr. Tierney addressed some items on the construction estimate. Much discussion took place regarding the bidding of the project, add-ons, as well as timing and actual bid amounts received. Mr. Huhta explained that his construction estimate numbers are historically within 5% of actual bid amounts. Mr. Huhta added that although we may not be able to proceed with the entire project, it is typically sent to bid as a base project with add-on options.

Mr. Hamill also mentioned the importance of 'encumbering' the DDA reserves with a bond, given the current state legislation that is being discussed; so that the collected TIF revenue cannot be touched.

It was the consensus of the Board that the project as presented could proceed.

### **c. Budget Amendments**

Mrs. Chynoweth moved to approve the budget amendments as presented. Mrs. McDonell supported and the motion carried with a roll call vote: Cooper-yes; Hamill-yes; McDonell-yes; Chynoweth-yes; Tierney-yes; Howe-yes; Dittmar-yes.

### **8. List of Bills**

Mrs. Cooper moved to approve the list of bills as presented. Mr. Dittmar supported and the motion carried with a roll call vote: Hamill-yes; McDonell-yes; Chynoweth-yes; Tierney-yes; Howe-yes; Dittmar-yes; Cooper-yes.

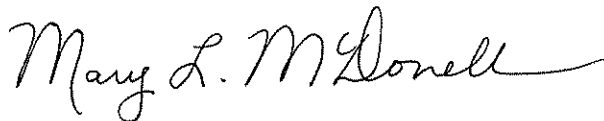
**9. Public Comment**

Mrs. Chynoweth would like the board to think about moving the start time of the board meetings to an earlier time next year.

**10. Adjourn**

Mr. Hamill adjourned the meeting at 9:48 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Mary L. McDonell". The signature is written in black ink and is positioned above the typed name and title.

Mary L. McDonell, MMC  
Highland Township Clerk

MLM/kb



RED POPPY SPECIAL USE PERMIT

**SPECIAL USE PERMIT**  
**RED POPPY BED AND BREAKFAST ESTABLISHMENT**

1865 HARVEY LAKE RD  
HIGHLAND TOWNSHIP, OAKLAND COUNTY, MICHIGAN  
PARCEL #11-15-476-013

This Permit for Special Land Use is issued Sept 11, 2018 by the CHARTER TOWNSHIP OF HIGHLAND, a Michigan Charter Township ("Township"), with offices located at 205 N. John Street, Highland, Michigan 48357 and accepted by LYNNE JOHNSON-BENAGLIO, a married woman with a principal residence address of 1865 Harvey Lake Rd, Highland, MI 48356-2620. This permit takes effect upon issuance of a certificate of occupancy for a Bed and Breakfast use issued by the Building Department of Highland Township.

1. On July 25, 2018, the Charter Township of Highland Board of Trustees ("Township Board") voted to conditionally approve a Special Land Use for a Bed and Breakfast Establishment (file #URSA 18-04). The subject parcel is currently zoned R1.5, Single Family Residential Zoning District. This approval covers real property described as:

T3N, R7E, SEC 15 PART OF SE 1/4 BEG AT PT DIST S 87-56-40 W 30.30 FT & N 05-38-24 W 131.46 FT & N 06-59-00 W 220.59 FT FROM SE SEC COR, TH S 87-52-58 W 714 FT TO TRAVERSE PT 'C', TH S 87-52-58 W 200 FT TO SHORELINE OF HARVEY LAKE, TH NLY 420 FT ALG SD SHORELINE OF LAKE, TH N 81-59-24 E 30 FT TO TRAVERSE PT 'E' LOC N 05-45-04 W 96.25 FT & N 58-53-04 W 115.50 FT & N 05-27-04 W 59.22 FT & N 02-11-44 W 81.51 FT & N 56-58-07 W 141.57 FT FROM SD TRAVERSE PT 'C', TH N 81-59-24 E 361.53 FT, TH N 02-11-44 W 465.56 FT, TH S 89-51-00 E 261.30 FT, TH S 00-09-00 W 60 FT, TH S 89-51-00 E 260.71 FT, TH ALG CURVE TO LEFT, RAD 1205.92 FT, CHORD BEARS S 03-11-27 E 159.53 FT, DIST OF 159.65 FT, TH S 06-59-00 E 646.40 FT TO BEG 12.60 A

1865 N. Harvey Lake Rd

Tax Identification No. 11-15-476-013

2. According to the Applicant for the Special Land Use, Lynne Benaglio-Johnson, the subject parcel was purchased as a single family residence, with the intent to operate a bed and breakfast establishment and retreat center. In the R1.5, Single Family Zoning District, "bed and breakfast establishment" is a use permitted with special approval; retreat centers are not listed as a permitted or special land use, except when associated with a "large-scale institutional use."

3. The Planning Commission held a public hearing on the Application for the Special Land Use on June 7, 2018, and recommended conditional approval of the Special Land Use to allow operation of a bed and breakfast establishment at its meeting on June 21, 2018.

4. The Township Board's conditional approval of the Special Land Use was after conducting its own public hearing on July 25, 2018, with the conditions of that approval, which are conditions and requirements of this Permit, being as follows:

- a. The subject property shall be the primary residence of the applicant, who shall be physically present and in residence whenever guest rooms are rented.
- b. All activities on the subject property are limited to those of a bed and breakfast establishment as defined by both Highland's zoning ordinance and state law (MCL289.1105(d)), namely that the uses shall be limited to providing overnight accommodations to transient tenants and breakfast or another meal to such tenants at no additional cost. The State Construction Code Act (MCL 125.1504b) further defines a bed and breakfast establishment as a single-family residential structure.
- c. The facility shall not offer meals or other goods or services to any person who is not a bona fide overnight guest.
- d. Any activities conducted outdoors by or for the benefit of overnight transient guests shall be limited to the hours of 8:00 am to 10:00 pm.
- e. The total occupancy by transient tenants shall not exceed 26 persons.
- f. The facility shall be open to annual inspection by the Zoning Administrator, Building Official and Fire Chief, consistent with Zoning Ordinance section 10.05.D.4.
- g. An appropriate set of written guest rules of conduct, including prohibitions against excessive outside noise and a notice of the limited hours of outdoor activity under Section d. of these conditions and shall be posted in a conspicuous location both in each sleeping room and in common areas used by guests. A copy of the written guest rules of conduct shall be filed with the Township Planning Department.
- h. Compliance with all other provisions or prohibitions outlined in the supplemental provisions of the Zoning Ordinance for a bed and breakfast establishment, consistent with Zoning Ordinance Section 10.05.
- i. The applicant understands and agrees that Township staff will periodically monitor advertisements, news stories, reviews and other items appearing in print, on television or radio, and in social media or other internet sources, to determine the applicant's ongoing compliance with the terms and conditions of Special Use Permit and ordinance regulations.

5. This permit shall take effect once the following conditions have been satisfied:

- a. The property has been inspected by the Township and confirmed to be in compliance with the requirements of MCL 125.1504b, with the property to thereafter be maintained in compliance with those requirements at all times.
- b. A certificate of occupancy for a bed and breakfast use of the building has been issued by the Township Building Official.

6. This Special Use Permit may be revoked by the Township, upon determination by the Township Board that any of the following conditions apply:

- a. The operator has ceased the use for a period of one year or more
- b. The operator has repeatedly violated provisions of the permit
- c. The operator has repeatedly violated other provisions of the General Code of Ordinances

In making its determination, the Township Board shall consider the operator's response to any notices of violation that may have been issued by the Township. The Township Board may refer the matter to the Planning Commission for recommendation. Upon request, the Township shall provide a written notice of such revocation that shall be in recordable form.

7. Should the operator/tenant and/or the property owner wish to propose any changes to the approved site plan or the land use permit, they must contact the Township and seek prior approval by following the appropriate review process. If the Zoning Administrator determines that a proposed use is of a different scale or character than that considered in approving this Special Land Use permit, the operator/tenant and/or property owner may then seek a new permit following whatever process is in place at that time.

8. This Special Land Use Permit may be assigned or transferred to a subsequent operator/tenant and /or property owner provided said assignee or transferee agrees in writing to be bound by the terms and conditions of this permit.

6. This Permit may be amended only pursuant to an agreement in writing executed by the Township and the operator/tenant and the property owner.

7. Invalidation of any of the provisions contained in this Permit, or of the application thereof to any person by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person and the same shall remain in full force and effect.

PERMITTEE

Lynne Johnson-Benaglio  
Owner/Operator Red Poppy B&B

ACKNOWLEDGEMENT

STATE OF MICHIGAN                    )  
  )    ss  
COUNTY OF OAKLAND                )

On this 11<sup>th</sup> day of SEPTEMBER, 2018, before me appeared Lynne Johnson-Benaglio, to me personally known, who, being by me duly sworn, did say that she acknowledges said instrument to be the free act and deed of said Township.

Dawn Mecklenborg  
DAWN MECKLENBORG


Notary Public


OAKLAND County, Michigan

My Commission Expires: 05-25-23

*Signatures continue on following pages*

**CHARTER TOWNSHIP OF HIGHLAND**


By:   
Rick A. Hamill  
Its: Supervisor

By:   
Tami Flowers  
Its: Clerk

**ACKNOWLEDGEMENT**

STATE OF MICHIGAN                    )  
  )    ss  
COUNTY OF OAKLAND                )

On this 11<sup>th</sup> day of SEPTEMBER, 2018, before me appeared Rick A. Hamill and Tami Flowers to me personally known, who, being by me duly sworn, did say that they are, respectively, the Supervisor and the Clerk of the Charter Township of Highland, Oakland County, Michigan, and that said instrument was signed and sealed on behalf of said Township, by the authority of its Township Board, and they acknowledge said instrument to be the free act and deed of said Township.

  
DAWN MECKLENBORG  
Notary Public

OAKLAND County, Michigan

My Commission Expires: 05-25-23

Drafted by:  
Elizabeth J. Corwin  
Charter Township of Highland  
205 N. John St  
Highland, MI 48357

When recorded return to:  
Planning & Zoning Department  
Charter Township of Highland  
205 N. John St  
Highland, MI 48357

**Highland Township Planning Commission  
Record of the 1335<sup>th</sup> Meeting  
Highland Township Fire Station No. 1  
June 7, 2018**

**Roll Call:**

Michael Wiza, Chairperson  
Eugene H. Beach, Jr.  
Mary Pat Chynoweth  
Chris Gostek  
Scott Green  
Beth Lewis  
Roscoe Smith  
Jeffrey Stander  
Scott Temple

Also Present:

Elizabeth J. Corwin, PE, AICP, Planning Director  
Pamela DeKouchay, Recording Secretary

Visitors: 68

Mr. Wiza, the Chairperson, called the meeting to order at 7:30 p.m. Fire Chief Ken Chapman welcomed the attendees to Fire Station No. 1.

Public Hearing:

Agenda Item #1:

Parcel #:	11-15-476-013
Zoning:	R-1.5, Single Family Residential
Address:	1865 Harvey Lake Rd
File #:	URSA 18-04
Request:	Special Use Approval for Bed and Breakfast (PH)
Applicant:	Lynne Benaglio-Johnson
Owner:	Lynne Benaglio-Johnson

Mr. Beach introduced the amended application for Special Land Use Approval for a Bed and Breakfast Establishment consistent with Highland Township Zoning Ordinances for property at 1865 Harvey Lake Road, parcel 11-15-476-013, also known as the Red Poppy. The parcel is 12.6 acres and is zoned R-1.5, Single-Family Residential.

Mr. Beach advised the audience that each Planning Commissioner has received copies of all correspondence and the petitions submitted to date. He informed the audience that the purpose of a public hearing is not to debate the merits of a proposal, but rather to afford the public an opportunity to present facts to the Planning Commission that they might not otherwise have known. He requested that comments be succinct.

Chairperson Wiza opened the Public Hearing at 7:35 p.m.

Applicant Lynne Benaglio-Johnson was present and expressed hope that the Township would accept her proposal.

Dennis Wilson- 1520 Pruitt Drive, President of the Board of Harvey Lake Estates Subdivision. Mr. Wilson noted that the Red Poppy has been operating over a year in violation of ordinances and without licenses or permits. He believes that granting permission to operate a Bed and Breakfast will just expose the neighbors to continued event traffic and noise, and thinks it unreasonable to expect the owners to comply in the future if they have not in the past. His association presented petitions with signatures of 97 lakefront owners requesting denial of the Special Use Permit.

Judy Shipley-- 1572 Pruitt, located directly across the lake from the Red Poppy. She wants to see residential zoning maintained. She expects that leadership will enforce ordinances in the township. She shared her concern that one can hear talking voices across the lake and that noise from DJ's and microphones are disruptive and uncomfortable.

Sharon Martin- 303 Taras. She is concerned that the website as recently as today advertised dorm style room with 16-18 beds, which she believes is outside the definition of a Bed and Breakfast Establishment.

Jan Nichols- owner/operator of Clothing Cove in Milford, lives in Hartland in a condo with restrictions. In her experience, as a business owner, she would not redesign her website until she knew exactly what her approval permits her. She agrees that the township should draft a new ordinances to allow the unique offerings of the Red Poppy where participants can connect with each other in a home like setting. She sees Red Poppy as a unique gem; a quiet place. She believes the operators intend to do what is right for community and this center is an asset to the community.

Mary Paulson --4944 Cape Town- She believes the township should encourage agri-tourism, and that out of town guests need a quiet country place to stay. She believes the Benaglio's have complied with the noise ordinance. She agrees the township should review ordinances and find ways to encourage unique uses.

Sherry Lavin - 1009 Tall Pines Trail, next door to Red Poppy. The current owners

have addressed issues of run down property. She has never been bothered by noise from the Red Poppy. She often hears noises coming from across the lake from other residential properties.

Lauren Newman-799 Lakeview Blvd, owner of the Traveling Trainers, brings yoga to homebound people, offers private classes and retreats. Her classes at the Red Poppy are not open to the general public, only to clients that are part of her program, including the Benaglio's. She is grateful that Lynne Benaglio-Johnson opened her home to people with health issues for yoga classes in a serene setting. She also explained that she had been a guest at the wedding with a live band. Lynne had offered her home to a niece, who had brought in Perry's Catering from Milford. This was not a commercial offering, just a family event.

Mary Heider-business owner at 2636 S Milford Rd. Ms. Heider asserted that the Red Poppy is a home, not doing anything anyone else wouldn't do in her own home. She reaffirmed that the community needs a place for overnight guests to stay.

Sachel Levitz-1627 Cass Lake Rd, Keego Harbor MI- disabled vet suffering from Post Traumatic Stress Disorder, with injuries sustained in combat. He finds the Red Poppy to be a tranquil, quiet, peaceful place. Since he's been able to go there, he has achieved treatment milestones through yoga. He supports the application for a Bed and Breakfast. He believes the applicants are trying to help the community, not trying to hurt anyone.

Pat Carter- 4009 Chanda Ct- Explained that her son is a yoga instructor in Ann Arbor, and has taken his retreats to northern Michigan in the past. Recently, he was able to bring 16 students to Red Poppy, which near proximity to Ann Arbor is desirable. Mrs. Carter lives on Duck lake, has had two weddings at her house, and can often hear laughter from bonfires at midnight. She accepts the noise as part of living on the lake.

Michael Willihnganz - 4361 Petrel- electrical contractor operating a business out of his home. He has come to know Red Poppy through Optimists club, whose charitable works include running fishing derbies for kids with cancer, pumpkin hunts and other good works. He expressed how difficult it is to find a venue to house a group of any size, let alone one with the assets Red Poppy offers.

Roxanne Everett- 744 S Park, Vice President of Harvey Lake Heights Subdivision Association and member of Harvey Lake Heights Beach Association submitted a petition with 50 signatures. She wanted assurance that any commercial activity at the Red Poppy would be strictly limited to Bed and Breakfast only. She was concerned that the Red Poppy owners were not practicing good neighbor behaviors since she had to call at 11:30 p.m. to ask when wedding noise would stop. She felt the township has offered no assistance in dealing with noise complaints over the last year, and has refused to even take complaints. She was concerned that non-Highland Township residents were being allowed to speak and felt the opinions of Highland



Township voters should matter more.

Marilyn Wooten 2873 Ruby Way, Mrs. Wooten finds it hard to believe that some would try to drive business out that was accepted by Highland Township. She believed Benaglios were allowed to purchase and renovate the Red Poppy with the intent to run a business they were not now allowed to operate. The Red Poppy is well kept and the proprietor warm and loving. She does not think we should judge anyone because of fear of change; change is coming, Highland needs change.

Susan Zajac- 1039 Woodruff Lake. Zajacs were once neighbors of Lynne Johnson on Woodruff Lake. They had parties then, but no one went overboard. She would rather see the Red Poppy application approved than see the property developed with 20 more homes using the lake. She was also concerned there was nowhere for overnight guests in Highland, and that the nearest hotels were in Waterford and Hartland.

Denise Newman - 820 E Wardlow, came here tonight to learn what is going on. She lives next door to the Red Poppy and does hear traffic. The neighborhood used to be quiet and peaceful but in the last few years, the traffic, car doors slamming, alarms going off, alarm sets have been disturbing.

Tom Benaglio- 1865 Harvey Lake Road and owner of Red Poppy. They have owned the house for 6 years; it was vacant 6 years before and had fallen into disrepair. They have 5 children with cars, which all have alarms and beep when doors lock with the fob. He believes the petitions arise because of fear of the unknown. They have had one wedding for niece on the lakeside, which upset the neighbors. Noise carries on lake. Their own neighbors have had karaoke parties with a mic. You can not really tell where noise is coming from unless you come right up to the beach to find the source. Their intent is for guests to enjoy the quiet, serene setting. They have bylaws and rules of the house for their guests. They are expected to be respectful of other people staying at house, and to not affect the neighbors. There is no intent to acquire a liquor license, only to serve food to people who stay at the house. They would like to continue to host the Optimist Club. Fears are not facts and his door is open to anyone who would like to talk and come to understand their business goals.

Carrie Grosser - 786 E Wardlow. Ms. Grosser has lived at this address for 12 yrs. She does not hear objectionable noises from the property. The fact that the property is no longer in disrepair should be seen as a bonus to taxpayers since someone is now improving property values and paying taxes.

Don Skrelunas - 627 S Park. His concern is marketing as a commercial venue for wedding receptions. He Would hate to have that activity all of May, June and July.

Terry Barckholtz - 4189 N Duck Lake Rd. She is embarrassed, ashamed and hurt that the community has not welcomed the Red Poppy and recognized the benefits to township such as hosting civic organizations and providing facilities for the Huron

Valley School District. Rumors spread faster than positivity. She has stayed at other Bed and Breakfast facilities that are not restricted to holding activities for overnight guests, and wondered if such activities meet state definition?

Kae Shorling -2647 Davista and 4272 Malibu Ct. Ms. Shorling stated that the intent of the Red Poppy is to do something good and give back to the community, not to create noise and annoy the neighbors. There has been only one noisy incident. Noise is part of lake life. The Red Poppy allows guests to stay in the community and spend money in area restaurants and shops.

Rick Squires- 27046 Sprucewood Wixom. Mr. Squires challenges the board to visit the Red Poppy. There is nothing like it in any neighboring community.

Robert Shafto 1093 Tall Pines Trail, adjacent to the Red Poppy. He does not hear anything other than normal neighborhood noises. He hears parties across the lake, but not at the Red Poppy. The police have been called to other parties down on Park Street. He is concerned about frequent weddings, but does support the Bed and Breakfast.

Mary Jane Shafto 1093 Tall Pines. Mrs. Shafto has not been bothered by noise. She is concerned about the condition of the property. The house was vacant and dilapidated, with black mold, people dumping illegally, etc. She is grateful that this couple bought the house and invested into it. Afraid that if they sell, the property will be developed and there will be more people and development on the lake.

Sharon Keenan 3300 Lakeview Dr, Seven Harbors. Ms. Keenan is a member of the Highland White Lake Business Association. She appeals to the community to move forward. We are losing students and are an aging community. She is appalled by the negativity, and asked the board to represent all of the community and not let one person speak for everyone. She wants to see Highland attract new families.

Henry Nedza - 6019 Fish Lake Rd. Mr. Nedza noted that the property had been dilapidated all these years and asked who is enforcing regulations regarding blight? He complained of a junk yard on Fish Lake Rd, and that neighbors had to go to court, suing for relief. Discretionary zoning and enforcement is a crazy practice. The board has enabled property owners to cause more problems. Highland is beautiful but has become divided. We should just enforce rules we have made.

Kelly Sherwood - 4770 Woodside- Ms. Sherwood noted that the last speaker was resentful about ordinances not being upheld in his backyard, which she understands, and noted illegal dumping problem on Duck Lake Rd. She reiterated that she wants places for guests to stay, so they can shop and eat in Highland, and embrace rural life. She wants the community to embrace small businesses, which keep the middle class going. Just because this business model is "out of the box" doesn't make it wrong, we might just have to tweak some ordinances and set some parameters. She noted the

nearby neighbors are not overly concerned. Keep Highland rural and quiet but growing.

Nicole McDonald King 1750 Pruitt Drive- Mrs. King grew up in Highland, and her parents built on the subject property when she was in high school. She is grateful to owners of RP for restoring house and seeing it across the lake takes her back to her childhood. She notes that her business (M-59 West) provides for civic organizations and she does not believe we need to allow a Bed and Breakfast in this residential neighborhood.

Dana Pitcher - 835 Tierney- She does not think a business should operate in a residential area. She is fine with the Bed and Breakfast idea but does not think they should be allowed to abuse the lake. Baby and wedding showers belong at restaurants, the township hall or churches. Guests should stay in homes.

Judy Crawford 3620 Burwood Lane- Mrs. Crawford has taken a group of 50 women from the Highland Activity Center to the Red Poppy. It is a unique, quiet and lovely place..

Mr. Wiza closed the public hearing at 9:01 p.m.

Mr. Stander noted that the audience is divided on the issue, but that the applicants and their supporters are asking the Planning Commission to ignore the ordinance. He read the definitions of Bed and Breakfast Establishments and of Banquet Facilities. He explained to the audience that no matter what other communities allow in Bed and Breakfasts, we are bound by our own definitions. Originally Lynne Benaglio-Johnson came with an application for an event facility which does not fit our regulations. The application now is for a Bed and Breakfast, and we want to believe the applicants will honor and commit to running a Bed and Breakfast in compliance with our ordinances. His issue is that the operators did not cease activities when notified of the violation. We are asked to approve a Bed and Breakfast, and trust the activities will not creep into a banquet facility. He believes the audience could come to an agreement on 95 percent of the issues, which would play out as conditions of the Special Approval, but to expand beyond the strict definition of Bed and Breakfast would require us to change the ordinances and then enforce the ordinances.

Mr. Green explained that the Planning Commission presents a recommendation to the Board of Trustees. It is not the Planning Commission's role to enforce. In fact they have no ability to enforce. The primary role to protect everyone's rights the best we can, whether business or resident.

Mrs. Chenoweth agrees with Scott Green that the Planning Commission strives to represent everyone, and that everyone need to live by the rules. But if we need to change the rules to make a better community, then we should.

Ms. Lewis commented that this large turnout shows how much the community cares about this issue, but that it is impossible to make everyone happy. We want to seek compromise and support businesses, but in the end, we have to abide by the ordinances which protect us and our neighbors. Highland Township is an oasis in midst of urban sprawl. It is vital that we discuss these issues and come up with solutions best for everyone

Mr. Smith noted that different organizations within township government are charged with different responsibilities. By state law, the Planning Commission cannot approve variances, only what the ordinance authorizes them to approve.

Mr. Gostek- The issue that is most relevant to him is the complaints about the noise levels. He asked staff to obtain records of complaints or violations. If it is one or two, he would be willing to take risk and approve the Bed and Breakfast. Most residents do not want noise but neither do business owners.

Mr. Gostek moved to table this application until the June 20, 2018 meeting of the Planning Commission. Mr. Beach supported and the motion carried with the following voice vote: Beach – yes, Chynoweth – yes, Gostek – yes, Lewis – yes, Smith – yes, Stander -- yes, Temple -- yes, Green -- Wiza – yes (9 yes votes).

Agenda Item #2:

Parcel#:	11-34-176-005 & -007
Zoning:	OS, Office Services
Address:	Vacant S. Milford Rd
File #:	RZ 18-01
Request:	Rezone from OS to C-1, Local Commercial
Applicant:	2675 Highland Holdings, LLC
Owner:	2675 Highland Holdings, LLC

The applicant has submitted a request to postpone action on his rezoning request until the July 19, 2018 meeting.

Mr. Temple moved to table discussion on the rezoning application until the July 19, 2018 meeting. Mr. Gostek supported. Motion carried with voice vote as follows: Wiza – yes, Beach – yes, Chynoweth – yes, Gostek – yes, Lewis – yes, Smith – yes, Stander -- yes, Temple -- yes, Green -- yes (9 yes votes).

Agenda Item #3:      Committee Updates  
                                 Zoning Board of Appeals:  
                                 Township Board:

Highland Downtown Development Authority:  
Parks/Recreation and Pathways:  
Planning Director's Update:

Updates were given by Committee liaisons.

Agenda Item #4: Minutes: May 17, 2018

Mr. Stander moved to postpone review of the minutes to a future meeting. Mr. Gostek supported and the motion carried with the following voice vote: Wiza – yes, Beach – yes, Chynoweth – yes, Gosteck – yes, Lewis – yes, Smith – yes, Stander -- yes, Temple -- yes, Green -- yes (9 yes votes).

Discussion:

Mr. Beach acknowledged the passing of Ray “Doc” Brown. Ray was a founding member of the Planning Commission and served 28 years. He was also very accomplished in his professional life, as a professor at Wayne State University.

At 9:47 p.m. Mr. Wiza entertained a motion to adjourn the meeting. Mr. Beach moved to adjourn. Mrs. Chynoweth supported and the motion carried with a unanimous voice vote (9 yes votes).

Respectfully submitted,

A.Roscoe Smith, Secretary

ARS/pd

**Highland Township Planning Commission  
Record of the 1336<sup>th</sup> Meeting  
Highland Township Auditorium  
June 21, 2018**

**Roll Call:**

Michael Wiza, Chairperson  
Eugene H. Beach, Jr.  
Mary Pat Chynoweth  
Chris Gostek  
Scott Green (absent)  
Beth Lewis  
Roscoe Smith  
Jeffrey Stander  
Scott Temple (absent)

Also Present:

Elizabeth J. Corwin, PE, AICP, Planning Director

Visitors: 22

Mr. Wiza, the Chairperson, called the meeting to order at 7:30 p.m.

Work Session

Agenda Item #1:

Parcel #:	11-15-476-013
Zoning:	R-1.5, Single Family Residential
Address:	1865 Harvey Lake Rd
File #:	URSA 18-04
Request:	Special Use Approval for Bed and Breakfast
Applicant:	Lynne Johnson-Benaglio
Owner:	Lynne Johnson-Benaglio

Mr. Beach introduced the amended application for Special Land Use Approval for a Bed and Breakfast Establishment for property at 1865 Harvey Lake Road, parcel 11-15-476-013, also known as the Red Poppy. A public hearing was held June 7, 2018 at Fire Station No. 1. The Planning Commission has reviewed copies of correspondence and petitions submitted by the public and included in their packets.

The applicant Lynne Johnson-Benaglio was present, as was her husband and co-owner Tom Benaglio.

Mr. Beach explained that the key thing to emphasize is the definition of Bed and

Breakfast (B&B) as applies to this application. In Section 2.03 of the Zoning Ordinance, B&B is defined as “occupied on a *permanent* basis by a family or household which rents rooms to individuals and/or families on a daily or weekly basis. Rented rooms shall not include cooking facilities.” In Section 10.05.D.8 & .9 rented bedrooms are required to be clearly subordinate to the single family use. Rented bedrooms shall not occupy more than 40 percent of the floor space. Also, Section 10.05.D.7 limits activities that may be offered by expressly prohibiting such activities as operating a banquet facility. “Banquet facilities” are defined as all or part of a building used for purposes of entertaining large groups of people for such purposes as group meeting space for civic, educational, political, religious or social purposes.

The Highland Township zoning ordinance mirrors the common understanding of B&B establishments, as well as state statutes. MCL289.1105.D that states the B&B must be the innkeeper’s residence; innkeeper must be present when rooms are let; clientele must be limited to transient tenants; and goods and services must be limited to breakfast or other meals. The township ordinance also mirrors ordinances in other communities.

There has been discussion of “event” type uses at the Red Poppy that fall outside these definitions. There seems to be an interest in the community to explore ways to accommodate such uses, in order to preserve open space/agricultural lands. Mr. Beach asked Mrs. Corwin to research agri-tourism ordinances that allow for event-type activities such as wedding barns, equestrian riding academies. Event-type activities cannot merely be shoe-horned into the bed and breakfast category.

If the Planning Commission is to recommend approval of a Bed and Breakfast Establishment, the challenge is to craft conditions of a permit that would ensure that the operations conform to the standards and regulations, and to protect the peace and tranquility of the neighbors.

Mr. Stander asked Mrs. Johnson-Benaglio to clarify her request. He was specifically concerned about whether she plans to host events for fee such as weddings, showers, classes, etc.

Mrs. Johnson-Benaglio explained that the yoga lessons are a private arrangement with the instructor for the benefit of her husband and herself. She has invited in the young veteran who spoke at the public hearing, but this is not a paid class offered to the general public.

Mrs. Johnson-Benaglio also explained that she had been trying to wind down bookings for showers, private parties, etc, but that she has honored reservations made in the past. She is not accepting new reservations.

Mr. Beach pointed out that the Benaglio’s had the rights to do what other

homeowners do, such as throw parties, but they are subject to the same obligation as others to not be loud or offensive to the neighbors. The challenge to the Planning Commission is how to make the distinction between activities offered to bona fide overnight tenants and reasonable personal family activities.

There followed considerable discussion as to the appropriate limits on the number of overnight guests. While the state law discussed number of “rooms,” it would not seem reasonable to equate a sleeping room to dormitory style housing. The state law seems to imply a room would be a private place, where one can shut the door and exclude others. Mr. Beach reasoned the state law equates to a “load factor” of 30 to 35 guests. He reviewed regulations from other communities, and found the limits vary from 6 to 25 guests. Mrs. Johnson-Benaglio explained that the house sleeps 16 in the “dorm room” on bunkbeds, plus 4 queen size beds and 1 king size bed, so they could actually house 26 persons as guests.

Mr. Stander and Mr. Gostek thought that 26 overnight guests was too much, since the average home on the opposite side of the lake was modest, around 1500 to 1800 square feet. This house is nearly 8,000 square feet, or the equivalent of 4 to 5 houses. Mr. Stander offered a 10 guest limit. Mr. Gostek would support a 15 to 20 guest limit. The applicants requested that the 26 guest limit be used, since a few more guests would not create much more noise, particularly given the “rules of the house” that limit noise. Mr. Stander explained the parallel of industrial regulations, and suggested the more guests, the greater the potential to do harm.

There was further discussion that Harvey Lake is a small private lake, with no public access. The subdivisions are subject to lake restrictions and historically motor boats are not allowed. There was concern that this facility should not function as a keyhole to allow more traffic on the lake. Mr. Beach suggested it would be reasonable to limit loads on the lake to that of a single family home, perhaps allowing only a couple of kayaks. This should satisfy concerns of nearby neighbors who were less concerned with noise than with lake access.

Mr. Beach also suggested it would be reasonable to place conditions on outdoor activities to control noise, perhaps limiting outdoor gatherings to the east side of the house, and imposing a quiet time after 9:00 p.m. Mrs. Johnson-Benaglio pointed out that she has a large family with 5 kids, and that there would be times when life with a large family was noisy, regardless of whether there were paid overnight guests.

Mr. Stander expressed disbelief that the applicant would offer services such as baby showers free of charge or only for personal parties as was the impression given. He asked again if the applicant intended to offer events such as baby showers for fee. Mrs. Johnson-Benaglio answered “Maybe.” Mr. Stander reiterated that certain daytime activities such as baby showers belong in banquet halls, not in B&B. If daytime activities were scheduled just to attract overnight guests, or if room rents were higher to cover facility rental for parties, then the operations could actually cross



the line from a home to a commercial venue. If “daytimers” were allowed to join overnight guests in activities, this could also trigger oversight/actions by other agencies, such as the Health Division for food handling and septic demands, and scrutiny from the assessor with serious tax implications. The issue goes beyond just zoning regulations.

Mr. Beach reminded the Planning Commission that their job is not to prejudge whether the applicant will comply with the conditions of any permit that may be issued. The Planning Commission must remain blind to the “persons” involved and focus on the property characteristics and land use. One must assume that if an applicant accepts a permit and its conditions, then the applicant will operate, in good faith, in compliance with the permit. The Planning Commission is also not charged with enforcement.

Mrs. Chynoweth noted that she had visited the site to judge its relationship to neighboring properties. Most of the complaints are related to noise from activities that have already been excluded from the permitted uses. She has done some internet research on bed and breakfast establishments, which seem to be gaining popularity. She could support uses that would allow property owners to preserve “quirky old mansions” whose peculiar characteristics make them less desirable for resale as single family homes, and which might otherwise fall into disrepair, as described in one of her sources.

Mr. Smith reiterated that our ordinance is very specific about what constitutes a Bed and Breakfast Establishment and what constitutes a banquet hall. He stated that the Planning Commission cannot approve something that is expressly prohibited.

Mr. Gostek offered that he could support the requested use if there was a trial period, so that the impacts could be evaluated. Ms. Corwin explained the standard language of a Special Use Permit defines the right of the Board of Trustees to rescind the permit if there are patterns of violation or conditions of the permit are not satisfied. It is not reasonable to expect one to invest in a business with no certainty that the business will be allowed to continue even though it operated within the confines of the permit.

Mrs. Lewis noted that the Benaglios, as business owners, would be responsible for their guests behavior, and that even though the house was large, the use is not intense compared to what other communities allow. She also raised some concerns about insurance and liability should the activities exceed that defined as a Bed and Breakfast establishment. Mr. Beach pointed out that the Planning Commission should not be concerned with personal liability.

Mrs. Lewis also asked that the Benaglios update their website to remove references to retreats and activities beyond the Bed and Breakfast land use, and that their business registration with the State of Michigan be updated to remove references to the retreat

center.

Mr. Beach offered the following motion:

In case URSA 18-04, Beach moved to recommend approval of a Special Use Permit for operation of a bed and breakfast establishment on the subject property, subject to the following conditions:

1. Consistent with both Highland's zoning ordinance and State law, the subject property shall be the permanent residence of the applicant, who shall be physically present and in residence whenever guest rooms are rented.
2. The applicant shall provide proof of residence to the township on an annual basis, such as driver's licenses, voter identification cards or other evidence of residence.
3. All activities on the subject property are limited to those of a bed and breakfast establishment as defined by both Highland's zoning ordinance and state law (MCL289.1105(d)), namely that the uses shall be limited to providing overnight accommodations to transient tenants and breakfast or another meal to such tenants at no additional cost.
4. The facility shall not offer meals or other goods or services to any person who is not a bona fide overnight guest.
5. Any activities conducted outdoors by or for the benefit of overnight transient guests shall be limited to the hours of 8:00 am to 10:00 pm.
6. The total occupancy by transient tenants shall not exceed 26 persons.
7. Any use of Harvey Lake by overnight guests shall be limited to not more than two non-motorized watercraft (kayaks, rowboats or canoes.)
8. The facility shall be open to annual inspection by the Zoning Administrator, Building Official and Fire Chief, consistent with Zoning Ordinance section 10.05.D.4.
9. Compliance with all other provisions or prohibitions outlined in the supplemental conditions of the Zoning Ordinance for a bed and breakfast establishment to be expressed in the conditions of a draft Special Use Permit to be presented to the Board for approval.
10. An appropriate set of written guest rules of conduct, including prohibitions against excessive outside noise, shall be posted in a conspicuous location both in each sleeping room and in common areas used by guests.
11. The applicant understands and agrees that Township staff will periodically monitor advertisements, news stories, reviews and other items appearing in print, on television or radio, and in social media or other internet sources, to determine the applicant's ongoing compliance with the terms and conditions of Special Use Permit and ordinance regulations.

Motion supported by Mrs. Lewis.

Mr. Gostek offered an amendment to the motion to recommend to the Board of Trustees that they consider limiting the permit period to a period of 18-24 months, at

which time performance under the permit and records of complaint would be reviewed and a permanent permit considered by the Board.

Motion supported by Mr. Stander. Amendment accepted by Mr. Beach, who expressed his disapproval of the approach of time limiting the permit. He would prefer to vote on a clean motion for recommendation, and take up the time limit as a separate motion.

In discussion, the Planning Commissioners noted that activity at the facility is likely to be influenced by seasonal factors, and that it would take at least two cycles to “shake out the bugs.” Mr. Beach and Mrs. Lewis argued that in the absence of clear criteria upon which to judge performance, this approach would subject the applicants to trolling or vigilante activity on the part of naysayers. The assumption should be that the applicant will comply with the permit and its conditions, and that if there is a problem, the Board will exercise its right to revoke the permit.

Mr. Gostek held that this amendment was offered to approve something for a testing period, rather than to reject the proposal due to concerns expressed by the neighbors.

Mrs. Chynoweth was concerned about the vagueness of the amendment, and uncertainty of the process. It is still not clear if the permit expires at 24 months, or carries on. After discussion, it was agreed the effect would be that the permit continues unless the Board takes action to revoke, which Mr. Beach pointed out is the process outlined in our standard permit language. Mr. Stander stated that the difference is the 24 month review by the Board would be mandated.

Vote on the amendment: Chynoweth – yes, Lewis – no, Smith –yes, Wiza – yes, Beach --no, Gostek – yes, Stander -- yes, (5 yes votes). Amendment is attached to the original motion.

The amended motion carried with the following voice vote: Stander –no, Gostek – yes, Beach – yes (under protest in regards to the amendment,) Wiza -- no, Smith – yes, Lewis –yes (under protest in regards to the amendment,) Chynoweth –yes (5 yes votes).

Agenda Item #2:

Parcel#:	11-24-102-007
Zoning:	C2, General Commercial
Address:	2530 E. Highland Rd
File #:	SPR 18-05
Request:	Site Plan Review for Automotive Dealership
Applicant:	Metro General Contractors, Inc.
Owner:	Tony Serra Nissan, Inc.

Mr. Smith introduced the application for site plan review to reconstruct the Tony Serra Nissan dealership facilities at 2530 E. Highland Rd, parcel 11-24-102-007.

David McDade, Roark-Galt Architects was present to explain the project and address questions.

The project involves removing the existing sales and display space, while preserving the service bays and reconstructing a new building around the bays. The whole front of the building will be pulled back from the M-59 right-of-way. The total square footage of the new building will not be significantly different than the current conditions, but the entire site circulation will be impacted. The limits of pavement and parking patterns are not significantly affected.

The project is required to conform to the Nissan image program, which has a very modern aesthetic. Most of the front façade will be glass and steel. Mr. Gostek pointed out that corporate standards are seldom immutable, and that other corporations have modified their specific installations to conform with community character. Mr. Beach suggested that the architect consider the adjacent Highland House, with its influences from 1950's Googie Architecture. Mr. McDade explained that he did not design the building, but was merely assisting in the permitting process.

Planning Commissioners emphasized the requirement that no vehicles may be parked or displayed in the required greenbelt.

Mrs. Chynoweth asked about the total number of parking spaces, which does not change much between the existing and future plans. There will be a minor increase in landscaping areas. While the plan still falls short of the total requirement for interior parking lot landscaping, it is a move towards compliance with zoning regulations. Planting islands have been placed where feasible to improve the traffic flow.

Mr. Smith moved to approve the site plan for the Tony Serra Nissan, SPR 18-05 for 2530 E. Highland Rd, parcel 11-24-102-007, subject to final review and approval of the township engineer and staff and with the understanding that there will be no parking in the required greenbelts, that a separate sign permit will be required and that Oakland County Health Division approval is obtained. Motion supported by Mrs. Chynoweth. Motion carried by voice vote: Chynoweth – yes, Lewis – yes, Smith – yes, Wiza – yes, Beach --yes, Gostek – yes, Stander -- yes, (7 yes votes).

Agenda Item #3:

Parcel#:	11-22-126-001
Zoning:	IM, Industrial Manufacturing
Address:	2530 E. Highland Rd
File #:	PZLU 18-008
Request:	Temporary Land Use for Outdoor Band
Applicant:	Highland Moose Lodge 2730

Owner: Highland Moose Lodge 2730

No one was present to present the proposal or to answer questions on behalf of the applicant. As the permit was planned for an event on June 28, 2018, the application was dismissed.

Agenda Item #4: Committee Updates  
Zoning Board of Appeals:  
Township Board:  
Highland Downtown Development Authority:  
Parks/Recreation and Pathways:  
Planning Director's Update:

Updates were given by Committee liaisons.

Agenda Item #4: Minutes: May 17, 2018

Mrs. Chynoweth moved to approve the minutes of May 18, 2018 as presented. Mrs. Lewis supported and the motion carried with the following voice vote: Wiza – yes, Beach – yes, Gosteck – yes, Stander -- yes, Smith – yes, Lewis – yes, Chynoweth – yes, (7 yes votes).

Mr. Beach moved to approve the minutes of June 7, 2018 as presented. Mr. Gostek supported and the motion carried with the following voice vote: Wiza – yes, Beach – yes, Gosteck – yes, Stander -- yes, Smith – yes, Lewis – yes, Chynoweth – yes, (7 yes votes).

Discussion:

Mr. Beach raised a concern about the process of approval for Special Land Use permits. Processes are in place to protect the township from charges of prejudicial use of its powers. Introducing new regulatory approaches during the review process, like issuing only a temporary permit, could be problematic.

The Planning Commission discussed upcoming agendas and agreed to schedule the public hearing for the West Highland Road Micro-Area Analysis for the August 2, 2018.

Mr. Beach made a motion to adjourn the meeting at 9:55 p.m. Mr. Mr. Gostek supported and the motion carried with a unanimous voice vote (9 yes votes).

Respectfully submitted,

A. Roscoe Smith, Secretary

ARS/ejc