

**Highland Township Planning Commission
Record of the 1370th Meeting
Highland Township Adult Activity Center
March 4, 2021**

Electronic via Zoom Platform

Roll Call:

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

Also Present:

Elizabeth J. Corwin, PE, AICP, Planning Director
Rick Hamill, Supervisor

Visitors:

Chairman Scott Green called the meeting to order at 7:30 p.m.

Public Hearing:

Agenda Item #1:

Parcel #	11-15-401-011
Zoning:	R1.5, Single Family Residential
Address:	2070 N Milford
File#:	RZ, 21-01
Request:	Rezoning from R1.5 to IM, Industrial Manufacturing
Applicant:	Murad, Muwaffaq and Fairouz
Owner:	Murad, Muwaffaq and Fairouz

Mr. Green introduced the request for rezoning of 2070 N. Milford Road, parcel 11-15-401-011 from R1.5, Single Family Residential to IM, Industrial Manufacturing. This property is currently vacant, used previously as Mesopotamia Foods processing facility but now vacant for 10 or more years. Mr. Beach explained that the site had once been used as a slaughterhouse. Access to the site is via a driveway to Milford Road with a private railroad crossing. The property is surrounded by single-family residential properties. This property also abuts a small lake on the east side.

The applicant, Mike Murad was present. He explained that he had purchased the property in 1986 and had operated his food processing business there for many years. Since he vacated it in 2010, it has been vandalized on countless occasions. He wants to renovate the building and use it for storage or rent it so that someone would be present to deter trespass.

Mr. Green opened the public hearing at 7:35 p.m.

Mr. Michael Palewski, 385 E Wardlow Drive noted that his parcel and those of several neighbors back up to this property. He is concerned about a decline in property values and worried about environmental impact on the lake.

Mr. Brandon Philips, 325 E. Wardlow mentioned that he had also grown up at 313 E. Wardlow. He does not want commercial truck traffic passing his back yard.

Ms. Caroline Kelly, 2243 Huff Place described the area as quite serene and noted the lake access. She is opposed to the noise, air and water pollution associated with industrial uses.

Ms. Jessica Perino, 2260 Huff Place looks across the pond from her front door to the subject property. She would not want a commercial or industrial presence there.

Mr. Brian Parris, 2246 Huff Place has concerned about noise and other impacts. He mentioned the train already creates enough noise.

Mr. Gary Mosher, 2120 N. Milford owns acreage adjacent to the subject site. He is concerned about the inadequate access across the railroad tracks and notes that the property has the appearance of being neglected for years; part of the roof has collapsed and the walls are covered in graffiti. It has become a hang-out for teens and a constant trespass issue. He believes the building should be demolished. He also noted that a previous tenant had merely dumped stumps about the property. He is concerned about safety.

Mr. Alex Grant, 233 E. Wardlow agrees with Mr. Mosher's assessment and believes the building should be condemned. He believes industrial zoning on this parcel would violate zoning principles and the Master Plan.

Mr. Dennis Wilson, 1520 Pruitt and president of the Harvey Lake Estates Association stated his opposition to the rezoning request speaking on behalf of his membership.

Ms. Debbie Norris, 365 E. Wardlow repeated concerns of her neighbors.

Mike Murad, applicant disagreed with the degree of decay of the roof and building and restated his position that investing in the building and establishing a presence will halt the trespass issues. He noted that the property had been previously zoned for light industrial use and had been surprised that the Township had rezoned it for residential use. He would like to continue to use the building as it was intended.

The public hearing was closed at 7:55 p.m.

Mr. Beach explained that the Dunleavy slaughterhouse was established in the 1950's before the Township's first zoning ordinance. A property owner may continue operating a non-conforming

use, such as the food processing facility under the ordinance, but once the use was abandoned, there ceases to be any right to the use.

Mr. Beach found the access across a private railroad crossing to be problematic, and notes that the railroad discourages such crossings and works to close them. This single driveway is not adequate for fire or emergency vehicle access.

Mr. Beach further noted environmental concerns given that the property adjoins a pond, which probably has a direct connection to Harvey Lake.

He also agreed that since the parcel is surrounded by residentially zoned and used properties, this request would constitute spot zoning. He could see no way to justify industrial zoning. He noted further that the applicant's intent for use of the property is irrelevant and that the Planning Commission is charged with considering the full array of possible uses permitted under the IM, Industrial Manufacturing Zoning District regulations.

Mr. Green noted that good zoning practice calls for buffers between intense non-residential and residential uses; and sees no way to accomplish this. He noted that given the poor condition of the building, it should not be considered vital in determining future use of the property. He counselled the neighbors that blight complaints should be directed to the township offices.

Mrs. Lewis is opposed to spot zoning. She thinks the appropriate zoning and use is single-family residential.

Mr. Tierney thanked the public for speaking on this case. He encouraged the property owner to address the poor condition of the building.

Mr. Beach noted that the applicant would need to develop a new site plan and might also require multiple variances to renovate the building to put it back into service. He foresees many complications.

Mr. Green moved in case RZ, 21-01, for parcel 11-15-401-011, 2070 N. Milford Road to recommend denial of the request for rezoning from R1.5, Single Family Residential Zoning District to IM, Industrial Manufacturing Zoning District. The following facts and rationale are offered in support of the motion: a) the proposed rezoning request would constitute spot zoning and a deviation from the Master Plan; b) the abandonment of the non-conforming use and the poor condition of the building have extinguished the rights to a non-residential use; c) there is inadequate access to the site d) the protection of water quality for the pond and groundwater are not well served by industrial zoning. Mr. Tierney supported. Mr. Beach noted that a "yes" vote is for a recommendation of denial of the request. Beach-yes; Charlick-yes; Tierney-yes; Lewis-yes; Smith-yes; Temple-yes; Curtis-yes and Green-yes. Motion carried. (8 affirmative votes.)

Agenda Item #2:

Parcel #	11-15-326-017
Zoning:	OS, Office Services
Address:	Vacant N Milford at E. Wardlow
File#:	RZ, 21-02

Request: Rezoning from OS, Office Services to C2, General Commercial
Applicant: Raouf, Samred
Owner: Rima Properties, LLC

Mr. Green introduced the request for rezoning of a vacant parcel at the corner of N. Milford Road and E. Wardlow Road, parcel 11-15-326-017 from OS, Office Services to C-2, General Commercial (noted incorrectly on the agenda as R1.5, Single Family Residential).

The applicant was not present for the public hearing.

Mr. Green opened the public hearing at 8:11 p.m.

Mr. Brandon Phillips asked for a description of uses allowed in C-2 Zoning District as opposed to those allowed under the current OS, Office Services District. Ms. Corwin explained that OS, Office Services includes primarily offices or services typically arranged by appointment, such as dentists and doctors, lawyers, travel agents, and small barber/beauty shops. C-1 Zoning is oriented to local commercial such as the convenience store on the south side of the intersection. C-2 Zoning is General Commercial, and could include comparison shopping on a more regional scale, gas stations, automotive dealerships, etc., although the size of the parcel will impact the allowable uses.

Mr. Sam Impastato, 47585 Liberty Road, Shelby Township is the owner of the strip center on the south side of the intersection. Mr. Sam Raoul, the applicant, is a tenant operating the 7-11. He was interested in learning the outcome of this request. He did not think the location could support a gas station.

The public hearing was closed at 8:17 p.m.

Mr. Charlick noted that C-2, General Commercial Zoning is more intense than any of the other surrounding parcels and would not be appropriate. He noted that the railroad tracks form a buffer to the residential zones to the east. He believed the parcel could be developed as currently zoned in the OS, Office Services Zoning District, but might support a lesser request as C-1, Local Commercial Zoning.

Mr. Tierney agreed that C-2, General Commercial was just too intense for this area.

Mr. Temple asked what had become of the parcels north of this subject parcel that Dr. White had asked for consideration of rezoning to IM, Industrial Manufacturing. He thought the concerns raised in that case would be relevant to this property, particularly as regards traffic and noise. Ms. Corwin reminded him that the request had been withdrawn when the property was sold to a dentist who had presented a site plan for approval of dental offices but that the project was on hold due to development costs.

Mr. Beach noted that the Planning Commission should examine fundamental principles and the Master Plan. District boundaries provide for a gradation of uses so that industrial uses, as an example, do not abut residential uses. The intersection of E. Wardlow and Milford Road has served as a demarcation, with less intense uses to the north, and more intense uses to the south, and the Huron Valley Schools property, with its early education programs along the west side.

Mr. Beach did not see justification to leapfrog from OS to either C-1 Local Commercial or C-2 General Commercial. C-1 uses are not typically appointment based and are more likely to operate “around the clock.” He would not like to see the intersection of N. Milford Road and Wardlow Road to become a busy commercial intersection with heavy turning movements on all sides which could disadvantage the commercial property to the south. Furthermore, the applicant has made no showing that there is no reasonable use under the current zoning classification. Mrs. Lewis agreed.

Mr. Green also noted that the applicant purchased the property recently, with full knowledge of its zoning classification and should have a plan to use the property as zoned.

Mr. Beach moved in case RZ, 21-02, for parcel 11-15-326-017, Vacant property at the location of N. Milford Road and E. Wardlow Road to recommend denial of the request for rezoning from OS, Office Services Zoning District to C-2 General Commercial Zoning District for the reasons identified in the discussion. Mr. Tierney supported. Mr. Beach noted that a “yes” vote is for a recommendation of denial of the request. Beach-yes; Charlick-yes; Tierney-yes; Lewis-yes; Smith-yes; Temple-yes; Curtis-yes and Green-yes. Motion carried. (8 affirmative votes.)

Work Session:

Agenda Item #3:

Parcel # 11-30-101-001 (portion of)
Zoning: LV, Single Family Residential
Address: Vacant W. Highland Road
File#: RZ, 21-03 Initial Review
Request: Rezone the north 4 acres from LV to C2, General Commercial
Applicant: Bryson, Jeffrey
Owner: Bryson, Jeffrey

Mr. Green introduced the request for rezoning for the northern four acres of a vacant ten acre parcel at the west edge of the Township at S. Tipsico Lake Road and Highland Road (M-59), parcel 11-30-101-001. The applicant would like to rezone the northern portion of his property to C-2, General Commercial. The remainder of the parcel would remain LV, Lakes and Villages Zoning District.

The calendar for April was discussed. The meetings will be the 2nd and 4th Thursdays as published in the official calendar.

Mr. Green moved to set the public hearing for RZ21-03 for April 8, 2021. Mrs. Lewis supported. Motion carried by voice vote (8 affirmative votes.) The meeting will be electronic since it is anticipated that the attendance would exceed the 25 persons allowed under the Director’s orders for COVID.

Agenda Item #4:

Committee Updates

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

Updates were given by Committee liaisons.

Ms. Corwin presented correspondence from Wendy Hieber, Ms. Hieber requested consideration of ordinance amendments to provide for "wedding barns". The Planning Commission agreed to take up the issue of agritourism and similar uses at a future meeting. Ms. Corwin suggested that this was relevant to the Master Plan conversations interrupted by COVID and agreed to contact the Planning Consultant to discuss.

Agenda Item #5: Minutes: October 1, 2020

Mr. Beach moved to approve the minutes from February 18, 2021 as presented. Mr. Green supported, and the motion carried with voice vote (8 yes votes).

Agenda Item #6: Election of Officers

The following committee assignments were determined: Smith, Beach, Charlick will serve as the non-residential land use committee. Temple, Tieney, Curtis will serve as the residential land use committee.

The following slate of officers was accepted by voice vote. Chairman Scott Green, Vice Chairman Grant Charlick, Secretary Roscoe Smith.

The ZBA liaison will be Mr. Green.

Discussion:

The Planning Commission acknowledges and appreciates Mr. Chris Gostek for his many years of service on the Planning Commission and as Vice Chairman during part of his tenure.

Mr. Raoul entered the zoom meeting and asked to be recognized. For technical reasons, he was unable to be present during the public hearing. Mr. Green explained that the Planning Commission had taken its action, and that further discussion should be directed to the Board of Trustees who will make the final determination.

Mr. Tierney moved to adjourn at 9:05 p.m.. Mrs. Lewis supported, and the motion carried with a unanimous voice vote (8 yes votes).

Respectfully submitted,

A.Roscoe Smith, Secretary

ARS/ejc

UNAPPROVED