

**Highland Township Planning Commission  
Record of the 1379th Meeting  
November 18, 2021  
Electronic via ZOOM Platform**

**Roll Call:**

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

**Also Present:**

Elizabeth J. Corwin, Planning Director  
Doug Lewan, Carlisle-Wortman Associates  
Justin Lado, Zoom moderator

Visitors: ZOOM —

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

*Public Hearing:*

**Agenda Item #1:**

Parcel #	11-34-326-002
Zoning:	OS, Office Service
Address:	Vacant, S Milford Rd
File#:	RZ 21-07 PH
Request:	Rezoning from OS to RM with offer of conditions
Applicant:	2675 Highland Holding LLC
Owner:	2675 Highland Holding LLC

Ms. Corwin introduced the request for rezoning of a vacant parcel on South Milford Road at Briarwood, just south of the Tuffy Muffler store. The request is to rezone from OS, Office Services to RM, Multiple Family Residential Zoning District with an offer of conditions. The stated intent of the applicant is to divide the parcels for two single family detached dwellings.

Ms. Corwin explained that staff had discovered an inconsistency with the Zoning Ordinance in that single family detached home is not a use explicitly listed in Article 4, Zoning District Regulations, and is explicitly dismissed in the intent statement of Article 4. Single family

dwelling is not excluded in an intent statement in Section 9.03 District Specific Regulations which includes regulations for single family detached dwellings. Further, past ordinances have always allowed single family detached dwellings in the RM District. Ms. Corwin believes that given the duplicate intent statements, the exclusion of single family detached dwellings was either a mistake or an oversight. If the Planning Commission supports the concept for this property, they can initiate an ordinance amendment. If the applicant is pressed to develop the property before such ordinance amendment is adopted, his recourse would be to ask for an interpretation from the Zoning Board of Appeals. She has discussed this finding with the applicant and he has noted his desire to proceed.

Mr. Chris Heyn recused himself due a familial connection with the applicant. The applicant was not present..

Mr. Green opened the public hearing at 7:37 p.m. No public comment was received. The public hearing was closed at 7:39 p.m.

Mr. Smith stated that this proposal was very satisfactory and provides a nice transition from the more intense commercial zoning to the existing single family residential development on Briarwood. He believed the neighbors would be pleased.

Mr. Beach noted that given the traffic concerns noted recently in discussions of other parcels on South Milford Road, he found this proposal to be very responsible and desirable.

Mr. Beach moved to recommend approval of the request for rezoning from OS, Office Services to RM, Multiple Family Residential Zoning District for parcel 11-34-326-002 with the offer of conditions to limit the development to two single family dwelling units on separate lots for the reasons stated in the record, including the nature of surrounding land use and traffic concerns. Mrs. Lewis supported the motion. Roll Call vote: Curtis-yes; Smith-yes, Charlick-yes; Beach-yes; Temple-yes; Tierney-yes; Green-yes; Lewis-yes. Motion carried. (8 affirmative votes.)

Mr. Chris Heyn returned to the discussion.

**Agenda Item #2:**

Parcel #	11-20-278-000
Zoning:	RCD, R1.5
Address:	Pine Bluffs Ct. at subdivision entrance
File#:	URSA 21-02
Request:	Amend Special Use Approval to close road
Applicant:	Cobblestone Condominium Association
Owner:	Cobblestone Condominium Association

Mr. Green introduced the application for amendment of the Special Use Approval for Cobblestone Condominium to allow placement of a gate at the interface between Cobblestone and Timber Ridge Subdivisions, at the point where the public ownership ends and private ownership begins.

Ms. Corwin reported that 3 letters had been submitted in support of the proposal and that 28 letters had been submitted representing 38 households in opposition to the proposal. One letter from the Huron Valley School District Transportation System was read into the record, indicating that the addition of a gate would result in a reconfiguration of bus routes, and that it was likely that the busses would no longer enter the subdivisions, but would rather require students to catch a bus at the intersections at M-59.

Ms. Elizabeth Sokol was present as representative for the applicant. She explained that the Cobblestone Condominium Association was concerned about excessive traffic and speeds from non-local traffic passing through the subdivision as well as the expenses involved in the maintenance of the privately owned streets. She noted that the Association had recently invested \$145,000 in completing the pavement for the subdivision. Homeowners are further concerned about safety since there are not sidewalks in the community and walkers frequent the streets. The Association asserts that the traffic is largely bypass traffic trying to avoid M-59, which Ms. Sokol compared to the concept of drivers cutting through a corner gas station to avoid a traffic signal.

Mr. Green opened the public hearing at 7:45 p.m.

Roger Burrows, 2057 Pine Bluffs Court noted that he does drive through the Cobblestone Subdivision on a daily basis and takes exception to the characterization of traffic as high speed, since it is no different than speeds in other neighborhoods. He is one of the ten to twenty homeowners located on the cul-de-sac of Pine Bluffs Court, and objects to the street being closed. He believes the comparison of traffic cutting through a gas station is not realistic and that the proposed gate is homely and inappropriate for the neighborhood.

Elaina Peterson, 461 Timber Ridge was one of the original property owners in that subdivision. She recalled that her subdivision was promised that the road system would be interconnected between the two subdivisions to provide safety and an escape route. She was offended that the Cobblestone Association blames all the speed on residents of the Timber Ridge Subdivision. She noted that Cobblestone residents also speed through Timber Ridge.

Terry Mrofchak, 2037 Pine Bluffs Court commented about public safety and noted that community services such as garbage collection, delivery services, postal deliveries and the like would be disrupted by a gate, and saw no reason to justify disrupting a traffic pattern that has been established over 20 years. He also questioned about the private road status, which Mr. Beach confirmed. Mr. Green explained that all the roads in all three subdivisions were originally constructed and paid for by the developers, but that the Timber Ridge Subdivision streets were dedicated to the public.

Michael Svestka, 2262 Overbrook offered the following points: a) the streets are signed as private ownership for use of the residents and guests. b) He objected to the comments in the Carlisle-Wortman that refer to full public access, since there is no written easement between the residents of Cobblestone and Timber Ridge allowing for access. c) He noted that the gate proposed is similar to one installed elsewhere in the Township and that the Fire Department and Sheriff's department have accepted the proposal of a "Knox rapid entry" system. d) He noted that there are only 29 homes in Cobblestone north of the intersection of Pine Bluffs and Pine Bluffs Court, and that the traffic volumes in the stretch between the intersection and gate far exceed what could be attributed to Cobblestone residents.

Tim Miller, 2280 Pine Bluffs Court lives directly next to the proposed gate. He agrees that the traffic volumes exceed what would be expected of the 29 homes referenced, but noted much of the traffic enters the subdivision at Timber Ridge for the convenience of Cobblestone residents at the back of the subdivision. He thinks that other solutions should be explored to calm the traffic and objects to interfering with the bus routs.

Jill Matthews, 2265 Timber Ridge Drive asked if a traffic study had been completed, or if this is all anecdotal evidence. Ms. Corwin confirmed that a traffic study was suggested, but that the subdivision had not submitted a study in their application.

Steve Pass, 2524 Pine Bluffs Court lives in the back of the subdivision. He noted that in any day, dozens of vehicles pass his home, and that he believes the majority of the vehicles are from Timber Ridge Road. The volume of traffic is disturbing, include the delivery vehicles, particularly given the conflicts with pedestrians using the street. He is concerned about the financial liability for the Cobblestone Association.

Nick Cliff, 497 Timber Ridge Drive does not think its necessary or appropriate to have the children walk to M-59 to catch the bus. This increases safety concerns. The residents should be able to work together to address speed and suggested that perhaps the Timber Ridge homeowners would consider a financial contribution. He thought a gate would be detrimental for both neighborhoods. He asked if the gate could be opened by the residents of Timber Ridge. Ms. Sokol explained that only emergency vehicles could pass.

Judy Jaeger, 2063 Woodridge Court, also an original owner. She noted that she often walks between the two subdivisions. She has often been stopped to offer directions to delivery trucks in her subdivision who need to get to the Cobblestone Condominium. She thought the traffic would actually increase in both subdivisions by closing a gate since those trucks would come in and go out past the same homes. She also noted that adding extra delays and distance to bus routes is a problem, since the school system cannot find enough bus drivers now. She believes the school system is serious when they state that they will only pickup at M-59 She also noted there have been many instances during her 20 years in the subdivision when the streets were blocked in one or more places by trees falling, and residents had to rely on the alternate exits to the main streets.

Janet Tiderington 2444 Canterwood stated that Cobblestone residents are not trying to stop mail delivery or disrupt bus services. She argued that Cobblestone residents pay for all the maintenance of their streets, including snow removal, crack filling, pothole repair. (Many Timber Ridge residents interjected stating that they also pay for all those services despite their streets being publicly owned.) Ms. Tiderington characterized the daily trips of Timber Ridge residents as trespass.

Tim Miller noted that a resident of Cobblestone Condominium had stopped traffic in the road accusing them of trespass and that the Sheriff had been called.

Roger Burrows asserted that Timber Ridge also has a contract where the association pays for snow removal, that he has not seen a County snow plow in the subdivision in 20 years, and that the only public maintenance that he had ever witnessed was repair of a damaged catch basin. It is clear that both subdivisions pay for all their own maintenance. Elena Peterson noted that Timber Ridge has paid for pothole repair too. She does not understand the animosity between the two subdivisions.

Niki Kinney, 2158 Pine Bluffs Court does not understand why there has been no traffic study. She suggested a temporary gate, with a study of before and after conditions so that the effects could be measured. She sees plenty of traffic on a cul-de-sac. She thinks the gate will not solve the issue.

Ms. Sokol thinks a traffic study will not answer the question of access to a private road. She thinks the deterioration of the road over time is the essential issue, and it cannot be measured in a short term study. She also noted that the pedestrians will not be stopped by the vehicular gate.

Randy Paquette, 2321 Overbrook noted that he had recently paid an assessment to repave the road. He does not understand why Timber Ridge does not extort the County to pay for the maintenance of the public roads. He is not interested in paying to support other traffic outside his neighborhood. He argued that the bus issue could be worked out.

Justin Detter, 23 Pine Bluffs Ct is a newer resident of the subdivision noted that the conversation has been going on since before he moved to the subdivision. He said on one case, 98 of 100 vehicles passed into Timber Ridge Subdivision. He noted that he has small children and has called the Sheriff more than once about speeding traffic.

Jillian Mantua, 2591 Overbrook is a parent of two young children and is concerned about the speeds and safety of the children. If one child is killed by traffic, then all the argument about the inconvenience of the gate will be moot.

Mike Mack, 2651 Pine Bluffs Court has lived in the Cobblestone subdivision one year. He has reviewed the proposal and is concerned about the aesthetics of the gate, which is nothing more than a construction gate. It is not suitable for the neighborhood. He has not noticed residents speeding by, but he has noticed a lot of construction traffic. He was surprised that the gate would not allow access of the Cobblestone residents through the gate, which was what he had anticipated. Christine Mack added that she would not allow her grand children to just walk to the bus stop at M-59 and that although no one wants to pay more for the road maintenance, she thought it would be wiser to look at speed bumps and other traffic calming measures

Mark Meyer, 359 Timber Ridge Dr. thinks that it after 20 years, there is not exceptional traffic, and that we are not speaking about that many homes. There is still a lot of construction traffic. He thinks that the inconvenience and safety concerns are more important than blocking the gate.

Marion Wainstock, 1941 Woodridge Court wanted to know if there are two subdivisions east of Timber Ridge or only one subdivision. Ms. Sokol explained the limits of the Cobblestone and Pine Bluffs subdivision and explained which costs they share. Her impression was that the Cobblestone residents are trying to be exclusive. She noted that all the residents in all three subdivisions pay their own dues and everyone is responsible for their streets.

Tony Watts, 2187 Pine Bluffs Ct has lived in the subdivision for over 20 years. He noted the subdivisions were planned together and the road interconnections made a lot of sense, and was constructed that way for good reasons. He noted that his house was 0.4 miles from M-59. He was concerned about children walking that far to catch a bus. He noted it was Cobblestone's choice to have private roads, and that the gate does not meet the aesthetics of either subdivision.

Jonathon Ratliff, 2521 Canterwood considers himself to be impartial, and not affected by the traffic. He thinks that some sort of financial arrangement could be arranged to address the concerns about financial liability, and that other traffic calming measures should be considered. If no financial agreement could be reached, then perhaps the gate should be closed.

Paul Hodges. 2260 Pine Bluffs Court lives close to where the gate would be installed. He does not believe the gate will address the traffic volumes, but is more concerned about the safety of the children if the bus stop is so far removed from the homes. He thinks both subdivisions might benefit from speed bumps.

Doug Huwer, 2225 Canterwood wondered if the bus drivers could be allowed access through the gate.

Gianni Cabel, 2383 Canterwood thinks there could be workarounds with the bus issue, but that it comes down to the financial investments in the road system. He does not think it should be the resident's responsibility to make it convenient for delivery drivers.

Mrs. Hodges is annoyed by the villainization of the Timber Ridge Subdivision by the Cobblestone residents. The children play together.

Sarah Cliff, 497 Timber Ridge does not use the Cobblestone roads, but is concerned about blocking the second access. She is more concerned about sending the children toward M-59 to catch the bus.

Scott Sawicki, 2058 Pine Bluffs Court noted that the streets have been in place for 20 years, and that blocking the road will cause major disruptions for deliveries, which rely on GPS and established road patterns. He is also concerned that an ugly gate will diminish property values.

Mr. Green closed the public comment at 8:45p.m.

Mr. Tierney asked if the Township would assume any liability if we required the private road to remain open to through traffic. Mr. Beach noted that this is an approved site plan that has been acquiesced for 20 years. The decision to leave the roads in Cobblestone private were with the assumption and agreement that the roads would remain open to through traffic. The developer asked to allow the roads to remain private, which was not our standard at the time, in order to vary from the design standards of the Road Commission for Oakland County to allow for tighter curves, steeper grades and the like. The private designation only refers to the obligation to maintain the road, not to imply any exclusivity. These subdivisions were developed together and the connected streets allowed for a unified market appeal. Had it been proposed for the roads not to be connected, the Planning Commission would not likely have approved the exception to allow the private roads.

Mr. Tierney noted that the private roads do not confer a right of the residents to prevent others from driving on the roads, walking on the roads or otherwise using the roads for the intended purpose.

Mr. Charlick noted that there are many subdivisions with private roads in Highland Township. For instance, Highland Hills is currently pursuing a Special Assessment District to pay for repaving of their public roads.

Mr. Green noted that the only maintenance the Road Commission will complete is a little patching. The written policy is they do not enter the subdivision until four days after a storm, at which time typically there has been another storm to reset the clock.

Mr. Temple believes it is clear the intent was to keep a road connection despite the differences in ownership. He wondered if the intent of the Planning Commission to allow the public passage across the subdivision streets made it into the bylaws of the Condominium. Mr. Beach noted that the Planning Commission relied on the representation that the road would remain open. The fact that the roads have been open for 20 years points to an acquiescence to the rights of the public to pass.

Mr. Svestka offered excerpts of the bylaws for the consideration of the Planning Commission.

Mr. Curtis understands the private road issue and that the new homes built over the 20 years has resulted alone in increased traffic, and that temporary traffic for construction has added to the perception of excessive traffic. He would like to see the three associations come together and explore other options. He thinks the speed humps in South Bay Shores are a good example of how traffic calming can work.

Ms. Lewis noted that the number of fire runs and EMS runs have increased dramatically. She is concerned how a gate would impact response times.

Mr. Green noted that speed humps can be effective, but also have unintended consequences, such as when drivers try to avoid them by skirting around them on one side. Mr. Beach noted that there are other alternative traffic calming techniques that should be considered. He reiterated that the policy of the Township has always been to encourage as many road connections as feasible to enhance safety. Highland Township does have natural emergencies such as tornadoes and brush fires to consider.

Mr. Green noted that the general public is unlikely to cut through those subdivisions to avoid M-59 traffic. It would be slower and there are adequate turnarounds and a traffic signal to accommodate passing traffic.

Mr. Smith noted that the ordinance limits dead end streets to 1000 lineal feet. The gate would be placed to create a 3900 lineal feet dead end. He is also concerned that the gate would not address the traffic volumes, because it would not deter cross traffic from Timber Ridge to Hickory Ridge Road, it would merely displace it to the Pine Bluffs subdivision if the goal of drivers is to avoid the signalized intersection at Hickory Ridge Road. It seems unlikely that an eastbound driver would even cut through the subdivisions because of the inconvenience of the placement of turnarounds on M-59. Mr. Green noted that the road was originally a dead end, but Mr. Smith corrected that the plan was always to extend the street into the adjacent property. He also clarified that the limit on the length of dead end streets does not refer to the presence of a cul-de-sac, but rather the absence of a second point of exit from the subdivision.

Ms. Corwin noted that the proposal does not address a proper turn around at the gate. She noted this causes particular concerns for snow removal, since once snow is plowed up against the gate, it could be impassable. Mr. Charlick noted that there will be a lot of trucks that will drive up to the gate, see it is closed and back into a driveway to turnaround.

Ms. Sokol noted that there is a turnaround on the Cobblestone side, and that drivers can see the gate from the intersection with Timber Ridge. There will be proper signage indicating the road is closed to through traffic.

Ms. Sokol also noted that both subdivisions can direct their contractors not to pile the snow in front of the gate.

Ms. Sokol also pointed to the example of Huntwood and Foxfield as a place where a gate works.

Mr. Green moved to table the discussion to the next meeting to consider the information presented. Mr. Smith supported the motion. Roll call vote Green-yes; Beach-no; Charlick-no; Curtis-no; Heyn-no; Temple-no; Tierney-no; Lewis-no; Smith-no. Motion failed (1 yes, 8 no).

Mr. Beach moved in case URSA 21-02, amendment of Special Use Approval for Cobblestone Condominium, that the Planning recommend against the approval of the proposal as it is against the policy of interconnection of private roads, it has been in place and acquiesced in for 20 years and will cause serious logistical and safety issues with access for emergency vehicles, school busses, mail carriers, garbage routes and delivery vehicles and for other reasons that are addressed in the discussion. Mr. Charlick supported the motion. Roll Call vote (yes vote is to recommend against vote Green-no; Beach-yes; Charlick-yes; Curtis-yes; Heyn-yes; Temple-yes; Tierney-yes; Lewis-yes; Smith-yes. Motion carried (8 yes, 1 no).

**Agenda Item #3** Discussion of Master Plan work plan

Ms. Corwin introduced Doug Lewan, principal of Carlisle-Wortman Associates, the Township Planning Consultant. Mr. Lewan will facilitate the Master Land Use Planning process, which was initiated in 2019, but stalled during the uncertain times surrounding the pandemic and lockdowns.

Mr. Lewan reviewed the work that has been completed to date. The background data compiled in 2019 will be updated to reflect that census data has been released. The Planning Commission had paused in 2020 at the point of releasing a community survey. Mr. Lewan will bring the draft questions back for review.

The commissioners agreed that the survey should repeat questions we have used in the previous three surveys so we can look for continuity or movement in attitudes about land use. New questions should address emerging issues. The respondents should be asked to determine relative values for their preferences to identify priorities for spending, rather than to generate a big wish list where every option is desirable to some.

Mr. Beach emphasized that in our planning process, it is important that we do not focus on Highland Township in isolation of our neighboring communities. We should acknowledge their experience and expectations surrounding land use and recognize that we do not have to necessarily duplicate services provided elsewhere.

Mr. Green asked how the Master Land Use plan would address services such as broadband or sanitary sewer. Ms. Corwin pointed out that this is primarily a Land Use Plan, and that some special issues are addressed by sub-plans, such as the Water Reliability Study or newly commissioned Broadband Master Plan. This plan will primarily focus on land use, which clearly affects the other plans.

Mr. Lewan also explained the process which involves solicitation of input from not only our residents, but neighboring communities. He went on to explain that the Board does not approve the plan, but only approves release of the plan for public comment. The Planning Commission adopts the plan.

**Agenda Item #4:** Early Termination of Farmland Development Rights Agreement Parcel #11-05-376-008; 82-acre agriculture parcel on N. Hickory Ridge Rd

Ms. Corwin reviewed the application for Early Termination of Farmland Development Rights Agreement submitted by American Aggregates of Michigan. The administrative procedures for the Michigan Department of Agriculture and Rural Development require that the Clerk submit the application to the County or local Planning Commission for review and comment. The County has deferred its review to the local planning commission. The procedures also require the Soil Conservation District to be afforded an opportunity to comment. Their report essentially notes that this property is prime farmland, but has no objection to releasing the property from the program provided the owner understands the tax implications.

As discussed at previous meeting, the Board of Trustees has previously considered expansion of mining onto the 80 acre parcel and incorporated their approval into an amendment of the consent judgment. Based on that agreement, no additional homes will be added to the development of the American Aggregate property on the east side of Hickory Ridge Road. The limited development rights of this 80 acres is transferred to other properties on the west side of Hickory Ridge Road. This 80 acres will be incorporated into the open space for the future Stoneleigh Development. The agreement includes other valuable considerations that will benefit the general public.

Mr. Beach moved to accept and file the application and accompanying reports without further comment. Mr. Curtis supported the motion which passed with a unanimous voice vote.

**Agenda Item #5:**

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

Committee updates were discussed.

**Agenda Item #6:**

Mr. Beach moved to approve the minutes of September 16, 2021 as presented. Mr. Curtis supported the motion which passed by voice vote.

Mr. Tierney moved to adjourn the meeting at 10:07 p.m. The motion was supported by Mr. Beach and passed by voice vote.

Respectfully submitted,

A. Roscoe Smith, Secretary

ARS/ejc