

**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