

**Highland Township Planning Commission
Record of the 1403rd Meeting
September 7, 2023**

Roll Call:

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

Elizabeth J. Corwin, Planning Director

Visitors: 2

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

Roll Call:

Agenda Item #1: Call to the Public: Opportunity for anyone to bring forward issues of interest or concern for Planning Commission consideration. Each participant limited to 3 minutes.

There was no public comment.

Work Session:

Agenda Item #2:

Parcel #	11-27-351-014
Zoning:	C-1,, Local Commercial
Address:	1340 S. Milford
File#:	PLU23-0031
Request:	Land Use Permit for temporary sales of food
Applicant:	Jerry Bennett, Big Beard BBQ
Owner:	Mark Sawa, Highland Plaza LLC

Mr. Jerry Bennett, applicant was present to explain his proposal for temporary food service at the Highland Plaza. He will set up a smoker and two canopies over part of the parking lot at the northeast corner of the site. He offers take out service only. He will not provide seating. This barbeque stand has operated at other locations around the County. The applicant was recruited by the property owner for Sundays when the rest of the plaza traffic is light to not create conflicts over parking.

The food is prepared offsite, but the meat is smoked at the location. The canopies are printed with his logo for Big Beard BBQ and serve as the signage. The plan is to be open during daylight hours only, and not when the weather is inclement. No additional lighting is required, but the applicant has a generator for use if electrical service is needed for warmers,etc, but he doesn't anticipate needing them..

The applicant hopes to open on Sunday, September 17, 2023. It is anticipated that the amended ordinance will be adopted and in place before any permit renewals are necessary.

Mr Charlick moved to approve the temporary land use permit for food sales for Sundays by applicant Jerry Bennet for Big Beard BBQ at 1340 S. Milford Road as described in the permit application. Mrs. Lewis supported the motion. Roll call vote: Curtis-yes; Heyn-yes; Oleary-yes; Temple-yes; Tierney - yes; York-yes; Lewis-yes; Charlick-yes; Smith-yes. Motion carries (9 yes votes; 0 no votes).

Agenda Item #3: Master Plan Discussion: Goals and Objectives

The Planning Commission reviewed the redlined goals and objectives.

First, the group discussed whether the goal was to “emphasize” agricultural land use, or whether a better approach would be to define what the community means when it says “retain rural character” Agricultural uses as described seems to hint at a more “industrial” character, such as food processing. Ms. Corwin explained that our current zoning scheme came from a recognition that the Planning Commission allowed easy switching back and forth between the agriculture and rural residential. If the community wants to expand agricultural land use, there may be a need to protect some lands that are truly more conservation/residential land use.

Mr. Temple asked if we would just add processing and similar uses as special land use for all ARR Zoned properties. He thought that if people were asking for those uses then we should respect that. Ms. Corwin explained that some goals/objectives rose from committee work completed with the consultant in 2018 and not from our 2023 visioning sessions.

Mr. Temple was more concerned about promoting the sewer/water districts. Mr. Charlick asked if we mapped an area for future sewer service. He was concerned that by expressing the goal as “limiting expectations” the Township might be pressured to provide service when it is not ready to do so. Ms. Corwin pulled out the maps from the 2004 Sanitary Sewer Master Plan. She explained the history of setting the limits and how the Township came to develop sanitary sewer plans and even be permitted for a wastewater treatment plan, although the project was abandoned.

The group discussed how the sanitary sewer and water service districts were developed, and the background of the sewer project that was designed but abandoned in 2008 with the proposed wastewater treatment plant at the Levy property. So while the 1999 Master Plan talks around the edges of sewer/water service needs, the planning effort came later.

Mr. Temple’s impression from the feedback of the community was that sanitary sewer service remains just a wish list item, and its not worth the effort to drag it out again. Ms. Corwin explained that it would not be on the Planning Commission to define a project, but it would be appropriate to decide “where” we might provide service in the future. The 2004 maps may be adequate.

Mr. Smith asked for clarification of what the goals and objectives discussion signifies. There are items in this list that were not discussed at the visioning session, and other things that were discussed that have not been included. Ms. Corwin noted that these goals and objectives should reflect more of a “work plan” for the future. The main headings should be the aspirational statements, whereas the subitems below would be the types of work projects you focus on. To create defensible ordinances, they should be grounded in your guidance documents. Mr. Tierney summarized that ordinances should not contradict your goals expressed in the Master Plan.

Mr. Charlick asked about the language about solar farms. That was not something that was discussed by the residents at the visioning session. Ms. Corwin noted that there are some statewide goals or

developing land use trends that bear consideration, since those uses will have to be considered in the future. For instance, there is a statewide goal to reach a certain percentage of its energy through renewable energy by a certain date. Mr. Tierney noted that mandates could be coming, and it would be prudent to have a framework to move forward on such things as solar farms or windmills to work from in the future.

Mr. York noted that communities can take different approaches—would Highland want to be the solar farm capital of the region, or strengthen its position to limit such uses. He noted that if we are in favor of allowing some solar farms, then we should reflect that in the Master Plan, subject to a list of issues that concern the community.

The discussion turned to goals about housing. Mr. Curtis noted that he heard a couple of things in the visioning sessions—a need for senior housing options, a desire to maintain large lot sizes. The Planning Commission addressed how tiny houses would address these goals. Mr. Temple thought their discussion about tiny houses in the visioning session was along the lines of “guest homes” for extended family. Mr. Charlick was concerned about the written goal of exploring means to “subsidize” affordable housing. He thought we should stay clear of words that suggested a financial investment in such issues. There was an acknowledgment that density and lot size dictate affordability, and without sanitary sewers, the opportunities are limited.

The tiny house question was discussed in more detail. Currently, Highland Township requires a minimum home size of 1000 square feet. Most tiny homes are only about 600 square feet. Therefore, Highland Township has disallowed the use without specifically considering the use. There may be scenarios, such as allowing a disabled adult child or an elderly parent to have an independent, dignified living space located on the property owners large acreage parcel.

Mr. York noted that perhaps the author of the draft goals/objectives chose hard, actionable language to spur discussion. Mr. Charlick was concerned that language should be softened in areas where a specific action has been suggested but the Planning Commission is not anywhere near a consensus.

Mr. Smith asked if the discussion was meant to be a report of what was heard from the community at the visioning session, or all other things we might want to do. Mr. York noted that the goals and objectives should reflect all the input from various stakeholders—the surveys, the visioning session, discussions with the Board members, stakeholders who have come to the Planning Commission for specific requests.

Mr. Smith noted that all objectives should stem from the overarching goal of maintaining “rural character”, but all actionable goals should consider the unintended consequences. Mr. York pointed out the inconsistencies of the often repeated desire for sidewalks everywhere, with the desire to maintain rural character. Mr. Charlick noted that sidewalk on both sides of a dead end industrial street is not necessarily useful or desirable. He also noted that where sidewalks are installed, often the trees come down.

Ms. Corwin turned the direction to the question of commercial land uses and home based businesses. She noted that the Supervisor often points out that Highland Township is full of entrepreneurs who often start their businesses in their home garage. She suggested that the Master Plan might include language that supports and encourages this activity in ways that still protect residential neighbors.

Mr. Charlick noted that some of the goals seemed awfully specific for topics that really have been barely discussed, such as established a mixed land use on the Northwest Quadrant of M-59 and Milford Road. He was also concerned about a requirement for rain gardens in industrial sites. Mr. York noted that this is a valid approach and an alternative to detention basins.

It was agreed that the Planning Commissioners would review the goals/objectives further discussion at the next meeting. Ms. Corwin also noted that the Planning Commission should plan a map discussion also, with consideration of teasing out a specific agricultural land use designation.

Agenda Item #4: Ordinance Amendments—Short Term Rentals

Ms. Corwin explained that having reviewed the discussions from previous meetings, it seems that the best approach for Highland Township is for the Planning Commission to work within the current rental certification program covered under the police powers ordinance and simply amend the Zoning Ordinance to show where properties might qualify to obtain the certification, for instance in what zoning district, or what lot size, etc.

Mr. Tierney was concerned that there should be a clear acknowledgement that the Township does not enforce homeowner association (HOA) by-laws and restrictions. Mr. York noted that asking the question on a checklist is really just a tool to educate the applicant that there may be restrictions. It would not necessarily mean that the Township denied an application that lacked the HOA approval.

Mr. Tierney asked what neighboring communities were doing with the issue. Ms. Corwin said the only community she has learned of is White Lake Township which allows any property that applies for certification to use the property for short term rentals.

While the Planning Commissioners felt confident that short term rental could be allowed in the non-residential zones, there was little agreement that any residential property was appropriate. Ms. Corwin noted the Planning Commission could merely set qualifying criteria that was distinct from zoning category, such as minimum lot size, parking provisions, adequacy of septic system, etc.

The Planning Commission also discussed what the length of occupancy would have to be to not be considered short term rental. The literature settles in on 60 to 90 days. That length of stay should be incorporated into the definitions.

The Planning Commission compared the scenario of the state owned cottage on Pettibone Lake Road with a short term rental in a residential neighborhood. He thought if the State could do a short term rental, it seems unfair that a property owner could not do the same. Mr. Charlick noted that the property is fairly isolated. Mr. York noted that since the cabin is on state land, the neighbors have no expectation of anything but transient neighbors.

Mr. Tierney noted that the nuisance ordinances apply, whether the property is owner occupied or short term renter occupied. He believed that short term rental should be allowed everywhere. Mr. Charlick noted that the concern is beyond just control of nuisance, but also the character of the community could change if corporations bought up the lake front parcels just to create a short term rental industry.

Mr. Tierney thought that the existing police powers ordinance infringed upon private property rights given the depth of the regulations and the ability to suspend permits.

There was discussion about what length of stay would best protect the interests of the property owners while discouraging corporate buyout of properties for the sole purpose of short term rentals. Mr. Charlick noted that while it is unlikely the Township would be able to police the turnover rate, it would certainly send the clear message to investors that the business model of weekend party house is discouraged.

Mr. Temple thought it was unnecessary to even adopt an ordinance, but thought that educating the HOA's to disallow the use would take care of about 90 percent of the perceived problems.

Ms. Corwin summarized. The Zoning Ordinance will identify districts where allowed, which will be the C-1, C-2, IM and HS Business Districts. She will collaborate with the Fire Marshal/Code Enforcement Officer to beef up provisions about minimum parking, etc. Any rental over 60 days is not considered short term rental. If a rental period is less than 60 days, it is allowed in the listed districts, with a certification/land use permit. These applications will not come to the Planning Commission for review and approval.

Agenda Item #5: Committee Updates

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

Committee reports were discussed.

Agenda Item #7: Minutes: August 3, 2023

Mr. Tierney moved to approve the minutes of July 20, 2023 as presented. Mr. Curtis supported the motion, which was unanimously approved by voice vote.

Mr. Tierney moved to adjourn the meeting at 9:40 p.m. Mr. Heyn supported the motion, which was unanimously approved by voice vote.

Adjournment:

Respectfully submitted,

A. Roscoe Smith, Secretary
ARS/ejc