

**Highland Township Planning Commission
Record of the 1381st Meeting
January 20, 2022**

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

Visitors: 50

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

Public Hearing:

Agenda Item#1:

Parcel #	11-21-426-014
Zoning:	C-2, General Commercial
Address:	Vacant, Enterprise Drive
File#:	RZ 21-09 PH
Request:	Rezoning from C-2 to IM
Applicant:	Mark Tyler, Tippecanoe Properties, LLC
Owner:	Tippecanoe Properties, LLC

Mr. Green made a motion to excuse Mr. Charlick from the discussion of Agenda Item #1 as he has disclosed his business relationship with Sheid Properties, LLC, who has a purchase agreement for a portion of the subject property. Mr. Beach supported the motion which passed by voice vote. Mr. Charlick joined the audience to represent Sheid Properties, LLC.

Mr. Smith introduced the application for rezoning of a vacant 16 acre parcel on Enterprise Drive (Parcel 11-21-426-014) located north of M-59 and the Salvation Army store. The applicant seeks rezoning from C-2, General Commercial Zoning District to IM, Industrial Manufacturing. The applicant is Mark Tyler and the property owner is Tippecanoe Properties, LLC. The parcel is adjacent to commercially zoned properties on the west, south and part of the east and industrial properties

Mr. Mark Tyler, applicant, explained that there is a purchase agreement for the northern 6 acres of the property adjacent to the industrial subdivision. The remainder of the site would be offered for sale to others.

Mr. Charlick added that Sheid Properties intends to incorporate this property into the industrial subdivision and construct a building similar to those already constructed on the west side of Enterprise Drive, but larger. There are topographic constraints that limit the size of the building that could be developed elsewhere in the subdivision. The desired end use is for a sports complex that requires a larger footprint and higher ceiling than can be accommodated elsewhere in the subdivision. There is a natural topographic break in the property that lends to division of the property into two parcels.

Mr. Green opened the public hearing at 7:35 p.m. No public comment was offered. Mr. Green closed the public hearing.

Mr. Beach was pleased to hear that the property might lend itself to two parcels and therefore to split zoning. He asked if the divide between two new parcels would line up with the south boundary of the industrial park as plotted on the west side of the road. Mr. Charlick thought the new property line would fall somewhat south of the extended line to accommodate parking. A recreation user would have an overall less intense operation than industrial uses; but would at times generate a greater parking demand. The final line has not been determined.

Mr. Beach reviewed the adjacent land uses and zoning. He was concerned that the southern remainder of this parcel is surrounded by commercial zoning and touches the cemetery on the southeast corner. He noted that as planners, the preference is to maintain an orderly map with straight lines, and to avoid “keyholing” a more intense use into surrounding commercial zoning. He was in favor of rezoning the north “half” of the property, but not the south.

Mr. Tyler noted that they have requested the entire parcel be rezoned. There has been interest for light industrial uses but never a serious inquiry for a commercial use.

Mr. Beach said that he is concerned about opening the property to the more intense use list of the IM Zoning District, which may be incompatible with existing commercial uses on the west side of Enterprise Drive and create conflicts with over lighting, noise, and such, especially for the cemetery. He noted that the area along Enterprise Drive was initially envisioned as a modern “downtown” shopping area, with the boulevard extending all the way to Wardlow. He thought it was important to preserve opportunities for the commercial environment to grow, and to provide locations for larger stores or restaurants to be developed. The thought of encountering a large industrial building as one drives north is counter to that vision.

Mr. Tyler shared a preliminary survey sketch that showed the probable land division. The Planning Commission discussed options to define the limits of industrial zoning.

Mr. Beach moved to recommend approval for rezoning the northern 502.19 feet of parcel 11-21-426-014 from C-2, General Commercial Zoning District to IM, Industrial Manufacturing Zoning District with the remainder of the parcel remaining in the C-2, General Commercial Zoning District based on concerns expressed in the discussion relative to adjacent land use. Mr. Tierney

supported the motion. Roll Call vote: Tierney-yes; Curtis-yes; Smith-yes; Lewis-yes; Green-yes; Heyn-yes; Temple-yes; Beach-yes; Motion passes (8 aye, 0 nay).

Mr. Charlick returned to the table.

Agenda Item #2

Parcel #	11-08-400-004
Zoning:	ARR. Agricultural and Rural Residential
Address:	Vacant, Middle Road
File#:	RZ 22-01 PH
Request:	Rezoning from ARR to R1.5
Applicant:	Michael Mantua
Owner:	Michael and Jillian Mantua

Mrs. Lewis introduced the request for rezoning of parcel 11-08-400-004, a 120 acre vacant parcel on Middle Road, west of Milford Road. The property is currently zoned ARR, Agriculture and Rural Residential Zoning District. The master land use plan designation is Small and Medium Lot Residential. The applicant is Michael Mantua; the property owners are Michael and Jillian Mantua. The property is surrounded by residentially zoned properties, R-1.5 to the north and east; and R-3 to the south and west. The request is for rezoning from ARR to R-1.5, Single Family Residential. Mrs. Lewis noted that this request is for consideration of density only and will not address site plan issues or road layout.

The applicant, Michael Mantua explained that his request is for rezoning to allow 1.5 acre lots, which is consistent with surrounding properties. He has proposed to develop the site in a manner consistent with the surrounding area and with the Master Plan. His goal is to balance reasonable and responsible development with preservation of the natural features. He and his family plan to live on the property.

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

Lynn Domeier, 255 Middle Road asked for clarification of what would be discussed. Her concern was how many homes the property could support and whether the public could comment in the future when a specific site plan is presented. She noted that there have been at least two major accidents on Middle Road in the last twenty years that she was aware of, including a fatality.

Jeff Stoner 4787 Mallards Landing was concerned about the use of the northeast corner of the property, which is adjacent to Mallards Landing. He hoped to see specific plans for use of that corner.

Art Smith, 4769 Mallards Landing noted that his Homeowners Association had been approached to request access to Mallards Landing. He was concerned that 120 acres could result in 40 to 80 homes, which could double the traffic in his subdivision, which has private roads, maintained by the residents. He thought his neighbors were not so opposed to the idea of a subdivision on the land so much as to the access of new traffic to their private roads.

Robert McClive, 4679 Mallards Landing asked if the new subdivision would be served by septic systems and private wells and asked if the lot size was adequate. Mr. Charlick explained that the

minimum lot size for well and septic in Oakland County is 1.0 acre, free of wetlands and unbuildable areas. The Township Zoning Ordinance requires a minimum lot size of 1.5 acres. The County has more stringent requirements today than 30 years ago when Mallards Landing was developed. Mr. Green noted that there are also environmental rules about runoff and drainage, which explains the difference between the Township and County lot sizes and must be considered when determining how many homesites a property can support. He noted that the Master Plan has been for small to medium lot residential for many years. Mr. McClive noted his major concern was about the amount of traffic that might be directed his subdivision.

Lisa Stoner, 4787 Mallards Landing urged the Planning Commission to deny the request since the applicant would be afforded a reasonable use of the property under the current zoning.

Mike Howard, 2424 Lynch Drive owns a parcel since 1988 that fronts the lake. He is concerned about the traffic changing the character of the area. He believes that the stream of vehicles coming to and from the area from urban areas for work will impact the quiet enjoyment of his property.

Sarah Rollins 4500 Teal Court asked if the public would get an opportunity to respond to a specific plan. Ms. Corwin explained that would depend upon the process. A land division with a few homes accessed from a single road might be accomplished under the land division act, which requires no approvals from the Planning Commission or Board of Trustees. If an applicant seeks more homes, or variances from the typical lot sizes envisioned in the zoning ordinance, we would be looking at a subdivision or condominium procedure and perhaps Special Land Use approvals which would require public hearings with public notice. Mr. Charlick noted also that this first step was just a recommendation to the Board, not the final decision. Mr. Tierney suggested that the neighbors would have to watch agendas, since not all processes would require public notice.

Jackie Smith, 4769 Mallards Landing asked if the property owners could access the road without Mallards Landing Homeowner's Association (HAO) consent. Mr. Beach explained that this is a legal matter that goes back to an examination of deeds. He asked the Mantua's if they knew if there was a legal right to access. They did not know, which is why they approached the HOA Board. They said "no", so the Mantuas are proceeding without the street connection.

An unidentified member of the public spoke up saying that this increases the concern that all the traffic goes out to Middle Road, with the dangerous curves and speeding traffic.

Mr. Beach explained that the road access is governed by the Road Commission for Oakland County (RCOC). The Planning Commission cannot speculate as to where the RCOC might approve access, or whether the septic systems would be approved.

John Henning, 4255 Mallards Landing agreed with other speakers about their concerns and added that if there was an assurance that there would never be a connection to Mallards Landing, many of those speaking would not comment further.

Edward Potts, 1650 Middle was concerned for the beauty of the lake and the rural nature if more homes were added to the lakeshore.

Lynn Hansford, 1528 Middle is concerned on the impact on the lakes due to the fertilizer and runoff from development.

Mr. Green asked what agencies would oversee the protection of the lake. Ms. Corwin explained that two agencies would be involved—the office of the Oakland County Water Resources Commissioner would oversee sedimentation and soil erosion control, and the Michigan Department of Energy, Great Lakes and Environment (MEGLE) would oversee any construction within the actual water body. Ms. Hanford explained that the Kellogg Lake Association holds a permit for weed control in the lake.

John Dron, 1462 Middle explained that he had approached the Township three years ago and was told the Master Plan called for five acre parcels and that there would be a requirement for paved streets and all that goes with a modern subdivision. He believed that people bought in this area with the expectation that the land would remain zoned for 5 acre parcels. Mr. Beach corrected the record noting that the zoning is for 5 acre lots. The Master Land Use Plan designates small to medium lot residential lots and has for over 20 years, meaning density ranging from one home per 1.5 acres to one home per 3.0 acres.

Scott Johnson, 4280 Mallards Landing asked if the minimum lot size was currently 5.0 acres and if the request was for 1.5 acre lots. Ms. Corwin noted that we need to be careful to differentiate between density and minimum lot size. An area with a density of 1.5 acres per home might see much smaller lots with a portion of the property set aside in open space, due to the clustering of parcels as authorized under state law. Mr. Johnson asked about the lot width under R-1.5 acres, which Ms. Corwin responded 150 feet of frontage, except if developed under cluster zoning, the lot width could be smaller. Mr. Johnson asked if there could be a boat launch or large number of lots crammed onto the lakeside. Ms. Corwin noted we had a lake access ordinance that limited the number of docks and prohibited “key hole”. Mr. Green noted that the character of the water’s edge on the west side of Kellogg Lake does not lend itself to docks since it was shallow and reedy.

Adam Ward, 3235 Clyde noted his concern about the rural character of the community. Like others, he would like to see the area maintained as rural, agricultural farmland. His family has lived in Highland since the 1850’s, and strive to maintain the rural nature.

Sam Baillo, 4838 Pintail was concerned about the potential impacts that the clustering might bring if many homes were clustered on the lake.

Rick McClellan, 2585 Middle noted that if the applicant was only interested in developing 16 or 17 homesites, he could accomplish that with five acre zoning. He was concerned with the Pandora’s box that would be opened if greater density were granted.

Angela Beckman, 4107 Taggett Lake Dr is concerned about water quality. The difference of the impact of 24 homes on 5 acre lots as currently zoned or 80 homes on 1.5 acre homes per the proposed zoning is significant due to increased use of fertilizer and runoff to the lakes. The lakes already experience algae blooms even with water treatment programs.

Josh Stanford, 3531 Taggett Lake Court, located immediately east of the subject parcel across the lake. He is concerned about the visual impact of the homes developed across the lake from his home. He is concerned the lake will become unusable as more nutrients impact the water quality, that the lake will become more of a puddle and property values will drop.

Jill Mantua noted that most of the speakers this evening live on 1.5 acre parcels or smaller, and that as property owners, their desire is to develop homesites that are consistent with the existing development patterns.

Vickie Jeanette, 1540 Middle noted that she lives on 2.69 acres, and that not everyone here lives in Mallards Landing. She is opposed to rezoning.

Sook Chin, 4591 Mallards Landing, noted that 1.5 acre parcels seems too small in an area with no municipal water and septic systems and she is concerned about contamination.

Ms. Corwin read an email from Kristin Powers, opposed to rezoning, noting concerns about wildlife habitat.

Mr. Green closed the public hearing at 8:37 p.m.

Mr. Charlick noted that his family also has a long history in Highland Township and has witnessed Highland Township develop to where we are today. This hearing is the first step in a rigorous review by many agencies. He believed the request is consistent with development patterns and that the homes in Mallards Landing are on property that was once vacant acreage, and their neighbors were also concerned about impacts that the Mallards Landing homes would bring.

Mr. Tierney noted that this parcel is not surrounded only by 1.5 acre parcels. The property to the north includes the park, and there are many large acreage parcels on the west and south. He also noted the Township needs to consider the traffic volumes on Middle Road.

Mr. Beach agreed with many of Mr. Charlick's observations about development over time; but noting that the Master Plan has called for small to medium lots for at least 20 years. His concern was that at 1.5 acre density, clustering could allow for a very dense development on the lake front at Middle, that the northeast corner of the property is nearly inaccessible given the cost and difficulty of crossing the narrow strip of land connecting it to the remainder of the site.

He believed three acre zoning would be more appropriate. The lots directly across the site on Middle are consistent with three acre parcel zoning and on the western extremity are even larger. The park is also a factor. He was concerned about the visual and environmental effects of clustered development.

He is concerned about the local burden placed on the Township Park as neighbors mow back further and further and encroach on the park.

Under three acre zoning, the applicant could still design a cluster development. He noted that ordinances limit the number of lots to 40 homes before the developer would have to invest in a community well.

Mr. Temple noted that the topography dictates that the number of lots will not be what the public fears. Three acre lots would be appropriate given the master plan and the capacity of the parcel.

Mr. Curtis also is in favor of three acre zoning, which limits the potential for the traffic.

Mr. Green would like to see a future trail connection across the property to join Mallards Landing/Taggett Lake to the park.

Mr. Beach moved to recommend rezoning of parcel 11-08-400-004, vacant 120 acre parcel on Middle Road, from ARR, Agricultural and Rural Residential to R-3, Single Family Residential-3 acre minimum lot. This recommendation is supported by the following facts and findings:

- 1) The 120 acre-parcel straddles a narrow isthmus between Murray and Kellogg Lakes; 2) the property is master planned for small lots (1.5 acres as requested) to medium lots; 3) This is a transitional parcel with larger lots to the west and south and smaller lots to the northeast; 4) the Township park lies along the western border; 5) the unusual configuration of the parcel and presence of the lake could render a smaller lot clustered development to be more impactful. The motion was supported by Mr. Temple. Roll Call vote: Tierney-yes; Curtis-yes; Smith-yes; Lewis-no; Green-yes; Heyn-no; Temple-yes; Beach-yes; Charlick-yes. Motion passes (7 aye, 2 nay). The recommendation is for 3 acre zoning.

Agenda Item #3: Text Amendments

- Section 4.07 (Multiple Family RM)
- Section 6.03.D and E (URSA Township Board Review)
- Section 8.02.G (Generators)
- Section 9.02.D (LV Lake and Village Residential District)
- Section 9.03.D (Multiple Family Schedule of Regulations Chart)

Ms. Corwin explained the changes that were included in this draft of the proposed text amendments, based on the discussion of the December 2, 2021 Planning Commission meeting.

Ms. Corwin offered as a solution to the concern that the allowance of single family detached dwelling units in the RM Zoning District might lead to many “small lot” subdivisions, rather than to true multiple family developments. She has included a restriction that no more than four separate parcels for single family dwelling units could be created from one parent parcel in existence today. If multiple detached dwelling units were part of a larger development under single ownership, such as a cluster of cottages for rent, or as one element of a multiple-factor housing development (such as assisted living continuum of care scenarios) such restriction would not apply.

Ms. Corwin went on to explain the other provisions for those who were not present at the December 2, 2021 meeting, such as the change to align the zoning ordinance with building code requirements for generator placement; the rationale for calculating water front setbacks and elimination of the public notice requirements for a special use approval by the Township Board of Trustees.

Mr. Green opened the public hearing at 9:07 p.m.

Ms. Angela Buckman expressed concern that the requirement for a public notice in the newspaper would be dropped, since that is how she learns of issues such as the rezoning considered previously. Ms. Corwin explained that the public notice would occur at the Planning Commission level, but that by allowing the applicant to advance quickly to the Board of Trustees meeting, we would benefit both the applicant and the public by arriving at a timely decision. She

explained that currently it could take 4 to 6 weeks from the Planning Commission's recommendation to be heard by the Board due to the delays from publication and mailing.

Mr. Green closed the public hearing at 9:12 p.m.

Ms. Corwin circulated a map prepared by staff that showed all the parcels currently zoned or master planned to allow for multiple-family residential development, and the current state of development, whether fully developed, under-developed with a different use that might create an impediment to development as multiple family or undeveloped. Mr. Beach noted that very few of the parcels would appear to be appropriate for the single-family home use that would now be allowed under the ordinance. Ms. Corwin, agreed, noted that as the Master Land Use plan is reviewed and revised, this issue could be discussed in greater detail.

Mr. Charlick moved to recommend approval of the text amendments as presented. Mr. Tierney supported the motion. The motion passed by voice vote: Tierney-yes; Curtis-yes; Smith-yes; Lewis-yes; Green-yes; Heyn-yes; Temple-yes; Beach-yes; Charlick-yes. Motion passes (9 aye, 0 nay).

Work Session:

Agenda Item #4:

Parcel #	11-05-376-013, -014 and -015
Zoning:	ARR, Agricultural and Rural Residential
Address:	2824 Clyde Road and adjacent vacant parcels
File#:	SPR 22-01
Request:	Site Plan Review for Class B Farm Market
Applicant:	William K. Colasanti
Owner:	William K. and Angela M. Colasanti

Mr. Green introduced the application for a Class B Farm Market at 2824 Clyde Road and adjacent vacant parcels. The property is located at Clyde Road, east of Hickory Ridge Road and abuts the mining operations of American Aggregates. The applicant is Kelly Colasanti. The property owners are Kelly and Angie Colasanti.

Angela Backman expressed her concern about the adequacy of parking, noting that initially the customers simply pulled off the side of the road to visit the farmstand, which was dangerous given the speed and traffic volumes. Mr. Colasanti explained his intent to provide a gravel parking lot that would extend to the easternmost driveway, where there was better site distance. Mr. Green acknowledged that since the current parking lot was opened, the traffic concerns were lessened.

Mr. Green noted that the ordinance allows for the Farm Market for sales of produce grown on the land or in nearby affiliated farms directly to the consumer, but that to live within the spirit of the ordinance, Mr. Colasanti should limit sales of products brought in from offsite. Mr. Colasanti explained that he has brought in tomatoes from Perry to fill in when he had none available between crops, and he had brought in apples from Hy's Orchard. He said he grows eighty percent of the produce on his property.

Mr. Green also noted a concern about the glare from the yard light. Mr. Colasanti explained that he had selected the least objectionable light from the offerings from Detroit Edison, but would inquire as to whether they could add shielding.

Mr. Charlick noted that it was important to keep the customers parking on gravel, so that they do not track mud back onto the paved road at Clyde or park in the road.

Mr Tierney asked if there would be other lighting, fans or motors in the greenhouses. Mr. Colasanti explained that there is not a power feed at this location and he was only using the shades and greenhouses to harden off plants and protect them from inclement weather.

Mr. Beach noted that Colasanti's grocery store on S. Milford Road had started from such simple beginnings as a farmstand and had grown to become a destination. He also reflected on the history of this parcel, which had once been Ridgemere Berry Farm. He noted that given its location, it seems unlikely that this market would become a full year around retail store.

Mr. Tierney moved to approve the Land Use Permit and site plan for a Class B Farm Market for Ridgemere Farms, 2824 Clyde Road, parcel 11-05-376-013, -014 and 015 as presented. Mrs. Lewis supported the motion.

Mr. Beach offered an amendment to the motion to include "subject to final staff approval." Mr. Tierney and Mrs. Lewis accepted the amendment. The

The motion passed by voice vote: Tierney-yes; Curtis-yes; Smith-yes; Lewis-yes; Green-yes; Heyn-yes; Temple-yes; Beach-yes; Charlick-yes. Motion passes (9 aye, 0 nay).

Agenda Item #5:

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

Committee updates were discussed. Ms. Corwin introduced Wendy and Tim Hiebert, 893 N. Hickory Ridge Road, who hope to begin a wedding venue. They explained that there was a spot on their property that would accommodate a pavilion for outdoor weddings and offered some thoughts as to how this use might be regulated. They believed the ordinance could consider other alternatives other than wedding barns.

The Commissioners discussed some of the existing parcels known to provide space for such events including the Schultheis "ranch" and the Broadview Tree Farm. These are long standing family businesses that have operated legally established non-conforming uses. Without an ordinance to support the use, these businesses are strictly limited in their ability to adapt or grow.

Mr. Beach suggested that if the consultant be directed to complete his initial research and provide some concepts for consideration to be distributed early February. This issue could be discussed at the February 17, 2022 meeting. Mr. Beach also suggested the property owners might provide some sketches that would demonstrate what they envision for a venue.

Agenda Item #6:

Mr. Beach moved to approve the minutes of December 2, 2021 as presented. Mr. Curtis supported the motion which passed by voice vote.

Mr. Green moved to adjourn the meeting at 10:05 p.m. The motion was supported by Mr. Beach and passed by voice vote.

Respectfully submitted,

A.Roscoe Smith, Secretary
ARS/ejc