Charter Township Of Lyon
Planning Commission Meeting
Meeting Minutes
April 24, 2006

Approved as written on May 22, 2006

Date: April 24, 2006
Time: 7:00 PM
Place: 58000 Grand River

Mr. Barber called the meeting to order at 7:01 P.M.

Roll Call
Present: Barber, Mike (Chair)
Dome, Jim
Hamilton, Jim
Hicks, John (Board Liaison)
James, Laura (Secretary)
Soper, Ted
Williams, Laura

Also present: Philip Seymour, Township Attorney
Chris Doozan, Township Planner
Michelle Aniol, Township Planner
Al Hogan, Building Official
Chris Olson, Twp. Superintendent

Guests: 31

Approval of Agenda:

Mr. Hamilton moved "to accept the agenda as is for April 24th, 2006." Mr. Soper supported the motion.
Voice vote:
Ayes: all
Nays: none
Motion approved unanimously.

Approval of Consent Agenda: March 27, 2006

Ms. Williams made the motion "that we approve the meeting minutes for March 27, 2006 with the corrections indicated." Mr. Hicks supported the motion.
Voice vote:
Ayes: all
Nays: none
Motion approved unanimously.

Comments from public on Non-Agenda Items:

None

Public Hearings:
1. AP-06-11, Josh Haron Paintball Facility, Public hearing to consider a special use request for a privately owned and operated outdoor recreation facility (paintball) located on the north side of Pontiac Trail, east of Silver Lake Road; discussion and action on the special use and site plan will follow the public hearing.

Mr. Doozan reviewed the comments in two McKenna Associates letters regarding the site plan review and the special land use review dated March 31, 2006.

Josh Haron, 60750 Pontiac Trail, Lyon Township – Mr. Haron gave a Power Point presentation on the planned paintball site. Mr. Haron explained that paintball is a game played between teams of three to seven people on an outdoor playing field. Each person is equipped with a face shield, paint marker, CO_2 propellant, and non-toxic paint balls. Mr. Haron also explained that the field did not have any permanent structures of any kind. He said that there would be inflatable bunkers that will be taken down everyday. They are safe to play on. Paintball will be safe because two trained referees will be at each game. Safety is their first concern. Mr. Haron also said that their facility would be insured through NPPL. He commented that he thought paintball would bring an enjoyable and safe sport to the community. He included that they have been contacted by church groups, athletic teams, and companies that were looking to build teamwork. Mr. Haron ensured that rules will be enforced strictly and the game will be played appropriately. The presentation included pictures of the driveway to the field, parking and briefing area, path from parking to field, and fields. Mr. Haron also commented that the only neighbor that would be able to see anything was his neighbor, Mr. Wilson and he would see cars. Mr. Wilson expressed consent of the idea. It is expected that 25 people will be there a day. Mr. Haron also commented that the facility would host games in two sessions from 9A.M. to 5 P.M. Friday through Sunday. There will be port-a-john facilities, parking, paintball and refillable CO_2 available to the public.

Mr. Hamilton asked what happens to the soil if paintballs are there for a long period of time. Mr. Haron said that paintballs are biodegradable and eventually evaporate. Any rubbish will be picked up after that. The caps evaporate with it; it washes away after one day of rain.

Mr. Dome asked if there are wetlands on their property. Mr. Haron said yes, but they are far away from the paintball fields.

Mr. Dome asked if they were taking any trees down. Mr. Haron answered no.

Mr. Soper asked what they were going to be doing to hold up the netting. Mr. Haron said that for one field netting would be strung from trees. The same for the second field. A ladder may be needed to hold one side. The nets will be 20 feet high which will allow the balls to travel only within the playing area.

Mr. Barber asked if the facility was only going to be open on weekends for 3 ½ months. Mr. Haron said yes, Saturday and Sunday for 3 1/2 months. Ms. Williams commented that he said Friday through Sunday before and wanted to know which one it was. Mr. Haron commented that they originally wanted Friday though Sunday, but they are only going to use Friday for a private parties or groups.

Mr. Barber asked how loud a paintball gun is. Mr. Haron answered that they are fairly quiet; it is less than hitting a tennis ball with a tennis racket. The noise that will be heard, if any, would be from people yelling.

Ms. James asked what the distance was from the field to the edge of the property. Mr. Haron answered that from the playing fields it is at least 220 feet from a property line and from a house 300 feet. Mr. Soper commented that paintballs travel only 150 feet.

Ms. James commented that it sounded like they were going to keep everyone contained to the area. Mr. Haron explained that speedball is slower paced. This is to teach teamwork. Ms. James asked if their property is fenced. Mr. Haron answered that part of it is and the rest will be roped off. Ms. James also asked about trespassing. Many neighbors have concerns regarding trespassing. Mr. Haron commented that signs would be posted.

Mr. Dome asked how many employees they planned on having. Mr. Haron said about 15. It will be mostly local people. Mr. Dome asked if what they were requesting is temporary in nature or if they want a permanent special land use. Mr. Seymour said that for a special land use, a reasonable condition may be put with it. The Planning Commission could make it only a year. Mr. Dome asked what Mr. Haron was looking for. Mr. Haron commented that he wanted the community to be happy. If the Planning Commission wants to give him a year and then next year if it is decided that the Township does not want the paintball facility, then Mr. Haron would accept that. "If you guys don't like it, we will get rid of it."

Mr. Barber commented to the recording secretary that some letters were sent to the Township and he wanted to enter them into the record. There were nineteen names for the paintball facility and some letters from people against it.

Open public hearing at 7:32

Lise Blades 29885 Glynn Lee Court – Ms. Blades brought a letter from her husband that could not attend the meeting and also wrote a letter, in which she read to the Planning Commission. Ms. Blades commented that she felt she and her husband were misled. Mr. Haron told them that the fields would be on the other side of the property and would not interfere with their daily living. She wanted to make it clear to the Commissioners that she does not think positively regarding the proposal. Ms. Blades also expressed concern for her family's safety. She pointed out that a list of basic rules have not been provided. Another concern is the effects the fields will have on her enjoyment of her home. Both site plans show a parking lot within sight of her home. Ms. Blades also has concerns with the proposed dirt road and hours of operation.

Judy Reedy, 60481 Town Square – Ms. Reedy commented that if one were to go back onto the Haron's property they would see that it is going to be far away from everything. She has personally walked the property and knows the area. They are going to put up a screening and it is going to be a safe area. The people running the facility are going to run it safely. Ms. Reedy asked how someone could turn down something like this when residents have put up with Erwin's on the corner for so many years. This is all going to be on private land and not in the area of anything else. For all these years, these people in the area have watched cars from Erwin's come and go and no one has put a stop to that. Ms. Reedy does not think that the noise level is going to be that high. Ms. Reedy commented that she supports the facility.

Mr. Soper asked Mr. Haron if he had written documentation on the safety procedures and to conduct business. Mr. Haron commented that he has a book that tells him how to operate a safe paintball field.

Ms. James commented that if the Planning Commission did approve this, they could make the association rules part of the condition.

Tim Guntziller, 60601 Town Square – Mr. Guntziller's concerns are not so much the safety, it is the noise. When he has played at "Hells Survivors" the only way to start or end a game is to use a foghorn. Paintball is not a quiet game. The surrounding areas at "Hells Survivors" are not residential, there is a little commercial. Mr. Guntziller just moved into his house and said that had the paintball field been there before he moved in, he would not have bought the house. He does not want the noise.

Chrissy Hoover, 60644 Town Square– Ms. Hoover commented that her name was on the list supporting it and she does not support it. She commented that she has no doubts that Mr. Haron is going to be as safe as he can be, but Ms. Hoover has three kids and does not trust young referees with the safety of her family. You cannot control 15-year-old kids playing paintball. Ms. Hoover is also concerned about her property value. She does not support the paintball field.

Susan Dahlgren, 60573 Town Square – Ms. Dahlgren's property backs up directly to this property. She spoke with several neighbors that back up to the property and only a small amount got the letter. Mr. Haron said that he knows all his neighbors; none of Ms. Dahlgren's neighbors know Mr. Haron. Ms. Dahlgren is against the facility because of property value and noise. She bought her house because it is in a very quiet subdivision. She does not want to see a paintball field from her house. She currently can see trailers and lights back there. The Haron property is not as big as Mr. Haron is making it sound.

Don Ross 60555, Town Square – Mr. Ross is concerned about the property value and the noise level. Mr. Ross commented that he researched the amount of noise this would bring and realizes it will not be that bad. However, regardless of what is stated, this is going down as a gun range and anyone who wishes to look in this area is going to look at it as a gun range. He is concerned that this is going to deplete the value of the homes in the area.

Robert Haas, 60746 Deer Creek – Mr. Haas stayed at an RV park right next to a paintball facility and as said as he walked through the park and it looked like a war zone. Mr. Haron mentioned that the paintballs are biodegradable, but there were thousands of the capsules on the ground at this particular facility. The temporary structures were splattered with paint and it did not look good.

John Mikola 30094 Cobblestone Court – Mr. Mikola plays paintball and commented that a previous resident mentioned a decibel range of 70 decibels at one meter. One thing that needs to be considered is that these guys can fire up to 18 rounds per second. With ten people on the field, you are looking at 150 rounds per second, 8 hours a day, 2 days a week. That is a lot of paint and a lot of noise.

Bill Erwin, 61890 Silver Lake Road – Mr. Erwin has known Mr. Haron since he was born. He has never heard of him causing any problems and he has always been polite and respectful when he came to the farm. Mr. Erwin commented that it is not going to be as close to his business as it is some other people, but he did not think 25 more cars would cause a problem in the community.

Chris Bolla, 30111 Cobblestone Lane – Mr. Bolla commented that he received the flyer for the paintball facility and was appalled. He feels that every time someone wants to do something in the community, it is outside of the Master Plan. He applauds Mr. Haron for trying to use his property Mr. Bolla feels that it is bad enough that when he opens his window, he hears Continental Aluminum. He does not want to hear the paintball range. He did not move to Lyon Township so that he can drive 60 miles one way to work so that he could hear this. He is also concerned about the property value of his house.

Ms. James asked the audience to show by a raise of hands who was for or against the paintball facility. The number of people in support of the paintball facility was about 7 (1/4). The number of people against the facility was about 22 (3/4).

Ms. Blades commented that her husband asked that his name be taken off the list of people that supported the facility. Mr. Barber commented that the document was not an official document.

Joy Lobbestael, 60629 Town Square – Ms. Lobbestael asked how the other fields in the area handle the residential areas around them. Mr. Soper commented that they are not around residential areas.

Teresa Lindsey, 60541 Town Square – Ms. Lindsey's property backs up into the back of the Haron property. She commented that they moved to their location because to the quiet atmosphere and she has three children and animals that she is concerned about. She also thinks that the noise on the weekends will be a problem. She is concerned about the natural wildlife in the area. They often have a variety of animals in their area and she fears that the animals would not come around with the paintball fields there.

Public hearing closed at 7:56 p.m.

Mr. Hicks commented that he had a basic problem with the plan, the Township needs a plan signed by an engineer in case it is not built according to plan. The Township has no idea what we are getting into. Mr. Soper commented that he already talked with Mr. Haron and in the drawings you cannot tell the distance between homes and where the fields are. It is difficult to get a perspective on that. Mr. Dome commented, that in his opinion, Mr. Haron is asking the Planning Commission if there is the possibility of a special land use.

Mr. Barber said that the Planning Commission is trying to make a decision on the special land use and the site plan. Mr. Doozan commented that the site plan does not have sufficient information.

Ms. James commented that both the site plan and special land use raise the same fundamental question: is there going to be a detrimental effect on the neighborhood and if there is, is it unreasonable? We do not have enough information at this point to make that decision.

Mr. Haron commented that he was looking for an idea from the Planning commission on whether he is going to get a special land use permit before he spent 2,000 dollars to hire an engineer. He was hoping that if the Planning Commission was willing to give him the special land use and he could bring in the site plan later.

Mr. Hamilton commented that his problem with the field is that it is in a dense area. This is not an inside paintball facility and the neighbors will be bothered with noise pollution. Mr. Haron suggested that he be allowed to open the paintball facility temporarily and if the neighbors are upset with it, Mr. Haron will remove the paintball fields. He commented that everyone is saying that it will decrease land value; they are acting like we are going to be there 15 years. This could be a two or three year thing, or we could go right to giving our land to a developer. It has come down to that. This is not as big of a deal that everyone is making it out to be. One gentleman was comparing this facility to what he saw on TV. Mr. Haron commented that those are professional people and the proposed paintball fields are going to have 3 to 5 intermediate people on a team playing. Mr. Haron also commented that "Hells Survivors" is on a 180-acre facility. They plan to have 90 cars a day and they plan to have pro people there. This facility will be on a much smaller scale. People are looking at the big picture and the wrong picture.

Mr. Barber asked if the facility would be any louder than a playground. Mr. Haron answered no.

Mr. Soper said that he has played before and he will say that the noise can be loud. He did comment that he likes the idea of having a paintball facility in the community but is nervous about having it in a residential area. He also commented that many people have shown concern and are upset. The property value is a concern. As far as safety goes, Mr. Soper understood how things were run and was not concerned.

Ms. Williams commented that she was concerned about the noise level. If there are going to be that many people running and screaming and you are using a foghorn to start and stop a game, there is going to be noise. Ms. Williams also commented that she did not think it was appropriate based on what information was provided and because it was in a densely populated area. The residents are also against it.

Ms. James commented that she thinks that she would be able to vote for Mr. Haron to get a one-year permit and see what happens. Mr. Haron would have to have the proper safety fencing and submit the safety rules and guidelines. Mr. Haron would also have to submit the association book and agree to abide by it. Everyone would also have to stay within the property line.

Mr. Soper commented that he would really like to see a drawing and the distance between the neighboring houses and the paintball fields. As far as people wandering around, referees will be walking with people to the fields. There are not going to be people just wandering.

Mr. Hicks commented that he saw this as a request for commercial operation in a residential district. Ms. James replied that there are golf courses in residential areas and people say how wonderful it is to have people coming into the community for recreation. She also commented that she liked the idea of giving large property owners something else to do with their property other than build subdivisions.

Ms. Williams said that she needs more data. Mr. Soper commented that those are restrictions that they can put on the facility. He also commented that if the Planning Commission were considering the possibility, the Planning Commission and some residents could visit the fields and fire a paintball gun and look at the property. If Mr. Haron is going to spend $2,000 on a site plan why not see if the Planning Commission can even agree on this first. Mr. Barber commented that a meeting like that might eliminate some of the concern about the noise. He said that the main concern is the noise and people trespassing on their property. If we could address their concerns, I would go for it, on a temporary basis.

Mr. Dome asked if all this was necessary, if this is done on a temporary basis. Let's just test it in real life for one year. Mr. Soper reminded the Planning Commission that one-year really means 4 months.

Mr. Olson commented that the township is getting into something that is of a commercial nature that is in a residential area with supplies for sale, food for sale, and rental of equipment. Mr. Olson also mentioned that he was concerned about the driveway throat and how that is going to be able to handle the traffic if they are using the existing driveway. Mr. Olson said that the site plan lacks in parking and has unresolved questions about night use.

Mr. Soper asked Mr. Seymour if it would be an issue if Mr. Haron was given a one-year permit. Mr. Seymour said that it would be an issue, but the zoning ordinance says that it can be approved conditionally.

Mr. Soper asked the public "if we gave Mr. Haron a one year temporary use, is there anyone that was against it before that would be willing to try this out for the summer?" No one in the audience agreed with a one-year trial period.

Ms. James said that before the Planning Commission votes on this, she thought that the Planning Commission should go to the property as suggested before.

Mr. Dome asked Mr. Haron if he was putting his house up for sale if the paintball field does not work out. Mr. Haron answered yes.

Terry Haggerty, 29734 Cobblestone – Mr. Haggerty commented that the first question that you have to decide is to change the zoning of the property. Mr. Olson commented that there was no zoning change required. Mr. Soper commented that the advantage to a special land use is that if the operation changes hands, it is gone. Once it is rezoned, it cannot be rezoned back. Mr. Haggerty commented that he was unfamiliar with the legalities of it. Mr. Haggerty asked if he wanted to build a kennel and breed dogs, could he do that? Mr. Barber answered that he could do that with permission and if he met certain conditions.

Rose Case, 29995 Glynn Lee Court – Ms. Case works in the township office and has had the privilege of seeing all of the information come in. After looking at the paperwork, Ms. Case has no idea of where this is going to be in conjunction to where her house is. She also commented that everyone who signed the paper was led to believe something completely different when they signed it. She wanted to know if there was going to be outhouses or trashcans behind her house. Mr. Barber asked if Ms. Case would feel better if they went out to the property. Ms. Case commented that she would take everyone to her house. She also mentioned that the private road is a dead end and they already have cars coming down it constantly because they think they can get to Cobblestone, she does not want more cars coming down her street.

Mr. Soper commented that the Planning Commission should table this and put together the meeting at the Haron property.

Mr. Soper moved "to table AP-06- 11.b for up to 30 days." Ms. James supported the motion.
Voice vote:
Ayes: Barber, Dome, Hamilton, James, Soper, and Williams
Nays: Hicks
Motion approved.

Mr. Soper made the motion "to table AP-06-11.a, the site plan review, for up to 60 days." Mr. Hamilton supported the motion.
Voice vote:
Ayes: all
Nays: none
Motion approved unanimously.

Mr. Soper suggested that they make a meeting date so the residents can be notified. The date of the meeting is Wednesday, May 3rd at 6:30 p.m.

Tim Guntziller, 60601 Town Square – Mr. Guntziller commented that he did not need to go to the property to know that he does not want the paintball facility there. Three quarters of the people here say that they do not want this, however, the idea is still being entertained. He commented that it feels like a slap in the face. Mr. Soper

responded that the Planning Commission is trying to be fair to everyone and gather as much information as possible to make the best decision.

Mr. Seymour suggested that the Planning Commission reopen the public hearing and adjourn it to a specific date so it does not have to be republished. It should also be made clear that the Planning Commission would only be making a recommendation. This is a Township Board decision.

Chrissy Hoover, 60644 Town Square– Ms. Hoover said that she understood that Mr. Haron was a college student and was trying to make a buck. Ms. Hoover commented that she is an adult, has a family, and is living here. "These are our homes and our property values." She argued that the residents' living standard should be considered more highly than someone trying to make a buck. She said that it did not seem that the Planning Commission was taking into consideration the issue of property value. Ms James responded that the Planning Commission does not know the property. "We might go out there and turn this thing down. Just let us go out there and look at it." Ms. James continued to discuss that they would be meeting to see the property on Wednesday, May 3rd at 6:30. Paintball guns are going to be there and they are going to be shot off.

Mr. Hamilton moved "to reopen the public hearing." Mr. Soper supported the motion.
Voice vote:
Ayes: all
Nays: none
Motion approved unanimously.

Mr. Soper made the motion "to continue the public hearing to May 8th." Mr. Hamilton supported the motion.
Voice vote:
Ayes: all
Nays: none
Motion approved unanimously.

It was also discussed that Mr. Hamilton, Ms. Williams, and Mr. Soper will make the subcommittee.

A five-minute break was taken.

Old Business:

None

New Business:

2. AP-06-21, Unified Zoning Act, Discussion regarding text amendments to the zoning ordinance, which may result from PA 110 of 2006, Michigan Zoning Enabling Act.

Ms. Aniol explained that the legislator recently amended the Zoning Act for city, village, county, and township. There were three different acts and most of the rules were consistent, but a few different. The legislature decided to unify the zoning act between the different types of municipality and the governor signed these into law. These will not go into effect until July 1st of this year. This gives us a little bit of time to talk about it and discuss the impact it will have on the Township and the types of amendments you will be looking at over the next few months. Ms. Aniol helped break down and explain the different items in the act, the new items in the section that were effected, and the new requirements in the Michigan's Zoning Enabling Act. She also explained the implications this has on the Township. There are changes to standardized notice requirements. In the new unified act, there is a standard noticing. Notices must be published in a paper of general circulation and must be mailed to all property owners within 300 feet of the site not less then 15 days before a hearing. Notices must be mailed to occupants within 300 feet not less then 15 days before a hearing. Changes will have to be made to local ordinances to ensure that the noticing requirements for the various types of action are consistent with the new requirements. The rezoning ordinance requirement established different noticing depending on how many properties would be affected by the proposed rezoning. Ms. Aniol also discussed the zoning commission. She explained that there has been concern that a Zoning Commission is going to replace the Zoning Board. A Zoning Board is different from a Zoning Board of

Appeals and they are not getting rid of the Zoning Board of Appeals. Ms. Aniol explained that Annual Zoning Ordinance reports says that the Planning Commission will need to submit a report on the administration and their enforcement of the zoning ordinance and any recommendations for amendments. This is similar to existing procedures, with the exception that the standard noticing procedures are now applicable. The seating of Alternate ZBA Members also changed. Alternate Members can be called if there is a Regular Member who is unable to attend one or more meetings. There were also some changes in the notice for appeals and interpretation. In the past it required only a due notice of the properties and now notices must be published in the South Lyon Herald. Notices also have to be sent to persons requesting an appeal or interpretation. If the request pertains to a specific parcel then notice must be sent by first class or hand delivered to all properties within 300 feet of the property in question. The dimensional variance and use variance now require practical difficulty for dimensional variances and unnecessary hardship must be shown for use variances. The new requirements for judicial review is that the appeal has to be filed with the ZBA 30 days after the ZBA certifies its decision in writing or approves the minutes of its decision. Ms. Aniol explained that this was just to let the Planning Commission know that the Old Zoning Act is done away with and we now have a unified Zoning Code and it goes into effect July 1st.

Ms. Aniol inquired if it was too late to have the Planning Commission reschedule a public hearing. Mr. Seymour indicated this would constitute an amendment to the agenda and in order to do that, all the people who were here at the beginning of the meeting would need to be brought back. Ms. Aniol stated that wouldn't be necessary and that it would be done administratively.

Mr. Barber adjourned the meeting at 8:48 p.m.

Respectfully Submitted,

Catherine Culver
Catherine Culver
Recording Secretary