

Charter Township of Lyon
Planning Commission
Meeting Minutes
February 8, 2016

Approved: February 22, 2016

The meeting was called to order by Mr. Conflitti at 7:00 p.m.

Roll Call: Patricia Carcone, Board Liaison
Jim Chuck
Michael Conflitti, Chairman
Kris Enlow, Secretary
Stephan Hoffman
Kurt Radke
Carl Towne, Vice-Chair

Guests: 7

Also Present: Leann Kimberlin, Township Attorney
Patrick Sloan, McKenna Associates

APPROVAL OF AGENDA

**Motion by Chuck, second by Enlow
To approve the agenda as presented.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. Approval of the January 25, 2016 Minutes

**Motion by Towne, second by Chuck
To approve the January 25, 2016 minutes as presented.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

DDA Report – Ms. Archer provided status updates regarding DDA business.

PUBLIC HEARINGS

1. **AP-16-01, Zoning Ordinance Amendments, Kennels. Public hearing to consider proposed amendments to the Zoning Ordinance regarding kennels.**

**Representing AP-16-01: Terry and Therese McCarthy, owners
John Harmala, Architect
Clay Ottoni, Attorney**

Mr. Sloan reviewed the January 14, 2016 McKenna Associates memo. The following two reasons are listed for the proposed revisions:

1. The required setbacks for kennels and veterinary clinics are excessive. There is no need for a 200 ft. setback for a commercial kennel that meets the sound and odor control measures set forth in the ordinance. Similarly here is no need for a 200 ft. setback for a small animal veterinary clinic that operates much like a medical office.
2. The sound and odor control measure need to be upgraded and modernized. The methods of dealing with sound and odor have gotten more sophisticated since the current regulations were put in place. Kennels should adhere to state-of-the-art practices to avoid off-site impacts.

Mr. Sloan explained that veterinary clinics are more transparent due to state licensing and kennels would be harder to regulate and would need separate land uses as well.

Ms. Kimberlin referred to her memo dated February 5, 2016. She suggested reviewing the noise issues associated with the performance standards in the zoning ordinance especially the outdoor areas.

Mr. Harmala explained the request was not in line with the Zoning Ordinance. They tried to align the treatment of kennels so it aligns with other businesses. Noise is a uniform problem it doesn't matter if it is a kennel or a business. It is an enforcement issue. The standards for a kennel are more stringent.

Mr. McCarthy explained that they have gotten really good at odor and noise control. They installed fencing that deflects noise, added landscaping and have the thicker ceiling tiles that diffuse noise. They have never had a noise complaint in the 15 years they have been in this location. One of the ways to control noise is to control the dogs and they play and have a good time. They pick up feces all day long, bag it as soon as it happens. They don't utilize hoses; if an animal urinates they mop it up. They do not vaporize either.

Mr. Chuck commented that the facility is cleaner than some hospitals he's been in. He stated they would get his business the next time he gets a dog. He asked if the applicant could agree to the McKenna Associates memo. Mr. McCarthy stated yes.

Mr. McCarthy explained that they are inspected. Mr. Radke asked if that data is available to the public to compare to surrounding vets. Mr. McCarthy stated not that he knew of.

Mr. Towne stated that the applicant came before the ZBA on October 20, 2014. They requested setbacks for one accessory building for 158' and another accessory building for 110'. The ZBA granted the setback requests for both of those buildings. Now when he drives by he sees 4 buildings. If you look at other communities, most of setbacks are higher than 200' and they are talking about rezoning the property next to this business which will be residential. He thought 50' was too close, he liked the setbacks as they are. He is against changing the setbacks. The noise is a huge concern, as the development comes into the area.

**Motion by Chuck, second by Towne
To open the public hearing at 7:40 p.m.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

**Motion by Chuck, second by Towne
To close the public hearing at 7:41 p.m. due to no comments.**

**Voice Vote: Ayes: Unanimous
Nays: None**

MOTION APPROVED

Mr. Enlow commented the actual definition of sound proof is 60. He was looking at something in the 50-60 range and it sounds like the facility already meets that. He would like to maintain the setbacks at the current distances. He questioned the number of animals allowed and wondered if it was on par with other communities.

Mr. Ottoni stated there is an ordinance already regarding the dumpsters. Regarding enforcement, he said it would be the same person who enforces the current ordinance now. Vets are licensed by the State of Michigan and kennels require different licenses. Regarding the issues regarding sound, he was informed that a dog's bark was 60 decibels. Dogs are less noisy than businesses. There is less noise with this operation than a commercial business and yet the standard is 4 times higher regarding the setbacks. That setback does not take into account structures like a solid fence.

Mr. Harmala stated this ordinance change would benefit the entire community. There are legitimate concerns of what happens in the exterior of the space. If they were to come back to them with a project that would be part of the process. The building would have to have to have a certain amount of sound dampening.

Ms. Kimberlin stated it seems to her the uses in the ordinances must be conducted inside an enclosed building, but when the outdoor factor is added where the number of dogs would be varied could be hard to measure and how to mesh the indoor sound to outside sound. Mr. Harmala thought that could be easily addressed project by project and define it.

Mr. Towne stated this is one of the least setbacks, in other communities they are higher. There is no noise impact study that has been done. Mr. Harmala stated that there is a noise ordinance that will protect the residents.

Treasurer Carcone explained there is only 30' now to the property line on the west side. Mr. McCarthy stated that loud noises are not good for the dogs either, it creates stress. They are very cognizant of that issue as well. They want to be good neighbors and good caretakers. It's not something they are trying to slip by, they are concerned with it too.

Mr. McCarthy stated that they have never had a noise complaint. They can't control Ten Mile Road traffic, and he didn't think that should be part of the discussion.

Mr. McCarthy stated they don't have an urgent time table and he would like to see other communities take up these issues. Mr. Chuck stated there hasn't been a noise issue and wondered if that is because of the current setbacks.

Mr. Towne stated that they need to get more direction and spell it out. Mr. Conflitti questioned the dimensions of the property. Mr. McCarthy stated it is 300' wide by 1500' deep.

Mr. Enlow stated he looked at 60 decibels and that should be the minimum, it should really be closer to 80-100. He didn't want to say 60 if they can't possibly meet it.

**Motion by Chuck, second by Carcone
To table AP-16-01 to a later date.**

**Voice Vote: Ayes: 6
Nays: Towne**

MOTION APPROVED

OLD BUSINESS - None

NEW BUSINESS - None

ADDITIONAL BUSINESS

Community Reports

Treasurer Carcone brought the Commission up to date regarding the last Board meeting.

ADJOURNMENT

**Motion by Towne, second by Chuck
To adjourn the meeting at 8:35 p.m.**

Voice Vote: Ayes:
Nays:

Unanimous
None

MOTION APPROVED

The Planning Commission meeting was adjourned at 8:35 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto

Kellie Angelosanto
Recording Secretary