

Charter Township of Lyon
Planning Commission
Meeting Minutes
April 25, 2016

Approved: May 23, 2016

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

Roll Call: Patricia Carcone
Jim Chuck
Michael Conflitti
Kris Enlow
Stephan Hoffman
Kurt Radke
Carl Towne

Guests: 21

Also Present: Leann Kimberlin, Township Attorney
Chris Doozan, McKenna Associates
Leslie Zawada, CES

**Motion by Chuck, second by Towne
To excuse Kurt Radke's absence.**

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

MOTION APPROVED

APPROVAL OF AGENDA

**Motion by Towne, second by Carcone
To approve the agenda as presented.**

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

MOTION APPROVED

APPROVAL OF CONSENT AGENDA

A. Approval of the March 28, 2016 Minutes

**Motion by Chuck, second by Enlow
To approve the March 28, 2016 minutes as presented.**

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

MOTION APPROVED

COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS

Mr. Chuck announced that the Kite Festival will be held on June 4th and 5th and they are still looking for volunteers.

Jan Bragoli, 11623 Lisa Lori Lane – Ms. Bragoli stated support for the proposed expansion of Dandy Acres. She relies on their services and felt they provide a very valuable service to the community.

Judy Roscoe, 25700 Milford Road – Ms. Roscoe stated she is in support of Dandy Acres. She has been going to them for 29 years and couldn't ask for a better business in the area, they are good people.

Alyson Lowe, 13042 Michelak Lane – Ms. Lowe is in support of Dandy Acres, and has been a customer for over 14 years. They are the first vet that has had lodging facilities for the dogs. They have done an excellent job with their recent renovations, and she is looking forward for them serving the public even better.

DDA Report – A printout of Ms. Archer's report was provided to the Planning Commissioners.

PUBLIC HEARINGS

- 1. AP-16-03, Legacy of Lyon – Preliminary Review. Property located on the north side of 10 Mile Road, west of Chubb Road. Public Hearing to consider the preliminary review of a proposed PD that would consist of 48 single family homes on 26.7 acres.**

Representing AP-16-03: Howard Fingerroot, Pinnacle Homes

Mr. Doozan reviewed the McKenna Associates memo dated April 7, 2016. In conclusion, the review revealed the Legacy of Lyon would achieve the following:

- Fill an unmet housing need in the Township.
- Provide high quality housing construction
- Generate less traffic than if the property was developed as a single family detached development
- Generate less traffic during the warm weather months than the existing driving range.
- Provide extensive landscaping along the perimeter, consistent with the Master Plan's for Ten Mile Road.
- Provide a positive fiscal impact for the Township.
- Provide substantially more open space than required.

On the other hand, Legacy of Lyon would result in 24 more units than if the property was developed as a single family detached development. As noted in the setback

analysis, the units would be closer together than in a single family detached development.

After weighing the above consideration, if the Planning Commission believes approval is warranted the action shall be in the form of a recommendation to the Township Board. He recommended the following conditions be attached to such a motion:

1. Landscaping plan amendments noted herein shall be completed.
2. The area of each of the lots on the parallel plan shall be specified.
3. Approval is subject to review and approval of the Township Engineer and Township Attorney.

Ms. Zawada referenced the CES letter dated April 18, 2016. She has no significant engineering concerns at this time. The items listed in the letter would be addressed at a later time if the Planning Commission took action tonight.

Mr. Doozan explained the value of the units is estimated to be \$425,000 per unit is the estimated value, so that works out to \$130.00 in the positive per year for the Township. A \$375,000 value is the point where they would start going into the negative impact.

Ms. Kimberlin explained this is geared towards the empty nester but it is no in the deed restriction. Also, more common area maintenance would be required and that should be addressed in the condominium documents.

Ms. Carcone asked if they are seeing preliminary plan now without the comments from the two Board members, how would that work? They are seeing it as 48 units, if that changes and the density is lower or costs a little more money, how will that work? Mr. Doozan stated if the density goes lower and the pot gets bigger than they would not have to come back for a public hearing, but if the pot got smaller and the density higher than they would have to come back for a public hearing.

Mr. Fingerroot, Pinnacle Homes. Mr. Fingerroot gave a brief PowerPoint presentation regarding the project. He explained that the benefits are increased property setbacks, increased open space, less traffic than traditional zoning, less massing than traditional zoning, less infrastructure, and professional landscaping.

Mr. Fingerroot volunteered to meet with Trustee O'Neil and Trustee Adams to talk about the \$2,000 community benefit. They have had multiple calls in to Trustee Adams with no luck. They did have a phone conference with Trustee O'Neil. The public benefit is not going down and Trustee O'Neil's concern was a street light further east. Mr. Fingerroot stated they are open to those things, and he will propose something to the Board at the May 2, 2016 Board meeting.

Mr. Chuck questioned the setbacks in the existing communities. Mr. Fingerroot stated the Legacy of Farmington Hills were the same, 60' lot with a 45' building envelope. That is what they are doing in Glacier Club in Washington Township. In Canton, they are 12'. This project is a standard 15' to 15' building to building.

Motion by Towne, second by Enlow

To open the public hearing at 7:42 p.m.

Voice Vote: Ayes: Unanimous
Nays: None

MOTION APPROVED

Lise Blades, 29885 Glynn Lee Court – Ms. Blades stated that a PD is a contract. When a developer comes to the Township and says to trust them, it makes her nervous. We have had many developers come to the Township and change their mind; sometimes the development changes hands. She suggested putting the 55+ requirement in the Master Deed. This product does fill a need but a \$2,000 per home benefit is embarrassing. The setbacks are a benefit to the surrounding community but it is not a Township benefit. They can't guarantee that a ranch style home won't be desirable to a family; these homes are bigger than her house at 1200 square feet, and she has a family and two dogs. She agreed it is a beautiful product and fills a need, but they are basing traffic counts and 100% density bonus on this being an empty nester community, yet they have done nothing to guarantee it will be an empty nester community. The requirement of 55+ should be put in the Master Deed and that it is an empty nester community.

Judy Roscoe, 25700 Milford Road – Ms. Roscoe said she goes in and out of her driveway more now than she did when she worked. Pine trees are beautiful, but they don't give out the oxygen that real trees do. She would like to see some real trees. She hoped they would designate it as an empty nester development. She was concerned with the 15' setbacks.

Fred Roscoe, 25700 Milford Road – Mr. Roscoe stated that there is a big need for an empty nester product. He felt that empty nester homes should be one level, they should not have stairs. When you double the people, there will be more traffic.

David Gatt, 24750 Wedgewood Drive – Mr. Gatt stated that he is currently a resident adjacent to the property. He disagreed with the impact of traffic, as there would be 48 homes versus 24. If you take two cars per household that is a total of 96 cars in the 48 home PD, compared to the parallel plan where there is 24 homes. He would also like to see it designated as an empty nester product. He believed there would be residents that want to live there due to the elementary school's location. He also has concerns with regard to traffic and the amount of traffic that will add to the Ten Mile Corridor. There is also going to be a middle school in the area. He is against taking R-1.0 zoning and changing it. There are no plans to accommodate Ten Mile Road traffic. It looks like 24 homes would have less impact. He loves the greenspace, but he sees more negative impacts with regards to this development going in. He would like to have the pine trees maintained. He does not see a benefit to more homes going in there. In the long run, there will be a negative impact with that number of homes.

Debbie Camarata, 23700 Shinnecock Drive – Ms. Camarata stated that the plan is gorgeous, however, getting out on Ten Mile is impossible. She asked what date and time the traffic study was conducted. If you don't put restrictions on this, you cannot guarantee there would not be families in there. She is an empty nester and lives in a

3,000 square foot home. She opposes anything that adds anymore traffic on Ten Mile.

Keith Yost, 54085 Birchwood Drive – Mr. Yost is the HOA President of Woodwind Village. They are in support of the new development. He did not think that this community would change anything with regards to Ten Mile Road traffic. It is already a problem and will continue to be a problem. The empty nester aspect is true; when you drive through the existing communities, it is that type of family. This is the right solution for that area that will be developed. He would prefer to see this development for his view out his back door.

Stephen Emsley, 51824 Eight Mile – Mr. Emsley likes the quality and that they met with the neighbors. He does not like the traffic, the conclusions were stated as fact. If you don't deed restrict this, then they have set a precedence of 15' setbacks in the R-1.0 district. What will stop the next guy coming in and wanting the same thing? He didn't know how it would be controlled. Without a deed restriction, and he agreed it is needed, they would be setting a dangerous precedence.

David Gatt, 24750 Wedgewood Drive – Mr. Gatt stated that the growth influx has also had an impact on the schools, they are starting to cut back on the programs there due to the growth to the community. Letting more families or high density housing will let more people live in this community and affect the school system. That's another negative thing happening even without this development occurring.

**Motion by Towne, second by Chuck
To close the public hearing at 7:59 p.m.**

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

MOTION APPROVED

Ms. Kimberlin explained adding the empty nester stipulation adds a layer of protection. At least one person living there has to be 55 or over. It is an 80/20 rule where at least one person 55 or older must reside in at least 80% of the occupied units. It can be restricted further.

Mr. Doozan explained how the traffic volume is determined.

Mr. Towne stated this case has been before the Planning Commission since last November/December. The builder went to the public and had meetings with the residents that surrounded the golf course. Before that, those same residents were here saying they wanted the zoning to remain at 1 acre. They sat here and discussed that and decided 35,000 sq. foot lots would be the answer. 15' between houses just doesn't work. It just doesn't make sense to him. They are charged to follow through on the zoning and agreed it had to be 35,000 square foot lots. For that reason, he will vote no.

Mr. Enlow stated he goes back to the same point that it is not being deed restricted to a 55+ community. He does not believe the product is targeted to empty nesters. The homes will have 2 or 3 car garages, with 3 and 4 bedroom options, and they all have 3.5

baths. That seems like a lot for only two people living in one home. The Master Plan does state single family could be designed for empty nesters, but without that deed restriction he does not see how this is an empty nester product. He explained the Master Plan states, "until there are improvements are made to increase the capacity of Ten Mile Road it would be inappropriate to allow increased density on the remaining large, developable parcels along Ten Mile Road, such as Mulligan's Driving Range." That parcel is even specifically called out. The other counter point is that the applicant met with the surrounding homeowners, and there is support. They are asking for a 100% density bonus, and the Planning Commission has never given something like that out. A stop light was mentioned and that just happened with another developer and he was allowed a one unit density bonus for that stop light. This applicant is asking for 24. They are not meeting the setbacks and the parallel plan shows 24 units but there is no square footage so it's questionable. With all that being said he is prepared to make a motion.

Motion by Enlow, second by Towne

To deny based on the fact that this is not an empty nester product, there is no deed restriction for 55 and older, the homes are 3 and 4 bedrooms, with 3 car garages and 3.5 bathrooms. There are not enough community benefits to warrant a 100% density bonus. The product does not comply with the front and side setbacks. The parallel plan is incomplete, it does not have the square footages of the lots shown and it is also in conflict with the amended Master Plan as he stated on page 6 of the amended Master Plan.

Treasurer Carcone stated that Mr. Enlow failed to read of the Master Plan where it states "single family residential could be considered for housing designed for empty nesters, recognizing lower traffic volumes generated by such housing." She was not in favor at first, but after visiting the existing sites and because the developer spoke to the residents that surround the development she is in favor of it. There are 39 residents, 38 who are in support of the project. She would like to see the density go down, and she would like to deed restrict it.

Mr. Chuck asked if the developer would be willing to put the deed restriction in. Mr. Fingerroot stated he would not be inclined. There are younger people that qualify as an empty nester and this product could be suitable. It's very difficult to police. He also felt the product is very much an empty nester product.

Mr. Chuck stated that he agreed Ten Mile is a problem and it won't be solved tonight. He commented the new elementary will open in 2017 and there will be a middle school but we don't know when. A project is not always a win/win and in this case, the positives outweigh the negatives. He felt that this product was needed and it is upscale.

Mr. Hoffman stated that there many things in his career and life that he perceives and most often end up being wrong. The traffic issues are bad, but they have to rely on the historical and calculated data. Considering that a product could go in there that could be a lot worse in terms of the quality, the planning and the character, this product is a necessity to accommodate this age group. At this base price and quality, it will be

empty nesters as an age group. Given that the surrounding community is in support of it along with the accommodations the builder has given them, he thinks this is a better solution. The traffic is a perception. Basically, the peak periods are the worse. Overall, it's a lot less than if there were less homes there of a different age group. Based on the quality of the builder's products he has seen, he supports it.

Mr. Conflitti stated there is no doubt it's a quality product, but he would also want to see a deed restriction.

Mr. Hoffman stated the builder has a proven product that markets at that, and he felt the marketing has proven that it works.

Mr. Enlow stated that he didn't see how a four bedroom house and a three car garage is marketed towards an empty nester. He didn't buy the marketing idea at all, it's not geared towards that at all. Even if it was deed restricted at 80/20, it would produce trips 310 per day; it's still going to generate more traffic. The applicant will have to lose density to get the numbers to work out. He felt it could be done without giving up 24 additional lots.

Roll Call Vote: Ayes: Conflitti, Enlow, Towne
Nays: Carcone, Chuck, Hoffman

MOTION FAILED

Motion by Chuck, second by Carcone
To approve AP-16-03 preliminary review be approved based on information from presented by McKenna and letters from the homeowners and letter from CES.

Roll Call Vote: Ayes: Hoffman, Chuck, Carcone
Nays: Enlow, Towne, Conflitti

MOTION FAILED

- 2. AP-16-08b, Rainbow Child Care Center – Special Land Use. Property located on the north side of 10 Mile Road, west of Napier Road. Public hearing to consider a special land use request to allow child care facility in the R-1.0 District.**

Representing Rainbow Child Care Center: Rod Blight

Mr. Hoffman explained he is recusing himself due to a conflict of interest since he is the applicant's architect.

Motion by Carcone, second by Towne
To recuse Stephan Hoffman.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

Mr. Doozan reviewed the McKenna Associates memo dated April 13, 2016. A child care facility is the type of use that has potential to integrate successfully with a residential district. The only significant concern that was identified is the impact on traffic. The use will generate substantially more traffic on Ten Mile Road compared to a single family development on a 2.38 acre parcel. To provide the services that residents need, however, sometimes an increase in traffic is warranted.

Based on the considerations outlined in the McKenna Associates memo, it was recommended that the Planning Commission recommend approval to the Township Board of the Rainbow Rascals Child Care Center special land use application, subject to the conditions sited in the site plan review letter.

Ms. Zawada referenced the CES memo dated 4/20/16. She is requesting the future right-of-way for Ten Mile Road be dedicated as part of this project. The majority of concerns can be shown in the detailed engineering plan which will follow if it's approved. She recommended approval as noted.

Ms. Kimberlin had no additional comments.

Rod Blight explained they are very excited to be joining the community. The building only uses Grade A materials and the playground is state of the art, there will be a gymnasium for inside activities and sports programs that come in as part of their curriculum.

Mr. Enlow questioned how tall the wall is on the west property line. Mr. Blight stated it is 6 to 7 feet tall.

Treasurer Carcone explained the Planning Commission requires a PowerPoint presentation and she suggested having one for the Township Board.

Mr. Towne questioned how this will be compatible with Rathmor Park. With regard to the special land use, Mr. Towne asked what the building could be used for in the event it closed in 20 years. Mr. Blight stated that the design of the building is for a long term child care facility and yet it would lend itself to another low impact use such as a medical office facility.

Treasurer Carcone stated it's a beautiful building. Mr. Blight stated there is one in Commerce Township that they could visit.

**Motion by Chuck, second by Towne
To open the public hearing at 8:52 p.m.**

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

MOTION APPROVED

**Motion by Towne, second by Chuck
To close the public hearing at 8:53 p.m. due to no comments.**

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

MOTION APPROVED

**Motion by Towne, second by Carcone
To approve AP-16-08b Rainbow Rascals Child Care Center special land use including the right-of-way on Ten Mile Road.**

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

MOTION APPROVED

- 3. AP-16-08a, Rainbow Child Care Center – Site Plan. Property located on the north side of 10 Mile Road, west of Napier Road. Site plan review of a proposed 10,782 square foot child care facility on 2.54 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated April 13, 2016. He recommended that the Planning Commission approve the site plan for Rainbow Rascals Child Care subject to the following conditions:

1. The architectural plans must be sealed by a Michigan –licensed architect.
2. A variance from Section 12.12(A)(1) is required to allow the dumpster enclosure to remain in the front.
3. Final approval of the special land use by the Township Board required.
4. Compliance with any conditions of approval it the Township Engineer’s and Township Attorney’s review letters is required.

Mr. Enlow questioned what type of wall is being proposed? He would push for something attractive since it will be seen from Ten Mile. The dumpster pad location is a concern. He also questioned how the storm water quality unit would be maintained. Ms. Zawada explained that they are providing a path to get to it on the west side. The slopes are such on the east side that they should be able to drive a vehicle back there and exit on the grass.

Mr. Blight explained the wall will be made out of landscaped decorative keystone. Regarding the dumpster they have increased the landscaping around it and the dumpster is located 170’ from the road. The view will be blocked by the landscaping and the trees, and the parking lot. Mr. Blight confirmed that the dumpster is contained by a brick enclosure.

Mr. Chuck stated he liked everything Mr. Blight has said, but he asked if they can use vinyl on the dumpster enclosure instead of wood. Mr. Blight agreed he also confirmed

they will start building as soon as they obtain final approvals with the goal of opening before the end of the year.

Mr. Towne asked when it would meet capacity. Mr. Blight stated realistically it takes up to a year to put the building at full capacity.

Motion by Chuck, second by Carcone

To approve AP-16-08a based on McKenna Associates letter dated April 13, 2016, discussion and CES memo dated April 20, 2016.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

- 4. AP-16-09b, Country Storage – Special Land Use. Property located on the north side of 8 Mile Road, east of Griswold Road. Public hearing to consider a special land use request to allow RV storage and moving truck rentals as ancillary uses to the existing self-storage use.**

Representing Country Storage: Jon Hutto

Mr. Doozan reviewed the McKenna Associates memo dated April 11, 2016. He explained from a land use point of view, the subject site is a difficult one. It is sandwiched between a mobile home park and a railroad, and is zoned MHP, Mobile Home Park, so there are a limited of uses that would be appropriate for this location. The applicant proposes a relatively low impact use that essentially involves expansion of existing RV storage.

The most serious concerns with this proposal are compliance with the conditions of site plan review and the Township Engineer's review letter. Ultimately, upon revision to the site plan, they believe the proposal is approvable. Therefore, there are two options for the Planning Commission at this time:

1. The Commission could recommend approval of the special land use to the Township Board subject to compliance with site plan review and Engineering review; or
2. The Commission could table the case, pending revision to the site plan.

Ms. Zawada referenced the CES memo dated April 6, 2016. She explained there are significant items questions regarding the storm water management plan. She questioned the design of the detention basins. The date of the review was before the opinion was written by the Township Attorney that the existing RV storage should be included in the site plan review and storm water detention was not provided for that section, that would need to be provided or a variance sought by the applicant. She recommended the plans be revised and resubmitted on the site plan portion.

Ms. Kimberlin referenced her memo dated April 21, 2016. She explained there is an existing recreational vehicle on the site already and it was initially established by the

mobile home park and at that time it was allowed as common area for the residents. Over the years it has been expanded and paved, there has never been a site plan approval with respect to this portion. In order to address the existence of this site, the text amendment was approved, and there has not been any additional work. Now that the ordinance allows for the RV Storage at this location, the existing storage is not a grandfathered, non-conforming use, therefore it needs to be included so it meets with the standards.

Mr. Hutto explained he is thrown by the Township's Attorney letter because he feels an opinion letter was written without factual evidence from his side. The use has been in effect for 21 years. The use has not changed, it's never been hidden. The owner hip of the mobile home park did change but the use did not change. He is not prepared to talk about this issue tonight since he feels sideswiped by the term non-conforming use. The current and existing use is not the reason why he made application. There may be valid issues, but all the facts were not supplied. There is no ill intent but a misunderstanding, and it's a separate issue. If the Township wants to bring up a 21 year use, then it can be addressed at a different time.

Mr. Hutto explained they want to add more RV parking to the existing site. To the east is a raised railroad track which completely blocks the view of the vacant 70 acres to the east and to the north is the railroad track and an effluent field for sewage treatment. To the west is the mobile home park. To the south is Salem Township, Washtenaw County. Directly across from their site is a white farm house that runs a landscaping business out of it and next to that is a horse farm. He provided a brief history of what their plans had originally been with the site. He made an application that they believe conforms with the ordinance. They have no issue with the planner or engineer's plans, and they fully plan to conform so they are in compliance. He asked that the Commission concentrate on the special land use, and the site plan will have to be tabled.

Ms. Kimberlin explained if there is information that she doesn't have she will review that. Mr. Hutto stated that he understood that she didn't have the full story.

**Motion by Towne, second by Enlow
To open the public hearing at 9:28 p.m.**

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

MOTION APPROVED

**Motion by Chuck, second by Towne
To close the public hearing at 9:29 p.m. due to no comments.**

MOTION APPROVED

Treasurer Carcone questioned if Mr. Hutto included the area that is in question if that will clean it all up and make it conforming. Mr. Doozan stated yes.

Mr. Hutto questioned if he includes it, to what end does it have to comply to 2016 zoning

ordinance? He would have to shut like half of it down to reconstruct it, when is the financial gain broken in the business model? As the operator of that property, he has to be concerned and couldn't do it. Ms. Zawada stated there is a variance they could seek, but they would need to sit down and talk about that because a hardship would have to be sought that does not include financials.

Mr. Enlow stated he is fine with the special land use. As far as the site plan he is not comfortable with it.

Motion by Enlow

To recommend approval of Special Land Use, pending revision acceptance of the site plan. Towne support.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

- 5. AP-16-09a, Country Storage – Site Plan. Property located on the north side of 8 Mile Road, east of Griswold Road. Site plan review of a proposed expansion of the existing RV storage area.**

Mr. Doozan reviewed the McKenna Associates memo dated April 8, 2016. The review letter identified numerous concerns that must be addressed before the Planning Commission can approve this plan. He recommended that plans be revised and resubmitted for further review.

Motion by Towne, second by Chuck

To table the site plan for AP-16-09a including the letter from the Township Attorney dated 4/21/16, the CES letter dated 4/6/16 and the McKenna Associates memo dated 4/8/16.

Voice Vote: Ayes: Unanimous

Nays: None

MOTION APPROVED

- 6. AP-16-11, Mixed Use Zoning District. Public hearing to consider the proposed Mixed Use District to be added to the Zoning Ordinance.**

Mr. Doozan reviewed the McKenna Associates memo dated April 5, 2016. The district would allow a range of commercial uses.

Mr. Enlow questioned if this has been placed on the zoning map yet. Mr. Doozan stated no; that will be the next step. The zonings would be the same places as the mixed use currently on the map.

Motion by Towne, second by Chuck

To open the public hearing at 9:40 p.m.

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

MOTION APPROVED

**Motion by Towne, second by Chuck
To close the public hearing at 9:41 p.m. due to no comments.**

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

MOTION APPROVED

Mr. Doozan briefly reviewed the comments in Ms. Kimberlin's memo.

Mr. Doozan will make revisions and recommended to make a recommendation to the Township Board. Mr. Towne stated he needed more time to look at it, he thought it needed more discussion. Treasurer Carcone stated she felt very comfortable with it and felt it should be moved on to the Township Board. Mr. Enlow stated that his concern is where it will be placed on the map. If there is an opportunity to do that while still moving it forward then he is fine with it. Mr. Doozan explained placing the district is the next step.

**Motion by Chuck, second by Carcone
To move AP-16-11 Mixed Use Zoning District forward to the Township Board after the revisions and the including the Township Attorney's letter and the McKenna Associates memo.**

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

MOTION APPROVED

OLD BUSINESS

- 7. AP-16-01, Zoning Ordinance Amendments – Kennels. Continue review of proposed amendments to the Zoning Ordinance regarding kennels.**

Representing AP-16-01: Terry and Therese McCarthy

Mr. Doozan reviewed the McKenna Associates memo dated April 12, 2016.

Mr. McCarthy stated that they respect the people that are here to support them as well as the ones that may complain. They are looking to update the ordinance. Letters and emails were sent to the Township Clerk but unfortunately did not make it to the Commission's packet. Mr. Doozan stated he would make sure those are added tomorrow.

Mr. McCarthy supplied a petition that was signed with 388 signatures. Mr. McCarthy provided statistics on pet ownership such as increasing activity, increasing life span and reducing allergies. He explained that Dandy Acres is an advanced medical facility. He explained that they have total LED on their property and will install a metal roof next year. They believe curb appeal is very important. Their business has been operating long before the houses built up around the area. They will be celebrating their 40th year on Ten Mile Road. They employ 30 people, they are good community corporate citizens. They have given \$50,000 in free pet care for those in need, and generated \$30,000 for additional discounts to Good Samaritans and have donated \$20,000 to local charities. They provide for community service, charity cases, abuse cases, rabies, and are a community resource. They also turned down a very profitable cell tower because they felt their neighbors wouldn't want it in their back yard.

Mr. McCarthy reviewed the old school methods of kenneling dogs. He reviewed the proposed new way including social play and interaction so the dogs are busy and don't stress. He briefly touched on the best business practices that they adhere to.

John Harmala – Architect. Mr. Harmala reviewed the conceptual plan and the drawing showed how they would handle the 50' setback.

Mr. Towne stated he is totally on board. The applicant is doing a great job and meet the sound requirements. His struggle is with the outdoor kennels. He would like to see an actual time added for the dogs not to be outside. He had no problem with the inside setbacks but struggled with 100' for the outdoor kennel and did not feel that was enough. 100' was not enough but he could go for 200'.

Mr. Enlow stated that the sound proofing is great, but he has not made up his mind on the setback. The number of dogs within the kennel is a concern.

Mr. Chuck questioned if they could meet in the middle with 150' setback.

Mr. Hoffman stated there are reasonable expectations when you buy a home that there are certain sounds, but the expectation for that to be worse is not fair. He has done indoor dog centers, he knows that they could do something indoors. On the same note, they have had to design walls to keep barking dogs from the tenant. We can talk about buffers and walls but he didn't think even 200' would solve the barking problem. He felt 200' would be a minimum.

Mr. Towne suggested putting sound boarding in the ordinance.

Ms. Carcone stated she has had recent complaints about dogs barking, and they have to take care of the existing residents and the ones to come.

Mr. Doozan suggested waiting until the applicant's drawings are submitted to look into hours of operation and sound preventions.

Shirley Baker, 27239 Stancrest – Ms. Baker stated it is a wonderful place, but people have complained about putting in that many dogs. Dogs play and they bark. That's not a bad thing, but putting that many in that small of an area is not a good idea.

Resident – He lives on Tara Drive. The applicant opened up a parking lot without a permit. There are 25 cars back there. Doubling the dogs will be a problem. They put the parking lot right at the property line. They can't even open their door wall. The applicant should build a wall and eliminate the parking there until a solution is provided.

Frank Tsapatoris, 24233 Tara Drive – Mr. Tsapatoris stated that the parking lot is in their back yard, and they do hear dogs barking. They can't open their windows without seeing people. Kennels should not be allowed on that property. Dogs barking will kill their property values. The vet use is fine, but this property is not fit for a kennel. Put 5 strange dogs together and they will bark. The hours of operation are 7 a.m. - 7 p.m. and they can still hear the dogs inside the building. When they bought their home, it was only a vet clinic. Now it's also a kennel. It will be a problem to sell their house.

Mr. Doozan stated he would recommend having the hours of operation tied to certain hours. The Commissioner's agreed with 7:00 a.m.-7:00 p.m.

**Motion by Towne, second by Chuck
To table AP-16-01, Zoning Ordinance Amendments – Kennels**

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

MOTION APPROVED

NEW BUSINESS - None

ADDITIONAL BUSINESS

Community Reports - None

ADJOURNMENT

**Motion by Towne, second by Chuck
To adjourn the meeting at 11:07 p.m.**

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

MOTION APPROVED

The Planning Commission meeting was adjourned at 11:07 p.m. due to no further business.

Respectfully Submitted,

Kellie Angelosanto
Kellie Angelosanto
Recording Secretary