

Charter Township of Lyon  
Planning Commission  
Meeting Minutes  
September 26, 2016

Approved: October 11, 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-Chairman

Guests: 23

Also Present: Leann Kimberlin, Township Attorney  
Chris Doozan, McKenna Associates  
Leslie Zawada, Civil Engineering Solutions

**APPROVAL OF AGENDA**

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

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

**MOTION APPROVED**

**APPROVAL OF CONSENT AGENDA**

**A. Approval of the September 12, 2016 Minutes**

**Motion by Towne, second by Chuck  
To approve the September 12, 2016 minutes as presented.**

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

**MOTION APPROVED**

**COMMENTS FROM PUBLIC ON NON-AGENDA ITEMS - None**

**DDA REPORT** – Ms. Archer announced numerous upcoming ribbon cuttings for the new businesses in the Township.

## **PUBLIC HEARINGS**

- 1. AP-16-33b, Huron Valley Guns & Indoor Range – Special Land Use. Property located south of Grand River Avenue, east of Costello Drive. Public hearing to consider a special land use request to allow an indoor and outdoor recreation facility in the Edge Sub area of the New Hudson Zoning District.**

**Representing Huron Valley Guns & Indoor Range: Ed Swadish  
David LeClair  
Doug Necci  
Craig Stockard**

Mr. Doozan reviewed the McKenna Associates memo dated September 24, 2016 regarding the Special Land Use. He explained that the findings in the memo demonstrate that the proposed shooting range complies with eight of the nine special land use standards. It is not in compliance with the criterion that deals with compatibility with the Master Plan, but this is an issue that requires action by the Township now that the parcel has been sold. Consequently, it was recommended that the Planning Commission recommend approval of the Huron Valley Guns & Indoor Range to the Township Board, subject to final site plan approval.

Mr. Doozan reviewed the McKenna Associates memo dated September 23, 2016 regarding the site plan. Identified in the memo are the following concerns:

1. Loading space location and size.
2. Private road easement and easement maintenance agreement.
3. Landscaping plan specifications.
4. Use of concrete masonry units as a primary exterior building material.
5. Insufficient transparency at ground level in front.
6. Dumpster location.
7. Sign size.
8. Outdoor amenity space.

Mr. Doozan recommended that the Planning Commission work with the applicant to resolve these issues before taking action on the plan.

Ms. Zawada referenced the CES letter dated September 9 and September 26, 2016. She explained that minor items were noted and she recommended that the Planning Commission approve the site plan conditional of her letters.

Ms. Kimberlin referenced her memo dated September 23, 2016 as follows:

- 1. Section 41.303(F)(3) of the zoning ordinance states that the principal building entrance of buildings in the New Hudson district shall not open onto a parking lot. The plan does not appear to comply with this requirement.**

- Information should be provided to ensure that the proposed gate satisfies the requirements of zoning ordinance Section 15.09(B) related to entranceway structures.

Mr. Swadish provided a PowerPoint presentation which provided highlights of the building and site. He explained this will be a recreational destination and will draw one to two thousand people a week. Peak hours will be evenings and weekends. An 8,600 square foot showroom is also planned, and state of the art equipment will be on every lane, including sound controls. He would also be open to having a bike trail head with restrooms and parking.

**Motion by Towne, second by Chuck  
To open the public hearing at 7:38 p.m.**

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

**MOTION APPROVED**

**Frank, 27284 Victoria Road, Novi** – He explained that he is a Dolsen Elementary parent, and all of his questions have been answered that he was worried about. He is concerned about the archery range and asked that they make sure the aim is not towards the school. Mr. Swadish explained that the course is elevated and everything is aimed down to the ground; nothing will be aimed towards the school. The citizen stated he is in support of the range.

**S.T. Johnson, 23555 Currie** – Mr. Johnson stated that he is a 30 year resident and supports the shooting range. There is a need for it in the area, especially the 100' lanes. He is an avid deer hunter, and it's needed. He felt that the range looks very safe.

**Brett Rohrscheib** – Mr. Rohrscheib stated that he will be a neighbor to the range. He explained that in the past he had neighbors that would come over and ask to shoot into the berms in the back of his property. He felt this would be a good thing for the community..

**Jessica Domka, 27536 Harrington Way, Novi** – Ms. Domka explained that she is also a Dolsen parent. She is for this development in many ways but not its location. She believed this will be a safe establishment within its walls, but they can "what if" all the time and all of the scenarios wouldn't be thought of. There have been many conversations, and there are many that think this is an awful idea. Their children are playing on that playground. When a handgun is rented, a background check is not required; that makes her very nervous. It only takes one. She asked if they can give her a zero chance that nothing would happen with the children. She felt this was opening another can of worms. She stated that they have to look at all of those "what ifs" and felt there are so many acres of land that are available for this to go. She is also concerned because Dolsen has no air conditioning, and the kids will be listening to all of the construction. She felt the range is west of Costello Drive not east. If this was proposed back 30-40 years ago, this would have been acceptable. They have people

that come in and do awful things now when they aren't even presented with a gun range. This is an awful idea. She will be wondering everyday if her kids will be okay if this is approved. She confirmed for Mr. Radke that she is scared that someone would rent a gun and leave the facility. There are many people that have had all the information that is required and are still able to do something awful. She is concerned that people pass mental health checks all the time.

**Shanna Samples, 27629 Albert Street, Novi** – Ms. Samples is also a Dolsen parent and is also concerned because this will increase the amount of people in the area. She understood that most have had background checks to rent a gun. She is concerned with someone flying off the handle even if they had a background check. She has read instances where people have had a background checks and have flown off the handle. She felt a gun range will just increase the probability of having thousands of people coming to the range near an elementary school.

**Stacey Kempski, 27572 Bellgrave, Novi** – Mr. Kempski has a 3<sup>rd</sup> grader who is currently in the portable classrooms at Dolsen. She also has a preschooler who has autism and wanders. She is concerned about the lead and questioned who will monitor to make sure it's not in the air. She is concerned with the weapons that are armed and moving from the parking lot to the building. She also looked up renting in the facilities and learned that a background check is not required; it is at the discretion of the owner. She thought this would be good for the community but is in a bad location. She would hate for the kids to hear gunfire as they are playing on the playground. She questioned why the facility is being advertised as approved already and having started construction. She is concerned there is a violation of the Open Meetings Act.

**Juliann Sleek, 28506 Cottage Lane** – Ms. Sleek stated that of her children have gone to Dolsen, and she is very involved in the schools. She first read about this proposal based on an article through Hometown Life. She could not believe Lyon Township was considering putting this next to a school. She did not feel that this is a remote area in the least. She can't believe that they are considering an area right across from the elementary school. She can't believe this is being considered with all the land the Township has. The location is a bad choice. Our children are not going to be safe with that right next door. In her mind, this should not be happening. She should not have to worry more about sending her kids to school. It's not comparing apples to apples when the store in Milford is small. She questioned if the outdoor component will have food? Mr. Doozan stated that is not on the plans.

Ms. Sleek explained they are already constantly exposed to Continental Aluminum pollution, and now she is concerned with the lead. She stated that the applicant even said he doesn't use practice ranges due to the safety.

Ms. Sleek stated that she hoped since it was an indoor range there shouldn't be stray bullets, but her concern is that they can buy a gun and ammunition and walk right to a the school or the playground. She would want to know the distance from door to door and to the playground.

**John Alexander, 30627 Rainbow Drive** – Mr. Alexander is okay with this facility. He is not okay with the location; it's far too close to the school. He is concerned with his

children seeing a gun range for the next 5 years and being exposed to something like that; it's something he would rather shield them from. He did not want them going by a strip club, a tattoo parlor, or a gun range.

**Robert Swain** – Mr. Swain thought it was good design and good to have a safe place to do this. Speaking as a member of the Parks and Recreation Advisory Board, he would like to hear more detail on the outdoor amenity space with the trail head. He is curious how that will be tied into the site plan approval.

**Sean Bradley, 27303 Benjamins Way** – Mr. Bradley is also a Dolsen parent and felt this is a Catch 22 because they are trying to be a proponent of safe gun use but he didn't like the proposed location. He is interested to know if South Lyon School District is aware of this and how it will affect them with regard to safety or incurring additional cost as well as the administration in the school and if they they have to train people. The school district also has to take into account new teachers and what they are taking on. He also has concerns regarding the location. He owns guns and fires guns but felt this could be in another place.

Ms. Archer contacted the Superintendent and the principal but she has not heard back yet. Ms. Kimberlin stated that they were noticed regarding this meeting. There was a parent in the audience that received an email from the superintendent.

**Bill Erwin, 61890 Silver Lake Road** – Mr. Erwin stated that Mr. Swadish has a beautiful facility in Milford. Mr. Swadish is willing to train people and take the paranoia out of guns. He embraces the idea, and more police officers training in this facility will be able to control the weapon. We need people that can handle these things effectively and safely. They will eat here, get gas here and move on; they won't clog up the roads.

**Motion by Chuck, second by Towne  
To close the public hearing at 8:05 p.m. due to no further comments.**

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

### **MOTION APPROVED**

Mr. Doozan stated that this has not received any approval from the Township yet.

Mr. Swadish explained that on any given day during school pickup there are probably 50 guns on the premises already, and there are probably 5 to 10 guns on the premises that are not legal. The houses across the street are closer than the range would be, and they have guns in their homes. The people that drive down Grand River to go to Island Lake to shoot have guns in their cars. He explained the process for renting equipment and explained that most of the construction will take place in the winter time, so the windows at the school will be closed. He explained when people are entering the range from the parking lot, any gun must be in a case. There are cameras in the parking lot which will be monitored, and there will be police officers out the door if they see something suspicious; they do watch for that. He explained that they don't rent guns to people they don't know. Mr. Swadish also stated that a gun shop is at the

discretion of the owner. They are in contact with the authorities, and they don't have to sell a gun to anyone they don't want to. The range cannot be seen from Grand River. He has not seen the school and has been on the property quite a bit. He also noted that Island Lake is an outdoor shooting range, and Kent Lake Elementary School is nearby.

Mr. Towne stated that he volunteered for almost 12 years at Dolsen. He looked at every single angle regarding this range and found no reason not to approve it. It's under a special land use, and the controls are fabulous. He knew that he would take a bullet for one of those kids over there, and there are wackos out there, but there will be professional people that go there. Gun safety classes will be offered, and these kids will now know about gun safety. He is very comfortable with this gun club going in. The range has all state of the art equipment and will be quiet. This is not even in comparison to Island Lake and Kent Lake Elementary. More Oakland County Sheriffs will be in the area, so he felt it would be a safer community. He felt that Mr. Swadish will go above and beyond to represent the community, and he is ready to move it forward.

Mr. Radke stated he appreciated people that are petrified of weapons. He explained that it is the Planning Commission's job to look at the whole community. He felt when good people are educated and well-trained around firearms, it will be the best scenario. Those well-trained people are there if something went on. He felt as a whole, people are safer when they are trained and educated. To have police officers that close to the school with good citizens, that's probably the safest place. He respected and appreciated the comments.

**2. AP-16-33a, Huron Valley Guns & Indoor Range – Site Plan. Property located south of Grand River Avenue, east of Costello Drive. Site plan review of a proposed 39,500 square foot indoor shooting range with firearms retail on 18 acres.**

Mr. Towne asked that the 8 items in the McKenna letter be reviewed as well as the two items in Ms. Kimberlin's memo.

Mr. Necci explained there will be tractor trailer deliveries but maybe only once or twice a year. Deliveries will be between 8:00 a.m. and 5:00 p.m. Ms. Kimberlin stated if some of these items aren't going to be changed today, then that would be brought up as a variance.

Mr. LeClair stated there will be a road easement, but it has not been drafted yet. It will be maintained by the building owner, since it's a private road.

Mr. LeClair stated that they will be happy to comply with the landscaping requirements as stated in the McKenna Associates memo.

Mr. Necci stated they have increased the amount of cultured stone; the predominant materials are concrete C-brick and cultured stone and cedar. This building is unusual with respect to what's a front yard; they feel they have met the intent of the ordinance. Mr. Doozan stated that according to the ordinance, there should be no CMU. Ms. Carcone explained that side will face the ring road, so it has to be done. Mr. Swadish agreed to do the north side of the building in C-brick.

Mr. Necci explained that they have reached 40% of the intent regarding the transparency. Mr. Necci stated they would be willing to work with Mr. Doozan to get to the 50%.

Mr. LeClair stated he can move the dumpster to meet the criteria. Mr. Chuck asked if they can put up vinyl or composite around the dumpster. Mr. LeClair stated yes.

Mr. Swadish agreed to go 48 square feet for the sign size.

Regarding the outdoor amenity space, the applicant is generally agreeable to the trail head, but it's not part of their project right now. Mr. LeClair added that connection to the sidewalk to the trail is shown on the site plan with bike racks. Mr. Swadish stated if he can accomplish the trail head with the use of his land, he would be happy to.

**Robert Swain** – Mr. Swain suggested treating it like PD and to pick a value, or come to some sort of understanding that they will work with in the future with the trail head. He read Section 402.

Ms. Kimberlin explained that a set amount could satisfy the requirement. Mr. Swadish stated he had no idea what the dollar amount would be, since he has no idea what they would need. Ms. Carcone asked if they can get the acre for the parking lot. Mr. Swadish agreed to offer 1 acre adjacent to the future ring road right of way.

Mr. Swadish asked if they can start with the land and the footings and attempt the ZBA to get approval for the door. If they couldn't get the zoning variances, then they would comply with the zoning and put the door it needs to be. Ms. Carcone explained that this still needs to be voted on by two bodies, and it's not appropriate that they assume this will pass.

Mr. Necci stated that the door does not open onto a parking lot; there is 30' of green space. Mr. Enlow stated that the buildings in the New Hudson area don't have parking at their front doors. He suggested shifting the parking along the front, but he didn't know if there was a good solution. Mr. Doozan stated that it's fine with him.

Mr. Swadish agreed to delete the gate if they see fit. If they can meet the ZBA requirements, then they will bring it up. For right now though, they will go with no gate.

**Motion by Towne, second by Chuck**

**To approve AP-16-33b, Huron Valley Guns & Indoor Range – Special Land Use. Property located south of Grand River Avenue, east of Costello Drive. All of the 9 criteria were met with the 9<sup>th</sup> criteria being the public property on the Master Plan that once the land was purchased this improvement goes through then the Master Plan would change, the approval is going to be contingent upon approval of the site plan, request for zoning variance. McKenna Associates memo dated for the special land use dated 9/24/16 which was reviewed with the applicant.**

Mr. Enlow asked how often the filters get changed. Mr. Swadish stated that a 3<sup>rd</sup> party

handles that. It depends on the volume of rounds, but it is probably done every 3 months. Mr. Enlow confirmed the outdoor range is not part of this submittal. Regarding rentals, CPL's are required for anyone to rent, and it is tied to the special land use. Regarding the School Board commenting, Mr. Enlow explained that the Planning Commission is the recommending body; the Township Board makes the official approval. If Supervisor Young has already met with Superintendent Melissa Baker, it will be brought up too. He has students at Kent Lake Elementary and is not a gun owner. Looking at Island Lake, he is more concerned with Kent Lake and the outdoor range, there since there is no buffer. Personally, he would rather have an indoor range.

**Roll Call Vote:      Ayes: Unanimous  
                             Nays: None**

### **MOTION APPROVED**

**Motion by Towne, second by Radke**

**To approve AP-16-33a, Huron Valley Guns & Indoor Range – Site Plan. Property located south of Grand River Avenue, east of Costello Drive. Referencing the McKenna Associates memo dated 9/23/16, CES memo dated 9/9/16 and 9/26/16, Fire Department letter dated 9/8/16, and the Township Attorney letter dated 9/23/16. The applicant is able to meet all the criteria, contingent upon a variance from the ZBA regarding the loading space, location and size. Also, agreement on the attorney letter dated 9/23/16 discussion on section 41-303(F)(3) on principal building entrance, decided that the front yard parking that would be on the site is unusual and would never be allowed on Grand River, and due to the open space it would be approved by the Planning Commission and sent on to the Board.**

**Roll Call Vote:      Ayes: Unanimous  
                             Nays: None**

### **MOTION APPROVED**

### **OLD BUSINESS**

- 3. AP-15-66a, All American Storage – Site Plan. Property located on the west side of Griswold Road, north of 9 Mile Road. Site plan review of a proposed 40,200 square foot self-storage facility.**

**Representing All American Storage: Brent Hensley**

Mr. Doozan reviewed the McKenna Associates memo dated September 19, 2016. He explained that the Planning Commission must decide if an allocation of funds to the Township's Bike Path and Sidewalk Development Fund is acceptable, in lieu of building a path across the front. Upon making this decision, he recommended that the Planning Commission approve the plans for All American Storage.

Ms. Zawada referenced her CES memo dated July 21, 2016. She explained that the plans are stamped "Approved as Noted". The following is a list of their concerns:

1. An autoturn analysis shall be required for all of the buildings including a “phase 1 only” analysis. The turning radius provided on the plan may not work for phase 1, and the fire lane pavement should be widened where appropriate. Show and label temporary location of fire lane for phase one (rear).
2. There are a couple of requirements that need to be addressed for the detention requirements. The applicant will need to provide data on the ultimate storm water outlet.
3. Permission from the CSX Railroad is only required if working on their property.
4. Detailed engineering will also be required if approved.

Mr. Hensley stated that they lost 4,300 sq. feet, so the office is now smaller. He will build a permanent dumpster and will pave it all the way back to meet the ordinance.

Mr. Chuck stated the applicant has done everything they’ve asked. He asked for a vinyl dumpster enclosure, and the applicant agreed. Mr. Chuck stated this will be an asset to the community.

Mr. Enlow stated that he is fine with depositing funds in lieu of building the pathway. Mr. Towne stated in the future, they need to start building the pathways. Mr. Towne stated there was nothing in the site plan that didn’t look approvable.

Mr. Hoffman explained ADA laws have been around since 1969, and the bathroom doesn’t work. He suggested that the applicant tell his architect to get it right and suggested that the toilet is too close to the sink.

**Motion by Chuck, second by Radke**

**To approve AP-15-66a, All American Storage – Site Plan. Property located on the west side of Griswold Road, north of 9 Mile Road. Including the comments from the McKenna Associates memo dated 9/19/16 and the CES memo dated 7/21/16 and obtaining the dollar amount for the pathway from the Engineer or constructing the pathway.**

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

**MOTION APPROVED**

4. **AP-15-66b, All American Storage – Special Land Use. Property located on the west side of Griswold Road, north of 9 Mile Road. Consider a special land use request to allow a proposed self-storage facility in the I-1 District.**

Mr. Doozan reviewed the McKenna Associates memo dated September 19, 2016. He explained that the findings in the memo indicate that the proposed self-storage facility satisfies the special land use criteria. Consequently, he recommended that the Planning Commission recommend approval of the special land use to the Township Board.

**Motion by Radke, second by Carcone**

**To recommend approval of the special land use for AP-15-66b, All American Storage – Special Land Use. Property located on the west side of Griswold Road, north of 9 Mile Road based upon the criteria being met in the 9/19/16 McKenna Associates memo.**

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

**MOTION APPROVED**

**NEW BUSINESS**

- 5. AP-16-32, SW North America – Site Plan. Property located on Units 16, 17, 18, and 19 in Lyon Industrial Research/Center (south of I-96, west of South Hill Road). Site plan review of a proposed 35,636 square foot manufacturing building/warehouse on 8.1 acres in the I-1 (Light Industrial) District.**

**Representing SW North America: Sam Ashley  
Mark Reichenbacher**

Mr. Doozan reviewed the McKenna Associates memo dated September 19, 2016. He explained that they recommend that the Planning Commission grant approval of the site plan for SW North America, Inc., subject to the following conditions:

1. Issues identified in the McKenna Associates memo dated 9/19/16 must be addressed on revised plan, subject to administrative approval.
2. The applicant shall seek variances from Section 12.12(A)(1) regarding dumpster location and Section 14.02(B)(1) regarding loading space location.
3. Approvals by the Township Engineer and Township Attorney are required.

Ms. Zawada referenced the CES Memo dated September 20, 2016. She commented that the majority of the items are minor and all will be addressed on final site plan and a detailed engineering review will be required if the site plan is approved.

Ms. Kimberlin reviewed her memo dated September 26, 2016. Ms. Kimberlin commented that the applicant's industrial activity statement does not contain information related to the type and maximum level of any air contaminants or air emissions to be produced by the industrial processes if any. Also, there should be a rear yard designated for the site.

Mr. Reichenbacher provided a power point presentation giving an overall view of the company. He agreed they would try to set up an apprentice program with the high schools. Mr. Towne stated that Germany is a leader in apprenticeships.

Mr. Ashley stated they are in receipt of the review letters. He explained the building is a total of 39,064 sq. feet and broken up into 4 major components. There is a two-story office component, tech center, the work area and shipping and receiving. They received approval from the industrial park today. The placement of the building was very

strategic. The building has been placed perpendicular to the highway to promote visibility of the company.

Mr. Ashley explained that timing is critical for them; they do have the land under contract, but it has not been purchased. They do need Board approval.

Mr. Ashley explained that the remaining open items are the recycling area, loading area, and air quality emissions. He explained there are no air quality emissions; it is all self-contained in the machine. As it relates to the loading area, from a design standpoint, they feel the loading area is in the rear of the building, if they were to move the loading area to the eastern side, the client would need to rebuild the infrastructure. The facility flows as it is designed. He continued that they need to keep the wood recycled, and they create nonferrous and ferrous chips that need to be kept covered. There was discussion regarding the location of the loading area.

Ms. Carcone questioned why it took so long to bring this project to the Planning Commission. She stated it's very maddening to see this great plan and great business; they have rules to follow. Mr. Ashley stated that nothing was flagged that may need a variance and the feedback and response they are responding to based on what is put out in front and what the process is.

Mr. Doozan stated that he would go along with treating the loading area as the rear of the building. The applicant agreed that they consider that area the rear of the building.

Mr. Ashley stated that they would relocate the recycling to a place that is consistent with the ordinance. Mr. Doozan stated he would recommend that they relocate the trash receptacle and then seek a variance.

The Planning Commission decided the loading area is behind the building.

Mr. Doozan confirmed that the dumpsters are going to be relocated but the applicant will need to seek a variance because it doesn't meet the ordinance requirements.

**Motion by Chuck, second by Radke**

**To approve the site plan for AP-16-32, SW North America contingent upon moving the recycling bin and designating the loading dock as the rear. Based on McKenna Associates memo dated 9/19/16, CES memo dated 9/20/16, and the Township Attorney memo dated 9/26/16.**

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

**MOTION APPROVED**

**COMMUNITY REPORTS - None**

**ADJOURNMENT**

**Motion by Carcone, second by Hoffman**

**To adjourn the meeting at 10:38 p.m.**

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

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 10:38 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary