

Charter Township of Lyon  
Planning Commission  
Meeting Minutes  
July 24, 2017

Approved: August 14, 2017

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

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

Guests: 16+

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

**APPROVAL OF AGENDA**

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

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

**MOTION APPROVED**

**APPROVAL OF CONSENT AGENDA**

**A. Approval of the July 10, 2017 Minutes**

**Motion by Towne, second by Radke  
To approve the minutes of July 10, 2017 as amended.**

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

**MOTION APPROVED**

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

## **DDA REPORT**

Ms. Archer provided status updates regarding the business in the DDA District.

## **PUBLIC HEARINGS**

- 1. AP-17-25b, Dandy Acres Small Animal Hospital – Special Land Use. Property located on the north side of 10 Mile Road, east of Milford Road. Public hearing to consider a Special Land Use to allow a commercial Kennel to operate at an existing veterinary clinic in the R-1.0 (Residential-Agricultural) District.**

**Will also consider at this time:**

- 2. AP-17-25a, Dandy Acres Small Animal Hospital – Site plan. Property located on the north side of 10 Mile Road, east of Milford Road. Site plan review of a proposed addition of approximately 5, 255 square feet to an existing veterinary clinic.**

Mr. Doozan reviewed the McKenna Associate's memos dated July 12 and July 13, 2017. He explained that their review of the site plan (in a separate letter) revealed numerous deficiencies, as well as the need for variances. It would be premature to act on the special land use request until the site plan is brought into compliance with Zoning Ordinance requirements. Consequently, he recommended that the special land use application for Dandy Acres be tabled.

Ms. Zawada referenced the CES memo dated July 14, 2017. She especially noted the following:

- New impervious areas are proposed. Storm sewers and storm water management is required.
- The water main must be extended and hydrants added to meet fire department hydrant coverage requirements of 250 feet from a hydrant to all exterior parts of the building.
- The fire lanes and truck maneuvering should be shown and fire department approval of the plan is needed.
- The text size of the labeling is too small which doesn't meet requirements and must be larger.
- The representation of proposed and existing are not addressed clearly and they must be shown according to the requirements.
- The proposed berm contours must be shown to ensure proper surface runoff drainage.

Ms. Zawada also recommended that this application be tabled.

Ms. Kimberlin referenced her memo dated July 19, 2017. She explained that the property is in the Wellhead Protection Overlay District and is therefore subject to the provisions of Article 42 of the Zoning Ordinance. Additionally, information should be

provided regarding the number of animals Dandy Acres plans to house in the kennel. As calculated by the applicant, the ordinance would allow for the housing of 84 animals.

**Ian Williamson – Attorney** – Mr. Williamson explained that it will take 4 to 6 weeks to have final drawings that will provide the level of detail that is being required. Several of the other details were able to be handled in house.

Mr. Williamson provided a PowerPoint presentation regarding the proposed project. A building addition and site plan improvements that will enhance the pet boarding for the clients as well as minimize any impact on surrounding parcels. Landscaping improvements will also increase the acoustic separation of the nearby parcels.

Various landscape ideas were proposed to screen neighboring parcels. A sound study was done and the current sounds are within the levels of the ordinance but with the proposed addition and added landscaping they would propose to see a dramatic reduction in sound. With the existing site plan, they are at 54 decibels at the lot line, with the proposed addition there is a dramatic change to the east and the sound is essentially eliminated with the addition. This will minimize the impact to the neighboring parcels.

Mc. McCarthy, owner, explained they don't want to be a nuisance to anyone. These ideas are in response to their neighbors' concerns and the Planning Commission's suggestions.

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

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

### **MOTION APPROVED**

**Frank Tsapatoris, 24233 Tara Drive** – Mr. Tsapatoris feels the applicant should be held to the 200'. The kennel will bring down their property values. They hear dogs barking all day long. He is concerned about dogs getting out and biting his child. He says the owner has said he would do things before, but nothing happens. He has been operating as a kennel since 2015. As far as boarding dogs, he has been boarding dogs since 2014, according to Facebook. 2015 was the first time he ever applied for a kennel license. They have issues with the brush being pushed up to the edge of the lot and with rodents. Cars are parking where they shouldn't. Dumpsters are in plain view for them. Floodlights are on all around the building. The vet clinic is fine; it's the boarding of the dogs that is the issue.

**Nicole Sleeva, 24242 Tara Drive** – Ms. Sleeva explained that she is against the kennel. She is concerned about the sound and is concerned about how many dogs will be added. She didn't know how many dogs the sound study was based off. They do board for treatment. She is in favor of the vet clinic but not the boarding. She is concerned with the runoff and the lighting as well. The odor is also a concern. The traffic is also a concern. She is happy they have support from their customers, but the

customers don't live there. She is also in opposition regarding the cell phone tower and the solar array.

**David Pease, 58955 10 Mile Road** –Mr. Pease stated that he owns Animal House Kennel. In 2001, they went through a huge process to get approved. They have been able to run the business without any problems. They have 10 acres and are allowed 25 animals. This site is looking for 84 dogs. They can have two dogs outside walking on a leash. That's a huge noise that will come out of there. The main problem is the noise with the dogs outside. Almost everything that they are proposing is going against the requirements they are living with today. He has been here and in business for 17 years and has never had any complaints.

**Kevin Hall, 24200 Tara Drive** – He stated they are looking to build at this address and they just found out they were looking to add dogs to this kennel. The sound study should be applied to this application, and Section 18.35 prohibits other activities and excludes Section 18.36. He cited various sections in the ordinance that pertained to public nuisance items, sounds, and public health. He commented that the applicant did a nice sound study that proved sounds would still be heard. He agreed with the previous speakers and requested that the cell phone tower not be included.

**Motion by Towne, second by Chuck**

**To close the public hearing at 7:50 p.m. due to no one else wishing to comment.**

**Voice Vote: Ayes: Unanimous**

**Nays: None**

**MOTION APPROVED**

There was brief discussion regarding the Animal House Kennel business on 10 Mile Road.

Mr. Hoffman stated that he appreciated the design and directing the sound away from Tara Drive. He questioned how that will affect the west side and wondered if the buildings are attached.

Mr. McCarthy stated the buildings are attached. As for moving the noise in the other direction, that was in large response to input from this body. The property owner on that side of the property has sent an email to the Township in support of the project. They also had several people send emails to the Township in support. Mr. Hoffman explained that even though the owner to the west is in support, it doesn't mean that owner will have that property. We don't know if the next owner will feel the same. Mr. McCarthy explained that the way the operation is set up currently with virtually no sound control, they don't exceed the current ordinances either day or night.

Mr. McCarthy explained right now there are 50 dogs, and all 50 were present during the sound study. Mr. Hoffman stated even though they are under the maximum allowed, it's still only a few decibels below.

**Ms. Mandy Kaycher, Sound Engineering.** They recorded the sound levels, close to full occupancy or at occupancy and were asked to add 12 more dogs. They looked at the exterior and saw there is a pool area and an outdoor area. The noise ordinance during the day is 61 decibels. With the configuration where the corridor is attaching the building and other yard that will be removed to the west side, they are down to 45 decibels. That is a substantial difference. She confirmed the west side was not included in the report. Mr. Hoffman noted a property has 4 sides, and the sound study only addressed the east side.

Mr. Towne stated that since 2015, the applicant has been operating without a permit, and there have been dogs outside. The last few special land uses were made to adhere to the setbacks on everything. The applicant does not meet the requirements for a special land use and does not meet the setbacks; he is totally against the special land use. There are major sound problems, and it's not a positive impact on the community. He can't imagine having that many dogs outside. This has been going on way too long. He is totally against the special land use. Mr. Towne noted information he had asked for at the last meeting, and the applicant did not bring it to this meeting.

Mr. Radke confirmed this is R-1.0 Zoning, and they need to be fair and think about the neighbors. If they ask for something, then the applicant needs to deliver.

Mr. Pennington agreed with the previous speakers. He questioned if there was a lighting plan. Mr. Doozan stated yes, and it met the requirements. Mr. Pennington felt the light is just as important as the sound; it needs to be controlled on all sides.

Treasurer Carcone questioned the plan. It is unacceptable to her. She felt it was unfair and stated that they can't judge anything; it is wasting their time. She couldn't read anything on the plan. She agrees with the vet clinic portion. The property is long and narrow, and she has had a lot of complaints. She suggested the applicant buy more property to expand so they meet the requirements. The need is there, but she didn't know how they could figure it out. They are trying to put a square peg in a round hole. She is not in favor of the special land use.

Mr. McCarthy stated he showed proof that they were boarding dogs back in the 90's.

Mr. Chuck stated he believed the solution is to try to buy additional property; it is tough to have a narrow strip of land on 10 acres. Some of those variances are tough too. In its current state, he can't support it.

Mr. Towne noted he understood the planners felt the applicant should be tabled, but he didn't see the need to table. He felt that a strong message should be sent to the Board that it doesn't meet the criteria for special land use and leave it at that. There was brief discussion regarding tabling or denying.

**Motion by Towne, second by Hoffman**

**To recommend denial of the special land use AP-17-25b due to the setbacks in the zoning district and due to the sound, that would be generated by adding a building and more animals and the impact to the community at large being located in residential zoning.**

Mr. Chuck stated that they have tabled many requests, and he didn't agree with just denying it. He took his lead from the planners where they indicated tabling. Treasurer Carcone agreed and felt that the applicant could bring the plan back with corrections.

Mr. Towne stated the residents have been dealing with this for a long time. With the applicant, nothing has come back the right way, it gets worse. He wants to send this message to the Board.

**Dr. Tracy Bird, 1410 Sunset Drive, Wolverine Lake.** Ms. Bird is a veterinarian at Dandy Acres. She requested that lights be installed for her safety, since she leaves in dark during the wintertime. She parks in the back parking lot and likes to be respectful and courteous as an employee there, and that is what she has been instructed to do. She has worked there since 2014. The grand opening of the Dog Lodge was just like the grand opening in Meijer; it is a rebranding of the name and it draws attention. There is lots of traffic. She thinks that this needs an opportunity to be addressed again; she did not think it should be denied. They need an opportunity to come back and accommodate some of these concerns. All of these noise reduction efforts are important. She has had many customers say they can't get their senior dog in, and no one else will take those dogs. It is a very important need.

Treasurer Carcone explained she is not in favor of a denial. She would like to see if the applicant can appease the neighbors and see what their plans are. She suggested working with the neighbors on the east side. On the west side, it is undeveloped, and they don't know what will be there. She felt 84 dogs is a lot. The area is residential, and they must be mindful of the residents.

Mr. Radke stated if they send the message to the Board and the applicant purchased more land and made major changes, would they be able to bring it back. Mr. Doozan stated if they purchased more land, they can come back with a revised plan. Mr. Doozan stated there is no limit, and they would have to start over.

Mr. Chuck stated that the sound study is within the ordinance, but it doesn't mean it's not annoying.

Mr. Hoffman stated it's hard to enforce the things that could really bother the neighbors on a daily basis. He could see it's not a controlled product that can be adhered to, it's an animal. It needs to go out, and he can't see the barking not being an issue on a continual basis.

**Roll Call Vote:      Ayes: Towne, Radke, Pennington, Conflitti  
                             Nays: Chuck, Carcone**

**MOTION APPROVED TO DENY**

**Motion by Towne, second by Radke  
To deny site plan AP-17-25A Dandy Acres Small Animal Hospital on the grounds from all information supplied in the McKenna Associates memo dated July 12, 2017 and the CES memo dated July 14, 2017 and all**

**information that was given for the special land use.**

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

**MOTION APPROVED TO DENY**

**OLD BUSINESS**

- 3. AP-17-24a, Hidden Forest Condominiums – Site Plan. Property located on the north side of 9 Mile Road, east of Chubb Road. Site plan review of a proposed single-family development consisting of 32 homes on 23. 64 acres.**

Mr. Doozan reviewed the McKenna Associates memo dated July 19, 2017 and the site plan review letter dated July 20, 2017. He recommended that the Planning Commission recommend approval of the special land use application for Hidden Forest Condominiums to the Township Board, subject to addressing the two issues cited in the site plan review letter.

1. The landscape plan must be revised to select alternate species for the Cleveland Select Pear and Norway Maple street trees.
2. Recommend that a playscape, picnic facilities, and benches be provided in the open space adjoining lots 22 and 29.

Ms. Zawada referenced the CES memo dated July 19, 2017. She noted they are suggesting approval as noted.

1. She noted an existing sanitary sewer is available on Nine Mile Road, approximately 600 feet east of the subject site. The sewer may be somewhat shallow, so this site may have to be served by hung plumbing.
2. Please label the sediment forebay and detention basin in south basin.
3. Maintenance needs to be accessible for forebay and detention basin outlet in south basin.
4. They noticed emergency overflow routes shall be examined in detail engineering review particularly through lot 11 and through lot 26.
5. There are 3 catch basins proposed within the wetland buffer on lots 5, 6 and 7 and this shall be reviewed.

Ms. Kimberlin explained there were concerns raised regarding the flooding issues so if the Planning Commission wishes to address that, they may be imposing conditions.

Mr. Dan LeClair, Greentech Engineering, provided a PowerPoint presentation giving an overview of the project. Mr. LeClair explained that Mr. Healy is in favor of doing something in the open space. He would like to see what the market will be before deciding if it will be a tot lot or something along the lines of benches. Mr. LeClair stated he would have that information at the Board meeting.

Mr. LeClair stated the north property line has a scrubby woody area. There are a few

regulated trees along the property line and they want to save those trees. But they would like the ability to take some care of some drainage issues in that area and then they will come back and plant trees in that area. On the west side, they will plant 39 additional trees. They are willing to work with the Township Planner regarding the species of trees. He explained the natural impacts essentially stayed the same.

Mr. Hoffman stated that he recommended if they are going to try and save a tree, how many trees are you really saving for the sake of good drainage, are they valuable trees? Mr. LeClair stated there is a lot of perspectives, if a tree is 30-40 feet tall vs. one that is 8' tall. They think they can do some grading in between the trees and preserve them.

**Motion by Chuck, second by Towne**

**To approve AP-17-24a, Hidden Forest Condominium – Site Plan based on the McKenna Associates memo dated July 20, 2017 and July 19, 2016 and the CES memo dated July 19, 2017.**

**Tracy Tullis, 52579 Aspen Drive** – Ms. Tullis stated that she has a soaking wet backyard. They paid a \$25,000 premium for dead trees. They live next to an easement that was finished very poorly. She would like guarantees that they will get a nice berm and have trees behind her home. She explained how stressful this has been. About half of their property line is always mush; next door is ankle deep and then past that it's 6"-10" inches of water. Ms. Zawada stated she would go out and look. Ms. Tullis stated that she is next to the greenspace, which is not a functional greenspace at all. She has picked up garbage out there. Ms. Zawada explained the Township has changed their process due to projects that have been an issue.

Mr. Healy stated the open space they are talking about is by the gas line. They just finished it 2 months ago, and they hired people to do it.

**Josh Berg 52761 Aspen Drive** – Mr. Berg is on the north side of this property. Aside from paying the lot premium, they got swindled into it. His concern is the trees. He knew there were severe issues with Woodwind. The original plan showed staggered trees going down the north side, and now it looks like it was cut in half. If they are going to replace those trees, it would help. At the same time, they need to enforce the plan and complete it properly. He paid an extreme amount of money for trees that will never be there. Hold them to the actual plan and not allow them to deviate. He doesn't have the drainage problems the other neighbors have, but there is still something there. If it says to remove the tree, remove the tree and replant it.

Mr. Radke stated that they have the Planning Commission's attention. He addressed Mr. Healy and hoped that he would resolve these issues in good faith. Mr. Healy stated he thought they had. This development backed up to trees, and consequently they got in trouble because they saved too many. As far as he is concerned, he would cut all the trees down.

**Karen Stanard, 22450 Chubb Road** – Ms. Stanard was at the last meeting where it was characterized this would have a minimum impact on ecology or the area. She disagrees with that assessment. There needs to be more respect for people that pay taxes and have been here for 20+ years. She takes issue with how Mr. Healy said the

sale process went. It misrepresents the people that didn't sell. She questioned how high these trees are going to be. How much screening will they really provide? There should be some way to hold their feet to the fire to do what they say they will do. 39 trees along 1,000 feet is nothing. She would like a date of when they must comply along with the size and height of the trees. The trees must be big enough where she won't see someone behind her.

Ms. Zawada suggested having a date added. Ms. Kimberlin stated it should be stated on the special land use.

Mr. LeClair suggested that the tree plantings be put on the plot plans so it becomes part of the building set and is completed before the certificate of occupancy.

**Mr. Chuck added to his motion that an agreed upon date when the trees are planted shall be included. Mr. Towne continued support of the motion.**

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

#### **MOTION APPROVED**

- 4. AP-17-24b, Hidden Forest Condominiums – Special Land Use. Property located on the north side of 9 Mile Road, east of Chubb Road. Special Land Use review of a request for an Average Lot Size development in the R-0.5 (single-family residential) Zoning District.**

**Motion by Chuck, second by Towne**

**To recommend approval of AP-17-24b, Hidden Forest Condominiums, Special Land Use including the letters from McKenna Associates dated July 19 and 20, 2017, the CES letter dated July 20, 2017 and input from the attorney and meet all the criteria for the special land use.**

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

#### **MOTION APPROVED**

#### **NEW BUSINESS - None**

- 5. Community reports - None**

#### **ADJOURNMENT**

**Motion by Chuck, second by Pennington  
To adjourn the meeting at 9:25 p.m.**

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

**MOTION APPROVED**

The Planning Commission meeting was adjourned at 9:25 p.m. due to no further business.

Respectfully Submitted,

*Kellie Angelosanto*

Kellie Angelosanto  
Recording Secretary