

Lyndon Township  
**PLANNING COMMISSION**  
**SPECIAL LAND USE PUBLIC HEARING**  
**and WORK SESSION MEETING**

17751 N. Territorial Rd., Chelsea, MI 48118  
March 24, 2009 @ 7:00 PM

**APPROVED MINUTES**

*Members Present:* Leon Moore, John Reilly, Joyce Spencer, Jerry Nelson, Mary Jane Maze

*Members Absent:* Michael Grambau

*Also Present:* Merritt Honbaum – Ordinance Officer; Robert Mester – Deputy Ordinance Officer; John Enos – Township Planning Consultant

Chairman Moore called the meeting to order at 7:00 PM.

Open public hearing at 7:02 PM.

***Review of Special Land Use Permit and Application of Scott Dault, 6 Cavanaugh Lake Road, Chelsea, MI 48118, requesting to operate an outdoor laser tag facility on a 30+ acre parcel located at the Northwest corner of the intersection of M-52 and Clark Lake Road. (Property I.D. E-05-34-100-025)***

*Applicant's Presentation of Special Land Use Request:* Scott Dault read from a letter he sent to neighbors that surround the site of the proposed outdoor laser tag at 7930 Clark Lake Road. Dault described how the game is played and the equipment used. He reported the game is played quietly and noise from the laser guns is no louder than a toy gun used by a child. Dault stressed he would not allow play within 100 feet of property lines to keep down any disturbances and that play would only take place during daylight hours from April 1 through October 31, weather permitting. Dault stated games would be limited to 20-30 players with the main age group ranging from 8-20 years old. Dault reported he would add obstacles that blend in with the natural surroundings, i.e. barrels, burlap/cloth materials, walls, sand bags, with blow-ups of various shapes and sizes, and the biggest field of play would be no larger than a football field. Two 4' x 8' signs would be needed as well as parking for 20 vehicles. In closing, Dault stated his outdoor laser tag operation would not take away from the surrounding area and that is it a great way to get people of all ages outdoors and moving.

*Comments from Carlisle/Wortman Associates:* John Enos, Township Planning Consultant, stated that based on his interpretation of the Zoning Ordinance, the outdoor laser tag facility is not a permitted or special use in the Rural-Residential Zoning District. Enos discussed other special uses that are allowed in the R-R District; however, the outdoor competition facility is considered "commercial recreation" and does not fit into this area of the Master Plan and recommended Commissioners deny the proposal. Enos added that commercial recreation uses such as this one are better suited and currently allowed within the N-C Neighborhood Commercial District. Enos stated the only way to allow the laser tag facility in the R-R District would be to rezone the property. Enos also noted the applicant should understand special uses are subject to site plan review, which is significantly lacking in detail and required information, according to Section 14.02 of the Zoning Ordinance.

*Letters and Comments from the Public:*

1. Dana Dever, Attorney, presented the Planning Commission with an aerial photograph of the area under consideration, along with a petition signed by 37 Lyndon Township residents who oppose the laser tag facility citing concerns with liability, blight, excessive noise, traffic, and safety issues. Dever stated this would be a vast change to this quiet lake setting and should not be approved.
2. Len Niehauf, 570 Oakdale, in opposition citing noise, eyesore, portable bathrooms, decline of property values.
3. Letha Atkinson, in an effort to set the record straight over increased traffic concerns, stated her husband saw 80-100 patients per day while in his Chiropractic business.
3. Judy Staebler, 7953 Clark Lake Rd., in opposition, issues with increased dust and parking.
4. Barb Budoff, 18793 N. M-52, in opposition, issues with property value, no barrier from view.
5. Jerome Wilczynski, 1860 Westbourne Ct., in opposition, concerns with quality of environment.
6. James Smith, 455 Oakdale, in opposition due to noise concerns, lower property values, and once established, feels participants will only want to play after dark.
7. Dave Staebler, 7953 Clark Lake Rd., in opposition due to noise, property values, bathroom facilities.
8. Renee Eberle, 19072 Waterloo, in opposition, noise, dust, traffic issues.
9. Mary Alber, 7755 Clark Lake Rd., in opposition, concerned with 16 hours of daylight in summer and residents who work will not get enough sleep due to noise.
10. Mike Beagle, 407 Oakdale, in opposition, concerned with safety and security.
11. Ed Saunders, 600 Long Lake, in opposition.
12. Bob McCracken, 1876 Westbourne Ct., in opposition, concerned with noise, eyesore.
13. Martin Groening, 547 Oakdale, in opposition, concerned with sleep/work issues.
14. Letter from Gilbert and Rosemary Chestney, 19055 N. M-52, expressing their opposition.
15. Letter from Edwin and Karin Riske, 18780 M-52, in opposition.
16. Michael Ellenwood, 426 Oakdale, called the Township Hall to voice his opposition.
17. Jim Riley, 551 Oakdale, also called to voice his opposition.

Leon requested Commissioners take note of the signed petitions brought in by Attorney Dana Dever, two letters submitted by residents, and two phone calls recorded by Township staff in opposition of the laser tag facility.

Close public hearing at 7:40 PM.

*Discussion from the Planning Commission:* Moore explained to Dault, the concern for after-dark play and asked how hours would be posted. Dault stated his hours of operation are limited by his liability insurance and would use referees/walkie-talkies to get people off the field by 9:00 PM. Additional discussion involved noise from neighboring lakes, which residents claim they can hear one-half mile away. Reilly questioned, having no local police force, how would Dault control rowdiness? Dault stated he would respond in writing with whatever the Township required. Maze questioned the plan for bathroom facilities and how far off M-52 would play begin. Dault stated he would provide Porta-Johns and that play would take place in the middle of the property.

Reilly stated Lyndon Township is a rural recreation destination for the County; however, neighbors voiced their opinions loud and clear that outdoor laser tag is not harmonious to the area. Reilly agreed that kids need to get out and play and commented that the special use request has brought much to light in planning for recreation in the Township. Reilly questioned the concern of bunkers, barrels, etc. Dault stated everything would be camouflaged.

Honbaum commented that when Dault first came to him with his request, the Zoning Ordinance did not specifically address this type of operation. Honbaum stated the ordinance should change to match new technologies.

Moore reiterated Lyndon is a destination rural recreational community allowing public recreation such as boating, hiking, and fishing, which are harmonious and in character with the neighborhood. Moore stated comments from residents show they feel this special use is not harmonious. Moore also agreed with Enos' opinion that the property would need to be rezoned to allow commercial recreation.

Moore reviewed the major issues of concern, including hard surface parking, aesthetic issues, paved road access, sewage disposal and restroom facilities, traffic issues, safety and security, and asked Commissioners if they needed more time to discuss this issue or if they felt a motion could be entertained at this meeting. Moore stated sufficient information for concern was provided and the ordinance does not support.

Reilly asked if anyone in attendance was in support of the special land use. Scott Dault's father reported on their successful archery range in Jackson County and how they want to help kids and the town.

Nelson asked if it would be possible to give a six-month trial and deal with parking issues at a later time. Enos responded you cannot give a temporary permit.

Maze stated she is concerned with setting a precedent outside the zoning regulations in allowing this use in an R-R District.

After there were no further comments or questions, Reilly motioned, supported by Spencer, to deny the request for special land use. No further discussion. Moore amended the motion for clarity by adding the following: *to deny the request for special land use based on recommendations from the Township Planner that the request is not in compliance with zoning regulations and the proposal would not be harmonious and in character with the surrounding community, and there are various site plan deficiencies or issues.* Reilly accepted the amended motion. ROLL CALL VOTE: Maze – Aye; Moore – Aye; Nelson – Aye; Reilly – Aye; Spencer – Aye. CARRIED UNANIMOUSLY.

Reilly explained the outcome to Mr. Dault and Moore praised him for going through the proper channels in his attempt to acquire the special land use.

Adjourned at 8:15 PM

Open Planning Commission Work Session Meeting at 8:32 PM.

Moore, Mester, discussed maps needed to complete the Master Plan with an April 9 deadline. Brief discussion of public recreation v commercial recreation and special land use process. Moore asked members to reread the most recent draft of the Master Plan prior to the April 9 meeting.

Adjourned at 9:00 PM

Roxanne Petrie  
Office Manager