

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE JANUARY 15, 2015 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, January 15, 2015 at 7:00 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, MI.

I. CALL TO ORDER

Meeting was called to order by Chairperson Korth at 7:00 p.m.

II. ROLL CALL

Present: Chairperson Korth, Commissioners Lunn, Leisman, Lowry, Easter, Butterfield, Jacobs
Staff Present: Planning Director Ferro

III. APPROVAL OF AGENDA

Motion by Easter, supported by Jacobs, to approve the Agenda as presented. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF DECEMBER 18, 2014 MEETING

Motion by Jacobs, supported by Lowry, to approve the Minutes of December 18, 2014. Motion passed unanimously.

V. PUBLIC HEARING:

Request for Special Use Permit for approval of a "Type 2" Home Occupation, for a Firearms Dealer License, in the Rural Preservation 1 (RP-1) Zoning District, 6495 Two Mile Road NE, Parcel No. 41-15-09-351-002, John W. Vandervoort

John Vandervoort, 6495 Two Mile Road, stated he desires a Type 2 home occupation permit so he can sell firearms and related accessories from his home. He stated this will require customers who want to acquire a firearm to come to his house to pick up the firearm they purchased. Also, he stated the Township code has been reviewed, and he is confident his conduct of this business will comport with all of the relevant standards, and would not in any way injure his neighbors' use and enjoyment of their property.

Planning Director Jim Ferro stated John had correctly described the reason he's here, which is because the zoning regulations pertaining to business use of residential property require approval of a special use permit for any home occupation that involves clients coming to the residential premises. He stated the application process that Mr. Vandervoort wishes to go through with the Federal regulatory agency requires him to certify that the proposed business complies with all applicable local regulations, and to truthfully answer that requires him to obtain a special use permit. Ferro stated in his staff report he has gone through the standards contained in the zoning rules pertaining to home occupations, and has made comments regarding those standards. A public hearing notice was published, and six neighboring property owners within 300 feet were sent the hearing notice. Ferro stated no written, digital or verbal correspondence has been received regarding the application. The aerial photo shows where the property is located along with the surrounding area.

Korth then opened the public hearing.

Al Brower, 6561 Two Mile Road, stated his home is east of the applicant's home. Brower stated John is a wonderful neighbor and whatever he is up to is fine with him. Whatever he does will be fine.

Korth then closed the public hearing.

Ferro stated he reviewed the Federal regulations pertaining to firearms dealer licenses, and the regulations speak primarily to how sales transactions take place. The regulations require with limited exceptions that a transaction must take place in a face-to-face meeting between the dealer and the buyer. The exceptions include the applicant can ship a firearm to an in-state buyer if a certified mail notice of the pending transaction is sent to the local law enforcement agency in the buyer's location. He stated Mr. Vandervoort has told him that type of transaction is very rare and doesn't happen very often. Ferro stated that to ship a firearm to an out-of-state buyer it has to be done through a dealer's license holder in the location where the buyer is located, so you can't ship directly to an out-of-state purchaser. A firearms dealer license also would allow Mr. Vandervoort to conduct business at an off site location such as a firearms show or event held somewhere else, provided he has his dealer license displayed at that location.

Ferro stated he believes it is Mr. Vandervoort's intent to also sell accessories related to firearms, ammunition clips or other types of accessories. Ferro stated there is nothing in the Federal regulations that requires any particular security measures in the storage of firearms on the premises, but Mr. Vandervoort has told him he intends to have a gun safe to store firearms between the time he receives them from a distributor or manufacturer and the time a client comes to pick up the purchase.

Ferro suggested two conditions of approval that are both related to insuring that the business activity is compatible with the surrounding area. One places a limit of no more than five customer visits per week; and another that states all firearms associated with the business shall be stored in a gun safe in either the home or a secure accessory building.

Korth stated this approval carries with the property, not with the individual, correct.

Ferro stated the zoning approval would apply to the property, but the firearms dealer license would not.

Butterfield asked if Mr. Vandervoort was going to specialize in any particular type of firearm.

Vandervoort stated he sells more long guns than hand guns; there is less regulatory hassle with the sale of long guns, and they can be used for hunting and target shooting. He stated he would be willing to sell hand guns as well. He stated he personally has many more long guns, and only a few hand guns, but he is more interested in long guns.

Butterfield asked what the sale process is like, and whether there is a shooting range for people to try out the product.

Vandervoort stated many customers have a pretty good idea of what they want; he is not going to have a showroom of hundreds of guns. He stated if a customer needs that amount of service he/she should go to a traditional commercial storefront. He stated a lot of people know what they want, they want to get a little bit better price, they don't need the level of service of a commercial storefront, and those are the people that he can help. He stated he would obtain the item for the customer directly from a manufacturer or distributor, and when they want to come in and pick it up he must see their identification, and watch them sign a Federal form. He stated he completes an instant background check either by telephone or by computer; if all that comes out okay then we can complete the transaction. Vandervoort stated there is not a waiting period for long guns; there is a Federal waiting period for hand guns. Obviously, he would observe that.

Butterfield asked if they often have him demonstrate, or is there ever any type of education involved with a new customer.

Vandervoort stated it depends on the level of sophistication of the customer. He stated if you have somebody that's new to guns he would absolutely make sure they know how to unload the firearm, safe

the firearm, lock the firearm up, give them a lecture about firearms if they have kids. He stated he is not intending on operating a shooting range on his property, it's just not big enough.

Butterfield asked if this is a primary business or a side business.

Vandervoort stated this will be a part time business. He stated he works full time for Meijer, and he expects to continue to do that. He stated he hopes his business is successful, and he is engaging in it for profit, not as a hobby.

Lowry stated one of the biggest problems with having guns around is stealing, and when he saw "Firearms Dealer License" his first thought was the threat of theft from the property. Lowry asked whether ammunition would be kept on the premises.

Vandervoort stated he is not planning on having to store huge amounts of stuff. He stated if somebody wants a case of 500 rounds of ammo he would get it for them with the hope that the first weekend after he places the order the customer will come out and get it. He does not expect to be storing a whole lot of stuff at any given time.

Leisman stated that if the applicant was intending to shoot outdoors on the property as part of the business activity, he would have a concern with that. He stated it sounds like that will not be an issue here, but he suggested a condition of approval that prohibits outdoor shooting.

Vandervoort stated there will be no shooting connected with the business activity, absolutely not.

Korth stated it may be useful to add certain constraints like that, especially since an approval runs with the property. Korth stated he considers neighbor input important, and in this case there have not been any concerns raised. He stated the neighborhood seems to be the proper setting for this type of use, and with some measures in place to assure that the area stays quiet and safe he is satisfied.

Motion by Jacobs, supported by Leisman, to approve the Special Use Permit for a Type 2" Home Occupation, for a Firearms Dealer License, subject to the following conditions:

1. The number of clients served at the residential premises shall be limited to no more than five (5) persons per week.
2. All firearms associated with the business shall be stored in a gun safe designed for secure storage of firearms, either in the dwelling unit or in a secure accessory building.
3. There shall be no discharge of firearms associated with the conduct of the business on the premises.

Motion passed unanimously.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

None.

VIII. STAFF/COMMITTEE/COMMISSION MEMBER REPORTS

Status of Envision Ada Project Implementation

Ferro updated the Commission on the status of Envision Ada plan implementation. Ferro stated the Headley St. project schedule is pending resolution of some needed property acquisition. Ferro stated alternatives to the original proposed Headley St. project are being developed and evaluated.

Lunn asked if the properties involved are being appraised.

Ferro stated we are having appraisals done of both properties.

Korth distributed copies of a book titled "*Walkable Communities*" to Commission members and encouraged them to read certain chapters. He stated there are a lot of good concepts in the book that relate to future development in the Village.

Butterfield asked whether there are any plans that are going to be coming before us in the near future.

Ferro stated he thinks it's possible we may see some residential development proposal soon.

Korth stated we've got to be very careful that we do not ruin Ada if we do not handle this correctly, and the Commission plays an important role in that.

Leisman stated it seems the tools that the Planning Commission has include the Master Plan, and that is something we should work on.

Ferro stated our form based code does have minimum and maximum lot sizes in it which puts some parameters around density, and we should look at that and see whether that gets us what we're looking for.

Leisman stated maybe we should ask the Board for more resources for Jim if he needs it to get up an interim partial Master Plan amendment and get those form based codes for that area, get some zoning ordinance amendments and start pushing on that area.

Ferro stated there is less staffing now than there was a year ago; the position that was full time zoning administrator is now two days a week. He stated he and George Haga have talked about the possibility of beefing up the qualifications for that position with a new job description and getting it filled full time, which would help.

X. PUBLIC COMMENT

None.

X. ADJOURNMENT

Motion by Jacobs, second by Easter, to adjourn the meeting at 8:05 p.m. Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk

SB/dr