

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE MAY 21, 2020 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, May 21, 2020, via video/audio-conferencing, in conformance with the Michigan Governor’s Executive Order 2020-48

I. CALL TO ORDER

II. ROLL CALL

Present: Burton, Easter, Jacobs, Leisman
Absent: Carter (arrived at 7:13 pm), Heglund, Butterfield
Staff Present: Ferro
Public Present: Approximately 8

III. APPROVAL OF AGENDA

Planning Director, Jim Ferro, stated that applicant, Nonna’s Trattoria, under New Business agenda item No. 2, has withdrawn their application.

Moved by Easter, supported by Jacobs, to approve the agenda as amended. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF APRIL 16, 2020 MEETING

Moved by Jacobs, supported by Burton, to approve the minutes of the April 16, 2020 meeting as presented.

Roll Call:

Yes: Burton, Easter, Jacobs, Leisman
No: None
Absent: Butterfield, Carter, Heglund

Motion passed unanimously.

V. PUBLIC HEARINGS

1. Special Use Permit for Type II Home Occupation – Licensed Firearms Dealer, 6749 Old Darby Trail NE, Parcel No. 41-15-16-151-018, Matthew Eilers, The Eilers Group, LLC

Matthew Eilers, applicant, stated that he went through the process with the Bureau of Alcohol, Tobacco and Firearms 8 years ago to obtain his federal firearms license. At the time, he had the ambitions to open up a gun shop but didn’t end up going in that direction. Because he went through an extensive vetting process with the ATF and the FBI, he kept the license for personal use. Before moving to Ada, he was a licensed dealer at his two previous homes. Customers would reach out to him by appointment only; he would connect them with a gun manufacturer. The manufacturer would ship the gun to him. Mr. Eilers stated he conducts a legal background check with the FBI, verifies identity, and completes the appropriate paperwork for the ATF. Mr. Eilers stated that selling firearms is not his “living,” but is more of a hobby. He uses the license to help friends and family who are looking to purchase a firearm.

Easter inquired on the types of firearms Mr. Eilers is transferring. Mr. Eilers stated he transfers mainly shotguns for bird hunting and pistols for people who want to carry concealed. He has never sold an AR-15.

Planning Director, Ferro, explained the difference between Type I and Type II Home Occupations as defined in the zoning ordinance. Ferro stated the Federal firearms regulations require that transfer of a

firearm from a dealer to a customer take place in a face-to-face transaction, thereby resulting in client traffic to his home; therefore, a special use permit for a Type II Home Occupation is required. This requires a public hearing and written notice of the hearing to neighbors up to 300 feet from the applicant's property.

Easter asked the applicant what type of firearms he typically transacts. Eilers responded that his sales are mostly sporting rifles and small handguns.

Carter arrived.

Public Hearing opened at 7:14 pm.

Liz Novitsky, resident of Darby Farms, asked if there would be testing/firing of the guns and if so, where would that take place?

Kathy Sylvester, neighbor of Mr. Eilers, asked if the Township oversees the number of guns being sold. She expressed concerns for the potential of increased traffic.

Being that there were no other comments, the public hearing was closed at 7:18 pm.

Ferro responded to Ms. Sylvester's concern, stating that the Planning Commission can approve this Special Use with a condition limiting the number of transactions that can be conducted on the property and requesting documentation of the number of those transactions. There is not a way to measure for compliance but if neighbors complained about an increase in traffic, the Township would look into the matter. If it was found that Mr. Eilers was not adhering to the conditions of approval, his Special Use Permit could be revoked. Another course of action the township could take is to file a complaint with the federal firearms licensing agency.

Mr. Eilers stated there would be absolutely no discharge of firearms on the property. In addition, it is prohibited to discharge firearms in his neighborhood as stated in their association bylaws.

Mr. Eilers stated he would have no issue with a volume restriction and would be fine with providing proof of the number of transactions.

Eilers was also asked whether he plans to market his business through any means other than word-of-mouth. Mr. Eilers responded no.

Ferro presented an aerial map of the applicant's neighborhood and summarized his staff memo, noting that all of the general standards and special use standards which are required to approve a Type II Home Occupation have been met. Planning staff recommends approval with two conditions: limiting the number of customer visits or transactions, and requiring all firearms be stored in a gun safe.

Carter recommended adding a third condition prohibiting assault weapons, stating that, personally, he would be uncomfortable having a neighbor selling assault weapons.

Jacobs wondered which language would be better: limiting the number of transactions or the number of customer visits? Mr. Eilers stated he has only had 3 transactions in the last 24 months. The highest in any year was 6 transactions. It is usually only 1 visit per transaction.

Jacobs asked Mr. Eilers if he has ever had a customer fail their background check. Mr. Eilers stated no.

In response to Carter's concern about assault weapons, Mr. Eilers stated it would not make much sense to prohibit assault weapons because what constitutes a more dangerous weapon is very opinionated. In

some instances, a hunting rifle or a pistol can be more dangerous than an AR-15. Mr. Eilers stated that his license with the ATF does not allow him to sell automatic weapons or silencers. What he sells are weapons that can be purchased at a sporting goods store.

Ferro stated that as far as the zoning ordinance goes, selling Tupperware from home is no different than selling firearms. Both require a Type II Home Occupation permit. The type of firearms being sold does not have a bearing on conformance with the zoning standards.

Easter stated that she is biased against assault-type weapons but feels it is not the Planning Commission's job to dictate which weapons can or cannot be sold. Mr. Eilers appears to take this very seriously and is responsible. She has not heard anything from Mr. Eilers which would make her feel like his neighbors would be in jeopardy.

Carter asked, if this request is approved, is it transferrable to the next homeowner if Mr. Eilers decides to move? Ferro stated the zoning approval runs with the property but the federal firearms license does not. Mr. Eilers can sell his property but he cannot sell his firearms license.

Leisman suggested making a motion for approval subject to the two conditions outlined in the staff memo, however, adding that the number of transactions are limited to 5 per month, and adding that the applicant shall provide either a quarterly or yearly sales report if requested by the Township.

Commissioners discussed varying ways to word the approval language. Ferro stated that limiting the number of customer visits to 5 per month takes care of the number of transactions because transactions require one visit.

It was moved by Easter, supported by Burton, to approve the Special Use Permit for a "Type II Home Occupation at 6749 Old Darby Trail NE, consisting of a licensed firearms dealer, subject to the following conditions:

1. The number of customer visits and the number of firearms sold shall be limited to no more than five (5) per month.
2. All firearms associated with the home occupation shall be stored in a gun safe designed for secure storage of firearms.
3. The applicant shall provide either quarterly or yearly reports of transaction volume if requested by the Township.

Roll Call:

Yes: Burton, Carter, Easter, Jacobs, Leisman

No: None

Absent: Butterfield, Heglund

Motion passed unanimously.

VI. UNFINISHED BUSINESS – None

VII. NEW BUSINESS

1. PVM District Development Plan, 5,220 Square Foot Office Building, Unit 7, Ada West Commercial Condominium, 7163 Headley St. SE, Parcel 41-15-28-479-007, Ken Dixon of Dixon Architecture on behalf of PDL Ventures, LLC

Mr. Dixon stated that this is a replacement for the building that was previously approved in 2018 which was going to be occupied by a veterinarian and an office user. This time, the footprint will be kept identical. The size will be increased by about 100 square feet due to additional space being captured on the second floor. Mr. Dixon also introduced Jeremy Frost, property owner, and Steve Tietsma, civil engineer.

Mr. Dixon stated they are requesting one departure for lot coverage. They will be 3.6% over the maximum allowed. This is the same departure as requested previously. Mr. Dixon stated this will be a 5,220 sq. ft., 2-story building, similar in appearance to the surrounding buildings. The first floor will be for business office use and the second floor will be personal office space. This office building requires 7 parking spaces.

Mr. Dixon stated they meet all the standards for “Village Shop Lot” under the PVM district dimensional and architectural standards, except for maximum lot coverage, for which approval of a departure is requested. Mr. Dixon briefly summarized storm water management, parking, lighting, landscaping, and architectural materials and design.

Ferro stated the building footprint is very similar to the one previously approved. The Planning department recommends approval subject to several findings and conditions as outlined in his staff memo.

Carter moved, Jacobs supported, to approve the development plan, subject to the following findings and conditions:

1. The Planning Commission hereby makes the following findings:
 - a. The proposed development plan, as modified by the conditions of approval listed below, requires the following “departure” from the standards of the PVM district, which is hereby approved:
 - 1) Sec. 78-476(a) – Maximum lot coverage.
 - b. The above departure results in a plan that complies with the spirit and intent of the PVM District to a greater degree than would be the case without authorization of the departure.
 - c. The proposed alternative is consistent with the purpose and intent of the PVM District.
 - d. The proposed alternative, in comparison to conformance with the PVM district standards, will not have a detrimental impact on adjacent property or the surrounding neighborhood.
 - e. The proposed alternative is necessary and appropriate to accommodate a superior design of the proposed development.
2. The proposed development plan for a 5,220 sq. ft., two-story building is hereby approved, subject to the following conditions:
 - a. The building and site improvements shall be completed substantially as shown on the plan set titled “PDL, LLC Building,” (civil Sheets C101 and C201 dated 04/15/2020 and architectural Sheets A2.1, A4.1, A4.2, A4.3 and L1.1 dated 4/14/20, except as modified in accordance with these conditions of approval.
 - b. Any exterior building mounted light fixtures shall qualify as “full-cutoff” control of light emission or of a low light intensity non-glaring style, subject to approval of the Planning

Department. Fixture specifications shall be submitted for approval, prior to building permit issuance.

- c. The landscape plan shall be modified showing additional landscape plantings to screen the mechanical equipment pad, located on the west side of the building, from the view of Headley Street, subject to review and approval of the Planning Department, prior to issuance of any building permits.

There was no discussion of the motion. The Chairman requested a roll call vote:

Yes: Burton, Carter, Easter, Jacobs, Leisman

No: None

Absent: Butterfield, Heglund

Motion passed unanimously.

2. PUD Pre-Application Conference, 16 Single-Family Residential Home Sites on 4 Acres, 7699 Fase St, Parcel No. 41-15-34-402-008, TPR 7699 Fase Street, LLC

Ferro gave a brief history, stating that the Planning Commission previously considered a request for rezoning of this 4-acre property at the end of Fase St., from the R-3- Single Family Residential District to the VR- Village Residential District. Following a public hearing on the rezoning request, the Planning Commission recommended denial of the rezoning. The Planning Commission felt the PUD zoning rules would be a more appropriate way to develop this particular property.

Ferro stated the zoning regulations state that a pre-application conference is required when applying for a PUD, and is for the purpose of preliminary discussion and review regarding the appropriateness, general content and design of the proposed PUD. No formal action shall be taken in this meeting; it is an opportunity for the Planning Commission to provide feedback to the applicant before they submit their preliminary PUD application.

Leisman stated there will not be a public hearing or public comments during this meeting. A public hearing will be scheduled when the applicant submits a preliminary PUD application which may be next month or the following.

Applicant, Chuck Hoyt, stated this plan is almost identical to what was presented in January. Mr. Hoyt stated he welcomes feedback tonight with the intent of a formal application being submitted most likely in July.

Ferro stated the concept plan presented tonight is very similar to what was presented in January with a few refinements. The main refinements are the road geometry, the radius of the curve, the width of the pavement and public road layout.

Ferro asked Mr. Hoyt if his intention is to make the road a public road or a private road with an access easement for the Road Commission. Mr. Hoyt stated their intention, based on discussions with the Road Commission staff, is that this road will be public. However, the median area will be owned by a homeowners association.

Ferro stated a concern he had back in January was the relationship between a potential home on Unit 8 at the northeastern corner of the site and the adjacent home in the Thornapple Club\Ada Moorings development.

Mr. Hoyt stated the architecture of the homes will be similar to the homes in their Riverpoint development. They will have front-loading garages but the garages will be pushed back a bit and the

front porches will be pulled forward in order to provide the neighborhood atmosphere they desire for this project. The scale of the homes will be almost identical to the homes in their Riverpoint development as well with home dimensions of around 40 feet wide.

Easter inquired about a sidewalk. Mr. Hoyt stated there will be a sidewalk. Easter stated she thought there was public opposition to this layout when it was previously presented because the density was too high causing an increase in traffic. Is that no longer an issue?

Ferro stated he recalls public comments involving existing problems on Fase St., in particular, the intersection at Fase St. and Thornapple River Dr. Ferro stated the township is currently working on a plan to increase safety at that intersection.

Easter stated there is a challenge to provide affordable housing in the Township and the higher density being proposed will allow these homes to be more affordable. She likes the architectural designs presented tonight.

Carter suggested having a traffic study and including two different scenarios; one assuming homes will be 4 bedrooms with 3 stall garages, and the other assuming the homes will be 2 bedrooms. Mr. Hoyt reminded the Planning Commission that a traffic analysis with these scenarios was submitted in January.

Easter inquired on landscaping for the median. Mr. Hoyt stated they will show their landscaping plan at the next meeting.

Leisman stated he would like to see Jim's concern around lot 8 addressed at the next meeting.

Burton stated she likes the look of the homes. It's a good transition between the Fase St. homes and the Ada Moorings homes.

Jacobs inquired about the current fencing on the property. Mr. Hoyt stated the fence along the emergency drive will go away. Other fencing may go down depending on how the Planning Commission or neighbors feel. Mr. Hoyt also addressed the setbacks for lot 8 and stated there is an opportunity to provide landscaping between lot 8 and the adjacent Ada Moorings home.

Ferro reviewed aerial photos showing the PUD setbacks of in relation to the neighboring homes in Ada Moorings. In regards to the awkwardly shaped lot 8, Ferro stated his concern is the visual and spatial relationship between the home on that lot and the neighboring Ada Moorings home. He suggests making one of the following changes to address this issue:

1. Deleting one lot from the north side of the site.
2. Increasing the minimum front setback for lot 8
3. Defining a more restricted allowable building envelope for the home on lot 8
4. Limiting the height of the home on Lot 8 to 1 story

Mr. Hoyt stated the house in Ada Moorings which abuts to lot 8 has been staring at trucks, piles of dirt, etc. for many years. He feels it is an improvement of their view to look at a house versus what they currently see. However, he feels that looking at changing the setbacks and adding landscaping is very reasonable.

VII. COMMISSION MEMBER / STAFF REPORTS – None

VIII. PUBLIC COMMENT

There were no public comments

IX. ADJOURNMENT

It was moved by Jacobs, seconded by Easter, to adjourn the meeting at 7:42 p.m.

Motion passed unanimously.

Respectfully submitted,

Jacqueline Smith, Ada Township Clerk
rs: aw