

SHERMAN TOWNSHIP ZONING/PLANNING COMMISSION MEETING
April 9, 2019

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

Members Present: Alan Ford, Lance Thornton, Kathy Sahli, Roger Krontz, Vince Mifsud, Bill Pueschel, Frank Kalasky

Members Absent: None

Visitors: Jamey Rouch, Ben Rouch, Rod Borgert, Tim Carls, Steve Wolf, Les James, James Eash, Matt Eash, Elena Meadows, Marcia Ballard, Jeff Ballard, Doug Mostrom, James Bontrager

Minutes: Motion by Thorton, support by Pueschel, to approve the March 12, 2019 minutes as presented. Motion carried 6-0, Ford abstain.

Agenda: Approved by consensus

Public Comment: There were no public comments

Old Business:

Chairman Ford opened the public hearing on the proposed shooting range ordinance at 7:05 PM. Tim Carls (63044 Klinger Lake Road) asked if there were generally accepted operating practices for shooting ranges as there are for agricultural /livestock operations? Yes, the proposed ordinance (Section 2, (CC)(2)) references Michigan Public Act 269 of 1989 which "...authorizes the Department of Natural resources to adopt generally accepted operation practices for sport shooting ranges." Mr. Carls also asked if there are environmental regulations for shooting ranges? The proposed ordinance requires that "All federal, state, and county codes and ordinance in regard to firearms shall be strictly adhered to." (Section 2 (CC)(4)). The Michigan Department of Environmental Quality Best Management Practices for Active Shooting Ranges memorandum dated December 13, 2012 lists environmental regulations.

James Bontrager (Elkhart County Sheriff's Department) stated that he attended the 2018 Officer Appreciation Day event at the Rouch property. In his opinion the site is built to industry standards and that the event was well organized and operated in an exemplary manner.

Jeff Ballard (63041 Borgert Road) asked how would the Rouch range be supervised? Ben Rouch stated a safety officer would be at the range at all times it is in use. Mr Rouch stated that there would be no skeet shooting at the range, only rifles and handguns, fifty (50) caliber and under. Mr. Bontrager said that, in his professional opinion, the range was designed adequately for these purposes and that the safety officer could be a properly trained family member.

Les James (27263 Findley Road) expressed concern regarding the orientation of the range on the Rouch property which would result in firearms being discharged in the direction of his property. He is concerned about noise. He stated that his hunting opportunities (woodchucks in particular) have been reduced because of the Rouch World camp site.

Chairman Ford reminded the public in attendance that the ordinance discussed this evening is for any facility in the Township and not specifically for the Rouch Property. If this ordinance is adopted by the Township Board, the Rouches could apply for an amendment to their

Planned Unit Development to include a shooting range. At that time, another public hearing would be conducted for that specific site.

Rod Borgert (62831 Borgert Road) stated his strong opposition to the shooting range on the Rouch property. He believes the Township is taking on a great responsibility by permitting shooting ranges in the Township. He is concerned about noise every day of the week. Mr. Bontrager commented that noise can come from many sources and that property owners do have freedom to use their property as they wish.

Marsha Ballard (63041 Borgert Road) asked about buffering requirements from adjacent properties? The proposed ordinance Section 11 (b) lists buffering requirements for noise considerations and the ability of the Planning Commission to adjust the setbacks based upon site specific situations.

Chairman Ford asked if there were any other comments from the public? Matt and James Eash (27110 Findley Road) stated they have no objections to a proposed shooting range on the Rouch property.

Having heard no other public comments, Chairman Ford closed the public hearing at 7:35 PM.

The Planning Commission continued the discussion on the proposed shooting range ordinance. Mr. Mifsud stated that he believes a shooting range poses fewer firearm safety concerns than public hunting in the area.

Vice-Chairman Thornton expressed concerns regarding the potential number of shooting ranges that could be constructed in the Township and a lack of confidence in the compliance with the NRA guidelines included in the proposed ordinance. He did acknowledge that the Planning Commission does have the authority to impose operating conditions on any application. He questioned if the Planning Commission could require a professional opinion of the range design at the expense of the applicant?

Mr. Krontz expressed concerns about noise generated at a shooting facility stating that activity at the Conservation Club at 23640 Featherstone Road can be heard at his home. He stated that he believes hunting in the Township does present safety concerns. He also questioned the number of potential shooting range sites in the Township given the zoning and sizing restrictions stated in the proposed ordinance.

A motion was made by Mifsud, support by Krontz, to table the discussion on the draft shooting range ordinance until the following questions are answered by the Township attorney: 1) can the number of shooting ranges in the Township be limited in the ordinance, and 2) can the Township obtain a review of the shooting range design at the petitioner's expense. Motion passed 7-0.

Chairman Ford to contact Roxanne Seeber (Bauckham, Sparks, Thall, Seeber & Kaufman PC) with the requested information.

Master Plan Update:

No discussions were held on the revised Township Master Land Use Plan. Depending upon the agenda, a review of the entire rough draft of the revised plan may be conducted at the next Planning Commission meeting.

New Business:

Chairman Ford started a discussion regarding solar installations in the Township. He suggested the Planning Commission review the Sturgis Township Solar Ordinance as a starting

point. Secretary Kalasky will have the Sturgis Township Solar Ordinance posted on the Sherman Township website for reference prior to the May 2019 meeting.

James and Matt Eash (27110 Findley Rd.) requested a zoning change for 62274 M-66 from Rural Preservation (RP) to Neighborhood Commercial (NC). The property has been used at an auto sales/repair facility for many years. The Eashes are considering opening a retail/discount store on the site including construction of a new building. The property is currently owned by the Nottawa Investment Group but the Eashes will purchase the property in the next two (2) weeks.

A motion was made by Thornton, support by Krontz to conduct a public hearing at the May Planning Commission meeting to rezone 014-001-006-00 from Rural Preservation to Neighborhood Commercial contingent upon the Eashes purchasing the property. Motion passed 7-0.

Secretary Kalasky to contact the adjacent property owners regarding the proposed zoning change request and place the required notice in the Sturgis Journal.

Vice-Chairman Thornton announced that due to a very busy personal schedule, this would be his final meeting on the Planning Commission. Supervisor Wolf and the members of the Planning Commission thanked Mr. Thornton for his many years of service to the Township.

Adjourn: Motion by Mifsud, support by Thornton, to adjourn. Motion passed 7-0 at 8:25 PM.

Next scheduled meeting: Tuesday, May 14, 2019, 7:00 PM at the Township Hall.

Respectfully submitted,

Frank J. Kalasky, P.E.
Secretary