

# Mussey Township Planning Commission

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We learn from the Past, We live in the Present, We prepare for the Future

Bill Schultz, Chair  
Mary Klug, Vice Chair  
Linda Kniseley, Secretary  
Kenneth Montgomery, Planner

Linda Schmitt, Member  
Brian Ypma, Member  
Judy Palmieri, Member  
Monica Standel, Twp. Board Rep.

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## Regular Planning Commission Meeting

Held at the Township Hall

25 March, 2014

### Official Minutes

**Call to Order:** Bill Schultz called the meeting to order at 7:00 p.m.

**Roll Call:** Present: Bill Schultz, Linda Kniseley, Linda Schmitt, Brian Ypma, Monica Standel, Mary Klug, Judy Palmieri, Debra Hlubic & Township Planner, Ken Montgomery.

**Absent:** None.

**Public Present:** Mr. Marty Snarski & Randy Schultz.

**Approval of Agenda:** Motion by Mary Klug, support Monica Standel to approve the agenda as presented. All ayes. Motion carried. Agenda approved.

**Approval of Minutes:** Motion by Monica Standel, support Linda Schmitt to approve the February 25, 2014 minutes as written. All ayes. Motion carried.

**Public Hearing:** None.

**Public Time:** (1). Mr. Snarski from the St. Clair County Mental Health Dept. addressed to the Board that he is interested in purchasing a piece of property located in Mussey Township, currently zoned B-2 and wanted to know what steps he would have to take to pursue the possibility of putting up a Community Mental Health facility. Planner, Ken Montgomery stated he would first have to design a print from an architect and then apply for a Site-Plan approval. Mr. Montgomery further stated they would need a survey of the property site, a commercial drive-way permit which is obtained from the County. There is a current well and septic located on this property and the St. Clair County Health Dept. said it was acceptable per the inspection report. Discussion re: the parking requirements, there has to be a paved parking lot with markings and also handicap spaces. The driveway entrance could be located either off Downey Rd. or Bryce Rd., which ever they preferred. The total size of this property is 2.44 acres. They would also have to comply with all the set-back requirements. (2). Randy Schultz made a presentation to the Planning Commission regarding his application to the Federal Government for a renewal of his FFL (firearms sales) license. He admitted that he had not sold firearms for several years (his last license was for the year 2010) and had allowed his FFL license to lapse. He maintained however that he continued to sell the rest of his product line of sporting goods out of his residence at 5300 Knoll Rd. including bows, arrows, ammunition, and the like. He indicated that the Federal Government may or may not request a letter of zoning compliance from the Township with regard to his FFL license renewal. He presented a packet of information to the Planning Commission (consisting primarily of state sales tax annual returns and testimonial's indicating that his sporting goods business has been operating continuously from this address since 1990). Planner, Ken Montgomery gave a presentation regarding the current Mussey Township home occupation zoning requirements, highlighting the portion of the requirements that prohibit the sale of

items not produced on the premises. He provided some background information on the purpose of home occupation regulations and provided examples from Berlin Township and Emmett Township. He also noted that whether the Schultz home occupation was a lawful non-conforming use (grandfathered) or an illegal use depended on what home occupation regulations were in effect in Mussey Township at the point the use was established (approximately 1990 per Schultz testimony). Planning Commission member's, Monica Standel and Linda Schmitt examined a copy of the prior zoning ordinance (1988 edition that was believed to be in effect from 1988 to the time the current zoning ordinance was adopted in October, 2000). This ordinance was likely the one that was in effect at the time the Schultz home occupation was established in 1990. This examination revealed that the 1988 ordinance also prohibited the sale of goods that were not produced on the residential premises. This would imply that the entire Schultz sporting goods business was likely unlawful at the time of its inception and would therefore not qualify as a non-conforming use. Therefore it would not appear to be legally possible for the Township to issue a letter of zoning compliance, if requested, with regard to the renewal of the FFL License. No action was taken by the Planning Commission on the matter at this time.

**New Business:** (1). Ken Montgomery gave a brief up-date re: a Medical Marijuana Ordinance and passed out an informational article pertaining to this issue. (2). Debbie Hlubic spoke with Ken Montgomery re: up-dating our Zoning Maps to reflect the recent re-zoning of 11 parcels from B-1 to Residential and Agricultural. Mr. Montgomery stated he did not do our current Zoning Map, it was our previous Planner, so he would have to do the entire map. After discussion, the Board would like Debbie to try and contact the previous Planner to see if they still have the disk of our zoning map available and see if they could possibly make the necessary changes. Will bring back information for the next meeting.

**Old Business:** (1). Received a quote from American Legal Publishing re: Codification of the Township's Ordinances. This was just for the member's to review. Still waiting to get some more quotes.

**Township Board Report:** (1). ATV Ordinance - Monica Standel they are still waiting for the county to come up with some type of Ordinance so we can mirror ours with theirs. (2). Migrant Camp Ordinance - Brief discussion. Could possibly consider adopting a property maintenance code. Ken Montgomery will do some research on this issue and bring back for the next meeting. (3). Rentals - consensus of the Board was to remove this from the agenda.

**Planning Commission Chair Report:** (1). Bill Schultz reminded everyone the Metropolitan Planning Commission Workshop is this Wednesday, March 26, 2014.

**Adjournment:** Motion Mary Klug, support Judy Palmieri to adjourn. All ayes. Motion carried and meeting adjourned @ 8:40 p.m..

**Respectfully submitted by:**

Debra L. Hlubic  
Recording Secretary