

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – January 18, 2022

1. CALL TO ORDER AND ROLL CALL

Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:00 PM.

PRESENT: Kip Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root

ABSENT: None

Also present were David Jirousek, AICP, Township Consulting Planner; Tom Palenick, Deputy Township Supervisor; Catherine Kaufman, Township Attorney; and several Paw Paw Township citizens.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. APPROVAL OF THE AGENDA

A motion was offered by Mr. Learned to approve the agenda. The motion was supported by Mr. Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Kip Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root
- Nay: none
- Abstain: none

4. APPROVAL OF MINUTES- DECEMBER 7, 2021

A motion was offered by Mr. Learned to approve the minutes from the meeting held on December 21, 2021, as submitted. The motion was supported by Mr. Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Kip Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root
- Nay: none
- Abstain: none

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

- None

6. BUSINESS:

a. Public Hearing and Consideration of a Special Land Use and Site Plan: Sour Flower Organics, LLC- Eric Abraham, requests approval of an indoor commercial marihuana growing operation at 51956 44th Street, Paw Paw, MI 49079 (parcel # 80-14-006-012-00).

Mr. Jirousek explained that the applicant requests special land use and site plan approval for an indoor commercial marihuana grower facility with three buildings. The subject 10-acre parcel is zoned Agricultural- Farmland Preservation (AGR). The proposal includes:

- 3,200 SF building
- Two 2,880 SF greenhouses
- Eight parking spaces
- Well/septic

Mr. Jirousek stated that the plan was revised to remove outdoor growing. While there will be one metal building, the others are agricultural greenhouses. The application complies with the location and development requirements for marihuana facilities. An odor control plan was provided. All three buildings will be subject to high CFM carbon filtration, HEPA air filtration, and standards for operating procedures.

Mr. Jirousek outlined four zoning compliance issues: 250-foot setback notation, a type C buffer requirement, down-lit lighting, and hard-surfaced driveway and parking.

Edward Abraham addressed the Planning Commission and introduced the team. Mr. Abraham addressed the comments in the Planner's report and agreed to amend all except for the buffer requirement. Mr. Abraham asked for a buffer waiver based on the existence and planned maintenance of grapevines. Additionally, Mr. Abraham requested a gravel driveway and parking area.

Mr. Abraham stated that they would like a gravel driveway because 44th street is a dirt road and the Road Commission apparently requested the connector driveway to be gravel. Planning Commissioners asked for clarification, and Mr. Jirousek said the hard surface requirement starts at the ROW.

Mr. Abraham described the odor control plan as submitted in the application materials.

The Planning Commission asked about the building design, and the applicant team said each room is filtered in the warehouse and the greenhouses. All buildings will be closed and not open air. Each room will have heating and air, and they are not planned or intended to be open to the air.

Mr. Learned asked about covering of the greenhouses. They responded that it is a fire-resistant plastic with two layers.

There were comments about the growing season, and the applicant team stated that buildings would only be lit during the fall- three weeks possibly. All 24-hour lighting will be in the warehouse. Greenhouse lightings will be supplemental and low-level to keep plants awake for 16 hours. Lighting will never be 2 hours past dusk.

Chairman Kerby open the public hearing.

- George Multer (sp?) does not want a south side planted buffer and does not want a paved driveway.
- Nate Smallcomb (sp?) asked about lighting and the 16 hour day.
- Sue Rigoni (sp?) asked if any of the applicants would be living there.
- John Ritsema (sp?) does not want it in any manner and is concerned with marihuana use by children.
- Joe Muvrin state that other facilities are lit 24-7; industrial hemp is comparable and can be grown without permits or regulations; regulations will reduce black market marihuana; and unregulated caregivers can be a problem.
- Nate Smallcomb (sp?) does not want commercial-type development in agricultural areas.
- Mark Renschler (sp?) questioned the 16 hour light period.
- Ms. Faulk (sp?) asked if any of the applicant would be living there.
- Karen Smallcomb (sp?) asked about the monetary benefit.
- A final commenter stated that this would allow for the industry to have a foothold.

Chairman Kerby closed the public hearing.

The applicant stated that the two greenhouses allow for 250 plants each, but they are licensed for 2,000 plants. Future greenhouses would allow them to maximize their permit.

There were general comments about future development, and it would be subject to special land use and site plan amendment review. The Planning Commission members were generally concerned with the proposal and learned toward opposing it, and Mr. Jirousek and Ms. Kaufman explained that the Planning Commission must review the proposal against special land use and site plan standards of approval as well as zoning requirements.

Since the Planning Commission was generally opposed to the project but did not have findings prepared, Mr. Learned motioned to table the item. The motion was supported by Mr. Hover.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-1).
- Aye: Kip Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned,
- Nay: Root
- Abstain: none

b. 2022 Goal-Setting. Annual Report to be prepared for February meeting.

Jirousek explained that an annual report was necessary to prepare for the Township Board. The Planning Commission was open to a joint session with the Township Board.

c. General Zoning Discussion.

Mr. Jirousek provided an overview of zoning topics that the Planning Commission may wish to address at future meetings:

- Microbusinesses in the AGR/ARR
- Growers in AGR/ARR
- Setback requirements
- Surface requirements

7. ADDITIONAL PUBLIC COMMENT

- George Multer (sp?) asked about what constitutes neighboring property.
- Someone asked about marihuana impact on property value.
- Others expressed concern with rising property values.
- Deb McConnell (sp?) is concerned with general public awareness of marihuana applications.
- Joe Muvrin supported marihuana businesses, otherwise land will be parceled out for residential dwellings.

8. ADJOURNMENT

Mr. Arbanas made a motion to adjourn the meeting at 7:52 PM. The motion was supported by Mr. Learned.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Kip Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root
- Nay: none
- Abstain: none

Prepared by: David Jirousek, AICP
Township Consulting Planner
January 28, 2022

Approved: February 15, 2022