

**PAW PAW TOWNSHIP  
PLANNING COMMISSION MINUTES**

**Regular Meeting – February 15, 2022**

**1. CALL TO ORDER AND ROLL CALL**

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

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

**ABSENT:** Chairman Kip Kerby

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. Arbanas to approve the agenda with item 6.c to address the proposed overlay district and to allow public comment on agenda items during item 5. The motion was supported by Mr. Felcyn.

- Vice Chairman Learned called for the vote, and the motion passed unanimously (6-0).
- Aye: Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root
- Nay: none
- Abstain: none

**4. APPROVAL OF MINUTES- January 18, 2022**

Mr. Felcyn asked about the specificity of the minutes and how detailed they need to be, and the Planning Commission intends to discuss this further. A motion was offered by Mr. Root to approve the minutes from the meeting held on January 18, 2022, as submitted. The motion was supported by Mr. Hover.

- Vice Chairman Learned called for the vote, and the motion passed unanimously (6-0).
- Aye: Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root
- Nay: none
- Abstain: none

## 5. PUBLIC COMMENT ON NON-AGENDA ITEMS

Vice Chairman Learned called for general public comments.

- John Reitsma stated that the proposed overlay does not do enough to protect the farmland.
- Nate Smallcombe stated that the plan should be workable for both sides. He also felt that the overlay does not do enough to protect farmland and that it was the time for a citizen initiated effort.
- Paul Plangger stated that the proposed overlay does not do enough to protect the farmland.
- Carrie Butler sympathizes with the commercial investment, but also with the citizens investment.
- Heather Jordan expressed support for the cannabis community.
- Steve Rigoni stated that the proposed overlay does not do enough to protect the farmland.
- Karen Smallcombe felt that reasonable limitations are needed, and the regulations are too open-ended. Problems in Colorado were referenced.
- Phil Reed from White Flower and Great Lakes Aqua-Culture processing felt the middle ground is needed. The citizen proposal problematic and ordinances provide sufficient protections. Mr. Reed referenced economic and health benefits.
- Aaron White from White Flower Cannabis addressed how environmental impacts are mitigated.
- Pam Lombard stated that the purpose of citizen-initiated effort is intended to protect the residents and maintain a few current licenses. Concern with odor was also mentioned.
- Joe Rourke from Great Lakes Aqua-Culture Processing addressed industry mitigation of odor and environmental impacts.
- Derrick Stevens was concerned with public information and quality.

Vice Chairman Learned closed the comment period.

## 6. BUSINESS:

**a. Remove from Table and Consider 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).**

A motion was offered by Mr. Root to remove this item from the table. The motion was supported by Mr. Felcyn.

- Vice Chairman Learned called for the vote, and the motion passed unanimously (6-0).
- Aye: Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root
- Nay: none
- Abstain: none

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:

- 3,600 square foot warehouse/office building
- Two 2,880 square foot greenhouses
- Nine-space parking lot and driveway access
- Private well and septic service
- Landscaping, lighting, and stormwater management

Mr. Jirousek outlined the positive findings of his February 15, 2022, memorandum and felt that the proposed met the requirements for special land use and site plan review. Additionally, the remaining zoning compliance issues from the previous meeting were satisfied.

The applicant team stated that they addressed every concern and zoning compliance comment.

Mr. Hover asked about the greenhouse coverings and mentioned that if grapevines were removed, a compliant buffer must be established, and Vice Chairman Learned also asked for clarification.

The applicant team stated that supplemental light is needed to ensure 12 hours of light for each greenhouse, and the cover will be placed by 8 PM each evening internal lighting will be used.

Ms. Sanders mentioned gravel parking lot, and the applicant team stated that the fire department wished for it to be hard-surfaced. Mr. Jirousek stated that the Zoning Ordinance requires hard surfaces, but the requirement it can be amended.

Vice Chairman Learned asked about groundwater use and runoff, and the applicant team stated that runoff is contained and water is recycled inside each greenhouse. The applicant team stated that the crop would take substantially less water than traditional crops, and it is a very limited operation. All runoff is directed to a retention area. Inside the greenhouses, water is recycled, filtered, and reused.

Vice Chairman Learned referenced 250-foot max setback and its importance, and Mr. Felcyn spoke about buffering and the need for long-term compliance. Vice Chairman Learned stated that an annual review would ensure compliance.

Learned asked if citizen petition would impact this application. Attorney Kaufman states that anyone who has a use that is restricted by citizen effort will be out of luck if passes. There is no limit on the number of petitions that may occur over the years. The citizen effort will be on the ballot in May. Different versions can be proposed on different election dates, and the Township Board can even change the ordinance.

A motion was offered by Mr. Root to approve the special land use and site plan for indoor commercial marihuana growing buildings (last revised January 31, 2022), including the plans and supplemental materials provided by the applicant. This motion is based on the documented findings included within the staff report dated February 7, 2022, provided by the Township Planner. Additionally, approval is conditioned on the following, with items 1-3 to be completed prior to the issuance of building permits.

1. Secure Fire Department approval of the site plan.
2. Secure Van Buren County Drain Commission approval for stormwater design and Van Buren County Drain Commission SESC permit, unless proof of exemption is provided.
3. Secure Van Buren County Road Commission approval of a driveway permit and stormwater discharge.
4. Improvements to the air filtration and odor control system shall be implemented if there are complaints from neighboring property owners if required by the Township.
5. The use must remain compliant with the annual Township marihuana permit and State Rules promulgated under the respective statutes. Marihuana growing operations associated with the special land use approval shall not commence until permitted by the State of Michigan.
6. The facility shall be subject to an annual review by the Planning Commission to confirm compliance with the special land use permit and the provisions of the Zoning Ordinance.
7. All site improvements shall be finalized and inspected prior to building occupancy.
8. If vegetative screening is removed for any reason, applicant shall replace with a compliant buffer.
9. Blackout cover shall be provided on both greenhouses between 8 PM-7 AM when interior illumination is utilized.

The motion was supported by Mr. Arbanas.

- Vice Chairman Learned called for the vote, and the motion passed unanimously (6-0).
- Aye: Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root
- Nay: none
- Abstain: none

**b. Annual Report and 2022 Goal-Setting.**

Jirousek explained that an annual report was necessary to prepare for the Township Board, and the Planning Commission discussed the document. The Planning Commission also asked that a hearing be set for the March meeting regarding the hard surface requirement for parking areas to allow an exemption in rural areas.

A motion was offered by Mr. Hover to approve report and forward it to the Township Board with additional goals of:

1. Adding a reference to an overlay district.
2. Assessing dock length requirements.

The motion was supported by Mr. Root.

- Vice Chairman Learned called for the vote, and the motion passed unanimously (6-0).
- Aye: Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root
- Nay: none
- Abstain: none

**c. Overlay District.**

Deputy Supervisor Tom Palenick outlined a potential overlay zoning district to restrict certain land uses, including marihuana facilities, in a niche fruit-growing location in the Township.

Mr. Jirousek and Attorney Kaufman explained the approval process and how an overlay district works.

The Planning Commission discussed the other factors that would be relied upon to establish the limits of the overlay district and agreed more work would be necessary.

**7. ADDITIONAL PUBLIC COMMENT**

There were general comments from the crowd concerning marihuana classifications and zoning authority.

**8. ADJOURNMENT**

Mr. Root made a motion to adjourn the meeting at 7:55 PM. The motion was supported by Mr. Hover.

- Vice Chairman Learned called for the vote, and the motion passed unanimously (6-0).
- Aye: 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  
February 22, 2022

Approved: March 15, 22