

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – May 17, 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: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, E. Frances Sanders, Chuck Felcyn, Mark Root, Chad Learned

ABSENT:

Also present were David Jirousek, AICP, Township Consulting Planner; Tom Palenick, Deputy Township Supervisor; Erica Haselberger, Deputy Treasurer; 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. Hover to approve the agenda as presented. The motion was supported by Mr. Learned.

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

4. APPROVAL OF MINUTES- April 19, 2022

A motion was offered by Mr. Root to approve the minutes from the meeting held on April 19, 2022, as submitted. The motion was supported by Mr. Felcyn.

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

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Kerby called for general public comments. There were none.

6. BUSINESS:

a. Annual Review of Special Land Use: West Michigan Farmers Holdings, LLC. Indoor commercial marihuana growing facility at 43239 Red Arrow Highway, Paw Paw, MI 49079 (parcel # 80-14-017-017-00).

Deputy Supervisor Palenick explained the requirement for a special land use annual review. There were three violations/complaints about odor. Odor was not noticed by the Township, however, Mr. Farrell changed filters.

Tom Farrell Jr. was in attendance and stated that they work hard to ensure that the operation is well managed and a good neighbor.

No action was necessary based on the applicant's continued compliance with Township regulations.

b. Public Hearing and Consideration of a Special Land Use and Site Plan: Ken Schafer requests approval of new dwelling proposed to exceed the 250-foot maximum front setback in the AGR District (1,000+ feet) at 41608 CR 374 Paw Paw, MI 49079 (parcel # 80-14-009-012-01).

Mr. Jirousek explained that applicant requests special land use and site plan approval to allow a dwelling to be placed beyond the 250-foot maximum front building setback that applies to properties within the AGR zoning district. The Zoning Ordinance was recently amended to authorize the Planning Commission to hear maximum setback modification requests through the special land use process.

The subject parcel is farmed and includes wooded areas in the central and west portions of the site. The applicant plans to use a long driveway from CR 374 and construct a residential dwelling adjacent to an existing barn. The barn is newer and is not shown on the County aerals. The site plan provided by the applicant is not clear, and dimensions are not noted. The proposed setback is unknown, but the Zoning Inspection Report notes that it is 1,000+ feet.

Google imagery shows the new barn location, and the site plan indicates that the dwelling will be immediately east of the barn. It is unknown if the barn is intended for agricultural or accessory residential purposes. The proposed area for the home has been clear of crops.

Ken Shafer stated that he has owned the 50+ acres for 28 years, and moved off it 22 years ago. They feel the high area near the barn would be the best building site. The barn was built about two and a half years ago and is intended for horses. Access is preferred to CR 374, as it is a paved road. While the driveway will not be paved, it will be improved.

Mr. Learned asked the size of the barn, and Mr. Shafer stated 72'x48' plus a 16'x20' bump out.

Mr. Learned asked when the barn and home sites were cleared of crops and how large of an area it was. Mr. Shafer stated that it was taken out of production about five years ago, and it might be about three or four acres.

Mr. Hover asked how the clear area would be used. Mr. Shafer stated that the area would be for the building and horse pasture.

Mr. Arbanas believed the site was about 700 feet from 42nd Street.

Chairman Kerby called open the hearing at 6:25 PM.

- Someone stated that more info should be given, and the process is backward by the applicant. He stated that the ordinance does not intend to allow this, and we do not want homes out in farm fields.
- John Reistma says that area has not been farmed and is generally too steep to be farmed. He does not feel the driveway impacts anything.
- Joe Muvrin states our role is to minimize farm impact and asked, what is the least impact to farmland? He felt that building within the front 250 feet would impact currently farmed land. Mr. Muvrin felt this location would have little impact on the farmland.

Chairman Kerby closed the hearing at 6:30 PM.

Mr. Hover felt that site photos should be provided and more information concerning the topography.

Mr. Shafer showed pictures of the site on his phone. The Planning Commission members generally discussed the site.

Mr. Learned felt that there were many other compliant locations and not enough information provided. He felt the site plan should be revised to consider a site with the least impact on potentially tillable area.

Mr. Felcyn asked the difference between a special land use and a variance. Mr. Jirousek explained that the Planning Commission could use more discretionary standards, such as farmland preservation, while the ZBA uses very strict standards to determine practical difficulties.

Mr. Felcyn commented about the driveway location, as well as not having adequate information. He felt it would be bad precedence to build on farmland when woods could be cleared.

Mr. Learned felt that the barn would be more for hobby use under the guise of agricultural use, and it received an exemption for that reason.

Mr. Arbanas discussed the need for larger storage barns on rural properties.

Mr. Shafer stated that the farmer leasing the property specifically noted that the proposed homesite would be ideal.

Mr. Learned moved to table the item so that Mr. Shafer could provide more information.

The motion was supported by Mr. Root.

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

c. Fruit Growing Preservation Overlay District- General Discussion.

Chair Kerby asked for public comment:

- John Reistma was generally supportive.
- Mark Wrenchler suggested an inclusion zone to show where we want growing operations.

Mr. Jirousek asked the fundamental question- do we want marihuana facilities in AGR and ARR? The answer will determine how we move forward. He also asked if the intent is related to marihuana restrictions or farmland preservation.

The Planning Commissioners generally felt that the Planning Commission needs more direction from the Board.

Chairman Kerby moved to send a formal letter to the Board requesting a joint meeting.

The motion was supported by Mr. Arbanas.

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

7. OTHER- TRAINING OPPORTUNITY

Ms. Sanders mentioned training opportunities to the group.

8. ADDITIONAL PUBLIC COMMENT

- Mark Wrenchler said the historical fruit grounds should also be included in the overlay.
- There were general comments about the justification for the overlay district.
- Joe Muvrin spoke against the overlay and stated on farms, removing trees is not necessarily an easy thing to do.

9. ADJOURNMENT

Mr. Learned made a motion to adjourn the meeting at 7:39 PM. The motion was supported by Mr. Root.

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

Prepared by: David Jirousek, AICP
Township Consulting Planner
May 25, 2022

Approved: June 21, 2022