

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – June 21, 2022

1. CALL TO ORDER AND ROLL CALL

Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:10 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, and several Paw Paw Township citizens.

2. APPROVAL OF THE AGENDA

A motion was offered by Mr. Learned to approve the agenda as presented. 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

3. APPROVAL OF MINUTES- May 17, 2022

A motion was offered by Mr. Learned to approve the minutes from the meeting held on May 17, 2022, as submitted. 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

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

Chairman Kerby called for general public comments.

- none

6. BUSINESS:

a. Remove from Table- Consideration of a Special Land Use and Site Plan: Ken Schafer requests approval of a 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).

Ken Schafer provided a plan with measured setback dimensions. Schafer stated that he understood the rule was to preserve farmland, and currently farmed land would not be affected.

Chairman Kerby removed the item from the table.

Mr. Root and Mr. Learned appreciated the new information on the proposed home site.

Mr. Root moved to approve the special land use and site plan request. The motion was supported by Chairman Kerby.

During the discussion, Mr. Felcyn stated that did not believe the proposal was within the spirit of the regulation, and it would set a poor precedent.

Chairman Kerby supported the application, and Mr. Learned explained that the Planning Commission must make a decision on the application based on the specific approval standards and the special land use approval standards.

Mr. Hover stated that 250-foot maximum setback is not needed if a process is available to waive it. Mr. Jirousek stated that the ordinance anticipated some impact on farmland, but a significant impact should not result.

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

b. Concept Review of a Special Land Use and Site Plan: Pedro and Maria Mendoza request initial input on a concept plan for an indoor commercial growing operation at 39899 Red Arrow, Paw Paw, MI 49079 (parcel # 80-14-015-028-00).

Mr. Jirousek explained that the applicant requests special land use and site plan approval for an indoor commercial marihuana grower facility with a single building. The subject parcel is zoned Agricultural Rural Residential (ARR). The project includes:

- 7,800 square foot building
- 10-space parking lot and driveway access
- Private well and septic service
- Landscaping, lighting, and stormwater management

Mr. Jirousek stated that a formal special land use/site plan application was received, but only a concept plan was provided. No formal action may be taken by the Township until final plans and additional business information are provided.

Mr. Jirousek stated that this site is unique as it is narrower, smaller, and closer to residential uses than most other approved grower sites in AGR and ARR. Mr. Jirousek asked if the Planning Commission was supportive of this site.

The general comments from the Planning Commission were that the property is very narrow, the lot is smaller than most grows in non-commercial districts, and there are neighbors in closer proximity. The general feeling was that this site was less suitable for a growing facility than others in the AGR, ARR, and HCI zoning districts.

No action was taken, and all comments were non-binding and informal.

c. Land Division- Alternative Lot Area in AGR: Stephen Holden requests a 4.59-acre land division/adjustment at 52077 38th Street, Paw Paw, MI 49079 (parcel #s 80-14-010-001-10 & 80-14-010-001-15).

No action was necessary.

d. Marihuana Zoning Regulations and Fruit Growing Preservation Overlay District- General Discussion

Mr. Jirousek stated that an ordinance would be prepared to:

1. Prohibit Grower facilities - Class A, Class B and Class C, Excess Marihuana Grower Facilities, and Marihuana Microbusinesses within the AGR and ARR zoning districts (Sections 42-5.02 and 42-5.03);
2. Prohibit outdoor and open-air cultivation, growing, harvesting, and storage of marihuana (Section 42-8.07); and
3. Authorize limited expansion of nonconforming medical and/or recreational marihuana grower facilities in the AGR and ARR zoning districts (Section 42-8.07).

7. ADDITIONAL PUBLIC COMMENT

Chairman Kerby called for general public comments.

- Nate Smallcombe asked if the Township would be restricting microbusinesses in AGR and ARR.
- Jirousek explained that the grower use is all-encompassing and includes subsets of growers, including microbusinesses.
- Someone asked about public comment protocol.
- John Multer felt there was not enough consistency in the application of discretionary zoning standards of approval and felt that variance approvals had been abused in the past.
- Nate Smallcombe states that some requirements have not been met for marihuana facilities.
- Steven Holden expressed frustration with the review process.

8. ADJOURNMENT

Mr. Learned made a motion to adjourn the meeting at 7:15 PM. 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

Prepared by: David Jirousek, AICP
Township Consulting Planner
June 27, 2022

Approved: July 18, 2022