

**PAW PAW TOWNSHIP
PLANNING COMMISSION & BOARD JOINT MEETING MINUTES**

June 21, 2022

1. CALL TO ORDER AND ROLL CALL

Supervisor Stull called the joint meeting to order at 5:00 PM.

PLANNING COMMISSION PRESENT: Chairman Kerby, Arbanas, Hover, Sanders, Felcyn, Root, Chad

BOARD PRESENT: Stull, Payne, Sanders, Zinkil, Miller

ABSENT:

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. PUBLIC COMMENT ON NON-AGENDA ITEMS

Stull called for general public comments. There were none.

4-7. General Discussion Regarding Commercial Marihuana Regulations

The Board and Planning Commission generally discussed marihuana grower operations, and there was no support for outdoor growing. There was a general conversation about a Fruit Growing Preservation Overlay District and what restrictions would be appropriate.

Learned stated that the original understanding of marihuana growing was that it would have similar characteristics as a farm, and the operator would live on-site. Stull mentioned that the residency requirement was no longer applicable and feasible.

Jirousek asked if grower operations were desirable in the AGR and ARR zoning districts. Kaufman and Jirousek suggested that operations be prohibited in the AGR and ARR zoning districts, and the Planning Commission could determine if there are ARR areas appropriate for growing during a more comprehensive planning effort.

Palenick mentioned that our current number of licenses was appropriate and allowed a good balance.

After further discussion, the Board and Planning Commission agreed to the following changes to the zoning ordinance:

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).

It was acknowledged that an ordinance would be prepared for a public hearing at a future Planning Commission meeting.

8. Holden Land Division

Mr. Jirousek explained that the applicant requests approval of a land division and boundary line adjustment to carve out the existing dwelling from the grape farm. The property is zoned AGR- Farmland Protection. While the minimum parcel size in AGR is 10 acres, the applicant desires a 400' x 500' parcel (4.59 acres). The AGR zoning district has a special provision to allow smaller lots. The division must first be reviewed by the Planning Commission and then approved by the Township Board. Once approved, the Zoning Administrator and Assessor can process the land division and boundary line adjustment.

Mr. Holden explained the purpose of the request and his plans for future grape farming. After questions regarding the subject parcels and how the parcel would be created (divided or adjusted), the Planning Commission and Board were generally supportive of the request.

Learned mentioned that additional legal and ownership information was required to be submitted as part of the request.

Felcyn moved to recommend approval of a 4.59-acre parcel as long as the proper legal and ownership information was provided by the applicant. The motion was supported by Hover.

- 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

Miller moved to approve a 4.59-acre parcel as long as the proper legal and ownership information was provided by the applicant. The motion was supported by Zinkle.

- Supervisor Stull called for the vote, and the motion passed unanimously (5-0).
- Aye:
- Nay: none
- Abstain: none

7. ADJOURNMENT

Don Stull closed the meeting at 5:59

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

Approved: August 16, 2022