

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – November 15

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, Chuck Felcyn, Mark Root

ABSENT: E. Frances Sanders, Chad Learned

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. APPROVAL OF THE AGENDA

A motion was offered by Mr. Root to approve the amended agenda moving the Gast request to 6.c. The motion was supported by Mr. Hover.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Chuck Felcyn, Mark Root
- Nay: none
- Abstain: none

3. APPROVAL OF MINUTES- September 20, 2022

A motion was offered by Mr. Arbanas to approve the minutes from the regular meeting held on September 20, 2022, as presented. The motion was supported by Mr. Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Chuck Felcyn, Mark Root
- Nay: none
- Abstain: none

4. PUBLIC COMMENT ON NON-AGENDA ITEMS

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

6. BUSINESS:

a. Public Hearing and Consideration of a Special Land Use and Site Plan: Pedro & Maria Mendoza request approval of an indoor commercial marihuana growing operation at 39899 Red Arrow Highway, Paw Paw, MI 49079 (parcel # 80-14-015-028-00).

Deputy Supervisor Tom Palenick gave a general overview of marihuana licensing in the Township.

Maria Mendoza explained the 500-plant class B proposal.

Mr. Jirousek explained that the applicant requested special land use and site plan approval for an indoor commercial marihuana growing operation. The subject parcel is approximately six (6) acres and is zoned Agricultural Rural Residential (ARR). Township approval of the application will authorize the proposed use and the following site improvements:

- 8,652-square-foot building
- 13-space parking lot and driveway access
- Private well and septic service
- Lighting and stormwater management

Mr. Jirousek stated that outside agency approvals are necessary and the proposed lighting levels are excessive.

Mr. Hover asked for clarification of setback and buffer widths and compliance.

Chairman Kerby opened the public hearing at 6:17 pm. There were no public comments. The hearing was closed at 6:17 pm.

A motion was offered by Mr. Root to approve the special land use and site plan for an indoor commercial marihuana growing operation (last revised October 14, 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 November 7, 2022, provided by the Township Planner. Additionally, approval is conditioned on the following, with items 1-4 to be completed prior to the issuance of building permits.

1. Secure Van Buren County Drain Commission approval of a SESC permit, if applicable.
2. Secure Fire Department approval of the site plan for access and maneuverability.
3. Revise lighting plan to reduce lighting to 10 footcandles or less, and demonstrate compliance with cut-off fixture requirements.
4. Indicate limits of disturbance on the site and ensure that no less than 10 feet of vegetation along the east and west property lines is preserved.
5. Outdoor storage is not approved.
6. 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.
7. 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.

8. 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.
9. All site improvements shall be finalized and inspected prior to building occupancy.

The motion was supported by Chair Kerby.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Chuck Felcyn, Mark Root
- Nay: none
- Abstain: none

b. Public Hearing and Consideration of a Special Land Use and Site Plan: Jacko G LLC, Vida and Chris Schwartz, request approval of an indoor commercial marihuana growing operation at 43317 Red Arrow, Paw Paw, MI 49079 (parcel # 80-14-017-018-00).

Deputy Supervisor Tom Palenick discussed the application and mentioned it is a class B 500-plant proposal.

Vida Schwartz provided a general overview of the proposal.

Mr. Jirousek explained that the applicant requested special land use and site plan approval for an indoor commercial marihuana growing operation. The subject parcel is approximately 8.1 acres and is zoned Heavy Commercial/Industrial (HCI). Township approval of the application will authorize the proposed use and the following improvements:

- Building reuse and renovation
- Paved parking lot
- Site lighting
- Dumpster enclosure

Ms. Schwartz explained that the truck dock would be cleaned out, and the site would be cleared of debris and trash.

Chairman Kerby opened the public hearing at 6:37 pm. There were no public comments.

- A business owner to the south expressed concern about restricting access to properties using the shared driveway. It was confirmed that access could not be restricted.

The hearing was closed at 6:40 pm.

A motion was offered by Chairman Kerby to approve the special land use and site plan for an indoor commercial marihuana growing operation (last revised August 15, 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 November 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 and condition 4 prior to to building occupancy.

1. Secure Van Buren/Cass Health District approval for the use of the existing septic system.
2. Secure Van Buren County Drain Commission stormwater approval.
3. Secure Van Buren County Drain Commission approval of a SESC permit, if applicable.
4. Provide a copy of the maintenance agreement for the use of the shared commercial driveway.
5. Outdoor storage is not approved.
6. 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.
7. 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.
8. 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.
9. All site improvements shall be finalized and inspected prior to building occupancy.

The motion was supported by Mr. Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Chuck Felcyn, Mark Root
- Nay: none
- Abstain: none

c. Public Hearing and Consideration of a Special Land Use and Site Plan Alex and Abigail Gast request approval of a new pole building with reduced setbacks, excess height, and oversized area at 50455 45th, Paw Paw, MI 49079 (parcel # 80-14-006-004-20).

Mr. Jirousek explained that accessory building waivers could be approved by the Planning Commission through the special land use process, and no impacts were anticipated with the approval of the request.

Alex Gast stated that the proposed site would not impact neighbors and that it was the most appropriate placement on the site.

Chairman Kerby opened the public hearing at 6:52 pm. There were no public comments. The hearing was closed at 6:52 pm.

There was a general discussion about the proposed location of the dwelling and the setback of the existing house.

A motion was offered by Mr. Felcyn to approve the special land use and site plan submitted with the application materials for a new accessory pole building with a reduced north side setback of 20 feet, a height of 19 feet, and a size of 1,500 square feet. This decision is based on the documented findings included within the staff report dated November 7, 2022, provided by the Township Planner, and other findings discussed during the meeting. Conditions are as follows:

1. All other zoning requirements shall be satisfied.
2. The use of the accessory building shall be limited to personal storage and parking.
3. Light fixtures shall meet standard residential specifications.

The motion was supported by Mr. Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Chuck Felcyn, Mark Root
- Nay: none
- Abstain: none

7. ADDITIONAL PUBLIC COMMENT

Chairman Kerby called for general public comments.

- Mr. Jirousek asked whether a special meeting would be considered in December for a specific application received by the Township. The Planning Commission was not supportive of a special meeting.
- Mr. Jirousek stated that a rezoning from NCC to HCI was received, and the Planning Commission may wish to consider additional properties along with this request.

8. ADJOURNMENT

Mr. Root made a motion to adjourn the meeting at 7:06 pm. The motion was supported by Mr. Felcyn.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Chuck Felcyn, Mark Root
- Nay: none
- Abstain: none

Prepared by: David Jirousek, AICP
Township Consulting Planner
November 18, 2022

Approved: December 20, 2022