

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – September 20, 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, Chad Learned, Chuck Felcyn

ABSENT: E. Frances Sanders, Mark Root, and Planning Consultant David Jirousek

2. APPROVAL OF THE AGENDA

A motion was offered by Mr. Arbanas to approve the agenda as presented. 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, Chad Learned, Chuck Felcyn
- Nay: none
- Abstain: none

3. APPROVAL OF MINUTES- August 16, 2022

A motion was offered by Mr. Learned to approve the minutes from regular meeting held on August 16, 2022, as presented. The motion was supported by Mr. Arbanas.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Chad Learned, Chuck Felcyn
- 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 Amendment: Seth Baar, on behalf of Grass Stain Cultivation requests approval of an additional 6,240 indoor commercial marihuana growing operation at 39530 Red Arrow, Paw Paw, MI 49079 (parcel # 80-14-015-027-01).

On behalf of the applicant, Seth Baar presented the project.

Chairman Kerby opened the hearing. There were no comments and the hearing was closed.

A motion was offered by Mr. Learned to conditionally approve the special land use and amended site plan (dated August 10, 2022), including the plans and supplemental materials provided by the applicant. This motion conditionally approves a commercial indoor marihuana growing operation in one (1) new 6,240 square foot building, parking spaces, and associated site development. This motion is based on the documented findings included within the staff report dated September 12, 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 Van Buren County Drain Commission approval for stormwater management and erosion control, as applicable (SESC).
2. Secure Van Buren/Cass Health Department approval of septic and well permits.
3. Provide security plan for review.
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.

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, Chad Learned, Chuck Felcyn
- Nay: none
- Abstain: none

b. Remove from Table and Consider a Zoning Map Amendment: Jon Moyle, M4, LLC, requests approval of a rezoning from Agricultural Rural Residential (ARR) to Heavy Commercial/Industrial (HCI) for a parcel located at 58000 40th Street, Paw Paw, MI 49079 (parcel # 80-14-015-005-00)

A motion was offered by Mr. Learned to remove the item from the table. 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, Chad Learned, Chuck Felcyn
- Nay: none
- Abstain: none

Art Bates spoke on behalf of the applicant and explained the proposed expansion to the facility.

Mr. Learned expressed concern with wetlands on the property and Mr. Felcyn commented on the easement necessary to cross the railroad right-of-way. Mr. Learned stated that the property could be rezoned back to ARR if easement not attained, and the Township should not approve a change without the easement in place. A binding agreement from the business not to develop without an easement was recommended.

A motion was offered by Mr. Learned to recommend approval of the rezoning with the condition that there would be administrative review of a voluntary site plan condition by the applicant (easement).

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, Chad Learned, Chuck Felcyn
- Nay: none
- Abstain: none

7. ADDITIONAL PUBLIC COMMENT

Chairman Kerby called for general public comments.

- There were general comments regarding the land use maps; farm use of the Moyle property; and noise, utility and property value impacts from the Moyle property development.

8. ADJOURNMENT

Mr. Hover made a motion to adjourn the meeting at 7:00 PM. The motion was supported by Chairman Kerby.

- Chairman Kerby called for the vote, and the motion passed.

Prepared by: Phil Hover, September 20, 2022
Typed/summarized by David Jirousek, AICP

Approved: November 15, 2022