

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – January 17, 2023

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, Mark Root, E. Frances Sanders, Chuck Felcyn

ABSENT: Chad Learned

Also present was David Jirousek, AICP, Township Consulting Planner

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. APPROVAL OF THE AGENDA

A motion was offered by Mr. Root to approve the agenda as presented. The motion was supported by Ms. Sanders.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn
- Nay: none
- Abstain: none

4. APPROVAL OF MINUTES

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

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn
- Nay: none
- Abstain: none

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

- None

6. BUSINESS:

a. Remove from Table, then Public Hearing and Consideration of a Conditional Zoning Map Amendment: Adam Hall requests approval of a conditional rezoning from Neighborhood Convenience Commercial (NCC) to Heavy Commercial/Industrial (HCI) for parcels located at 39607 and 39617 W Red Arrow Highway, Paw Paw, MI 49079 (parcel #s 80-14-015-033-00 and 80-14-015-034-00.

A motion was offered by Mr. Hover 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 (6-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn
- Nay: none
- Abstain: none

Mr. Jirousek explained the four conditions offered Adam Hall.

- The property will only be used for the following commercial uses: A landscaping business with maintenance operations and commercial storage of recreational vehicles and boats.
- Hours of and days of operation will be limited to: Monday - Friday, 7:30am - 6:00pm, and Saturday 8:00am - 2:00pm. No business operations will occur on Sundays.
- Outdoor storage of landscaping equipment, trailers, landscaping materials, boats, and recreational vehicles shall be limited to the existing fenced and screened area of the site. No storage will occur outside of the existing fenced area or building.
- No other buildings will be constructed on the subject properties.

Chairman Kerby opened the public hearing at 6:06 pm.

- John Heidema expressed concern with HCI setback compliance and did not support the request

The hearing was closed at 6:07 pm.

Chairman Kerby asked about setbacks, and Mr. Jirousek stated that any nonconforming building may continue.

Mr. Hover asked about future uses, and Mr. Jirousek stated that all future owners are subject to the conditions unless amended through the same process.

Mr. Felcyn asked about the equipment. Mr. Hall confirmed lawn landscaping equipment and boats/RVs would be stored within the existing fenced and screened area.

Mr. Hover stated the use would be less intense than the previous towing business.

Mr. Felcyn asked if the Zoning Map would indicate conditions. Mr. Jirousek said that the Zoning Map could indicate a conditional rezoning, and the conditions would need to be recorded.

A motion was offered by Mr. Root to recommend approval of the conditional rezoning request. The motion was supported by Mr. Kerby.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn
- Nay: none
- Abstain: none

b. Public Hearing and Consideration of Zoning Ordinance Amendments: Zoning Ordinance Text Amendment to Allow Single- and Two-Family Dwellings as Principal Permitted Uses in the NCC Neighborhood Convenience Commercial Zoning District and to Revise the Minimum Width of Parking, Maneuvering, and Drive Aisles Around Mini/Self Storage Buildings.

Mr. Jirousek explained the request, which was to:

- Amend Section 42-5.08 B to allow single-family and two-family dwellings as principal and independent permitted uses in the NCC Neighborhood Convenience Commercial Zoning District. Dwellings are currently only permitted if a commercial business is located on the site.
- Amend Section 42-8.16 A(4) to change the required parking, maneuvering, and drive aisles to a minimum of 28 feet, and for end aisles, 40 feet. The current language requires all lanes to be 40 feet.

Sanders asked for clarification regarding the NCC request and when the owners bought the property. Mr. Jirousek stated that they purchased the property without knowing the restriction.

Mr. Hover stated that rezoning for the requestor could be an option, but it was clarified that it could be a spot zoning as the requestor's land is surrounded by NCC-zoned land.

Andrew Rossell from AR engineering spoke on behalf of Bob Parshall, and they felt that 28 feet was more appropriate for internal lanes, and 40 feet allowed for wider turn radii.

Linda Meachum explained the site is surrounded by residential dwellings. She explained that they are ready to build but the ordinance does not allow it. It was stated that a front setback variance would also be required.

Chairman Kerby opened the public hearing at 6:29 pm.

- None.

The hearing was closed at 6:29 pm.

Mr. Felcyn was concerned with allowing residential and wondered if rezoning would be more appropriate.

Ms. Sanders asked why two-family was proposed, and Mr. Jirousek stated that two-family dwellings are already permitted in the NCC district with a commercial use.

Chairman Kerby asked about potential negatives. Mr. Jirousek explained that allowing residential would only be appropriate in NCC as it is a hybrid zoning district.

A motion was offered by Mr. Root to recommend approval of the zoning text amendment. The motion was supported by Mr. Felcyn.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn
- Nay: none
- Abstain: none

c. 2023 Meeting Schedule Resolution

A motion was offered by Mr. Hover to approve the 2023 meeting schedule. The motion was supported by Mr. Felcyn.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn
- Nay: none
- Abstain: none

d. Annual Report

Mr. Jirousek presented the 2023 Annual Report.

A motion was offered by Mr. Hover to approve the annual report with a typo change in two places (referencing 2022 vs. 2023). The motion was supported by Chairman Kerby.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn
- Nay: none
- Abstain: none

7. ADDITIONAL PUBLIC COMMENT

- Nate Smallcombe mentioned that the market is not supportive of more marihuana businesses.

8. ADDITIONAL DISCUSSION

Mr. Felcyn mentioned a major Consumer's line cutting through the township to provide power to Lawrence Township growers with no benefit to Paw Paw Township. There was a general discussion of power and electricity issues.

The Planning Commission generally discussed the need to regulate short-term rentals and the parking of recreational vehicles in February.

9. ADJOURNMENT

Mr. Felcyn made a motion to adjourn the meeting at 7:02 pm. The motion was supported by Chairman Kerby.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn
- Nay: none
- Abstain: none

Prepared by: David Jirousek, AICP
Township Consulting Planner
January 24, 2023

Approved: February 21, 2023