

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – February 21, 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, Chad Learned

ABSENT: None

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. APPROVAL OF THE AGENDA

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

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn, Learned
- 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 January 17, 2023, as presented. The motion was supported by Mr. Learned.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn, Learned
- Nay: none
- Abstain: none

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

- Karen Smallcombe stated concern about the Consumers Power transmission line. She was disappointed that the line was projected to run through their property/farm. She wanted to know to whom she should write letters. She was also thinking about drafting a petition.
*Ms. Sanders said that letters could be sent to the Paw Paw Township Clerk.

- Nate Smallcombe stated concern about the Consumers Power transmission line. He felt the Township should have a voice and take a stand against the transmission line. He wanted the group to know that he supports the Planning Commission and the Township Board.

6. BUSINESS:

a. Site Plan Review: Art Bates, on behalf of M4 LLC, requests approval of a site plan amendment to expand a warehouse building located at 39269 Red Arrow Highway, Paw Paw, MI 49079 (parcel # 80-14-015-020-00)

Mr. Learned reviewed the site plan and listed all of the conditions that had to be met.

Applicant Art Bates/M-4 LLC explained that they were issued a building permit, and that is why construction has already started. He also said that he had not received any notes regarding site plans.

Chairman Kerby opened the public hearing. No public input. The hearing was closed.

Mr. Felcyn brought up concerns about noise issues that residents have mentioned to him (trucks hooking up trailers at night.) He suggested some kind of noise control would help. He is all for more business and supports this plan but hopes that the owner can do something to help with the noise.

Mrs. Sanders reminded us that this area is zoned HCI, and noise is a part of their business.

Mr. Learned did not like that the building was already under construction prior to approval. Chairman Kerby reminded the group that this was a condition of a permit that was issued by ZBA during Covid.

Mr. Hover had concerns about a house on the north side of the property. Mr. Moyle said that it was his in-laws house, and they were addressing all issues with them.

A motion was offered by Mr. Learned to approve the amended site plan (last revised on August 8, 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 February 14, 2023, provided by the Township Planner. Additionally, approval is conditioned on the following, occurring prior to the issuance of a certificate of occupancy.

1. Demonstrate compliance with a 280-foot long, 10-foot wide buffer type "C" along the west property line adjacent to the new building area and extending to the north property line.
2. Demonstrate compliance with the 30% lot coverage requirement by combining parcels or other means.
3. Secure Van Buren County Drain Commission stormwater approval.
4. Secure Van Buren County Drain Commission approval of a SESC permit, if applicable.
5. All site improvements shall be finalized.

The motion was supported by Mr. Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
- Aye: Chairman Kip Kerby, Phillip Arbanas, Phil Hover, Mark Root, E. Frances Sanders, Chuck Felcyn, Learned

- Nay: none
- Abstain: none

b. Short-Term Rentals.

Mr. Learned was in favor of an ordinance and expressed concern that if one is not in place, a disturbance cannot be dealt with by law enforcement. He shared that we should google or research issues on short-term rentals, and we will find that without an ordinance, things can get bad quickly. He also expressed concerns about how renters do not know the rules of the lake associations, and that can cause problems.

Mr. Kerby expressed that he has heard many complaints from the neighbors about short-term rentals. He also wonders who will enforce the ordinance if approved. He expressed concerns about out-of-towners not knowing the lake rules and the serious damage that can happen from not knowing the rules. He wanted to contact the Township Clerk about any data on disturbances.

Ms. Sanders mentioned that the Township Supervisor feels confident that we do have a township employee that will be able to enforce this ordinance if approved. Sanders was asked to follow up with the Township board to see if they had any data on complaints/disturbances on short-term rentals.

Mr. Felcyn asked why we even need/want an ordinance of this type. He personally does not feel like we should have this ordinance. He has not heard of any problems regarding short-term rentals. He would like to know if there is any data to support that short-term rentals are a problem. He does not want to see an ordinance put in place that will hinder what owners/businesses are doing.

Mr. Hover expressed that an ordinance would help to protect homeowners from rental businesses.

The Planning Commission members would like to know if Township Planner David Jirousek could provide more information on short-term rental ordinances.

No action was taken as this was a discussion item.

c. Recreational Vehicle Parking

No action taken. Discussion only.

Mr. Learned shared that he heard from Supervisor Stull that this issue was brought up because the Township has recently been informed of some RV's being put on empty lots with no services (water, electric, sewer) and people trying to live in them.

Ms. Sanders said that she has heard of a couple of families that are trying to live in the RV's on empty lots without any services (water, electric, sewer)

Mr. Felcyn was worried about regulations that would hamper a homeowner from storing their RV next to their home/property.

7. ADDITIONAL PUBLIC COMMENT

- None

8. ADDITIONAL DISCUSSION

- None

9. ADJOURNMENT

Chairman Kerby made a motion to adjourn the meeting at 7:20 pm. The motion was supported by Mr. Felcyn.

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

Prepared by: Mark Root

Edited by: David Jirousek, AICP
Township Consulting Planner
February 27, 2023

Approved: March 21, 2023