

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – September 19, 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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. APPROVAL OF THE AGENDA

A motion was offered by Root to approve the agenda as presented. The motion was supported by Hover.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kerby, Arbanas, Hover, Root, Sanders, Felcyn
- Nay: none
- Abstain: none

4. APPROVAL OF MINUTES

A motion was offered by Felcyn to approve the minutes from the regular meeting held on August 15, 2023, with the addition of a statement made by Felcyn during the meeting: "Felcyn stated that the life and death of the fruit farming in Paw Paw is in the hands of the Township Board, Planning Commission, and Zoning Board of Appeals, and the situation will continue to worsen with homes greater than 250 feet from the road." The motion was supported by Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kerby, Arbanas, Hover, Root, Sanders, Felcyn
- Nay: none
- Abstain: none

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

- None

6. BUSINESS:

a. Public Hearing and Consideration of a Special Land Use and Site Plan Amendment: Plant Nerd Holdings, LLC – George Davis, request an amendment to the commercial marihuana grower special land use permit and a site plan amendment to add two new greenhouses and one storage building at 69348 40th Street, Paw Paw, MI 49079 (parcel # 80-14-033-001-76).

Deputy Supervisor Tom Palenick stated that this is the largest growing operation in the Township, and they were approved up to 4,000 plants. Palenick stated that they could move forward with additional buildings as the Township Attorney stated that they are exempt from the moratorium. These buildings would allow them to maximize their growing permits.

George Davis said they need two additional greenhouses and a small storage building. Davis stated that seven additional employees would be hired.

Jirousek explained that a special land use and site plan amendment was required to proceed with the plan. Along with necessary outside agency approvals, Jirousek outlined the standard list of conditions applied to all commercial marihuana growing facilities.

Chairman Kerby Open opened the hearing at 6:09 pm. There were no public comments, and the hearing was closed at 6:09 pm.

The Planning Commission members asked about the location of the greenhouses and why they chose greenhouses over permanent buildings. Davis stated that the greenhouses would only be used seasonally and would be taken down in the winter. Davis also stated that the buildings would be visible, but there would be deep setbacks from property lines, and they have great relationships with neighbors.

Hover and Sanders asked about odor control, and Davis outlined their plan and handed out copies of their narrative.

Davis mentioned that the existing building can accommodate up to 3,500 plants, and the new greenhouses would only accommodate an additional 500 plants.

A motion was offered by Root to approve two additional greenhouses and a storage building, an amendment to the previously approved special land use and site plan. Additionally, approval was conditioned on the following:

1. 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.
2. 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.
3. 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.
4. All site improvements shall be finalized and inspected prior to building occupancy.
5. All outside agency approval shall be secured:

- a. Road Commission (driveway)
- b. Drain Commission (SESC and stormwater)
- c. Fire Department

The motion was supported by Hover.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kerby, Arbanas, Hover, Root, Sanders, Felcyn
- Nay: none
- Abstain: none

b. Consideration of a Site Plan: Adam Garland requests site plan approval for a building contractor facility at 57593 CR 671, Paw Paw, MI 49079 (parcel # 80-14-017-025-00).

Jirousek provided an overview of the project and stated that the 8,600 contractor’s facility was a permitted use. Jirousek stated that the ordinance requires a parking area to be asphalt or concrete or another surface approved by the Planning Commission and he felt that millings were not allowable. Jirousek also stated that light fixtures needed to be cut off with zero up-light on an LED “BUG” rating.

Adam Garland stated that he did not want the extra cost of pavement, and he felt that the required screening buffer was not necessary.

Jirousek offered two solutions: either the Planning Commission could defer installation and recommend an amendment to the ordinance or determine asphalt millings as an allowable “hard surface” for parking areas. Jirousek stated that this is not a waiver but an interpretation, so the Planning Commission should expect applicants in any commercial or industrial districts to propose millings, and the surface type would need to be approved.

The Planning Commission felt that the landscape screening along the perimeter was unnecessary and there were enough trees along the property lines. Members also felt that millings were appropriate as a parking lot surface.

A motion was offered by Hover to approve the plan with an asphalt millings parking lot and a landscape screening waiver, subject to the following conditions:

1. Revise the lighting plan so that wall-packs have “zero up-light” and do not exceed 175 W.
2. All site improvements shall be finalized and inspected prior to building occupancy.
3. All outside agency approval shall be secured:
 - a. Road Commission (driveway)
 - b. Drain Commission (SESC and stormwater)
 - c. Health Department (well and septic)

The motion was supported by Sanders.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).

- Aye: Chairman Kerby, Arbanas, Hover, Root, Sanders, Felcyn
- Nay: none
- Abstain: none

7. GENERAL ZONING DISCUSSION

During a general zoning discussion, several topics were addressed by the Planning Commission members and the Township Planner. The Planning Commission and Township Planner felt that the following topics warranted more detailed discussion:

- 250-foot maximum setback in AGR
- The purpose of the Gateway PUD and minimum dwelling size
- Minimum setbacks required to match the neighbors' measured setbacks
- Commercial solar installations
- Short-term rentals

8-9. ADDITIONAL PUBLIC COMMENT, ADDITIONAL DISCUSSION

Donna and David McQueen of 833 N Kalamazoo Street were concerned with proposed short-term rental regulations and were unsure of what problems the Township is seeking to address. They were unsure why fees needed to be so high and did not feel that there were too many parties and problem nights. Donna also felt it was important to have local contact information.

Palenick provided additional information about the need to regulate short-term rentals and referenced the Township Attorney's opinion that we may be exposed to litigation if we did not have regulations in place but were aware of short-term rentals. Palenick explained several items topics that would be addressed: occupancy, fire extinguishers, carbon monoxide, and local contact information. We need a policy in place to regulate the safety of all residents and visitors.

Chairman Kerby asked for best practices and comparisons of nearby communities.

Felcyn did not feel that there was a reason to regulate short-term rentals differently than long-term rentals and mentioned that he still had not heard of any complaints.

Hover mentioned that the Township should review Porter Township's ordinance.

10. ADJOURNMENT

Felcyn made a motion to adjourn the meeting at 7:26 pm. The motion was supported by Kerby.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kerby, Arbanas, Hover, Root, Sanders, Felcyn
- Nay: none
- Abstain: none

Prepared by: David Jirousek, September 22, 2023

Approved: October 18, 2023