

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – December 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, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root

ABSENT: Phillip Arbanas

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. APPROVAL OF THE AGENDA

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

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

4. APPROVAL OF MINUTES

A motion was offered by Root to approve the minutes from the regular meeting held on November 21, 2023, with a correction to the name of “Mandigo Farms.” The motion was supported by Hover.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kerby, Root, Hover, Learned, 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: Stacey Smith requests approval of an accessory building with a reduced rear setback at 55285 Orchard Lane, Paw Paw, MI 49079 (parcel # 80-14-460-024-00).

The applicant, Stacey Smith, introduced himself to the Planning Commission. Smith intends to use the accessory building for boats and cars and for general personal storage. Based on the shape and configuration of the lot, Smith stated that it would be difficult to achieve the required 40-foot rear setback for the desired accessory storage building.

Jirousek said that the Planning Commission could consider the setback modification based on special land use standards. Jirousek stated that the applicant proposes a 1200-square-foot accessory building in the rear southeast corner of the site. The applicant requests an 11-foot rear setback, a 29-foot reduction from the 40-foot requirement.

Jirousek stated that the subject property is approximately 25,700 square feet, and it is an irregular-shaped lot at the end of a cul-de-sac turnaround. While the lot widens in the rear yard, it remains shallow from front to back, making a 40-foot rear setback more difficult to achieve. Jirousek recommended approval of the special land use and site plan with the desired 11-foot rear setback.

Felcyn asked for clarification on the proposed building site and asked whether there were trees there. Smith said the trees were removed. Felcyn felt that the location was appropriate based on the Tapper commercial site behind the property.

Kerby felt this was a unique situation that warranted a modification to the rear setback requirement.

Learned asked about the height, and Jirousek clarified that 14 feet is proposed for the building height. Learned asked for clarification regarding the use of the shed, and Smith said that it would be used for personal non-commercial storage. Smith said that they might remove the small existing shed in the backyard.

Felcyn said because of the business to the rear, this was an appropriate location for a reduced setback.

A motion was offered by Felcyn to approve the location of the accessory building with an 11-foot rear yard setback. The motion was supported by Learned.

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

b. Zoning Map and Text Amendments: Gateway PUD rezoning to Village Edge, Water Front Area District Setbacks, Low Density Residential District Setbacks, Alternative Parking Lot Surfaces, and Recreational Vehicles (hearing required at future meeting).

The Planning Commission generally discussed zoning map and text amendments as previously developed during past Planning Commission meetings. The Planning Commission felt that a public hearing should be set for a future meeting.

7. SOLAR FARMS

The Planning Commission generally discussed solar farm regulation and the impact of the new state law on the matter. Jirousek stated that although the Act would exempt larger-scale projects from local requirements, the Township may adopt “comparable” zoning regulations that must be consistent with the Act. Ultimately, Jirousek stated, the State Commission would have the final say on approvals, and the Township could not adopt requirements stricter than the state. However, Jirousek stated that solar facilities under 50 megawatts would be subject to local zoning regulations, and there are still several areas of the solar ordinance that can be improved. The Planning Commission felt that continued discussion should occur on solar facilities less than 50 megawatts.

8. ADDITIONAL PUBLIC COMMENT

- None

9. ADDITIONAL DISCUSSION

Sanders provided information on future educational opportunities, and the Planning Commission members felt that the meetings in 2024 should be scheduled around these opportunities to avoid conflicts.

ADJOURNMENT

Root made a motion to adjourn the meeting at 7:10 pm. The motion was supported by Felcyn.

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

Prepared by: David Jirousek, Township Consulting Planner

Approved: February 20, 2024