PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES

Regular Meeting – August 18, 2026

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, Chad Learned, Phillip Arbanas, Jim DeGroff, Phil Hover, Chuck Felcyn, Adam Garland

ABSENT: None

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. APPROVAL OF THE AGENDA

The Planning Commission reviewed the proposed meeting agenda.

- DeGroff suggested a moment of silence for past Township Trustee Ethel Frances Sanders.
- Learned offered a motion *to approve the agenda with a moment of silence for past Township Trustee Ethel Frances Sanders.*
- Felcyn supported the motion.
- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
    - Aye: Chairman Kerby, Learned, Arbanas, DeGroff, Hover, Garland, Felcyn
    - Nay: none
    - Abstain: none

4. APPROVAL OF MINUTES

The Planning Commission reviewed the draft minutes from June 16, 2026.

- Learned offered a motion *to approve the minutes from the meeting held on June 16, 2026.*
- Hover supported the motion.
- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
    - Aye: Chairman Kerby, Learned, Arbanas, DeGroff, Hover, Garland, Felcyn
    - Nay: none
    - Abstain: none

The Planning Commission reviewed the draft minutes from July 21, 2026.

- Learned offered a motion *to approve the minutes from the meeting held on July 21, 2026.*
- Hover supported the motion.
- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
    - Aye: Chairman Kerby, Learned, Arbanas, DeGroff, Hover, Garland, 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. Heidi Gromak requests special land use and site plan approval for a detached deck and shed with reduced side setbacks at 55728 39th Street, Paw Paw, MI 49079 (80-14-010-015-00).

Township Planner Jirousek explained that the applicant is requesting special land use approval to construct a detached deck and place a small shed, both within the minimum side yard setback. The subject property is relatively narrow compared to the lot width required in the zoning district and is nonconforming with respect to both lot width and area. As a result, compliance with setbacks established for larger conforming lots is more difficult.

Chairman Kerby called for public comments. There were no public comments, so Chairman Kerby closed the public hearing.

Planning Commission members asked the applicant about the proposed locations of both improvements. Members also discussed the ordinance requirements for both a minimum side setback and a total side setback and questioned whether the two standards may cause confusion. Planning Commission members were generally supportive of the proposal.

- Garland offered a motion *to approve the special land use and site plan for a proposed deck with side setbacks of 45 feet (north) and 40 feet (south), resulting in a combined side setback of 85 feet and the proposed 216-square-foot (12'x18') accessory building with a six-foot north side setback.*
- Felcyn supported the motion.
- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
    - Aye: Chairman Kerby, Learned, Arbanas, DeGroff, Hover, Garland, Felcyn
    - Nay: none
    - Abstain: none

b. Public Hearing and Consideration of a Special Land Use and Site Plan. Tim Freeburn requests special land use and site plan approval for a shed to be placed in the waterfront yard within the required waterfront setback area at 58243 Hill Drive, Lawrence, MI 49064 (80-14-110-007-00).

Township Planner Jirousek explained that the applicant proposes replacing an accessory building within the waterfront yard of the property, approximately 10 feet from the high water mark. The applicant stated that a falling tree destroyed the existing accessory building, which the applicant proposes to replace.

Jirousek noted that the application did not clearly state the proposed size of the replacement building. The applicant clarified that the building would be smaller than the destroyed structure, at approximately 18' x 18'.

Learned asked about the height of the replacement building and stated that rebuilding appeared reasonable provided the structure was no higher or larger than the destroyed building. The applicant confirmed that the replacement building would not exceed the height or size of the destroyed structure.

Chairman Kerby called for public comments. No public comments were offered; however, Chairman Kerby referenced an email from neighbor Susan Burket Grosskopf expressing support for the project. Chairman Kerby closed the public hearing.

- Arbanas offered a motion *to approve the special land use and site plan.*
- Felcyn supported the motion.
- Learned suggested an amendment to the motion which would ensure the building was no larger than 18'x18' and no taller than the original structure.
- Arbanas withdrew his motion and offered a new motion *to approve the special land use and site plan contingent upon the replacement building being no greater than 18'x18' and no higher than the original accessory building.*
- Garland supported the new motion.
- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
    - Aye: Chairman Kerby, Learned, Arbanas, DeGroff, Hover, Garland, Felcyn
    - Nay: none
    - Abstain: none

c. Public Hearing and Consideration of a Zoning Ordinance Update. Pool Fencing.

Township Planner Jirousek explained that the proposed Zoning Ordinance text amendment would allow alternative pool safety measures, including automatic pool covers in lieu of fencing, provided they comply with applicable state building code requirements.

Chairman Kerby called for public comments. There were no public comments, so Chairman Kerby closed the public hearing.

- Garland offered a motion *to recommend that the Township Board approve the Zoning Ordinance amendment as proposed.*
- Learned supported the motion.
- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
    - Aye: Chairman Kerby, Learned, Arbanas, DeGroff, Hover, Garland, Felcyn
    - Nay: none
    - Abstain: none

d. Data Center Moratorium Discussion.

Township Planner Jirousek explained that the Township Supervisor forwarded two draft ordinances regarding a proposed moratorium on data center development. One ordinance addresses the moratorium through the Zoning Ordinance, while the other is a Township Board moratorium ordinance. Jirousek explained that the two ordinances are intended to work together to improve legal defensibility and would establish a six-month moratorium with the potential for a six-month extension.

Although it is uncertain whether data center development would be proposed in the Township, members noted that the issue arose during the master planning process and expressed concern regarding the potential impacts of large-scale data centers in rural communities. Jirousek noted that data centers may be limited to certain zoning districts and subject to specific use standards but cannot be prohibited entirely.

DeGroff said the Township Board would like more detail on the findings supporting the proposed moratorium. Planning Commission members discussed the Master Plan's emphasis on avoiding significant impacts associated with large-scale infrastructure and development projects. Members also referenced the Township's history with groundwater impacts associated with the Coca-Cola facility and discussed the importance of ensuring that major future development adequately protects groundwater and surface water resources. The Planning Commission will continue considering these issues and potential findings as it develops the moratorium ordinance.

e. Zoning Ordinance Update Discussion. Housing and Residential Zoning (Master Plan Implementation).

Township Planner Jirousek explained a potential alternative to the AGR District's current 10-acre minimum lot size intended to reduce the amount of farmland incorporated into large residential lots. The concept would establish a 20-, 30-, or 40-acre minimum for "conforming farm lots" while allowing a limited number of 1- to 3-acre "small house lots" based on the acreage of an AGR "lot of record" existing on the effective date of the ordinance. One small house Lot would be permitted for parcels under 30 acres, with one additional small house lot for each whole 10 acres over 20 acres. Remaining land could consist of conforming farm lots meeting the selected minimum acreage and no more than one smaller "remainder farm lot" if the remaining land after the small house lot divisions was less than the acreage required for a conforming farm lot.

The Planning Commission generally supported the concepts and agreed that the project is moving in the right direction, but indicated that additional time is needed to review the options and assess their potential impacts. Learned suggested an additional option that would require preservation of 80% of a lot. Jirousek will evaluate this concept as another potential approach.

Jirousek also summarized several potential zoning ordinance amendments related to housing and residential development. The discussion included reducing the minimum dwelling area to 650 square feet with an 18' x 18' minimum core area; providing greater flexibility for small accessory buildings; and revising accessory dwelling unit standards related to owner occupancy, carriage house height, size, nonconforming properties, and separation requirements. Members also discussed eliminating the automatic joining of nonconforming lots and simplifying the minimum and total side setback requirements.

Additional discussion addressed revising the PUD process to allow special land use approval of a preliminary plan, followed by site plan approval; repealing the CSV District; and reconsidering lot size and dimensional standards in the AGR, ARR, LDR, and VE Districts. Potential changes also included creating more distinction between the ARR and LDR Districts and establishing a half-acre minimum lot size and approximately 120-foot lot width in the VE District, subject to septic requirements. Several of these concepts will require further evaluation before finalizing ordinance language.

ADDITIONAL PUBLIC COMMENT

- None

7. ADDITIONAL DISCUSSION

A moment of silence was observed in memory of Ethel Frances Sanders, who served as a Township Trustee for eight years and as a member of the Planning Commission. Planning Commission members expressed their sympathy and appreciation for her years of service, commitment, and contributions to the Township.

8. ADJOURNMENT

The meeting concluded at 7:30 pm.

- Felcyn offered a motion *to adjourn the meeting at 7:30 pm.*
- Learned supported the motion.
- Chairman Kerby called for the vote, and the motion passed unanimously (7-0).
    - Aye: Chairman Kerby, Learned, Arbanas, DeGroff, Hover, Garland, Felcyn
    - Nay: none
    - Abstain: none

Prepared by: David Jirousek, August 24, 2026
Approved: September 15, 2026