Chairman Peat called the Paw Paw Township Planning Commission meeting to order at 6:00 P.M. on March 23, 2017 at the Township Hall.

PRESENT: Randall Peat, Ivan Olsen, James Tapper, Bill Johnson, Kip Kerby, and Fran Sanders.

ABSENT: Phillip Arbanas.

ALSO PRESENT: Matt Cooper (Attorney), Crystal Specht, John Ritsema, Nick Serbenski, Jim Vogel, Bert Gale (Zoning Administrator), and Kelly Largent (Zoning Administrator).

APPROVAL OF THE AGENDA:

Motion by Olsen, supported by Kerby to approve the agenda. The motion was unanimously approved.

APPROVAL OF MINUTES:

February 23, 2017: Motion by Kerby, supported by Olsen to approve the February 23, 2017 minutes as amended. The motion was unanimously approved.

PUBLIC COMMENT:

Attorney Matt Cooper introduced himself as standing in for Harold Schuitmaker and representing Crystal Specht and John Ritsema’s family.

NEW BUSINESS:

The Public Hearing for the Motor Vehicle Sales and Service Text Amendment for the HCI Zoning District was opened by the Chairman at 6:09 P.M.

Mr. Cooper requested that the proposed text amendment up for public hearing add boat sales and service as a special use. The Chairman stated that no changes could be made at this point to the text amendment up for public hearing since it had been noticed and published. He also explained that if they would like to pursue this request that an application for the text amendment, proposed
text amendment language, and the application fee would need to be submitted for the Planning Commission to consider this request.

Mr. Gale stated that the urgency to proceed with this text amendment no longer existed.

Crystal Specht stated that they would still like to continue with this text amendment which was why they were present tonight.

Hearing no other public comments for the proposed text amendment, the Chairman closed the public hearing at 6:18 P.M.

The Planning Commission discussed the process for Special Use permits in response to a question from Ms. Specht and Mr. Ritsema. The Chairman stated that the Planning Commission members are appointed and are only a recommending body. The Township Board is an elected body and therefore is the approval body.

Sanders questioned why the Planning Commission was not waiting on the text amendment. The Chairman stated that the land owners were present and had asked the Planning Commission to proceed.

Motion by Olsen, supported by Tapper to recommend to the Township Board approval of the text amendment adding Motor Vehicle Sales and Service to the HCI Zoning District as a Special Use Permit, resequencing subparagraph as appropriate, and adding a new subsection (22) to Section 42-110 for the standards for this Special Use Permit. The motion was unanimously approved.

Mr. Gale presented to the Planning Commission a request to review zoning language for contiguous lots and zoning lots. Information from Ross Township had been included in the meeting packet for review. Mr. Gale stated that both he and Ms. Largent have had several requests by constituents to construct accessory buildings on a lot under their ownership and adjacent to (either directly next to or across the street in the instance of some lake lots) the lot their home is on. Mr. Gale stated that the zoning ordinance does not allow for this and both zoning administrators have had to inform constituents that they would either have to combine the lots (in the case of lots directly next to each other) or couldn’t build the building on the lot at all. Mr. Gale recommended the Planning Commission consider adding language to the Zoning Ordinance to address this situation. The Chairman requested this information be provided to Ms. Harvey to be included in her review of the Zoning Ordinance.

OLD BUSINESS:

The Public Hearing for the Major Home Occupation was opened by the Chairman at 6:30 P.M.
Mr. Nick Serbenski addressed the Planning Commission stating he is requesting a Special Use Permit for a Major Home Occupation to relocate his gunsmithing business. Mr. Serbenski stated he has returned to school. He is presently located in the Village of Paw Paw, however, there is not enough business generated to support this endeavor.

The Planning Commission reviewed Section 42-302(A) and waived the requirements for subsections 1, 4, 5, 7, 8, 11, 15, and 17. Subsection 6 regarding the parking spaces was discussed. Mr. Serbenski stated that there are 4 parking spaces available. He is only performing gunsmithing and has no retail sales because he can’t compete with the big box stores. He stated that most of his business is by mail order and he currently holds an FFL license. Tapper asked if he could work on machine guns. Mr. Serbenski stated no his license does not allow him to work on machine guns. Mr. Serbenski stated he has no employees and most of his work was as an exchange of services between himself and his friends in Colorado. The Planning Commission determined that subsection 6 had been met. The Planning Commission discussed subsection 12. The Chairman asked Mr. Serbenski if there was a restroom located in the building proposed for the major home occupation. Mr. Serbenski stated yes and there is a septic tank also. The Planning Commission determined that subsection 12 had been met.

Section 42-204(e) was reviewed by the Planning Commission. After further consideration of the above discussion the Planning Commission determined that subsection (d) had been met.

Mr. Vogel of 51590 38th St. was asked if he had any questions or comments by the Chairman. He stated that he did not and was there to observe.

The Chairman closed the public hearing at 6:43 P.M.

Kerby asked if Mr. Serbenski would have a gun club at this location. Mr. Serbenski stated no.

Mr. Gale addressed the Planning Commission in regards to the firing of the fire arms and stated that they may want to consider requirements. He stated other client communities had restricted the firing to a firing range for operations in their communities for gunsmithing as a home occupation. Mr. Serbenski stated that he did not use a firing range because he had access to an 80-acre parcel of the family farm which he used to fire the weapons at.

Tapper asked how many times the guns were fired for testing. Mr. Serbenski stated 1 – 2 times.

Motion by Kerby, supported by Olsen to approve the Site Plan with subsection 6 and 12 determined to be met and subsections 1, 4, 5, 7, 8, 11, 15, and 17 waived by the Planning Commission. The motion was unanimously approved.

Motion by Tapper, supported by Kerby to recommend to the Township Board approval of the Special Use Permit for a Major Home Occupation for gunsmithing at 37864 52nd Ave. The motion was unanimously approved.
OTHER BUSINESS:

The Chairman addressed the Commission stating there were some housekeeping items that needed to be addressed. First, there seems to be a conflict in the sign section of the zoning ordinance. Under the prohibited section subparagraph (d) Moving Signs, the last sentence states “shall be permitted”. This subsection appears to be in the wrong location. The Commission agreed and requested Ms. Largent forward this information to Ms. Harvey.

Lastly, the Township Supervisor received an article about wedding barns via email. He requested be included in the meeting packet since the Planning Commission is considering adding Special Events to certain zoning districts. The Chairman requested Ms. Largent forward this information to Ms. Harvey.

The next meeting will be May 25, 2017 unless notified by Ms. Largent of a matter to come before the Planning Commission. If such a matter arises, the next meeting would be April 27.

ADDITIONAL PUBLIC COMMENT: None

ADJOURNMENT:

Motion by Tapper, supported by Olsen to adjourn the meeting at 6:50 PM. The motion was unanimously approved.

Respectfully submitted,
Kelly Largent
Zoning Administrator