Vice Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:00 P.M. on August 22, 2017 at the Township Hall.

PRESENT: Ivan Olsen, James Tapper, Bill Johnson, Kip Kerby, Fran Sanders, and Phillip Arbanas.

ABSENT: Randall Peat.

ALSO PRESENT: Rebecca Harvey, Lacey & Robert Twardowski (Owners), Mike & Kristen Ely, Mr. & Mrs. Schlueter, and Kelly Largent (Zoning Administrator).

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES:

June 22, 2017: Motion by Olsen, supported by Tapper to approve the June 22, 2017 minutes as submitted. The motion was unanimously approved.

PUBLIC COMMENT: Kristen Ely addressed the Planning Commission regarding wedding venues. She and her husband have purchased the property located at 53488 42nd St. The property has a large barn and they plan to use it for weddings and possibly special events. They plan to operate at a wedding venue May to Oct and want to book for next year.

Ms. Harvey stated that special event venues will be added as a special use and to the Wineries/Cideries special use as an accessory use.

Olsen asked about the approval authority for special use permits. Ms. Largent stated the Planning Commission is still a recommending body. Ms. Harvey confirmed this will be changed in the updated Zoning Ordinance. Sanders stated the Township Board has stated they support the Planning Commission having approval authority and the change will be in the updated Zoning Ordinance.
NEW BUSINESS:

Public Hearing for Motor Vehicle Sales & Service:

The Vice Chairman opened the hearing at 6:10 P.M.

Johnson asked about fees and waiving the cost contingent on the new Zoning Ordinance. He stated that since the new Zoning Ordinance will be making changes to this area he feels the fee should be waived. Ms. Largent stated that the Planning Commission does not have the authority to waive fees. The fees are determined and established by the Township Board. The fee is charged to cover the expenses incurred by the Township to conduct the Public Hearing.

Mr. Twardowski stated he is seeking a special use permit for the repurposing of golf carts, watercraft repair, and welding repairs. The building is existing with no proposed changes to the building. He will be adding a 190’ x 250’ fenced area to store his inventory (golf carts) prior to making the necessary changes for repurposing the golf cart. The fence will be 6 feet in height with security wire above the 6-foot fence.

The Planning Commission reviewed the site plan criteria in Section 42-302 subsection A and waived the following criteria items: 2 – date of plans not indicated; 5 – setback lines not indicated; 17 – storm water control. The Planning Commission accepted the following criteria items as adequate as submitted: 4, 8,9,11,12. The Planning Commission asked Mr. Twardowski about the exterior lighting. Mr. Twardowski stated there were dusk till dawn lights on each end of the building and he did not plan to light the fenced area since there is a security fence. The Planning Commission determined that item 16 was adequately met based on the above discussion with Mr. Twardowski.

Arbanas asked if the golf carts are gas or battery operated and if battery operated what would be done with the old/used batteries. Mr. Twardowski stated that they obtain new batteries as needed and the old/used batteries are taken to a recycling facility almost immediately. Mr. Twardowski was asked what type of watercraft would be repaired. He stated most small watercraft like jet skis etc. because they will be stored inside while under repair. Arbanas asked how a customer gets a golf cart that has been modified: are there units in a showroom or pictures displayed of golf carts that have been modified, does the customer pick the cart he wants to be modified or does Mr. Twardowski determine the golf cart to be modified. Mr. Twardowski stated that typically his customer is allowed to select the golf cart. The customer would be allowed into the fenced in area where the inventory is kept to select the cart he would like. Kerby asked so the fenced in area is an outdoor display area and would not be used to store carts that have been dismantled. Mr. Twardowski stated that any carts undergoing modification would be stored in the building and not outside and that the fenced area is not exactly an outdoor display area but customers would be allowed to enter it. The Planning Commission determined that the fenced in area is similar to an outdoor display area and would be functioning in a similar manner as an outdoor display area.
Kerby asked Mr. Twardowski if he was planning on any signage for his location since there is no indication of signage and photos show two wooden sign posts current exist on the site. Mr. Twardowski stated he did plan on having a sign however he didn’t have any information to determine placement. He has not inspected the condition of the existing posts to determine if they could be utilized. Kerby asked if they cannot be used would the new sign be placed in the same location or moved. Mr. Twardowski stated that if the posts could not be used then the new sign would probably be located farther back from the road. After further discussion, the Planning Commission determined that the existing sign posts could be used, the location was acceptable, and did not pose a clear vision danger. The Planning Commission determined if the existing sign posts could not be used and the sign was moved to a new location that the front yard setback minimum must be equal to or greater than the front yard setback of the existing sign posts and must comply with all Zoning Ordinance requirements.

The Planning Commission made the following findings based on Section 42-303 of the zoning ordinance for items 1-9 as listed below.

1. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment. Met.
2. Pedestrian walkways shall be provided as deemed necessary by the planning commission for separating pedestrian and vehicular traffic. Met.
3. Recreation and open space areas shall be provided in all multiple-family residential developments. Not applicable.
4. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements of this ordinance. Met.
5. The requirements for fencing, walks, and other protective barriers shall be complied with as provided in this ordinance or as deemed appropriate by the planning commission. Approved a 6-foot tall fence with security wire which met this requirement.
6. The site plan shall provide for adequate parking and loading space for the use therein. Met.
7. Security measures shall be provided as deemed necessary by the planning commission or Township Board for resident protection in all multiple-family residential developments. Not applicable.
8. Fire protection measures shall be provided as deemed necessary in conformance with all applicable laws of the state for the protection of residents and/or occupants of the structures. Met.
9. The site plan shall comply with all requirements of the applicable zoning districts, unless otherwise provided. Met.

Motion by Olsen, seconded by Tapper to approve the site plan with items 2, 5, and 17 waived, items 4, 8, 9, 11, 12, and 16 determined to be adequate as submitted, and that the signage front
yard setback be equal to or greater than the existing sign posts front yard setback and be compliant with all Zoning Ordinance requirements. The motion was unanimously approved.

The Planning Commission reviewed the special use permit criteria for motor vehicle sales and service store in section 42-110 subsection (22) and Article 7. The Planning Commission determined the following items were adequate as submitted and the condition was met:

Section 42-110 (22) (e) based on the discussion for the Site Plan review and Mr. Twardowski stating dismantled units or units in for repair will be stored inside.

Section 42-110(22) (f) based on information provided by Mr. Twardowski the front distance from the centerline of the road is 210 feet and the road right-of-way for CR 671 is 33 feet.

The Planning Commission held discussions on section 42-110 (22) (a) and (b) and made the following determination for each as listed below.

Section 42-110(22) (a) no outdoor display lighting is required since the display area is fenced with a 6-foot security fence. The requirement for outdoor display area lighting is waived.

Section 42-110(22) (b) no hard surface is required however the fenced area shall be a well-maintained grass area. The requirement for hard surface area for display area is waived.

The Planning Commission determined that the items in Article 7 had been previously discussed in the Site Plan review and were satisfied that the noted Condition Not Met and Unable to Determine items had been adequately met as submitted and as discussed with the Site Plan review.

The Vice Chairman closed the hearing at 7:10 P.M.

Based upon the site plan review and discussions held in the public hearing, the planning commission has determined the review standards in section 42-109 (3) have been satisfied, the proposed business will be located in an existing structure for the purposes of golf cart sales, leasing, service and repair, as well as watercraft repair, and welding repair. The business and location is compatible with the master plan and does not pose a danger to public health and safety.

Motion by Arbanas, supported by Tapper to recommend approval of the special use permit to the Township Board with the condition that the signage meet the stipulations noted in the site plan approval. The motion was unanimously approved.

Zoning Ordinance Update Presentation- Rebecca Harvey:
Ms. Harvey provided each member with an outline of the proposed scope of work and a new user guide and introduction. She stated she had only four points to discuss. First was a review of the proposal. She stated that the Township Supervisor has reviewed the proposal and is pleased with it. Secondly, the update of the Zoning Ordinance will take 9 meetings. The last two points are the outline and the new layout example. Ms. Harvey explained the new outline which details how the updated zoning ordinance will be reorganized. The outline provides the new article/section numbers, titles, references to the existing zoning ordinance, and comments as to the work to be done for that article/section. Ms. Harvey stated that she has provided an introduction and user guide along with Article 1.00 for the Planning Commission to review and comment on at the next meeting. Ms. Harvey discussed the formatting of Article 1.00 and asked for input from the Planning Commission regarding font type, size, and the layout since this is what she is proposing for the new layout.

Olsen stated that language needs to be added to give the Planning Commission the ability to waive/modify standards for special use permits.

Johnson asked about rezoning and who does it. Ms. Harvey stated the Planning Commission performs that function. It can be done by the Planning Commission when zoning districts are renamed, or parcels close to the new districts are identified as needing to be included in the new zoning district, or if a land owner requests rezoning. All of these options would require a public hearing.

Ms. Harvey recapped that according to the timeline Month 1 was the meeting tonight. She asked if the Planning Commission wanted to meet every month. The Planning Commission stated they would like to meet every month. Ms. Largent pointed out that November and December pose problems for meeting since they typically fall on holidays. The Planning Commission decided to schedule meetings for the next 2 months and to continue scheduling at the October 26 meeting.

Ms. Largent was directed to provide a reminder for the Sept meeting since the date has been moved from the normal meeting night due to conflicts in schedules.

OLD BUSINESS: None.

OTHER BUSINESS:

Ms. Largent discussed the information presented at the MTA seminar Hot Topics in P & Z.

Next meetings Sep 26 and Oct 26.

ADDITIONAL PUBLIC COMMENT: None

ADJOURNMENT:
Motion by Kerby, supported by Olsen to adjourn the meeting at 8:14 PM. The motion was unanimously approved.

Respectfully submitted,
Kelly Largent
Zoning Administrator