Chairman Peat called the Paw Paw Township Planning Commission meeting to order at 6:00 P.M. on December 28, 2017 at the Township Hall.

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

ABSENT: Kip Kerby and Phillip Arbanas.

ALSO PRESENT: Don Stull (Township Supervisor), Rebecca Harvey, Kristen and Mike Ely, Bert Gale (Zoning Administrator) and Kelly Largent (Zoning Administrator).

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES:

November 30, 2017: Motion by Johnson, supported by Olsen to approve the November 30, 2017 minutes as submitted. The motion was unanimously approved.

PUBLIC COMMENT:

Don Stull, Supervisor, updated the Planning Commission on Medical Marihuana Facilities. The Township Board will seek public input at their next meeting.

The Chairman stated the MTA magazine “Focus” has an article about this and he read a few sentences from it regarding time frame to have ordinances in place for Townships.

NEW BUSINESS:

Public Hearing: Text Amendment Language for Special Event Facility.

The Public Hearing was opened by the Chairman at 6:05 P.M.
Ms. Largent commented that the subsection number for section 42-110 should be 23 instead of 21.

Sanders asked about the holiday time for Sundays. Ms. Harvey explained that the added statement to item (i) would allow the Planning Commission to address the holidays such as Memorial Day and Labor Day. Sanders asked if this is done at the time the special use permit is being reviewed by the Planning Commission. Ms. Harvey stated yes.

Hearing no further comments, the Chairman closed the public hearing at 6:07 P.M.

Motion by Tapper, supported by Johnson to recommend approval of the text amendment for Special Event Facility as submitted to the Township Board. The motion was unanimously approved.

Rebecca Harvey addressed the Planning Commission regarding the update to the Zoning Ordinance.

Ms. Harvey stated that she has provided Article 7 tonight and Article 10 review was scheduled for tonight.

Chairman Peat made the following comments:

Page 2, item 2: the Chairman had questions about ceasing activity information included in the table. Ms. Harvey confirmed that this information is existing in the current ordinance it has been reformatted here only. The Chairman commented that off hand he would remove it and questioned why this is in the ordinance.

Ms. Harvey had the following general comment regarding the table: it has been added for ease of understanding and all the information in the table is a reference back to the information contained in the sections. Currently the ordinance standard is 12 months. For clarity, Ms. Harvey stated that the new provision in this section is giving more deference than before by allowing the expansion of buildings and uses to vested rights. This is contrary to the concept of nonconforming uses/buildings eventually ceasing to exist or being brought into conformity. In addition to this, standards have been added for the reconstruction of a building which are also contrary to the concept of nonconforming uses/buildings. Ms. Harvey stated one difference is the timeframe for the stopping of a nonconforming use in that once it is stopped it is not continued. The common timeframe is a year, but this can be different. Ms. Harvey stated that communities want to continue to recognize nonconformities. The idea of when does a nonconformity stop is becoming a more and more difficult standard to establish. The burden of proof lies on the Township to prove that it is vacated and when it has been discontinued.

The Chairman asked what if something is added that if the use is discontinued it may be reestablished with a special use permit. Ms. Harvey stated that this could be done, allowing an
option to petition to continue the use with a timeframe. Ms. Harvey stated she is uneasy about this without a time limit since this would be a legislative purview. Ms. Harvey noted that this would be a reestablishment of a nonconforming use.

Page 2, Table 2nd from last: The Chairman had a question regarding this change. Ms. Harvey stated that this was requested. The Chairman stated that this is ok and recalled that this was to address issues for buildings that are nonconforming due to zoning in order to obtain financing.

Page 3, item B (1): The Chairman asked about this section. Ms. Harvey stated that this is the standard referenced in the table.

Page 4, item B (2) and B (3): The Chairman stated he had a question but stated that this would be the same as the second item from the bottom of the table on page 2. Ms. Harvey concurred.

Page 5, item C: Planning Commission requested this section be removed.

Sanders stated she has a concern regarding page 3 item (C). Ms. Harvey stated that the Township has the authority to do this without stating it in the ordinance. It is in the current zoning ordinance, so she left it in the update also.

Mr. Gale addressed the Planning Commission regarding page 4 section 10.03 A (1) the last sentence. He stated that he had called Ms. Harvey on the phone earlier to ask about this sentence. Mr. Gale stated that after Ms. Harvey explanation he understood this sentence. Ms. Harvey stated that this section provides the ability to expand nonconforming uses and buildings. Basically item 1 states that you can’t increase the nonconforming use. The first sentence states you can’t do this, and the second sentence is why you can’t do this. Ms. Harvey will look at this to clarify this section.

Ms. Harvey stated that next month the Planning Commission will receive Article 5, 6, and a revised 7.

OLD BUSINESS:

The Planning Commission determined the meeting date for the 2018 calendar will be the fourth Thursday of the month except for the November and December meetings which will be Nov 29th and Dec 27th.

OTHER BUSINESS:

Next meeting Jan 25.
ADDITIONAL PUBLIC COMMENT:

A general comment that the Planning Commission is doing a great job was stated.

ADJOURNMENT:

Motion by Tapper, supported by Olsen to adjourn the meeting at 6:56 PM. The motion was unanimously approved.

Respectfully submitted,
Kelly Largent
Zoning Administrator