Chairman Peat called the Paw Paw Township Planning Commission meeting to order at 6:00 P.M. on February 22, 2018 at the Township Hall.

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

ABSENT: None.

ALSO PRESENT: Kristen and Mike Ely (owners), Brian Knotek (Attorney for Ely’s), Ken Schafer (58001 Lanphear Hill Dr.), Joe Muvrin (43832 CR 374), Samantha Blackburn (22143 Woodhenge Dr.), Eric Twardowski (42647 CR 374), Russell Ely (27131 CR 375), Steven Rigoni (43234 CR 374), Dorothy & Jeffrey Martin (41796 CR 374), Amy & Chad Mastenbrook (51076 42nd St.), Joel & Karen Ayres (54191 Orchard Ln), Bruce Schafer (5660 41st St), Mike & Kim Jones (40433 CR 358), Michael & Suzanne Davis (51690 42nd St), Brian Fritz (citizen), John O’Connell (Arlington Township Zoning Administrator), Rebecca Harvey (Planning Consultant), Catherine Kaufman (Township Attorney), 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:

January 25, 2018: Motion by Kerby, supported by Olsen to approve the January 25, 2018 minutes as submitted. The motion was unanimously approved.

PUBLIC COMMENT: The Planning Commissioners introduced themselves to the public followed by the zoning administrators, township attorney, and planning consultant.

The Chairman thanked all citizens in the audience for coming to the meeting.

NEW BUSINESS:
Rebecca Harvey handed out Articles 4 and 5 with a coversheet. There are 3 articles remaining. The Planning Commission should have a full zoning ordinance next month and be able to start the final review. Ms. Harvey stated that both Paw Paw Township and the Village of Paw Paw are the subject of her graduate class study this semester at Western.

Further review of Special Event Facility at 53488 42nd St (Ely’s):

The Chairman addressed the audience and Commission regarding one identified concern, a meeting with the applicant since the January 25th Planning Commission meeting, and how the meeting was going to proceed this evening. The Chairman stated one concern that is being investigated was the notification process: The Township notifies surrounding property owners in accordance with the State law which is property owners within 300 feet of the subject property. The Chairman has had a conversation with the Township Supervisor to expand this and the Township is looking into other forms of notification such as social media. The Chairman stated there has been one additional meeting with the Ely’s, their attorney, the Township attorney, Township Supervisor, Zoning Administrator (Bert Gale), and himself. The Ely’s provided additional modification to the submitted request at this meeting. These modifications will be reviewed tonight, and further information provided to the Township Board for their consideration. The meeting will proceed in the following manner: The Chairman will turn the meeting over to the applicant to address the Commission and present their additional modifications to the original request. Then, the Chairman will recognize audience members for their comments. Please raise your hand to be called upon. Each person who would like to address the Commission will have a chance to do so.

Brian Knotek addressed the Planning Commission on behalf of the Ely’s. He stated there has been a lot of inaccurate information disseminated to the neighbors farther than the 300 feet. He felt this meeting could be beneficial for all. He stated that the size of the event is the first item he would like to address. He stated that the information being disseminated stated the event would be up to 500 persons on Friday, Saturday, and Sunday April through October (all summer). Mr. Knotek clarified that for the first operational season the attendance would be capped at 250 persons. The event would be in a commercial grade tent capable of handling this capacity. Once the building facility is completed the attendance would be capped at 300 persons. The frequency of the events is limited to 2 days by the Zoning Ordinance. So, if there is an event on Friday and Saturday then there could not be an event on Sunday. The Ely’s also recognize that if the events are to be more than 300 persons then they would have to come back to the Township for a review of the Special Use.

Mr. Knotek requested that for the event days if on a Saturday that there be no prohibition for the set up of the event on the day prior to the event (allow set up on the day before). Mr. Knotek also requested that the Ely’s retain the ability to have mid-week events such as reunions and birthday parties.
Mr. Knotek addressed the venue next. This facility has been presented as a wedding barn. Currently, the existing building only has a west wall. For the first season tents roughly 40 x 80 would be used. The guests would be able to choose 1 to 2 locations for the tents. The proposed site plan shows 4 tent locations. The guests would not have 4 tents. The pathways would be wood chips 3 feet wide to 2 ceremony locations. The existing building has to have both building code and health code approvals to operate and the Ely’s goal is to use this facility next year (second season).

Mr. Knotek stated that they are aware that one of the concerns with the structure is noise at the property line. He understands that the Township is adopting a noise ordinance. Every Paw Paw Township property owner must comply with this ordinance. They are aware that this is one point of primary concern and the applicant (Ely’s) will comply with the ordinance once it is adopted and will take measures to reduce the noise levels. The applicant is doing everything in a structure or tents to minimize sound recognizing the budget.

Mr. Knotek stated that the music could shutdown at 11 P.M. and the event is done at 12 P.M. If the Planning Commission placed this as a condition of the Special Use the Ely’s are okay with the 11 P.M. music shutdown.

Mr. Knotek addressed the traffic concerns next. He stated that the applicant will comply with the Road Commission standards. There is an existing drive that is 500 feet long to the parking area (this is the West drive). The parking area is 125 spaces per the zoning ordinance requirement and approximately 20 to 25 cars can fit in the driveway so a back up onto CR 374 is unlikely.

Mr. Knotek discussed the lighting standards for the parking area. The lighting has to be sufficient to ensure the safety of the public. The applicant cannot circumvent this, and they don’t intend to not comply with this requirement.

Mr. Knotek addressed annual reviews of the Special Use permit. He stated he thinks this is a great tool for the Township and applicant. The applicant would ask that the reviews be capped to 5 years because at this point it will either be a success or a failed business. Mr. Knotek stated that the applicant does not view the conditions placed on the Special Use by the Township as the applicant making concessions.

Mr. Knotek made one final point. He stated Arlington Township had a venue that was operating outside of the zoning ordinance, When the Township went to shut them down, the owner asked to work with the Township and he didn’t know there was a process he had to follow. Now with the Special Use permit and imposed conditions, the neighbors are satisfied. However, the 2 years prior to the Special Use permit there were major problems. After the Special Use permit, they have been very successful.

Mr. Ely addressed the Planning Commission and provided background on the business plan. The Ely’s are currently remodeling the farm house and cleaning up the property.
Mrs. Ely addressed the Planning Commission and stated they were in contact with the Township prior to the purchase of the property. She thanked the audience for coming out and asked those in support to raise their hand. She provided a petition to the Planning Commission which has 225 signatures and a letter from their Small Business Management mentor.

The Chairman opened to the floor to members of the audience for comment. He asked that they raise their hand in order to be recognized. He stated that all will have a chance to be heard.

Mr. Russell Ely addressed the Planning Commission and stated that his family moved to Paw Paw in 1984 from the city. What attracted them to the area was the school system and way of life. He is in support of the Ely’s Special Use. He stated that in 1988 he asked himself what he could do to help his children. He applied for a Special Use permit to start a butchering business in his home in a residential zoning district. He talked to his neighbors. He believes this is a good process and he has been in business for 30 years. He believes the Ely’s proposal is something that can be done.

Mr. Muvrin addressed the Planning Commission and stated that he is in opposition to this. He wanted to address some of the things Mr. Knotek said. First, he believes the road is not appropriate. Mr. Knotek insinuated that there was misinformation and on the document handed out at the last meeting it says up to 500 people and Fridays, Saturdays, and Sundays. At the last meeting holidays were discussed. There was no discussion about mid-week events and this frustrates him even more. He stated Amen to Mr. Russell Ely’s statement of the way of life. He addressed Mr. Russell Ely stating, “your business of 1 to 2 people a day is different then 250 people.” Mr. Russell Ely reached out to the neighbors and all were okay with his business. Mrs. Kristen Ely stated they reached out to their neighbors and all were okay with this. If you talk to those next to the venue most are against it. Mr. Muvrin addressed the issue with the notification. He stated “he didn’t realize this was going on since he is outside of the required 300 feet. He stated this needs to be looked into and more needs to be done for notifications. As you will see there is more to this.”

Mr. Ken Schafer addressed the Planning Commission and stated that Mr. Knotek said someone was disseminating information. He stated he is that someone. Mr. Ken Schafer stated he came to the meeting last month and he didn’t know what the meeting was about. He stated that his understanding was that events would be primarily on Saturday but could also book dates for Friday and Sunday; phase one would be up to 250 people and up to 500 people for phase two. It was not at all clear that phase one was approved or that both phases were approved. Mr. Ken Schafer then asked a question to the applicant. The applicant responded. When Mr. Ken Schafer asked another question of the applicant, the Chairman interrupted by stating “please don’t answer that.” The Chairman then addressed Mr. Ken Schafer and stated you offered yourself up in response to the someone. The Chairman stated “so there is no confusion moving forward, at the end of this meeting there will be a motion to the Township Board. There will not be a limit of 500 people, the limit will be 250 people.” Mr. Ken Schafer stated he takes offense to something he didn’t do. He doesn’t know the Ely’s. He has been working since 1995 for his dream
retirement home. He provided articles to the Planning Commission defining his concerns. He said once he read the articles he went around asking the neighbors to sign a petition to deny the Special Use permit. The first page of the information he provided to the Planning Commission shows the parcels in red were property owners who had signed his petition. Mr. Ken Schafer then proceeded to Article 3 of the Zoning Ordinance Items A and D. He stated he has an opinion on A which he did not divulge. As for Item D, he stated he would be disturbed on the weekends from April to October. Mr. Ken Schafer stated that in the section of the ordinance for agribusiness this Special Use does not fall into this category.

Sanders stated Mr. Ken Schafer is missing the text amendment.

The Chairman stated the text amendment that Mrs. Sanders is referring to allowed additional activities as a Special Use in this zoning district. These activities are allowed as a Special Use for farming operations as ancillary uses to provide additional alternative income to the farm operation. So, to this end the Township is supportive of its citizens to be able to have this income source.

Mr. Ken Schafer stated he is asking to preserve the intent of the Agricultural district and deny the Special Use.

Mr. Steve Rigoni addressed the Planning Commission. He stated he has lived in Paw Paw Township since 1980 and is opposed to this. He believes this is an incredible stretch for this Special Use permit. He stated that Tapper chemical was a Special Use permit and he supported that because they were providing the surrounding farms with the needs chemicals for the crops. He also stated that most crops are sprayed at night when the winds are low, and he has a concern with the vehicles from the event and tractors on the roads. He asked who is going to police this the neighbors? He stated the building isn’t built and asked the Planning Commission to consider this farm land/area and keep this area that way.

Mrs. Samantha Blackburn addressed the Planning Commission. She and her husband own the 27 acres abutting the Ely’s to the north. They have a 2-year old son and their future plan is to build a home and reside next door to the Ely’s. She stated her generation is having lots of weddings and people are going outside of our community. She supports the idea of allowing community members to develop their ideas. She stated, “think of the additional impact to other businesses this facility would have…flower shops, hotels, restaurants.” She supports this 150%. As to the quiet of the rural area it is not quiet there is farm machinery noise. She also pointed out that this would be a family owned and operated business and they reside there on the property. The business would be an extension of their home. She sees more and more commercial business coming into the community, families putting down roots, and thus supporting the community.

Mrs. Karen Ayres addressed the Planning Commission. She thanked the Planning Commission for looking at amendments for the agricultural area and business. This is a progressive point of view. She stated that her concern was the empty store fronts in the Village. She stated that this
venue may bring more businesses. She believes you can be progressive without ruining our values. She asked if there was a strategic plan for the Township. The Chairman stated yes, it is the Master Plan. Kerby stated it is updated every 5 years. Mrs. Ayres stated “Let’s not shut down bright new ideas. We have to be open minded and willing to bend.” She stated both she and her husband are in favor of this.

Ms. Kim Jones addressed the Planning Commission. She supports Ely’s. She views this as an opportunity to bring more business to the area. She has noticed many open store fronts. She stated the noise ordinance will apply to all. As for the speed, she lives on Cr 358, there is a state police care there every day. She has lost 9 dogs since moving to this location. Speed is everywhere. She addressed the issue of noise. She has the largest dairy farm next door. They haul manure 24/7 and milk at 2 A.M. and there is nothing she can do about this noise. Mr. Mike Ely had mentioned the property they bought was up for sale twice. She commented that if you didn’t want something next to you, you should have bought it. In Lawton, a building just sold to become a wedding venue and the Village welcomed them with open arms.

Mr. Jeff Martin addressed the Planning Commission. He owns the house across from the cemetery. They bought out there to live in quiet secluded county. Since moving in, he found a drunk person in his driveway at 11 P.M. and had to call the police. He noted that CR 374 and 41st is a 2-way stop. All of this is happening with normal traffic. He stated that if the Township is amending its charters then they need to watch what we are allowing.

Mrs. Dorothy Martin addressed the Planning Commission. She stated that she and her husband, Jeff, moved from Florida to a quiet beautiful town. She thinks it is great to start a business but not great to start a business out in the middle of nowhere. There are no street lights out there and who is going to control the traffic. Noise is a big concern also. This area doesn’t have any businesses. She had her own business and it didn’t affect anybody.

Mr. Michael Davis addressed the Planning Commission. He owns property to the north. He stated there were two reasons to buy property in the country: farm and solitude/privacy. He is not looking forward to this Special Use. He is an engineer and has done sound analysis before. He can hear I-94 from his house and it is 3 miles from his house now. He asked how about 300 yards from his house. There will be no privacy. He stated that hunters in the area need to consider the impact the venue will have on deer in the area.

Ms. Susan Mihelich addressed the Planning Commission. She believes that one event per weekend could be accommodated. She believes things are being exaggerated. Most weddings are family members attending. She asked how many people have 250 guests and raging alcoholics in their family.

Mr. Brian Fritz addressed the Planning Commission. He leases 198 acres in the area and there is no reason this is going to disturb the community. It will bring in business. He supports this.
Mr. Eric Twardowski addressed the Planning Commission. He stated that he is not against this and kind of supports it. He asked, “are we under the correct assumption.” He attended the previous meeting and he understood phase one was approved. He stated they want to improve the area and the tent won’t be there forever. He has seen farms run down and chopped up. Farms are going corporate now. There may be traffic issues. He stated he doesn’t know if it is being fair to believe that everyone at the venue will come out drunk. The numbers for limiting guests can be discussed down the road maybe. It is his opinion to let them try.

Mr. Bruce Schafer addressed the Planning Commission. He stated Mihelich has race cars tuned and revved them well passed 11 P.M. years ago. What happens when the business grows and then there is a phase 2 and phase 3. He believes it is a poor location and a good idea. He stated that wedding receptions are known as an excuse to drink.

Mr. Joe Muvrin addressed the Planning Commission. He stated that before he addressed the facts and now he would like to address the emotions. He stated folks in support say address things as we are going down the road. When the Coke plant when in did anyone ask the people around the plan now how they feel after what happened with the wells? Business brings in business and love the small-town atmosphere, doesn’t understand how these statements can both exist. In Lawton, that wedding venue I in the downtown and commercial district. This is going in an area where it is not approved, and they are asking for approval. They are asking for something special outside the lines. He stated that for the composing business, for example, the Almena Board put weight on those closest to it. The Planning Commission needs to understand this is a great idea just in the wrong location. Other venues in the area and for three of those all the Townships gave negative feedback. Why would we repeat this?

It was stated that the weeding venue is a destination venue like wineries.

Mrs. Samantha Blackburn addressed the Planning Commission. People are looking for these specific venues. They are not looking for a party atmosphere. This is not a typical location for a special event facility, but it is the desired location. She stated that she wants there to be a Paw Paw in the future and that they are not going to have a community in the future if we don’t support it.

Ms. Kim Jones addressed the Planning Commission. She stated that 80% of the venues are in rural areas. She has looked at 19 venues in the area. The Lyons Club is out in the country and they have one road in and out. People are not out to get drunk any more. Traffic speed is always an issue. She is hearing a lot of what ifs. She stated that people can’t stop the growth and she doesn’t want to be a Lawrence. The Ely’s have put in a lot of effort and will comply. She believes they should be given a chance.

Mr. Jeff Martin asked the Planning Commission do you get any feedback?
Mr. Joel Ayers stated he drives the roads every day. He asked the Planning Commission if they consulted law enforcement for the Roadhouse and others. The Chairman stated no. For this venue? The Chairman stated no.

Mr. Steve Rigoni addressed the Planning Commission. He stated he was part of the Township Board when the annexation south of the Village occurred. He stated Joe Muvrin just bought 100 acres next door. He stated that every farm wants the land next to them. He has tried several times to purchase land next to his farm and even Ely’s however, there is a limit and when you are out bid you don’t have a choice. He stated zoning is to protect you.

John O’Connell addressed the Planning Commission. He stated Arlington Township has had a wedding venue for 5 years now. The first two years were a nightmare. He stated they had doubts as well. He stated in the 3 years they have been legal they have had no incidents, noise, drunk driving, or accidents. The owner lets senior services use the facility and locals get to use it for free.

Mr. Jeff Martin asked if he should be asked to sacrifice their dream for Ely’s.

Mr. Ken Schafer addressed the Planning Commission. He stated that Ely’s have gone a long way down a path for this business already. No one knew about this until the last meeting. He understands the sentiment of give it a try, but what if it is disturbing. At that point is it reasonable for the Township to take away the Special Use? It isn’t realistic, given the investment. The community didn’t by his land for him and it doesn’t pay his taxes he does.

Mrs. Samantha Blackburn asked for clarification regarding if the Special Use permit was approved for this.

Mr. John O’Connell stated that Arlington Township is a Special Use permit and is renewed every year.

Arbanas commented on the noise concerns. He has a friend that is a new resident in the Township and his friend commented to him that he (the friend) didn’t know that grape pickers could make so much noise.

The Chairman commented that the Road Commission will take care of the driveways. They will provide direction to the Ely’s. He drives these roads and he believes the curves that are close to Ely’s are a good idea because they cause people to slow down.

Olsen commented that this is similar to other things over the years that the Planning Commission has had to review. He urges the Ely’s to talk to the neighbors. It is the Planning Commission’s job to determine and it is their task to make the hard decision of “is it wise for all in this area”.
Tapper asked if all of the condition from the previous meeting been met. Ms. Largent stated yes with the exception of the Health Department and Drive all conditions identified at the previous meeting needing further information have been completed.

Sanders stated that the Township Board has asked for further compromises.

Johnson stated he heard 2 concerns noise and traffic. He quoted Mr. O’Connell “get it right to start keep it in an enclosed building”. He recommends that if the music is completely enclosed building then it is okay.

Sanders stated that it appears the focus has shifted since the last meeting.

Mrs. Kristen Ely stated that fire suppression was not originally envisioned and that this has caused a change.

The Chairman stated that this is how the process aught to work referring to the process at the meeting tonight. He stated he has the following 6 items to note.

1. Any music is in an enclosed structure even if it is tents to start.
2. Annual review.
3. Capped at 250 people initially.
4. All music stops at 11 P.M. Noise issue: they have to comply with the ordinance. The Township Board is responsible for the Noise Ordinance.
5. This is the first he has heard about week days and can see some concern.
6. It would be great if you (the applicant) could identify the number of events for each year. Mr. Knotek stated that this has been discussed but information is not prepared, and he is not familiar with the new provision to be able to discuss this tonight.

The Chairman asked for a motion to send the above additional information to the Township Board to be included for their consideration of the Special Use permit.

Motion by Kerby, supported by Olsen to provide the above 6 additional information items to the Township Board to be included for their consideration of the Special Use permit for a Special Event Facility located at 53488 42nd Street. The motion was unanimously approved.

The Chairman commented that he had downloaded a decibel meter app to his phone. He had it turned on for the meeting and the reading for the whole meeting was 60-70 decibels.

Mr. Muvrin commented that the ordinance is clear about the impact. There is an undue burden. This is not approved of by the neighbors and Ely’s have made minimal concessions.
Mr. Knotek stated the contract will contain a statement that they persons renting the venue shall comply with the Township Ordinances. The Ely’s will contact law enforcement and notify them of the date and time of the events.

The Chairman stated that the Special Use permit is modern government. Before they did not have a process for these types of requests.

Mr. Steve Rigoni asked if the same individuals would be contacted for the renewals (reviews). The Chairman stated no. He asked if the Township Board is going to track complaints. The Chairman stated the Zoning Administrator will be tasked to provide information on complaints for the reviews.

Mr. Ken Schafer asked that under the required standards and finding section of the zoning ordinance item E Action of the Planning Commission, the Planning Commission will recommend approval, deny, or approve with conditions and no matter what this request will go to the Township Board. The Chairman responded in the affirmative. The Chairman stated that if the conditions are not met then the permit can be revoked.

Mr. Ken Schafer asked if the Ely’s would make their personal phone numbers available to the neighbors. The Ely’s responded yes. Mr. Schafer asked if the Township Board would give clear objectives. The Chairman responded yes. The Chairman stated the Planning Commission is sending the addition information above (items 1-6) to the Township Board for consideration with the original recommendation.

Tapper stated he believes it is the job of the Planning Commission to move something forward.

Mr. Knotek requested clarification in regard to the text amendment: weekdays are mentioned in it?

Mr. Ken Schafer stated that this was passed at the last meeting without opposition. He stated that under the required standards and findings for making determinations one of the items state “Will the proposed use be hazardous or disturbing to existing or future neighboring uses.” He is a neighbor and yes it will be disturbing to him.

The Chairman stated that the motion on the floor was approved.

Medical Marijuana Facility Text Amendment:

The Chairman provided information to the Commission that the Township Board has asked Ms. Harvey to prepare a sample ordinance.
The Chairman stated that the maps provided did not have enough information. Additional information is needed regarding schools in the neighboring jurisdictions besides the Village of Paw Paw. The Police Power Ordinance is effective May 1, 2018 and the zoning ordinance work has to be done by then. Ms. Harvey will give an estimate to the Township Supervisor and he will seek the Township Board approval to retain Ms. Harvey for this work.

One concern the Chairman stated is what types of security. Will there be a list of security measures? He talked to Dan Abbott and asked if they could do a review and Mr. Abbott said yes.

Sanders stated that the LARA emergency rules have this in it.

Ms. Kaufman stated the emergency rules will become the permanent rules. LARA won’t look at the additional security requirements as long as they don’t conflict with LARA rules.

The Chairman requested Ms. Largent forward Ms. Harvey’s language and the emergency rules to the Planning Commission members. He also asked Ms. Largent to forward the maps to Ms. Harvey.

OLD BUSINESS: None.

OTHER BUSINESS:

The Chairman thanked the members for their service.

Olsen stated the Chairman deserved kudos for handling this evening’s situation.

The Township supervisor is satisfied with the Planning Commission’s efforts.

Kerby asked how this came back to the Planning Commission. At the last Township Board meeting at the recommendation of the Township Attorney it was sent back to the Planning Commission for further review to provide the Township Board with more information.

Johnson stated he appreciates the service of the older members of the Planning Commission. He also has a concern about the new zoning ordinance.

Next meeting Mar 22.

ADDITIONAL PUBLIC COMMENT: None.
ADJOURNMENT:

Motion by Kerby, supported by Johnson to adjourn the meeting at 9:16 PM. The motion was unanimously approved.

Respectfully submitted,
Kelly Largent
Zoning Administrator