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

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

ABSENT: None.

ALSO PRESENT: Marilyn Murphy, Bert Gale (Zoning Administrator), and Kelly Largent (Zoning Administrator).

APPROVAL OF THE AGENDA:

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

APPROVAL OF MINUTES:

February 22, 2018: Motion by Kerby, supported by Olsen to approve the February 22, 2018 minutes as submitted. The motion was unanimously approved.

March 8, 2018: Motion by Kerby, supported by Olsen to approve the March 8, 2018 minutes as submitted. The motion was unanimously approved.

PUBLIC COMMENT: None.

OLD BUSINESS:

Special Event Facility:
The Chairman talked to the Township Attorney and Supervisor about the required documentation prior to application for a Special Land Use/Site Plan. The Township believes that all of the necessary applications to the Road Commission, Health Department, State of Michigan, or any other entity should be submitted and approvals given prior to the submission for a Special Land Use/Site Plan. This may need a text amendment to the zoning ordinance.
The Chairman asked Ms. Largent to check with the Township Attorney and Supervisor on the possible text amendment.

The Commission further discussed the requirements for a Special Event Facility. The Commission requested that Ms. Harvey proceed with the necessary text amendment to remove the Special Event Facility text from the zoning ordinance. Ms. Harvey stated that she felt the Commission was being to hard on themselves. Her reasoning is the phrase “protect the rural character” is a standard statement in most zoning ordinances and is a great catch all phrase. The impacts that the residents described can happen with what is already allowed in the AGR zoning district. She also stated that both the AGR and ARR zoning districts are high impact like the industrial district.

Olsen stated he felt it is wise to pass the Commission’s opinion to the Township Attorney for input.

The Chairman stated that he has talked to the Township Attorney about removing this language and she stated that “yes” they could remove it.

Ms. Harvey asked about a conditional use and have it as a special use in the HCI zoning district.

Johnson asked “could it be in industrial area next to his property?”

Ms. Largent stated that she is passing along concerns from the Township Supervisor that this may be a knee jerk reaction.

Ms. Harvey stated she has done research on both sides of this issue.

Ms. Largent stated that the Commission could also consider amending the current text by adding more requirements and/or altering/removing existing requirements. For example, nothing during the week, remove temporary structures language, add permanent building language, and limiting the number of weekends were some of the suggestions made by those present.

Ms. Harvey asked about a timeframe for this text amendment. The Chairman stated as fast as possible with a text amendment public hearing in April if possible.

The Chairman stated the next item up for discussion is the approval authority for Special Land Uses be done by the Planning Commission. Sanders stated that she wants to revisit this also. The Chairman stated he has concerns when a Special Land Use is policy related or contentious.

Ms. Harvey stated that both Site Plan Review and Special Land Uses are an administrative function not a legislative decision. The value of not going to the Township Board is that the Planning Commission deals exclusively with the Zoning Ordinance and Site Plan Reviews. The Township Board deals with these only about 2% of the time and they don’t have the experience,
knowledge, or tools to make a determination unlike the Planning Commission which deals explicitly with these. The biggest win with the Planning Commission making the determination is that the decision is made by the community.

The Chairman stated he would like the option to send Special Land Uses or Site Plans to the Township Board when they are contentious. The Chairman asked that Ms. Largent, Ms. Harvey, and the Township Attorney work on this option to get the Township Board involved if possible.

Medical Marihuana Facility:

The Chairman stated that he believes this should have the same condition as the Special Event Facility with respect to obtaining the required documentation prior to application for a Special Land Use/Site Plan. The Township believes that all of the necessary applications to the Road Commission, Health Department, State of Michigan, or any other entity should be submitted and approvals given prior to the submission for a Special Land Use/ Site Plan.

The Planning Commission’s task is to create the zoning ordinance text. The commercial and industrial zoning districts seem to be good areas to locate these facilities. Marilyn Murphy stated that the State is pushing Ag zoning districts for the growers and that 98% of the Townships are trying to put growers in Ag areas. This use is similar to others that are already allowed in the Ag areas. The Chairman stated his opinion on unlimited facilities in the Ag zoning districts. Ms. Harvey suggested that growers and processors could be allowed in the Ag zoning districts as Special Land Uses. The Chairman again stated he can’t support unlimited facilities in Ag areas. Ms. Harvey asked the Commission what are the fears? The Chairman stated he thinks it is of the unknown and doesn’t want to be the first one.

The Chairman requested Ms. Harvey submit text language for the next meeting for the Planning Commission to review and so they can take action upon.

Marilyn Murphy stated that they have submitted their application to the State of Michigan and they need a location to move forward with the State.

Sanders stated she would like to have the proposed text prior to the next meeting. She also commented that she would like some sort of disassembly language similar to proposed text amendment for wind/solar.

The Chairman requested this be put on the Apr 26 agenda and Ms. Harvey to get the proposed language to the Planning Commission members 1 week prior to the meeting.

NEW BUSINESS:

Zoning Ordinance Update:
Tabled until the next meeting.

Ms. Harvey stated that the zoning ordinance has a mobile home park district and she is waiting to hear back from the Township Attorney on this since there have been major changes at the State level for mobile home parks. She stated that there are 3 sections remaining which contain a large number of schematics. They are sections 2, 8, 9. She will get them to the Planning Commission once they are complete.

OTHER BUSINESS:

Johnson stated he has found typos in the draft zoning ordinance and he will provide them to Ms. Harvey.

Marilyn Murphy asked the Commission if they were saying they want to allow none or only a certain number of facilities in the Ag zoning districts. The Chairman stated that the Township Board has already determined the facilities are unlimited. However, he is in disagreement with this and is wondering what is the next best thing.

Ms. Largent is to request the Township Supervisor and Township Attorney attend the next Planning Commission meeting.

Marilyn Murphy stated they have applied for 2 Class C and 1 processor licenses.

Sanders stated that she prefers to see growers and processors co-located.

ADDITIONAL PUBLIC COMMENT: None.

ADJOURNMENT:

Motion by Arbanas, supported by Tapper to adjourn the meeting at 8:03 PM. The motion was unanimously approved.

Respectfully submitted,
Kelly Largent
Zoning Administrator