Chairman Peat called the Paw Paw Township Planning Commission meeting to order at 6:05 P.M. on April 26, 2018 at the Township Hall.

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

ABSENT: Ivan Olsen.

ALSO PRESENT: Marilyn Murphy, Nick Loeks (Bosch), Kristen & Mike Ely, Ken Barnes, Sue & Dave Crouse, Dale Wasson (Coca-Cola), Kevin Paquette, Kim Jones, Rebecca Harvey (Planning Consultant), Roxanne Seeber (Township Attorney), Bert Gale (Zoning Administrator), and Kelly Largent (Zoning Administrator).

APPROVAL OF THE AGENDA:

Add under New Business item #3 Paw Paw Community Gateways.

Motion by Kerby, supported by Tapper to approve the agenda as amended. The motion was unanimously approved.

APPROVAL OF MINUTES:

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

PUBLIC COMMENT:

Kristen Ely stated that she was video-taping the meeting.

NEW BUSINESS:

Coca-Cola Site Plan Review:

Ms. Largent provided an overview of the applicant’s request. She stated that it is a reduction in the square footage for the addition which was approved at a special planning commission meeting on March 8, 2018.
Mr. Wasson stated that the reverse osmosis is still required for the production of the tea product. However, a different portion of the existing plant will be converted to accommodate this equipment.

Motion by Arbanas, supported by Kerby to recommend approval to the Township Board. The motion was unanimously approved.

Zoning Ordinance Update:

Tabled until the next meeting.

Paw Paw Community Gateways:

For Your Information: this is Ms. Harvey’s grad class assignment. This assignment was to identify community gateways. They chose the Village of Paw Paw. The purpose of the gateways is to develop the feeling that you are going to a “place”. The Village has 4 gateways which are located in the Village, Paw Paw Township, and Antwerp Township. This concept is to participate together to establish/develop gateways to benefit the entire community.

The Chairman asked that the Planning Commission members take a look at the document provided and to discuss this at the next meeting.

Ms. Harvey explained how Paw Paw Township fits into this organizationally. She stated that the report contains a district that could be adopted by all in some similar fashion. It suggests that a site plan be reviewed by the 3 Planning Commission bodies and comments be provided to the actual reviewing body.

The Chairman stated that the 7 students actually walked all of these gateways and took pictures.

OLD BUSINESS:

Medical Marihuana Facility:

Ms. Harvey presented the updated draft text for Medical Marihuana Facility with the additional information added that was requested at the previous Planning Commission meeting. She stated that a grow facility and processor facility on the same site with a grow facility would be allowed in the AGR and ARR zoning districts as special use permits. All four facilities; grow, processor, transporter, and testing, would be allowed in the HCI zoning district as special use permits.

Ms. Harvey discussed the addition of specific design standards. She stated the applicant is responsible for meeting the standards to the satisfaction of the Planning Commission. She stated that rather than establishing detailed standards in these or other areas of the ordinance the proposed text gives the Township the flexibility to review the proposal to other standards as well as those listed in the ordinance. The applicant is, therefore, required to provide all information and the Planning Commission would then review the application and submitted documentation.
Ms. Harvey stated that a list will be provided for additional material to include with the application.

The Chairman added that Kip Kerby informed him that recreational use will be on the ballot this November. The Chairman also stated he has received the following input from the Township Supervisor and others:

- Add church/religious and health care facility to the list of locations to be 500 feet from.
- Clearly state that other approvals be secured first, for example, Health Department permits, Road Commission permits, etc.
- Located on a minimum of 10 acres and owner occupied (in the AGR and ARR zoning districts)
- Police authorities provided the following input for security:
  - Indoor/Outdoor 24/7
  - Stored locally and off site (web)
  - When requested media is available immediately for review
  - Should fall under the same guidelines as liquor

Sanders wants indoor grow facility only.

Attorney Seeber stated that there is new case law that the Township cannot disallow the outdoor grow facility. Attorney Seeber also stated that if there are concerns for the distance from schools, parks, etc. that the public health code has schools, playgrounds, and libraries listed as entities that have a distance requirement.

The Board asked if the 500-foot distance could be increased to 1,000 feet. Attorney Seeber stated yes it could.

Arbanas stated he would prefer the 1,000 feet.

Attorney Seeber stated that the Township would need to be able to support (justify) the 1,000-foot distance.

Sanders stated she is not in favor of anything over 500 feet.

Ms. Harvey asked if this is for all four of locations (schools, parks, church/religious, and health care facility). The Chairman responded yes.

Attorney Seeber stated that Kalamazoo County has 1,000 feet for elementary and secondary schools and libraries; and 500 feet for others.

Kerby stated he is for keeping the 500 feet.
The Chairman asked Ms. Harvey to keep the 500-foot distance and add libraries, church/religious facility, and health care facility. He also requested that the 10-acre minimum and owner occupancy not apply to the HCI zoning district.

Motion by Sanders, supported by Arbanas add libraries, church/religious facility, and health care facility to the 500-foot distance requirement; add 10-acre minimum and owner occupied except in the HCI zoning district, add other approvals be secured first, for example, Health Department permits, Road Commission permits, etc. and schedule for a Public Hearing at the next meeting. The motion was unanimously approved.

Ms. Murphy asked if transporters were allowed in the AGR & ARR zoning districts. Ms. Largent stated that no they were not. If the transporter was not owned by them can they do this? Ms. Harvey stated that they could do this with a conditional rezoning of a parcel in the AGR or ARR zoning district. Ms. Harvey asked if May was when the Public Hearing was to be scheduled. The Chairman stated May 24th at 6 pm was the next meeting and yes, the Public Hearing is to be scheduled for this date.

Special Event Facility:

Ms. Harvey presented the proposed revision to the Special Event Facility language in the zoning ordinance. It will allow Special Event Facilities in the HCI zoning district as a special use permit. It would only be able to be approved in other zoning districts as a conditional use. The Chairman stated that this is a draft that will be taken up at the next meeting and these may be changes taken up after all the input from the first go round is received.

Kerby asked if this draft has been reviewed by the Township Attorney. Ms. Harvey stated no, the Attorney just received it.

The Chairman stated that a new application is to be submitted.

Susan Crouse stated that they have submitted the application and they have a professional DJ coming May 19th for a noise level test. She stated the Planning Commission is welcome.

The Chairman stated that one thing that is important is a map of the surrounding neighbors indicating who is for the facility and who is against it.

Susan Crouse asked what radius she should use for the map.

The Chairman stated that the notices were sent to parcels within 300 feet for Ely’s and the Board has found that this distance was not adequate.

Mike Ely stated that their attorney said enclosing the building would help with the noise reduction.

The Chairman stated that he drove by the location and he observed no homes between M-51 and the proposed site.
Kerby stated that Stanick’s have a home between M-51 and the proposed site but it is way off the road.

Susan Crouse stated that Stanick’s are not thrilled but said it is your property.

Kim Jones stated she was disappointed by the Township Board. She felt the Planning Commission was very professional and good. Her advice to Crouse’s is don’t believe the neighbors unless you get it in writing and to go around to all the neighbors even the ones across the lake.

Susan Crouse stated she has talked to the Hoods and Tappers.

Kerby asked if the Village had a noise ordinance. Kim Jones stated no.

OTHER BUSINESS:

Kim Jones asked about the noise ordinance and where it is at.

Sanders stated that it is at the Township Board level as a police power ordinance, it was discussed at the last meeting, and is not going to be implemented.

Mrs. Kristen Ely asked when the Planning Commission was first notified of the new application for a Special Event Facility. The Chairman and Mr. Kerby stated they had received the proposal in the mail 2 weeks ago. Kristen Ely asked about AGS and if they have been working with them and for how long. Ms. Largent stated yes, she had been working with them for several months just like she had with Mrs. Ely.

It was asked if fire suppression was required. Mr. Gale answered there are several factors for determining this.

Mr. Mike Ely stated that in the last meeting there was an urgency to amending the current language, what prompted this? The Chairman responded that he believed this was a knee-jerk reaction. The Planning Commission it trying to learn from this experience.

Mrs. Kristen Ely asked if the Planning Commission’s intention was to remove the language completely. The Chairman stated that this was one avenue and option that was discussed. The Chairman stated it was his opinion that the language wouldn’t have been removed but left as a conditional rezoning option as presented tonight.

Mrs. Kristen Ely asked when has conditional rezoning been available. She stated that they were not apprised of conditional rezoning. Ms. Harvey explained to her that conditional rezoning was not an option available to them since the use did not exist in the zoning ordinance until the text amendment for the use was approved by the Township Board.
Kim Jones stated she is looking at putting this (Special Event Facility) up but not in Paw Paw Township. She asked if there is a perfect spot.

The Chairman provided the following example of what conditional rezoning may achieve: a chemical facility in an agricultural zoning district to serve the surrounding agricultural community could be one example of a perfect spot.

Conditional rezoning would allow commercial businesses in areas that are not zoned for this use.

Ms. Harvey explained that technically it allows a community to rezone a parcel to a use or a particular proposal if the applicant submits specific conditions. Usually, it is a use proposal with design elements.

Susan Crouse asked the Commission if the Special Event Facility language is modified would the old language apply to them. The Chairman stated yes.

Mr. Mike Ely asked if the additional approvals is coming soon.

Susan Crouse stated that Environmental Health asked why are you doing this and the Road Commission stated they needed architectural plans to approve a driveway permit.

Mrs. Kristen Ely stated that if the permits are applied for then the fee must be paid at the time of submission and this is really the cart before the horse and then to be told no is devastating.

ADDITIONAL PUBLIC COMMENT: None.

ADJOURNMENT:

Motion by Kerby, supported by Tapper to adjourn the meeting at 7:45 PM. The motion was unanimously approved.

Respectfully submitted,
Kelly Largent
Zoning Administrator