PAW PAW TOWNSHIP
PLANNING COMMISSION
MINUTES
April 25, 2019

Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:00 P.M. on April 25, 2019 at the Township Hall.

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

ABSENT: None.

ALSO PRESENT: Rebecca Harvey (Planning Consultant), Mike Ely, Brian Herbert, Bert Gale (Zoning Administrator), and Kelly Largent (Zoning Administrator).

APPROVAL OF THE AGENDA:

Sanders asked that the draft solar text be added to new business.

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

APPROVAL OF MINUTES:

March 28, 2019: Motion by Olsen, supported by Tapper to approve the March 28, 2019 minutes as amended. The motion was unanimously approved.

PUBLIC COMMENT:

Mr. Ely is looking for the minutes from January to March for the planning commission. He stated that he did not find them on the Township website.

Sanders stated an agreement was reached in the Ely vs Paw Paw Township case. She stated that the Township attorneys discussed the Appeal process, probability of the Appeal being heard by the Appellate Court, and where the funds would come from for paying for this process.

Mr. Herbert stated that the Planning Commission minutes are way behind on the website. Johnson stated that this has been an ongoing issue. Sanders stated she will take this concern to the Township Board.

NEW BUSINESS:

Zoning Ordinance and Map.
Mr. Gale asked the Planning Commission about the requirement for signed and sealed site plans.

The Planning Commission discussed the requirement and Ms. Harvey provided her understanding of this requirement and pros and cons for both requiring signed and sealed plans and not requiring signed and sealed plans.

Ms. Harvey asked if there were any revisions to the proposed text for solar panels. Sanders stated that ground cover was not included. Sanders asked if there was a way to require ground cover for leased land versus owned land. Ms. Harvey stated that the Township cannot distinguish based on land ownership. Sanders stated she has no change since the proposed text is neutral.

Ms. Harvey stated she has the following 2 questions for the Planning Commission.

1. Fencing: Ms. Harvey explained her question pertains to waterfront lots. Can a person fence along the waterfront? The current ordinance is silent on this. After discussion by the Planning Commission, the Planning Commission decided to leave the language as is.

2. Single Family Dwellings in a Non-residential zoning district: Ms. Harvey explained that the current ordinance does not allow any alteration, expansion or reconstruction greater than 50% of the replacement cost. She explained the Planning Commission had two possible avenues. They can either exclude residential buildings from the non-conforming structure requirements or language can be added for a special land use for non-conforming residential buildings.

The Planning Commission discussed the two options.

Palenick asked how would lending institutions react to a special land use. Ms. Harvey stated she does not have any information regarding this.

Motion by Sanders, supported by Tapper to add language to the non-conforming structures text to exclude residential structures. Motion was approved with a majority vote.

Ms. Harvey presented the 3 maps provided by Ted Thar. She stated that one is the existing map and the other two are the new proposed zoning districts and a closer view of the general commercial zoning district with the parcel boundary lines. Ms. Harvey stated that the changes to the names of some zoning districts and the addition of new districts made it necessary to update the zoning map.

She recapped the discussion from the February Planning Commission meeting and stated the Planning Commission was left to make a decision regarding the General Commercial zoning district. The Planning Commission had 3 options:

1. To leave the general commercial district as is and add it into the draft zoning ordinance.
2. Put parcels in the general commercial district into the Neighborhood Convenience Commercial or Industrial zoning districts.
3. Look at the gateway west proposed zoning district again.

Ms. Harvey stated that the enlargement of the current general commercial zoning district depicts where this district is located in relationship to the parcels and their boundary lines. This map and the new zoning district map were provided to allow the Planning Commission to determine what they wanted to do regarding the general commercial zoning district and parcel boundaries (do you want the district to remain as is and have split zoning on some parcels or have the zoning district follow parcel boundary lines?) and whether or not the new working zoning district map is what the Planning Commission intended.

Sanders discussed extending the general commercial zoning district to the Lawrence township line and down 671 a little South of I-94.

Ms. Harvey stated that the neighborhood convenience commercial district was to allow for pockets of commercial in what would otherwise be residential.

The Planning Commission asked if the changes to the non-conforming language for residential buildings would also apply to residential structures in the general commercial zoning district. Ms. Harvey stated yes.

The Planning Commission decided to put the general commercial zoning district back into the draft zoning ordinance and leave as is for as long as possible until a study of types of uses in the general commercial zoning district is done. Solar text language needs to be added to the draft zoning ordinance. The working zoning map needs to have the low density residential and general commercial zoning districts added back to the map. The Planning Commission will come back next month to review these changes.

Mr. Herbert stated that Lounsbury has surveyed and done elevations along CR665 for sewer. He stated that the residents are stating they don’t want the sewer. Sanders stated that the Township is not considering a sewer expansion at this time.

Mr. Herbert stated that if the survey was not for the sewer could it be for a residential development and could a developer come in and establish a subdivision.

Ms. Harvey addressed this concern. She stated that this is partially correct. The property could be rezoned based on the Future Land Use and consistent with the Master Plan. The developer would have to

1. Own the property
2. Have the infrastructure in place to allow for the development.

Mr. Herbert stated that the evidence makes it look like they are getting ready to do something.

The Chairman stated that at the present time there are no changes for the Township sewer.

Sanders stated that there is an exemption form for agricultural land for the sewer.
OLD BUSINESS: None.

OTHER BUSINESS:

Ms. Largent updated the Planning Commission on the All Secure project stating that they had submitted the updated plans and are now in compliance with the conditions stipulated by the Planning Commission. She also stated that the Township Supervisor asked that she bring up the topic of accessory family dwelling. Ms. Harvey stated she is working on language to add this to the draft zoning ordinance.

Next meeting is May 23rd.

ADDITIONAL PUBLIC COMMENT:

Tapper stated that he agrees with what Mr. Herbert is saying and can the Planning Commission change this.

Palenick stated he doesn’t understand what Mr. Herbert and his neighbors are looking at and where they are getting their information. He had heard rumors before of one resident selling his 350-acre farm but doesn’t know if this is true.

ADJOURNMENT:

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

Respectfully submitted,
Kelly Largent
Zoning Administrator