Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:05 P.M. on June 27, 2019 at the Township Hall.

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

ABSENT: Ivan Olsen, and Tom Palenick.

ALSO PRESENT: Rebecca Harvey (Planning Consultant), Kristen Ely, Michael Davis, and Kelly Largent (Zoning Administrator).

APPROVAL OF THE AGENDA:

The Chairman added item (2) By-laws adoption under New Business

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

APPROVAL OF MINUTES:

May 23, 2019: Motion by Arbanas, supported by Tapper to approve the May 23, 2019 minutes as submitted. The motion was unanimously approved.

PUBLIC COMMENT:

The Chairman noted that public comment is limited to 2 minutes.

Kristen Ely stated she had a list of questions that she would like to ask. They listed below.

1. Questioned the changes for Wineries/Cideries and the vision of the Master Plan? (I think she wants to know how this fit into the statements of the Master Plan for that zoning district.)

2. When and why were Wineries/Cideries added, where did the wording come from, how was that wording selected? Rebecca answered this at the meeting about how townships derive the text amendment language. Kristen Ely had a follow up question with this, and it was the intentions of Chairman Peat with the family connection for a winery/cidery.

3. What are the by-laws for the Planning Commission?
4. Were there any potential conflicts of interest regarding the Ely Special Event Facility and wedding venues?

5. Is there a proximity clause in the by-laws?

The Chairman stated that when Mrs. Ely brought the Special Land Use application and site plan to the Planning Commission for a Special Event Facility, he supported the proposal and the Planning Commission recommended approval of the application. The Planning Commission has had no involvement in the litigation of the lawsuit nor any information as to the outcome of the litigation. They were completely removed from that.

Mrs. Ely stated that they felt they have been treated unfairly.

The Chairman noted that Mrs. Ely had been speaking for 4 minutes and that she is over the time allowed.

Ms. Harvey explained the process of how a Planning Commission derives any text amendment language, the process the text amendment goes through to be adopted, and that the language for the wineries/cideries is standard language that can be found in most zoning ordinances.

Ms. Largent explained that she had been tasked to research wineries/cideries zoning ordinance language and provide samples to the Planning Commission. Ms. Harvey had been tasked with development of this language with the input from the Planning Commission.

Ms. Harvey stated that the meeting tonight was the review of the draft Zoning Ordinance for the public to comment.

The Chairman stated that there is no perfect ordinance.

Arbanas stated he has recently read an article about people think something is a given right even though it is not. He stated that the article continued to state that it is the responsibility of those higher up the ladder to sort out. The article also pointed out that there may be other things that go along with the perceived given right that an individual may not be aware. He sited the example of angled parking in the Village. The Village tried angled parking in the downtown area a few years ago and it was not successful. The Village has since returned to parallel parking.

The Public Comment was closed at 6:21 P.M.

NEW BUSINESS:

Zoning Ordinance and Map Public Hearing.

The Chairman opened the public hearing at 6:22 P.M.
Ms. Harvey recapped the changes and stated the draft Zoning Ordinance and Map are ready for Public comment.

Johnson stated that he didn’t see the notice in the paper. Ms. Harvey stated that the Township Attorney sent the notice to the paper on May 21st. The Township Attorney had completed the publication requirement and it was up to the paper to publish once they received the notice.

Mr. Michael Davis stated he supports the Zoning Ordinance and the neighbor’s pole building.

Tapper expressed concern that the two members that were absent did not have an opportunity to provide their input.

The Chairman asked the members for their opinion on tabling a recommendation for the draft Zoning Ordinance and Map to the next meeting.

Sanders stated that the Township receives and keeps a copy of the newspaper. Sanders left the meeting to retrieve the last 4 publications of the paper at 6:30 P.M. She returned at 6:32 P.M.

The Planning Commission reviewed the paper to locate the notice. The notice was located in the June 7th paper.

Sanders stated she has noted a few locations that require a change. The first is in the introduction: the number of zoning districts needs to be changed from 11 to 12 since the General Commercial district was added. The next location is on page 69: Village needs to be changed to Township. Lastly, page 113 paragraph A (1) “an” needs to be changed to “and”.

Sanders stated she had questions about a clause in the PUD section of the Ordinance regarding a preliminary site plan review fee on page 73. Does a fee need to be set?

Ms. Largent stated that the current Ordinance provides the option to the applicant to do a preliminary review or proceed directly to a final site plan review. Ms. Harvey stated that this requirement for preliminary site plan review is specific to a PUD and the Planning Commission would not want to remove it as it is a benefit to both the Township and applicant in the development process. Ms. Harvey also stated that the Township Board would determine the fee for this. Sanders noted this and will present it to the Township Board.

Tapper stated he feels the other members should be here. The Chairman noted that they don’t need to be present since there was a quorum present.

Ms. Harvey stated that the Planning Commission has a couple of options available to them at this time. They could:

1. Close the public hearing and make a recommendation to accept the Zoning Ordinance and Map as corrected. OR
2. Close the public hearing and table the Zoning Ordinance and Map to a specific date, typically it is the next meeting. The next meeting would be July 25th.
Sanders noted that Palenick stated he would not be present at this meeting and he approved of the draft Zoning Ordinance and Map at that meeting.

Motion by Tapper to close the public hearing and table the Zoning Ordinance and Map to the July 25th Planning Commission meeting.

Having no second the motion died on the table.

Motion by Sanders, supported by Johnson to close the public hearing and recommend the Township Board accept as corrected the Zoning Ordinance and Map. The motion passed with 4 Ayes and 1 Nay.

The Public Hearing was closed at 6:43 P.M.

By-laws.

Ms. Harvey stated that the By-laws were initially adopted many years ago. The Township office could not locate a copy. Ms. Harvey along with the Township Supervisor determined that the Planning Commission By-laws probably hadn’t been updated to reflect the updates to the Planning Commission Enabling Act. Therefore, an update is needed. Ms. Harvey explained that the By-laws are adopted by the Planning Commission and no approval from the Township Board is needed.

Ms. Harvey explained the By-laws set forth the Planning Commission’s authority, members, procedures, meetings/schedule, conflict of interest, etc.

Mrs. Ely had a question about item C which establishes the 300-foot radius for notification. Ms. Harvey stated that this requirement is directly from the State law and is set at 300 feet.

Mrs. Ely had a question about item 2 conflict of interest. She perceives that there is/was a conflict of interest with her Special Use Permit for a Special Event Facility and Mr. Tapper since his brother owns property within 300 feet of her proposal.

Ms. Harvey stated that this is for the Commission to determine when one of its members presents a possible conflict of interest and not if a member of the public has a concern of a conflict of interest. Ms. Harvey provided the following example.

A member has a friend presenting an application to the Planning Commission. The member states to the Planning Commission that this is a friend. The Planning Commission then has the obligation to ask these two questions: 1. Is there a financial connection between the Planning Commission member and the application being presented? And 2. Is the Planning Commission member within the 300-foot radius of the proposed location? Once the Commission has answers to these questions then they vote on the question of a conflict of interest.

Johnson asked if the website for the draft Zoning Ordinance was in the notice. Ms. Harvey stated yes it was.
Sanders noted that the meeting time needed to be changed to 6:00 instead of 6:30 on page 3 of the By-laws.

Motion by Tapper, supported by Arbanas to accept the By-laws as corrected. The motion was unanimously approved.

OLD BUSINESS: None.

OTHER BUSINESS:

Next meeting is Jul 25th.

ADDITIONAL PUBLIC COMMENT: None.

ADJOURNMENT:

Motion by Tapper, supported by Arbanas to adjourn the meeting at 7:00 PM. The motion was unanimously approved.

Respectfully submitted,
Kelly Largent
Zoning Administrator