Chairman Peat called the Paw Paw Township Planning Commission meeting to order at 6:00 P.M. on January 25, 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), Ken Schafer (58001 Lanphear Hill Dr.), Joe Muvrin (43832 CR 374), Ryan Blackburn (22143 Woodhenge Dr.), Eric Twardowski (42647 CR 374), Catherin Kaufman (Township Attorney), 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:

December 28, 2017: Motion by Kerby, supported by Olsen to approve the December 28, 2017 minutes as submitted. The motion was unanimously approved.

PUBLIC COMMENT: None.

NEW BUSINESS:

Public Hearing: Special Land Use for Special Event Facility located at 53488 42\textsuperscript{nd} St, parcel numbers 80-14-008-005-10, 80-14-008-005-20, and 80-14-008-015-00.

The Public Hearing was opened by the Chairman at 6:03 P.M.

Mrs. Kristen Ely addressed the Planning Commission regarding their application for the special land use and provided background information on themselves.
Hearing no further comments, the Chairman closed the public hearing at 6:04 P.M.

The Planning Commission then began the review of the site plan.

Olsen commented that this was a popular upcoming trend. The Chairman and Kerby agreed with this comment.

Arbanas commented that there are not too many large halls for large crowds in existence currently.

Kerby asked if this would be a seasonal facility. Mrs. Ely stated yes.

Mr. Muvrin of 43832 CR 374 asked about what was being requested.

Mr. and Mrs. Ely provided a copy of the proposal submitted to the Planning Commission to Mr. Muvrin and Mr. Schafer of 58001 Lanphear Hill Dr. Mrs. Ely described the proposal and Mr. Ely stated they wanted to preserve the rich vineyard history of the area. Mrs. Ely stated the barn would not be enclosed and their intent regarding keeping noise levels down. She provided information regarding the decibel level as measured from her phone app for a boom box style radio with the volume at maximum level. She stated that in the barn the decibel level was 92. The readings across the streets were as follows:

- 42nd St: 73.4 decibels
- Cr 374: 73.3 decibels

Mrs. Ely stated that these levels were equivalent to a busy street based on her information from the internet. The decibel levels by her sister’s property were 66 decibels which is equivalent to normal conversation and by Tappers the level was 59.5 decibels which is equivalent to a quiet street.

Mr. Schafer stated he owned the property directly east of 43588 42nd St. He is a small business person himself. He has owned this property for a long time and is planning on retiring in 2 - 5 years and building his and his wife’s retirement home on this property. He asked can the special use permit apply to another business.

The Chairman stated that the special use permit applies only to what is approved in the special use.

Mr. Ryan Blackburn of 22143 Woodhenge Dr. owns the property directly north of Mr. and Mrs. Ely. He asked about farming noise. The Chairman responded that farming operations noise is governed by the Right to Farm Act.

Mr. Schafer stated he doesn’t have an objection if times of operation are specified and there is a limit to the volume. He doesn’t want to have this facility to have an impact on his way of life every weekend. He wants there to be a rule in place.
The Chairman stated noise is variable and can’t put something specific in place.

Attorney Kaufman stated that the Planning Commission can put a condition as to the noise level. In her experience, noise levels are hard to enforce without a decibel level requirement.

The Chairman stated the Planning Commission was not addressing this tonight.

Attorney Kaufman stated she has seen other communities noise ordinances and 65 decibels across the property line is an accepted level.

The Chairman asked the Ely’s if they would agree to an annual review.

The Ely’s have agreed to not be a nuisance and to come back in a year.

Mr. Schafer stated that if there is a review in a year then he would be agreeable. He would be satisfied once a noise ordinance is in place.

Mr. Muvrin asked about traffic patterns. Mrs. Ely stated the road commission will dictate the placement of the driveway(s) and traffic flow concerns. They are proposing 1 entrance drive and 1 exit drive. They have 3 driveways currently on CR 374.

The Planning Commission reviewed the criteria for final site plan review in Section 42-302 of the Zoning Ordinance. The Planning Commission made determinations on the following items which were identified as “condition not met”. Items 5, 7, and 8: The owner agreed to provide the information. Based on the owner’s submission to the Zoning Administrator, the Planning Commission has determined this to be adequately met. Item 9: The Planning Commission has determined this has been met based on the information from the discussion and the submitted information. Item 11: The owner stated the driveways are the only areas to be paved. The Planning Commission has determined this condition to be met based on the owner’s statement and the requirements in Section 42-110(23) for parking surfaces. Item 12: The Zoning Administrator stated that at the request of Mrs. Ely, she contacted the Health Department and provided them with the information from the site plan packet at the request of the Health Department. The Health Department will review this information and contact the Ely’s. The Planning Commission stated this is verified prior to the issuance of a building permit. The Planning Commission noted no sewer or water for phase 1 subject to approvals of the Van Buren County Health Department. Item 14: The owners stated they plan on maintaining the existing fields. The Planning Commission determined this condition to be met based on the owners’ statement. Item 16: The owners stated there is existing lighting on the exterior of the building. Any new lighting will be directed to comply with the requirements of the zoning ordinance. This information will be provided to the Zoning Administrator. The Planning Commission has determined this to be adequately met. Item 17: The Planning Commission determined this condition to be met. Section 42-204 (N) and (P) were determined to be met by the Planning
Commission. Section 42-204 (J) was determined to be in association with item 16 of section 42-302 and would be adequately met, since the owners have agreed to provide lighting information in compliance with the zoning ordinance.

Section 42-239
Item 3: was reviewed by the Planning Commission. The Planning Commission determined that the width of the maneuvering lanes should be increased to 15 feet as a minimum. The owners agreed to increase the width to 15 feet and to provide an updated site plan for parking to the zoning administrator.

Item 5(c): was determined to be in association with item 16 of section 42-302 and would be adequately met, since the owners have agreed to provide lighting information in compliance with the zoning ordinance.

Item 5(d): The Planning Commission determined the submission to be adequate and the condition met based upon the discussion and the submitted information.

Section 42-242: The Planning Commission determined this to be adequately met based on the parking space requirements in Section 42-110 (23).

Section 42-243
Item A (1): The owners agreed to provide the necessary dimensions. The Planning Commission determined this to be adequately met with the submission of the required information to the zoning administrator.

Item A (2): The owners agreed to provide the necessary dimensions. The Planning Commission determined this to be adequately met with the submission of the required information to the zoning administrator.

Items A (7) and (8): The Planning Commission determined these to be adequately met based on the submitted information and discussion.

Section 42-266 (A) The owners have requested a sign on 42nd St to be the website painted on the side of the “pig” barn. The Planning Commission determined this to be acceptable based on the location of the “pig” barn to the road.

Section 42-267: The owners agreed to provide the dimensions of the directional signage. Based on this statement and the information provided, the Planning Commission determined the items submitted for this section to be adequate.

The Planning Commission reviewed the criteria in Section 42-110 (23) for the Special Use Permit. The Planning Commission made determinations on the following items which were identified as “condition not met”. Item B: The Planning Commission determined the submissions to be adequate based on previous discussions for the site plan review. Item E: The Planning Commission determined the submissions to be adequate based on previous discussions for the site plan review. Item F: The Planning Commission determined the submissions to be adequate based on previous discussions for the site plan review. Item H: The owners agreed to
provide dimensions and locations of the proposed tents. The Planning Commission determined that once this information has been submitted to the zoning administrator and confirmed to be in compliance with the zoning ordinance this requirement would be adequately satisfied. Item I: The Planning Commission modified the hours of operation to:

9 a.m. to 12 a.m. for the preceding day and the day of the following holidays: Memorial Day, Fourth of July, and Labor Day.

Item J: The owners agreed to lighting that is in compliance with the Zoning Ordinance. See the previous discussion for the site plan review criteria. Based on this information the Planning Commission determined the submission to be adequate. Item K: The Planning Commission determined this to be conditioned upon the requirements of the Van Buren County Health Department as stated in item 12 of the site plan review criteria. The Zoning Administrator noted that in the Notes at the end of the review it was noted that there was to be an open fire pit and recommended the Planning Commission discuss this. After discussion of the fire pit with the owners who stated they would comply with the necessary codes and their insurance company requirements, the Planning Commission placed the following condition on the fire pit: The fire pit is to meet the fire code requirements.

Motion by Kerby, supported by Tapper to recommend approve the site plan with the following conditions:

1. The Septic System and Water Supply meet the requirements of the Van Buren County Health Department.
2. The fire pit meets the requirements of the current fire code.

Mr. Schafer stated he is taken aback by this and after reading the proposal he received this evening is not in favor of this. He finds it difficult to understand how this is agricultural and not commercial. He stated they bought the property as agricultural and this does affect the neighbors. Mr. Schafer stated he didn’t get to read this plan he received a notice in the mail. Mr. Schafer considers this proposal to be a commercial operation.

Mr. Muvrin asked what the process is for notification. Ms. Largent stated that by law the Township is only required to provide notice to the neighbors within 300 feet of the property. It is the responsibility of the interested party to visit the Township Hall to review the application. An application is on file as required by law with the Township Clerk. Mr. Muvrin stated that he is not within 300 feet which is why he didn’t receive a notice. Ms. Largent confirmed this as correct.

Mr. Schafer stated he didn’t care about the signage and traffic. He was concerned about the Ely’s experience handling 250 people. He stated that these events won’t end at midnight.

Mr. Muvrin stated he believed this should be tabled.

Mr. Twardowski of 42647 CR 374 asked if provisions have been established.
Sanders stated the Planning Commission has done as they are required. If the audience has further comments they may attend the Township Board meeting which is the second Monday of the month at 7 p.m. in this conference room.

Arbanas stated he had concerns about the Roadhouse noise at one time also and the Roadhouse and Township have worked through them.

Mr. Schafer stated he is not in favor of this.

The Chairman stated the applicants have done everything they had to do. The Planning Commission has continued to try to support the Township’s agricultural community by adding what seems to be commercial uses.

The Chairman stated we have a previous motion still on the floor. Being no further discussion, the Chairman asked for a vote on the motion on the floor. The motion was unanimously approved.

Motion by Arbanas, supported by Olsen to recommend approval of the special use permit for Special Event Facility with the following conditions to the Township Board:

1. The Septic System and Water Supply meet the requirements of the Van Buren County Health Department.
2. The fire pit meets the requirements of the current fire code.

The motion was unanimously approved.

The Planning Commission commented on the changes of the area already from agricultural to more commercial in nature especially along Red Arrow Highway.

The Planning Commission recommends that residents attend the Township Board meeting.

Rebecca Harvey will not be attending tonight. Ms. Largent provided copies of the next Articles for Ms. Harvey. Tabled until the next meeting.

Ms. Largent provided a copy of the calendar to the members.

Elections:

Motion by Arbanas, supported by Sanders to nominate and elect Randy Peat as Chairman, Kip Kerby as Vice Chairman, and Jim Tapper as Secretary. The motion was unanimously approved with Peat, Kerby, and Tapper abstaining.

OLD BUSINESS: None.
OTHER BUSINESS:

The Chairman stated that the Parks & Rec plan is for review and to provide comments to the Township Board.

The Township Board is working on acquiring the land to the South of the Township Hall. They will tear down the existing building and convert the lot to parking for the Township Hall.

Medical Marihuana text amendment language was provided to the Planning Commission members. The Township is currently working on the police power ordinance to allow grower facilities, processing facilities, testing facilities, and transporters. Provisioning facilities will not be allowed.

The Planning Commission directed Ms. Largent to get maps showing a 500-foot and 1,000-foot radius around schools either from the Township or the County. Attorney Kaufman addressed 2018 issues for medical marihuana.

Next meeting Feb 22.

ADDITIONAL PUBLIC COMMENT: None.

ADJOURNMENT:

Motion by Kerby, supported by Olsen to adjourn the meeting at 8:33 PM. The motion was unanimously approved.

Respectfully submitted,
Kelly Largent
Zoning Administrator