

**Waverly Township
Planning and Zoning Commission Meeting Minutes
42114 M-43 Hwy., Paw Paw, MI 49079
Monday, Aug. 30, 2021**

Chairman John Porter called the special meeting of the Planning & Zoning Commission to order at 7:05 p.m. The Pledge of Allegiance was recited.

The Planning Commissioners in attendance were John Porter, Tom Fleetwood, Marvin Leedy and Bernie Wilcox, Zoning Administrator Tasha Smalley and Township Treasurer Linda Bloom were also in attendance. Commission Michael LaPine was absent.

Agenda: Additions, corrections, approval. Leedy proposed to accept the Agenda. Fleetwood seconded. All in favor by voice vote.

Minutes: Leedy motioned to accept the minutes for the last meeting on July 6, 2021. Wilcox seconded, and all were in favor via voice vote.

**Recess Regular Meeting—open public hearing
Present Ground Rules**

Public Hearing

- a. Armando Bustos of Paw Paw, MI 49079 has petitioned for a Special Use Permit to operate a home occupation, autos & auto parts recycling, at the property 36585 39th Avenue (80-18-023-003-50). Zoning Administrator gave us the documents submitted to her. He takes of catalytic converters, rims, batteries and exhaust units. When Porter asked how long they would be there, and if people brought vehicles to him, Bustos said that vehicles usually go to Padnos in Holland in no more than 1 day, and no one brings vehicles to his home/business. He states that there are no fluids on his premises. Fleetwood asked if he as selling other car parts, and he said no. The Class R license he has applied for is just for recycling. Porter asked how much truck traffic goes in and out, and he said mainly family. He has a pick-up truck and trailer for picking up and delivering. No customers on his property. Fleetwood said his business must be 40 feet distance from the property line. Tasha Smalley said the house is 40', and the pole barn is 20'. She said Class R is for titles. The Sargeant said that's all he needs to have. Resident Mrs. Loper stated her objections: noisy trucks and lots of traffic. Mandy Johnson lives on 39th, and stated that trucks are going 0 to 60 or 70 mph by her home, next door to Armando. Employee Cody Payne said he doesn't need a dealer license, and that they can do business elsewhere. Another resident, Christopher Williams, is an employee and stated that Bustos gave him a great opportunity to help his family. He added that there are no chemicals or fluids drained on the property. Resident Jack Brown says this land is Agricultural, switching to a business. This is spot zoning, and they have remodeled the home and barn. Asked if he got building permits for that? Supervisor Bob Reits stated that he owned a towing company, and that if you tow vehicles, you will have fluid leaks. Other residents don't like the idea of this type of business so close to them. Jacob LaRue, who lives on M-43, asked if a license is needed to buy and refurbish one vehicle at a time? No. The Planning Commission has forwarded this information and the business application to the Township Board for review/approval/denial.
- b. 989 Ventures of Howell, MI has submitted an amended site plan to add an additional 42 acres for property 80-18-004-004-02 to an approved marijuana grow facility at 24993 CR 665 (80-18-004-004-10 & 20). Documents were submitted to the Zoning Administrator.

Nathan Shevick from 989 Ventures stated that they are not planting more plants for now. They want to move the fences and tree line. Solar panels will be used. He invited everyone to come and visit from 9 to 5 every day. Neighbors Caris and Tim Kellogg on 24th Avenue asked why they don't leave the driveway in and leave the fences? Tasha said they were asking to add a 42-acre plot, using about 25 of the 40 acres. They must be at least 1,000 feet from the church. There will be vehicles inside the fenced area. There were several suggestions by neighbors and residents about what to do with the fences, etc. Pam Stamm said Nate said he would put in a line of trees, but now he is saying he wants to make parking for trucks. Nate said he will be getting pine trees from Wahmhoff Farms. Tasha asked if they were planning on combining the 3 properties someday, and Nate said yes.

Close public hearing at 8: p.m.

John Porter re-convened the regular meeting at 8:18 p.m.

- a. Tom Fleetwood asked for more info from the state pertaining to an R license, and suggested we push the decision on Bustos' recycling business for a month. Porter says if we approve the special use for the R license, we will add more restrictions. Leedy agreed and added to the discussion. He would like to have Bustos insulate and give more detail on his day-to-day activities at the business. He wants this in writing. Wilcox also suggested there before information before we vote. Porter motioned to postpone any decision to Oct. 11, 2021. Leedy seconded and all were in favor. Motion carried.
- b. 989 Ventures is seeking an amendment to use an additional 42 acres. They will fence in to secure vehicles. Will plant tree line around the fence, and will request to be able to put up hoop houses and a pole barn in mid-November. Shevick will be back in the Spring. Fleetwood said that he spoke with neighbors to this property Grimes, McPike and others, and that they had no complaints to report to him. Porter moved to recommend approval to the township board for approval. Leedy seconded, and all were in favor.
- c. Marijuana zoning ordinance review. A resident suggest that township residents submit written recommendations via e-mail or letter. Tasha is about 60% done with the Adult Use and Medical Marijuana Ordinances now. Treasurer Bloom asked her to give us a copy of what she has completed so far, and she did that.

Unfinished Business: Marijuana Zoning Ordinance Review- August thru September. Township residents are encouraged to submit written recommendations via e-mail or letter correspondence to the Waverly Township Clerk for consideration no later than Oct. 11, 2021.

P & Z Commissioner's Comments: Porter suggested that everyone go to ProtectWaverly.com and see public concerns

Adjourn: Commissioner John Porter adjourned the meeting at 8:57 p.m.

Respectfully,

John H. Porter, Jr.
Chairman