

## Minutes, Paw Paw Planning Commission

The Planning Commission meeting held Thursday, May 25, 2006 at 111 E. Michigan Avenue, Paw Paw, Michigan, convened at 7:05 p.m., Chairperson Kathleen Larson presiding. **Meeting Convened**

Present: Larson, Rumsey, Bogen, Thomas, Roger and Krenz. Planning Commission Member Larcinese is excused. Also present: Bradley Noeldner, Village Manager, Lisa Winger, Village Planner and Nate Voigt, Project Engineer for Nederveld Associates, Inc. (Advance Auto Parts Store Representative). **Members Present**

Motion by Thomas, supported by Krenz, to approve the minutes of the regular meeting of May 4, 2006 as corrected. All members voting yes. The motion is approved. **Approval of minutes**

Motion by Thomas, supported by Krenz, to postpone until August 24, 2006, or later if requested; any further action on the request for a Special Use Permit for an outdoor display area at the Proposed Wal-Mart site at 1013 S. Kalamazoo Street. All members voting yes. The motion is approved. **Wal-Mart Special Use Permit Postponed**

Nate Voigt, Project Manager, from Nederveld Associates, Inc. presented a revised site plan for an Advance Auto Parts Store planned for 308 S. Kalamazoo Street. Amendments to the site plan, from a previously submitted plan, included the relocation of an access drive off St. Joseph Street and revisions to the landscape plan providing for additional plantings of shrubs. A discussion followed regarding the possibility of retaining some of the existing trees, eliminating some of the parking at the South side of the building and adding additional landscape materials in various locations. Mr. Voigt indicated that this will be evaluated and they will attempt to accommodate these requests if possible. **Advanced Auto Parts Site Plan Review**

Motion by Thomas, supported by Rumsey, to recommend to the Village Council approval of the site plan for a proposed Advance Auto Parts Store planned for 308 S. Kalamazoo Street, with the following contingencies:

1. A revised landscape plan providing for additional landscape area and materials at the south side of the building is to be submitted to the Village within 90 days. Further, the Village is requesting the elimination of four parking spaces to enhance the landscape area south of the building;
2. The applicant is to comply with all Federal, State & Local laws and regulations, including those pertaining to wetlands, and obtain any necessary permits.

All members voting yes. The motion is approved.

Village Finance Officer Riley has provided Chairperson Larson with a copy of Ordinance No. 264 as it relates to the Planning Commission. After review and discussion of the ordinance, the following action was taken. Motion by Bogen, supported by Krenz, to select Kathleen Larson, Chairperson, Chuck Rumsey, Vice Chairperson, Mike Thomas, Secretary/Clerk and Eric Larcinese, Deputy Secretary/Clerk for fiscal year 2007. All members voting yes. The motion is approved.

**Selection of  
Planning  
Commission  
Officers**

Village Manager Noeldner provided an update relating to the issue of when this project was going to be brought into compliance. Noeldner reported that Mr. Warner had been provided a letter which allowed him until July 1, 2006 to bring the parking lot and dumpster screening into compliance. If at that time the project is still in non-compliance, legal action will be initiated to complete this matter.

**Warner  
Vineyards  
Parking Lot**

Mr. Noeldner also told the Planning Commission that Jim Yarbrough has informed him that Mr. Yarbrough has utilized his bond to apply for a permit to work in the MDOT right-of-way for the purpose of relocating the access drive to the Warner Vineyard parking lot. He has not stated when the work will be completed.

Mr. Noeldner was asked the status of the removal of the Warner Vineyards sign currently located on property being occupied by Allegis Credit Union. He responded that the Allegis occupancy permit was contingent on removal of the sign.

**Warner  
Vineyards Sign**

The Planning Commission talked about the need to review our fencing requirements and after discussion, it was decided that Lisa will bring some recommendations to the June Planning Commission meeting.

**Review of  
Fencing  
Ordinance**

Under old business, the question about licensing or oversight of assisted living facilities was brought up. After brief discussion, it was determined that Noeldner will attempt to contact Judge Willis and bring some information to the June meeting.

**Assisted Living  
Oversight  
Requirements**

Another topic included under old business is the status of the use of property owned by Patrick Brennan (the "old" St. Mark's Church building). Noeldner informed the Planning Commission that he has met with Mr. Brennan and discussed several options on how he can bring the facility into compliance. Mr. Brennan has indicated that he plans to seek a use variance and submit application to the Zoning Board of Appeals. As of this time, no action has been initiated by Mr. Brennan.

**Patrick Brennan  
Non-conforming  
Use**

Old business discussion also included concerns about screening around the dumpster located at the Yarbrough Apartments located at Dyckman Street. Ms. Riley has indicated to Mr. Noeldner that she had spoken to Mr. Yarbrough regarding this matter and he has indicated he will comply and get this taken care of very soon. Staff will continue to pursue this matter to bring the screening into compliance.

**Yarbrough  
Apartments  
Dumpster  
Screening**

General discussion took place relating to items of concern the Planning Commission has about the proposed Wal-Mart project. Several items were discussed including, wetlands, floodplains, County drains and vacated buildings. Discussion also took place about the possibility of an ordinance to require building demolition if a structure were to set vacant for over a specific period of time. Lisa stated that she would attempt to find some information about this topic which other communities may have already implemented.

**General  
Discussion**

Commission Member Larson updated the Planning Commission about discussion she had held with Village President Plaszcak and Manager Noeldner regarding the proposed Wal-Mart project and what information Council may require for site plan approval. She also stated that she had gone back to review the site plan previously approved for K-Mart and Star Medical Offices to see what the Council had required of each of those projects for approval. Larson also discussed a May 9, 2006, letter from Attorney Page regarding site plan review and approval.

**Member  
Comments**

Commission Member Bogen brought up for consideration, the fact that the Planning Commission may want to review the Ordinance as it relates to parking requirements, in light of the discussion which took place about the amount of spaces proposed for an Advance Auto Parts Store (In particular, the fact that they are constructing more spaces that minimally required by our ordinance).

Motion by Thomas, supported by Rumsey, to adjourn the meeting at 9:11 p.m. All members voting yes. The motion is approved.

**Adjournment**

**Respectfully submitted:**

Bradley J. Noeldner, Village Manager