

**VILLAGE OF PAW PAW PLANNING COMMISSION  
DRAFT MINUTES  
REGULAR MONTHLY MEETING  
THURSDAY, JANUARY 4, 7:00 pm**

1 The regular monthly meeting of the Paw Paw Planning Commission was held at the Paw Paw Township  
2 Hall Chamber located at 114 N. Gremps Street, Paw Paw, Van Buren County, Michigan.

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4 **I. CALL TO ORDER:**

5 The meeting was called to order by Chair Larson at 7:00 pm.

**II. ROLL CALL:**

6 MEMBERS PRESENT: KATHLEEN LARSON – CHAIR  
7 EMILLY HICKMOTT – SECRETARY  
8 TOM PALENICK  
9 MICHAEL PIOCH  
10 ASHLEY NOTTINGHAM – VILLAGE TRUSTEE  
11 JEFF BROWN  
DAVID BOGEN

12 NOT PRESENT: NONE

13 OTHERS PRESENT: TRICIA ANDERSON, VILLAGE PLANNER, WILLIAMS & WORKS

14 **III. APPROVAL OF THE AGENDA: MOTION**

15 Commissioner Pioch moved, with support from Commissioner Palenick, to approve the agenda as  
16 proposed for the January 4, 2024, regular Planning Commission Meeting.

17 Motion carried unanimously by voice vote.

18 **IV. DECEMBER 7, 2023 MINUTES: MOTION**

19 Commissioner Bogen moved, with support from Commissioner Brown, to approve the meeting  
20 minutes from December 7, 2023, subject to changes noted.

21 Motion carried unanimously by voice vote.

22 **V. PUBLIC COMMENT**

23

24 Mr. David McQueen, of 833 N. Kalamazoo was present to indicate that he was misquoted in the  
25 meeting minutes from the previous month related to his public comments regarding short-term

26 rentals. He noted that his statement was meant to convey that high fees may prevent owners from  
27 renting their properties, not from registering their properties. Ms. Anderson noted the issue and  
28 indicated they would be corrected.

29  
30 Dawn McQueen, of 833 N. Kalamazoo provided some additional insight related to being a property  
31 owner of a short-term rental.

## 32 33 **VI. NEW BUSINESS**

### 34 35 **A. Auto Zone – 715 Kalamazoo Street – Site Plan Review**

36 Chair Larson asked the applicant to speak on behalf of the project.

37  
38 Wesley Berlin was present on behalf of Auto Zone, who presented the proposed retail store.  
39 Mr. Berlin walked the Planning Commission through the proposed improvements for the  
40 site. He indicated that the existing building would be demolished, along with all accessory  
41 structures and the existing parking lot. He indicated that he has been working with EGLE to  
42 obtain the necessary permits to impact potential wetlands and he is also working on a letter  
43 of map amendment to formally remove the site from the FEMA Flood Insurance Rate Maps  
44 (FIRM). He noted that there are some areas in the planner’s report that he would like to  
45 address with the Planning Commission that were noted as not being met.

46  
47 Some discussion was had regarding the façade design and that the design proposed was  
48 acceptable to the Zoning Administrator. The Planning Commission noted that they’d like to  
49 see the varied materials and he was amenable to their suggestion. He also referenced the  
50 recommendation to connect a sidewalk from the existing sidewalk along Kalamazoo through  
51 the parking lot and to the door of the building. Planning Commissioners agreed that they  
52 don’t often see that. Ms. Anderson indicated that it the Planning Commission has the  
53 discretion here to approve an alternative façade design, and that the requirement for safe  
54 pedestrian circulation was somewhat vague. She added that if the Planning Commission  
55 feels that the site design is acceptable as proposed with regard to logical vehicular and  
56 pedestrian circulation, the ordinance affords the Planning Commission some discretion here  
57 as well.

58  
59 Mr. Berlin went on to discuss stormwater management. He noted that he has been in talks  
60 with the Village since March of this year and was told that stormwater controls would not be  
61 required for this site. He expressed his disappointment with the communication between  
62 the Village and the planning consultant. He noted that he believes the standards are all met  
63 and that he was hopeful that the Planning Commission would waive the requirement to  
64 install stormwater controls. He explained the current design that shows surface water  
65 essentially wraps around the site and is discharged into the river following some methods to  
66 slow the velocity of the water. He added that he does not believe that the engineer from  
67 Williams & Works has the authority to require that his stormwater design meet that of the

68 County Drain Commission. He expressed his concern for having to potentially propose  
69 underground detention, which, if he's expected to adhere to the requirements in the zoning  
70 ordinance that mandates detention, it be very expensive and may in, fact, kill the project.

71  
72 Chair Larson asked Ms. Anderson if there is flexibility with stormwater management. Ms.  
73 Anderson responded by saying that this is a specific standard and there is a calculation in the  
74 zoning ordinance that must be met. If there was a way for that to be optional, then the  
75 language in the ordinance would indicate it as such, but it does not. She added that she  
76 believes the calculation is somewhat outdated compared to the current standards that have  
77 been adopted by the state for MS4 communities and that there are no more stringent  
78 requirements for infiltration on the site and channel protection downstream. She expressed  
79 her surprise in the applicant's statement regarding stormwater management on the site  
80 being a "bad idea".

81  
82 Mr. Berlin explained to the Planning Commission what goes into a stormwater management  
83 design and provided many technical details regarding calculations and the physical flow and  
84 velocity of the water. Commissioner Brown asked whether the Village was at fault for telling  
85 him that stormwater would not be required. Ms. Anderson explained that design engineers  
86 have mastered the act of researching the zoning ordinance requirements and that the  
87 Village could not be at fault for not realizing that the ordinance requires stormwater  
88 management on the site.

89  
90 More discussion was had about whether the applicant could appeal the requirement for  
91 stormwater management to the ZBA. Ms. Anderson noted that there are criteria that must  
92 be met in order for a variance to be granted. She added that this is why communities often  
93 place stormwater standards in their regulatory ordinance so that it cannot be appealed the  
94 same way that zoning provisions can. She also added that it's a life-safety consideration that  
95 should not be appealed. Just like you would not appeal the width of a public roadway, for  
96 example.

97 The Planning Commission expressed concerns with the fact that they currently do not have a  
98 Village manager and it may be difficult for the Zoning Administrator to fill in all the gaps at  
99 this time. Some questioned how feasible a variance would be. Ms. Anderson noted that the  
100 applicant would need to demonstrate that meeting the letter of the ordinance would cause  
101 an undue hardship, and that a practical difficulty exists. Mr. Berlin noted that he does not  
102 feel it's a good case for the ZBA and Ms. Anderson agreed. Many questioned how easy or  
103 fast it would be for the Drain Commission to review the plans and whether he would be  
104 subject to different standards. Mr. Berlin noted that the county's standards were not that far  
105 off from the Village zoning ordinance standards as far as the volume and coefficient. Ms.  
106 Anderson suggested that Mr. Berlin revise the plans to show that the stormwater  
107 management standards have been met, as determined by the Williams & Works engineer,  
108 and then the item could be resumed at a subsequent meeting. She advised the Planning

109 Commission to work with the Village Council on a solution to handle stormwater review in  
110 the future.

111 After much discussion, Planning Commissioners indicated that perhaps holding a special  
112 meeting would help speed up the process. Mr. Berlin agreed to notify Ms. Anderson when  
113 the revisions had been made and then a decision could be made as to whether a special  
114 meeting would be necessary.

115 **Commissioner Bogen moved, with support from Commissioner Pioch, to table the item**  
116 **until the applicant submits plans that are revised to reflect storm detention as required by**  
117 **the zoning ordinance.**

118 **Motion carried unanimously by voice vote.**

119 **VII. OLD BUSINESS**

120 **A. DISCUSSION: SHORT-TERM RENTAL ORDINANCE**

121 The Planning Commission wanted an additional month to review the ordinance and would  
122 discuss it further at the upcoming meeting.

123

124 **B. DISCUSSION: FOOD TRUCK ORDINANCE**

125 The Planning Commission wanted an additional month to review the ordinance and would  
126 discuss it further at the upcoming meeting.

127

128

129 **VIII. PLANNING COMMISSION MEMBER COMMENTS** – Further discussion about how the Village could  
130 work toward finding a solution to the issue of not having a stormwater review engineer. Chair  
131 Larson noted that the MML document that was sent by Mr. Lux was very interesting. There was  
132 brief discussion on any talks about the Village Council making any decisions to become a City and  
133 what the difference would be. Chair Larson noted that the document was helpful in explaining the  
134 differences between cities and villages.

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136 **IX. STAFF/CONSULTANT COMMENTS** – None.

137 **X. ADJOURNMENT** – 9:50 pm



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Tricia Anderson, AICP – Williams & Works  
Recording Secretary