

**Minutes, Paw Paw Planning Commission
Regular Meeting, March 6, 2014**

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| 1. | The regular Planning Commission meeting of Thursday, March 6, 2014, convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Hildebrandt, Pioch, Rumsey and Thomas.
Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Rumsey, supported by Thomas, to approve the agenda as presented. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Thomas, supported by Hildebrandt, to approve the minutes of the regular Planning Commission meeting of December 5, 2013 as presented. All members present voting yes. The motion carried. | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that no public hearing item was scheduled for consideration. | Public Hearing
Items |
| 7. | Larson noted that the next item scheduled for Board consideration was Draft #1 of the Village Revitalization Area PUD District. She advised that the draft text had not been included in the meeting material. It was determined that Harvey would provide a summary of the draft text to allow for Board discussion of the concepts set forth. | Ongoing Business:
Village
Revitalization
Area PUD |

Harvey then provided an overview of the draft PUD text. Board members provided feedback on the following elements: open space requirements; building height/placement standards; desired parking arrangements; waterfront setbacks; and, the roadway network. Board discussion ensued regarding the proposed boundaries of the PUD District. It was determined that the District boundary would extend south of the railroad right-of-way, as depicted in the Concept Plan (Master Plan) for the area.

Harvey noted that she will forward the draft text to Board members via email by the end of the week. The Board also requested that hard copies of the text be provided in the April meeting packet. It was agreed that this would allow the Board adequate time to review the draft text prior to the April meeting.

8. Larson stated that the next item was scheduled discussion of the Downtown Overlay District. Harvey referenced the February 6, 2014 Planning Commission Memo and provided an update on the adoption schedule for the proposed text amendment.

**Ongoing Business:
Downtown Overlay
District**

She noted that minor amendments to the Master Plan will be required to more comprehensively support the proposed text and reference the façade guidelines and streetscape design concepts developed for the downtown area. Harvey noted that she has prepared the necessary amendments and the public hearing process for same can be initiated.

Harvey stated that she has also reviewed the Zoning Ordinance to determine the amendments and rezonings required to facilitate the adoption of the proposed District. She advised that the amendments and public notices for same are currently being developed.

It was then noted that the outreach strategy developed for the streetscape design concepts; the façade guidelines; and, the downtown overlay district had been scheduled to be completed in February but that the planned meetings had been postponed due to weather. Harvey stated that the stakeholder meetings have been rescheduled for March/April.

Following discussion of the required amendments to the Master Plan and Zoning Ordinance and the revised outreach strategy schedule, the Board concurred that the public hearing for the Downtown Overlay District (and related amendments) would be appropriately scheduled for May or June.

9. Larson stated that no *New Business* was scheduled for consideration.
10. Larson distributed the draft 2013-2014 Planning Commission Annual Report. She requested Board review of the draft report and noted that the 2013 Annual Report and 2014 Work Plan would be scheduled agenda items for the April meeting.
11. Harvey distributed copies of the Wings of God Annual Report submitted to the Village in compliance with the Special Land Use Permit.
12. There being no further business to come before the Commission, the meeting was adjourned at 8:46 p.m.

New Business

Member Comments

**Village Manager/
Planning Consultant**

Adjournment

**Village of Paw Paw Planning Commission
Regular Meeting, April 3, 2014**

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| 1. | The regular Planning Commission meeting of Thursday, April 3, 2014, convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Rumsey and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Thomas, supported by Bogen, to approve the agenda as presented. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Rumsey, supported by Bogen, to approve the minutes of the regular Planning Commission meeting of March 6, 2014 as presented. All members present voting yes. The motion carried. | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that no public hearing item was scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that pursuant to the Planning Commission Bylaws, the election of officers of the Board is scheduled to take place at the regular meeting in April. Motion by Rumsey, supported by Bogen, to nominate and elect the following slate of officers of the Planning Commission for 2014-2015:

Chair: Kathy Larson
Vice-Chair: Chuck Rumsey
Secretary: Mike Thomas | New Business:
Election of Officers |
| All members present voting yes. The motion carried. | | |
| 8. | Larson stated that pursuant to the Planning Commission Bylaws, the schedule of regular meetings for 2014-2015 is required to be adopted by resolution. Motion by Rumsey, supported by Thomas, to adopt the Resolution Setting Planning Commission Regular Meeting Schedule for 2014-2105 Fiscal Year. All present voting yes. The motion carried. | New Business:
Meeting Schedule |
| 9. | Larson noted that the 2013 Annual Report of the Planning Commission had been distributed to the Board for review/comment at the March meeting. No further comments were noted. The Annual Report was then accepted by Board consensus. Larson stated that the Annual Report would be | New Business:
Annual Report |

submitted to the Village Council for reference.

10. Larson stated that the next item to be considered was the 2014 Planning Commission Work Plan. Harvey noted that the draft 2014 Work Plan was developed from the updated 2013 Work Plan and the updated 2012 Master Plan/Zoning Ordinance Review. The Board approved the Work Plan as presented, noting the following: Item g. will soon be brought before the Board via a text amendment request application; Item h. – industrial districts and Item c. – waterfront overlay district will be given priority 1 and 2 respectively.

**New Business:
2014 Work Plan**

11. Larson stated that the next item scheduled for Board consideration was Draft #1 of the Village Revitalization Area PUD District. She noted that the Board had received the draft text in March for review/discussion in April.

**Ongoing Business:
Village
Revitalization
Area PUD**

Board discussion ensued wherein the following points of consensus were noted:

Purpose: general support of proposed text

Applicability: general support of proposed text

PUD Provisions: 2. – consider 50% residential; 30% nonresidential

4. - confirm open space requirements 6. – 2-3 building stories supported; support on-street parking; 50 ft waterfront setback suggested; want to incorporate ‘wayfinding sign’ standards

Procedural Guidelines: general support of proposed text

Approval Process: general support of proposed text; specific support for ‘preapplication meeting’ provision

It was determined that additional consideration of the design standards was required. Board members agreed to review the PUD Provisions for continued discussion in May.

12. Members requested updated copies of the Village of Paw Paw Zoning Map.
13. No comment was offered at this time.
14. There being no further business to come before the Commission, the meeting was adjourned at 9:34 p.m.

Member Comments

**Village Manager/
Planning Consultant**

Adjournment

**Village of Paw Paw Planning Commission
Regular Meeting, May 1, 2014**

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|----|---|---|
| 1. | The regular Planning Commission meeting of Thursday, May 1, 2014, convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Hildebrandt, Pioch, Rumsey and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Thomas, supported by Rumsey, to approve the agenda as presented. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Consideration of the April 3, 2014 Planning Commission meeting minutes was postponed to the June meeting. | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that no public hearing item was scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that the next item scheduled for Board consideration was the text amendment request by James Smith. She referenced the February 27, 2014 Application Letter and the May 1, 2014 Planning Commission Memo. | New Business:
Text Amendment-
Nonconforming Uses |

James Smith, applicant and Jeff Swarton, legal counsel for the applicant, were present. Swarton provided the Board with background information regarding the applicant's desire to expand a nonconforming use at 629 North Kalamazoo Ave. He referenced the applicant's request for variance approval to allow the expansion that was considered and denied by the Zoning Board of Appeals on November 4, 2013. Swarton noted that the applicant is now requesting that the Village consider amending the Ordinance so as to provide for the modification of a nonconforming use. He referenced the proposed text offered for Board consideration in the February 27, 2014 Application Letter.

Harvey reviewed the differences between a nonconforming use and a nonconforming building. She further noted the Zoning Board of Appeals' conclusions as to what constitutes an 'expansion' of a nonconforming use/building.

Board discussion ensued. Thomas noted general support for allowing a modification or expansion of a nonconforming use if it is necessary to

address a safety issue or a code violation. Concern was expressed with the suggestion of permitting same through a percentage standard given the inherent difficulties in tracking compliance over time.

Harvey was directed to develop draft text for Board consideration in June. The draft text should incorporate the following: allow for the expansion of a nonconforming use; define what constitutes an expansion of a nonconforming use; consider the applicant's proposed language; and, any other ideas generated from consideration of the item. It was noted that Board consensus regarding the draft text would allow for a public hearing on same at the July meeting.

8. Larson stated that the next item to be considered was the request of James Smith for rezoning of property located at 629 North Kalamazoo Ave from the R-1 District (Single Family Residential) to the RM District (Multiple-Family Residential). It was noted that the Master Plan classifies the subject property as Low Density Residential (LDR) and that an amendment of the Plan to reclassify the property to High Density Residential (HDR) would be required to support the requested rezoning.

**New Business:
Rezoning Request -
629 Kalamazoo Ave**

It was determined that the required noticing could be accomplished to facilitate a public hearing on the rezoning request at the July Planning Commission meeting. The applicant noted support for scheduling the public hearings on both the text amendment (Agenda Item #7) and the rezoning for the same Planning Commission meeting.

Motion by Rumsey, supported by Pioch to schedule the requested rezoning and related Master Plan amendment for public hearing at the July 3, 2014 Planning Commission meeting. All members present voting yes. The motion carried.

9. Larson stated that the next item scheduled for Board consideration was continued review of Draft #1 of the Village Revitalization Area PUD District. She noted that the Board had discussed the draft text in April and had determined that additional consideration of the design standards was required.

**Ongoing Business:
Village
Revitalization
Area PUD**

Lengthy Board discussion ensued regarding the land use scenarios and design elements envisioned for the Village Revitalization Area. Harvey suggested the use of a 'visual preference survey' to assist the Board in better defining those desired form and design elements. It was agreed that a 'visual preference survey' would be conducted at the June meeting with the intent of providing clear direction as to the desired design standards for the PUD.

10. No member comments were offered at this time.

Member Comments

11. No staff comment was offered at this time.

**Village Manager/
Planning Consultant**

12. There being no further business to come before the Commission, the meeting was adjourned at 9:34 p.m.

Adjournment

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**Minutes, Paw Paw Planning Commission
Regular Meeting, June 5, 2014**

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|----|---|--|
| 1. | The regular Planning Commission meeting of Thursday, June 5, 2014, convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Hildebrandt, Pioch, and Rumsey. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Pioch, supported by Hildebrandt, to approve the agenda as presented. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Rumsey, supported by Pioch, to approve the minutes of the regular Planning Commission meeting of April 3, 2014 as presented. All members present voting yes. The motion carried. | Approval of Minutes |
| 5. | Motion by Pioch, supported by Hildebrandt, to approve the minutes of the regular Planning Commission meeting of May 1, 2014, with the following correction: Pg 1, Item 7, 2 nd paragraph – replace ‘Swarton’ with ‘Swarenton’. All members present voting yes. The motion carried. | Approval of Minutes |
| 6. | No public comment regarding non-agenda items was offered. | Public Comment |
| 7. | Larson stated that no public hearing item was scheduled for consideration. | Public Hearing
Items |
| 8. | Larson stated that no <i>New Business</i> was scheduled for consideration. | New Business |
| 9. | Larson noted that the next item scheduled for Board consideration was the text amendment request by James Smith. She referenced the February 27, 2014 Application Letter and the May 1, 2014 Planning Commission Memo provided in the May meeting material. Larson further noted that draft text had been prepared for Board consideration. | Ongoing Business:
Text Amendment -
Nonconforming Uses |

Harvey referenced the draft text (Draft #1) and reviewed the provisions contained therein. She noted that the draft text does not incorporate the specific amendments suggested by the applicant but does allow for the expansion of a nonconforming use and defines what constitutes an expansion of a nonconforming use, as directed by the Board.

Tom King, legal counsel for the applicant, was present. He referenced the applicant's situation at 629 South Kalamazoo Street and the ZBA's denial of a variance request to allow for the expansion of the nonconforming

use at that location. King explained that the applicant has requested both a rezoning of the property (*the public hearing to be held in July*) and an amendment of the nonconforming use provision as alternative approaches to permitting the proposed construction on the site. He noted that the text proposed in the application is designed to remove existing inconsistencies and permit the expansion of a nonconforming use up to 15% of the building area.

Lengthy Board discussion of Draft #1 ensued wherein the following was noted: the proposed 42-364 (b)(3) and (c)(3) allow for an expansion of a nonconforming use and a nonconforming building/structure as special land uses – however, no standards exist in the ordinance with which to determine compliance; safety issues may be a valid reason to consider allowing for the expansion of a nonconformity; concern was expressed that allowing for an increase in the area occupied by a nonconforming use is contrary to the objectives of eventually bringing nonconformities into compliance; the definitions of ‘density’, ‘occupied area’ and ‘manner of operation’ were questioned; support for text that would clearly allow for an extension of a nonconforming building/structure where each extension was in conformance was noted.

Harvey was directed to revise the draft text pursuant to the Board’s discussion for consideration in July. King expressed support for the Board continuing to work on developing language in lieu of considering only the text set forth in the application.

10. Larson stated that the next item for consideration was the ‘visual preference survey’ requested to facilitate development of the design standards for the Village Revitalization Area PUD. It was determined that the ‘visual preference survey’ would be postponed to the July meeting due to the lateness of the hour and to allow more Board members to participate.
11. Larson stated that the next item was scheduled discussion of the Downtown Overlay District. Harvey referenced the May 14, 2014 Village Council Memo and reported that the outreach meetings have been completed. She summarized the feedback received from the process.

**Ongoing Business:
Village
Revitalization
Area PUD**

**Ongoing Business:
Downtown Overlay
District**

Pioch then referenced the May 27, 2014 Village Council meeting and the Council’s directive to proceed with the adoption of the Downtown Overlay District.

Harvey stated that minor amendments to the Master Plan will be required to more comprehensively support the proposed text and reference the façade guidelines and streetscape design concepts developed for the downtown area. She added that she has also reviewed the Zoning

Ordinance to determine the amendments and rezonings required to facilitate the adoption of the proposed District. Harvey advised that the amendments and public notices for same are currently being developed.

The Board requested that draft copies of the public hearing notice, Master Plan amendments, and Zoning Ordinance amendments/rezonings be provided for general Board review in July.

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| 12. | Pioch referenced the memo offered by Council member McIntosh considered at the April 28, 2014 Council meeting and the follow-up memo from the Village Manager that provides responses to the suggested ordinances. He noted that four (4) of the items have been identified for Planning Commission review. | Member Comments |
| The Board agreed to review the proposed Downtown Overlay District in July to determine how it might address the four (4) identified items. | | |
| 13. | No staff comment was offered. | Village Manager/
Planning Consultant |
| 14. | There being no further business to come before the Commission, the meeting was adjourned at 9:25 p.m. | Adjournment |

**Minutes, Paw Paw Planning Commission
Regular Meeting, July 3, 2014**

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|----|---|---|
| 1. | The regular Planning Commission meeting of Thursday, July 3, 2014 convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Hildebrandt, Pioch, Rumsey, and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Rumsey, supported by Hildebrandt, to approve the agenda as presented. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Thomas, supported by Bogen, to approve the minutes of the regular Planning Commission meeting of June 5, 2014 as presented. All members present voting yes. The motion carried. | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that a public hearing was scheduled to consider the request of James and Felicia Smith to rezone property located at 629 North Kalamazoo Street from R-1 Single Family Residential District to RM Multiple Family Residential District. She noted that an amendment to the Master Plan so as to reclassify the property from Low Density Residential to High Density Residential will also be considered. | Public Hearing:
Rezoning - Smith |

Pioch explained that he resides within 300 ft of the subject property and therefore, as defined by the Michigan Zoning Enabling Act, has a conflict of interest regarding the subject request. He stated that he would be abstaining from the Board's consideration of the request.

(Pioch exited the meeting)

James and Felicia Smith, applicants and Tom King, legal counsel for the applicants, were present. King provided a history of the development of the property and background information regarding recent improvements made to the property and applications currently under consideration by the Village. He noted that four (4) residential units have existed on the site since before the property was zoned R-1.

Referencing the rezoning criteria set forth in Section 42-33, King noted the following:

- the surrounding land use in the area is not limited to single family

residential;

- multiple family zoning/land use is located opposite the subject site;
- properties along Maple Lake are too small to result in multiple family development . . . even if rezoned;
- the requested rezoning would not constitute a 'spot zone' in that a duplex and an 11-unit complex exist on nearby properties;
- the intent of the existing R-1 zoning cannot be achieved in this area due to existing multiple family use;
- the existing multiple family use of the subject site and of several area properties is more consistent with the intent of the RM District than the R-1 District;
- when the area was initially rezoned to R-1, it created many nonconforming properties and zoned people out of their homes;
- if rezoned to RM, new development of the site would be limited by applicable dimensional standards;
- continued use of the subject site as multiple family (4 units) within the RM District would not negatively impact water quality;
- many properties within the area are occupied by nonconforming uses; rezoning the site to RM will not introduce a new use pattern in the area;
- there is support by area neighbors to allow continued use of the site by the existing 4 residential units;
- leaving the subject site within the R-1 District impacts the value of the property by limiting improvement permitted to nonconforming uses.

The public comment portion of the public hearing was opened.

Ed Grollemond stated that he purchased his property with the knowledge that the subject site was occupied by 4 residential units. He noted his support for the improvements to the property made to date and their impact on property values. Mr. Grollemond added that he is currently planning to relocate and is having issues selling the property due to the local market.

Sasha Boersma stated that she is a tenant on the subject site and supports the rezoning so that the owner can make repairs to the unit she occupies. The Board noted that the Ordinance currently allows for the repair and maintenance of buildings occupied by nonconforming uses . . . but does not permit the alteration or expansion of a nonconforming use.

Felicia Smith explained that the stairway for the main house was repaired due to a fall she experienced. She stated that the stairway was unsafe and that the repairs that have been done recently corrected the problem.

Jessica Dent stated that she was a previous tenant of the property and confirmed that the previous stairway was both dangerous and difficult to use to move furniture. Several statements were offered regarding the improved safety and appearance of the renovated stairway.

Larry Shafer opined that the recent work done on the property constitutes an improvement and requested that the applicants be allowed to complete the planned renovations.

Martha Merriman questioned why single family zoning was being considered for the property. The Board explained that the property is currently within the R-1 District . . . it was further noted that the property was zoned R-1 at the time it was purchased by the applicants.

No further public comment was offered on the matter and the public comment portion of the hearing was closed.

In response to questions, Harvey provided an overview of the applicable elements of the Master Plan; the relevant provisions of the Zoning Ordinance; the approval, adoption, and amendment requirements applicable to both documents; and, the rezoning criteria set forth in the Ordinance.

She further reviewed the nonconforming use provisions and the recent decision of the Zoning Board of Appeals regarding the expansion of a nonconforming use and the applicant's variance request from same. Harvey summarized the nonconforming use provisions applicable to the subject site . . . noting that the existing four (4) units on the property are allowed to continue as lawful nonconforming uses. It was noted that the Board is currently engaged in reviewing the current nonconforming use provisions for modification at the request of the applicant.

The Board proceeded with a review of the rezoning criteria set forth in Section 42-33, noting the following findings:

- 1) The predominant land use pattern in the area is single family residential . . . consistent with the statement of purpose for the R-1 District which states '*it is typically a single-family housing area*' and is '*designed to preserve those areas which developed strictly as single family detached units on separate lots.*' The RM District is intended to '*provide for multiple family residential uses at 8-14 units per acre.*' (Section 42.161).
- 2) The Master Plan does not support the proposed RM zoning of the property; the Plan establishes the east shoreline of Maple Lake as appropriate for low density residential development; reclassifying the property to high density will serve to introduce high density land use options in an area of primarily single family land use.
- 3) The Master Plan recognizes the subject area as low density residential; medium density residential is planned for areas adjacent to the south and east; a change of conditions in the area is not present

supporting a reclassification of property; land use policies for the area regarding density and shoreline development remain valid.

- 4) The subject site is largely surrounded by R-1 zoning; R-1 zoning is prevalent along the eastern shoreline of Maple Lake.
- 5) See above.
- 6) Rezoning the subject property will introduce a new zoning pattern along the eastern shoreline of Maple Lake; such a change in the land use pattern would warrant reconsideration of shoreline development standards and a reduction in areas currently planned/zoned for high density residential land use within the Village.
- 7) Reference conclusions noted for #4 and #6.
- 8) It could not be confirmed that development on the subject site would be limited to the existing four (4) units due to applicable dimensional requirements within the RM District. It was noted that the RM District does not set forth density limitations and permits 2.5 story buildings.
- 9) There have not been any requests to rezone land in the subject area within the last five (5) years; recent development along this segment of Kalamazoo Street has been limited to single family residential.
- 10) High density residential development will increase the potential for negative impacts on the watershed through greater lot coverage, increased parking needs, etc.; introducing largely different land use characteristics into the area could negatively impact property values.

Smith acknowledged that the recent work conducted to date on the site was completed without the requisite permits/inspections. He stated that he feels the renovations are necessary but would not have made the investment had he known it would not be supported by the Village.

Bogen commented that, outside of a 'conditional rezoning' approach, the Village was required to consider all uses allowed within a requested district in concluding on the appropriateness of the district for a specified location. He reviewed all of the uses allowed within the requested RM District in support of the conclusions noted by the Board.

Motion by Thomas, supported by Bogen, to **recommend denial** of the

requested rezoning of 629 North Kalamazoo Street from R-1 to RM, including the related reclassification of the property from Low Density Residential to High Density Residential in the Master Plan, based upon the findings of the Board on the rezoning criteria set forth in Section 42-33, Zoning Ordinance. The motion carried unanimously, with Hildebrandt abstaining.

(Pioch re-entered the meeting)

7. Larson stated that no *New Business* was scheduled for consideration. **New Business**

(Hildebrandt exited the meeting)

8. Larson stated that the next item scheduled for Board consideration was the text amendment request by James Smith. She referenced the February 27, 2014 Application Letter and the May 1, 2014 Planning Commission Memo provided in the May meeting material. Larson noted that draft text had been considered by the Board in June. In consideration of the review comments provided in June, the draft text had been revised and submitted for continued Board review. **Ongoing Business:
Text Amendment -
Nonconforming Uses**

Harvey referenced the draft text (Draft #2) and reviewed the provisions contained therein. She noted that the draft text sets forth optional provisions that allow for the expansion of a nonconforming use and defines what constitutes an expansion of a nonconforming use, including the specific language suggested by the applicant.

Tom King, legal counsel for the applicant, was present. He offered the following comments on Draft #2 of the proposed text: 42-364 (b)(3) – Option 1 is short-sighted . . . but Options 2 or 3 would be workable; 42-364 (b)(3) – revise Option 2 – e. to read ‘200 sq ft or 15 %, whichever is less’.

Larson stated that she had reviewed the nonconforming use provisions in the zoning ordinances for the City of Portage and the City of Kalamazoo. She noted that she liked the clarity of the City of Kalamazoo’s text . . . and stated that they do not allow for the expansion of a structure occupied by a nonconforming use.

In response to a request to, at a minimum . . . revise the text to allow for the expansion of a structure occupied by a nonconforming use when needed to address safety concerns, she inquired as to what might be an example of a safety issue that would require the expansion of the structure. King referenced the stairway situation at the Smith property as an ‘great’ example.

It was confirmed that ramps/stairways are not typically considered to be

part of a building footprint . . . but that enclosure of same would be held to constitute a part of the building and thereby serve to increase the building footprint.

Larson stated that there may be merit in allowing for an expansion of a building occupied by a lawful nonconforming use if it was needed to address a legitimate safety issue . . . but opined that 42-364 (b)(3) – Option 2 offers an approach that is too subjective. Rumsey agreed that safe exterior stairways are a legitimate concern and advocated text that would allow enclosure of same consistent with code requirements.

There was general consensus that Option 1 would be the cleanest approach . . . and could provide for an exception that would allow for the enclosure of existing stairs or stairway repairs required to comply with applicable building codes. In response to a question from King, it was confirmed that the proposed ‘exception’ would not allow for the deck or building projection/’bump out’ included in the Smith application.

Harvey was directed to revise the draft text pursuant to the Board’s discussion for consideration in August.

9. Larson stated that the next item for consideration was the ‘visual preference survey’ requested to facilitate development of the design standards for the Village Revitalization Area PUD. It was determined that the ‘visual preference survey’ would be postponed to the August meeting due to the lateness of the hour.
10. Larson stated that the next item was scheduled discussion of the Downtown Overlay District. It was determined that the matter would be postponed to the August meeting due to the lateness of the hour.
11. No Board member comments were offered.
12. No staff comment was offered.
13. There being no further business to come before the Commission, the meeting was adjourned at 9:45 p.m.

**Ongoing Business:
Village
Revitalization
Area PUD**

**Ongoing Business:
Revitalization
Area PUD
Downtown Overlay**

Member Comments

**Village Manager/
Planning Consultant**

Adjournment