

**VILLAGE OF PAW PAW PLANNING COMMISSION
DRAFT MINUTES
REGULAR MONTHLY MEETING
THURSDAY, NOVEMBER 2, 2023, 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.

3 **I. CALL TO ORDER:**

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

5 **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 AND WILL
14 JOSEPH, VILLAGE MANAGER

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

16 Commissioner Palenick moved, with support from Commissioner Bogen, to approve the agenda as
17 proposed for the November 2, 2023, regular Planning Commission Meeting.

18 Motion carried unanimously.

19 **IV. SEPTEMBER 7, 2023 MINUTES: MOTION**

20 Commissioner Hickmott moved, with support from Commissioner Nottingham, to approve the
21 meeting minutes from September 7, 2023, subject to the changes noted.

22 Motion carried unanimously by voice vote.

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24 **V. OCTOBER 5, 2023 MINUTES: MOTION**

25 Commissioner Pioch moved, with support from Commissioner Palenick, to approve the meeting
26 minutes from October 5, 2023, subject to the changes noted.

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Motion carried unanimously by voice vote.

VI. PUBLIC COMMENT – There were no public comments.

VII. NEW BUSINESS – No new business

VIII. OLD BUSINESS –

A. DISCUSSION: SHORT-TERM RENTAL ORDINANCE

Chair Larson asked Ms. Anderson to go through her comments on the draft short-term rental (STR) ordinance that was written by the previous planning consultant about a year ago.

Ms. Anderson guided the Planning Commission through her comments as they related to the text within the draft ordinance. Some Commissioners were unable to view the comments alongside the draft ordinance language and expressed difficulty in following the discussion.

Chair Larson asked if Ms. Anderson could provide a format of her comments against the draft STR ordinance that was a bit more user friendly. Ms. Anderson agreed to provide the Commission with an alternative view of the mark-up of the ordinance. Some asked why she was unable to simply track changes in a Word document and Ms. Anderson indicated that she did not write the ordinance and was provided only with a PDF to mark up.

After much discussion regarding whether the rental registration program as it applies to long-term rentals, would apply to short term rentals, the Planning Commission noted that the workload for inspecting long-term rentals was already overburdening the staff that perform the inspections. Ms. Anderson emphasized that the Village has options and that an ordinance that heavily regulates STR may not fit within what the Village is able to reasonably administer. The Commission expressed mixed feelings about how much regulation is enough and that it was the responsibility of the Village to ensure health, safety and welfare.

Some felt that certain aspects of the STR use should be regulated, particularly as it relates to safety, and that not having enough staff to administer the regulations should not be a reason to not regulate the use. Some also felt that the Village requiring insurance was not necessary, as it would be difficult to track, and the fact that it should not be the Village's responsibility to ensure that a property owner insures their property.

Comments were made regarding how the draft STR ordinance spelled out the requirements of other codes, and that it would be simpler to just reference those codes, such as the fire code and building codes.

66 Commissioner Hickmott reminded the Commission that, if the Village does adopt an
67 ordinance to regulate STRs, it must have “teeth”, in order for it to be effective. Chair Larson
68 relayed that the Township has developed a STR ordinance and there are several fines that
69 are assessed upon violating the ordinance. Commissioner Brown indicated that they could
70 keep discussing this topic, however, he is interested in how the Village just gets to the
71 “finish line” with the ordinance. Commissioner Palenick indicated that one of the most
72 important parts of the Township’s STR ordinance is that it is a requirement to clearly post
73 the name and contact info of the registered agent that manages the property, in the event
74 that the police are called to handle an incident.

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76 Ms. Anderson added that she would send sample ordinances to the Planning Commission so
77 that they can get a feel for the range of regulation that the Village has the option to choose.
78 She also indicated she would ensure that the markup of the current draft of the STR
79 ordinance would be more user friendly at the next meeting.

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

82 Ms. Anderson explained the first question related to the peddler license, and that a peddler
83 or transient merchant was not the same as a food truck, as food trucks are stationary,
84 whereas peddlers go door to door or drive through areas soliciting business. An example of
85 a peddler would be an ice cream truck. She agreed that the Fire Department review wasn’t
86 necessary as required in part B.3 in General Provisions.

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88 At the October 5, 2023 meeting, the Planning Commission recorded the questions and
89 discussion they had regarding the draft food truck ordinance. The Planning Commission
90 went through each item and Ms. Anderson responded accordingly to questions and
91 provided her rationale for different provisions.

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93 Discussion was held about whether a food truck could be placed in the ROW. The Van
94 Buren County Road Commission does not have jurisdiction over Village roads. Some felt
95 that placing food trucks in a parking space on the street was acceptable. Some also felt that
96 Food trucks shouldn’t be on Kalamazoo Street, which is a state road and on-street parking is
97 prohibited.

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99 A discussion was held on the hours of operation and whether there are any events that are
100 sanctioned by the Village that would conflict with the language of Section 10, requiring the
101 hours of operation to be modified if held in association with an “approved Village-
102 sanctioned event” or with an “approved outdoor event located on private property” or an
103 “indoor special event on private property”, as neither the Zoning nor the Regulatory
104 ordinances contain provisions or references to “special events”.

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106 Ms. Anderson noted that she would make the agreed-upon changes to the draft ordinance
107 for review by the Planning Commission at an upcoming meeting.

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IX. PLANNING COMMISSION MEMBER COMMENTS –


Village Manager, Will Joseph, indicated that the Village Council did not renew his contract as Village Manager, and that his last day would be December 6, 2023. He expressed his gratitude and pleasure with working with the Planning Commission during his time as Village Manager.

Chair Larson asked Mr. Joseph about the development on Hazen Street, and how that’s coming along. Mr. Joseph indicated that there has been some progress related to survey work by the County. He added that if too much time passes, the applicant may need to return to the Planning Commission for a renewal of their approval. He also added that the PUD was modified slightly with respect to building location, and that the developer must provide a final drawing. Chair Larson added that she feels it should return to the Planning Commission for those changes.

X. STAFF/CONSULTANT COMMENTS –

Ms. Anderson noted that an application had been submitted for the redevelopment of a site on Kalamazoo Street for the purpose of an Autozone. She added that the applicant is working to provide additional information as the site is within the 100-year floodplain, and also contains wetlands. Mr. Joseph noted that he does authorize the review of the Autozone plan by Williams & Works engineers to ensure that all the bases are covered concerning stormwater management for the site. Commissioner Pioch noted that a waterfront overlay would be beneficial for an area such as the subject Autozone site.

XI. ADJOURNMENT – 9:40 p.m.

 12/7/23

Tricia Anderson, AICP – Williams & Works
Recording Secretary