

**Minutes, Paw Paw Planning Commission  
Regular Meeting, April 2, 2020**

1. The Planning Commission meeting of Thursday, April 2, 2020 convened at 7:00 p.m. at 114 North Gremps, Paw Paw, Michigan. Chairperson Larson presiding. The Planning Commission meeting was conducted through electronic remote access due to Executive Order 2020-59. **Meeting Convened**
  
2. Present: Larson, Bogen, Brown, Jarvis, Palenick, and Pioch. Also present: Village Manager, Sarah Moyer-Cales and Planning Consultant, Rebecca Harvey. **Members Present**
  
3. **Motion** by Pioch, **supported** by Jarvis, to approve the agenda as presented. All members present voting yes. The **motion carried**. **Approval of Agenda**
  
4. **Motion** by Jarvis, **supported** by Palenick, to approve the minutes of the regular Planning Commission meeting of March 5, 2020, 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 the next item for consideration is the request by Under-Sheriff Kevin Conklin, representing Van Buren County, for Special Land Use Permit/Site Plan Review for the proposed construction of a 32 ft x 64 ft storage building and related site improvements pursuant to Section 42-124 (7), Zoning Ordinance. The subject property is located on the west side of Hazen Street, with frontage on a private drive that extends west from Hazen Street in the vicinity of the intersection of Lake Street/Hazen Street, and is within the R-1 District. **Public Hearing:  
SLU/SPR – Van  
Buren County**

Kevin Conklin was present on behalf of the application. He provided an overview of the proposal, clarifying that the storage building will be used for the seasonal storage of emergency services vehicles. In response to Commission questions, Conklin stated that the proposed 14 ft x 64 ft attached lean-to on the west side of the building is intended for the parking of dive team boats. He further noted that the building is proposed to be placed on the east side of the property with the existing woods on the west side of the site to be retained.

Referencing the review questions raised, Conklin advised that the surface of the drive/parking area is proposed to be gravel; no specific parking/loading areas are defined; no screening/landscaping is proposed except for retaining the existing land cover on the undeveloped portion of the site; fencing may be desired in the future but is not detailed on the plan; and, exterior lighting is not currently proposed.

Lengthy discussion ensued regarding the question of ‘outdoor storage’. It was noted that ‘outdoor storage’ is defined as storage that occurs outside of a ‘fully enclosed building’. This interpretation was substantiated by current provisions throughout the Zoning Ordinance, as well as past interpretations and applications of the ‘outdoor storage’ provisions in the Ordinance.

Harvey advised that the use of the open lean-to for the ‘seasonal storage of emergency services vehicles’ would therefore be defined as ‘outdoor storage’, which is not allowed within the R-1 District. In consideration of options available to allow the proposal to proceed, the following were offered to the applicant:

- request the property be rezoned to a district that allows ‘outdoor storage’
- request an amendment to the R-1 District so as to allow ‘outdoor storage’
- request an amendment to the Ordinance so as to re-define ‘outdoor storage’
- reconfigure the proposed lean-to so as to constitute a ‘fully enclosed building’

It was noted that the options to rezone or amend the Ordinance would likely take 3-4 months to complete, which would not be timely enough for the construction season. Planning Commission members agreed that the addition of two end walls on the proposed lean-to would essentially result in a building with three walls, with the open side serving as a large building entry, which could be interpreted as a ‘fully enclosed building’.

In response to questions, the Commission further agreed that if the status of the Ordinance or the property changed in the future so as to allow the lean-to as proposed prior to the construction of the building, an amended site plan showing an open lean-to could be reviewed/approved administratively.

Following discussion of the remainder of the site plan elements, **motion** was made by Pioch, **supported** by Palenick, to grant Special Land Use Permit and recommend approval of the Site Plan for a proposed 46 ft x 64 ft (2944 sq ft) storage building on property located on the west side of Hazen Street, based upon the following findings:

- The storage building is proposed to be used for the seasonal storage of emergency services vehicles.
- Outdoor storage is not allowed within the R-1 District, restricting use of the proposed 14 ft x 64 ft open lean-to for vehicle storage.
- Based on the applicant’s presentation of the proposed use and site operations, the proposed on-site drive and parking area offer adequate area for site circulation, proposed loading activities, and required off-street parking.
- The proposed gravel surface of the on-site drive and parking area is acceptable.
- The proposed on-site drive and parking area comply with the design standards

- of Section 42-404 (6), except for lighting and landscaping/screening.
- The existing woods on the west side of the site are proposed to be retained.
- Compliance with the Special Land Use Criteria set forth in Sec 42-366 and the Site Plan Review Criteria set forth in Sec 42-402.

Special Land Use Permit is granted **subject to** Village Fire Department review/ approval of use of the existing ‘private drive’ to serve additional development in that area.

Approval of the site plan is recommended **subject to the following conditions:**

1. The southern 14 ft x 64 ft portion of the building, proposed as an ‘open lean-to’ for the storage of five (5) boats, shall be provided walls on at least three (3) sides so as to constitute ‘storage within an enclosed building’. A modification in the design of the southern 14 ft x 64 ft portion of the building in response to a relaxation of the ‘outdoor storage’ standard in the R-1 District or a rezoning can be reviewed/ approved administratively.
2. Submission of a screening/landscape plan demonstrating compliance with Sec 42-404 (6) – *Parking Areas in Residential Zones*; Sec 42-405 (b) – *Screening*; and, Sec 42-406 (b) – *Minimum Landscape Requirements*.
3. Submission of details of the proposed ‘parking area fence’ demonstrating compliance with Sec 42-405 (c) – *Fences*.
4. Submission of an outdoor lighting plan demonstrating compliance with Sec 42-405 (a) – *Lighting*.
5. Village Fire Department review/approval
6. Village Department of Public Works review/approval of a specific grading plan and proposed method of on-site storm water disposal.
7. Compliance with all applicable Federal, State and Local codes/ordinances.

All members present voting yes. The **motion carried**.

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| <p>7. Larson stated that the next item for consideration is the request by Ivan Schmalfeldt for an amendment of Sec 42-370, Zoning Ordinance, to increase the maximum floor area allowed for a residential accessory building from 720 sq ft to 1250 sq ft.</p> | <p><b>New Business:<br/>Text Amendment<br/>Accessory Buildings</b></p> |
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Ivan Schmalfeldt was present on behalf of the application. He explained that he would like to construct a residential accessory building for the storage of recreational vehicles and other accessory equipment. He stated that the current

size limitation of 720 sq ft does not allow adequate area for the proposed storage.

Planning Commission members noted that Sec 42-370 was recently reviewed and the maximum accessory building size standard was increased from 720 sq ft to 884 sq ft. It was noted that the maximum size standard was increased in consideration of previous requests for larger accessory buildings. Further, larger building size maximums had been dismissed so as not to encourage large pole barns that would not be compatible with the small residential lots/compact development characteristic of the Village.

It was added that the new 884 sq ft maximum building size would allow for Accessory Dwelling Unit options and still maintain a size/style compatible with dwellings and with the average lot sizes within the Village. It was confirmed that the maximum building size standard applies to all residential accessory buildings irrespective of zoning district.

Schmalfeldt referenced several examples of existing pole barns of similar size in the Village. It was noted that the examples referenced were commercial buildings. He then stressed that the 884 sq ft maximum size standard limits the ability to construct a building of the necessary size or height for the storage of recreational vehicles.

Lengthy Planning Commission discussion continued wherein the basis for the 884 sq ft standard; the impacts of an increased size standard; accessory building standards in nearby communities; and, options available to the applicant to provide the desired storage space, were reviewed.

**Motion** was then made by Pioch, **supported** by Palenick, to deny the request to amend Section 42.370 so as to increase the accessory building maximum size standard based on the findings noted in support of the existing standard. ~~All members present voting yes.~~ The **motion carried 3-2, with Brown and Jarvis dissenting, and Bogen abstaining.**

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| 8.  | <b>Motion</b> by Pioch, <b>supported</b> by Bogen, to nominate and elect the following slate of Planning Commission officers for the 2020-2021 fiscal year: Chair - Kathy Larsen; Vice Chair – Mike Pioch; Secretary – Tom Palenick. All members present voting yes. The <b>motion carried.</b> | <b>New Business:<br/>Election of<br/>Officers</b>  |
| 9.  | The Planning Commission noted the accuracy and completeness of the 2019 Annual Report prepared by the Chair. It was agreed that the Annual Report would be finalized with the prioritization of the Work Plan.  | <b>New Business:<br/>2019 PC Annual<br/>Report</b> |
| 10. | Larson referenced the draft 2020-2021 Planning Commission Work Plan prepared for Commission discussion. The following was noted:<br><br>- The ‘gateway zoning district’ was developed by the WMU Planning   | <b>New Business:<br/>PC Work Plan</b>              |

Studio Class in April, 2018 and is pending Planning Commission action.

- Two items were added to the Work Plan at the March, 2020 meeting: 1) – review definition of ‘family’ for legal consistency; and 2) review the current regulatory approach to ‘short term rentals’ in the Village.
- Two items were recently forwarded to the Planning Commission by the Zoning Board of Appeals to add to the Work Plan: 1) review sign provisions for ‘large commercial buildings’; and 2) develop an overlay district for the South Kalamazoo Street corridor to address setback, signage and parking issues experienced by highway-commercial uses.

Planning Commission members expressed support for the identified Work Plan Items. Members agreed to work to prioritize the Work Plan at the May meeting.

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| 11. | <b>Motion</b> by Pioch, <b>supported</b> by Jarvis, to adopt by resolution the proposed 2020-2021 meeting schedule of the Planning Commission. All members present voting yes. The <b>motion carried</b> . | <b>New Business:<br/>Meeting Schedule</b>       |
| 12. | Larson stated that no <i>Ongoing Business</i> was scheduled for consideration.   | <b>Ongoing Business</b>                         |
| 13. | No member comments were offered.   | <b>Member Comments</b>                          |
| 14. | No staff comments were offered.  | <b>Village Manager/<br/>Planning Consultant</b> |
| 12. | There being no further business to come before the Commission, the meeting was adjourned at 9:20 p.m.  | <b>Adjournment</b>                              |