

**Minutes, Paw Paw Planning Commission  
Regular Meeting, August 4, 2022**

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| 1. | The regular Planning Commission meeting of Thursday, August 4, 2022 convened at 7:00 p.m. at 114 N. Gremps, Paw Paw, Michigan. Chairperson Larson presiding.  | <b>Meeting Convened</b>                              |
| 2. | Present: Larson, Bogen, Brown, Hickmott, Nottingham, and Palenick. Also present: Village Manager, Will Joseph and Village Planning Consultant, Rebecca Harvey.  | <b>Members Present</b>                               |
| 3. | <b>Motion</b> by Palenick, <b>supported</b> by Nottingham, to approve the agenda with an amendment to consider New Business before the Public Hearing Item. All members present voting yes. The <b>motion carried</b> .   | <b>Approval of Agenda</b>                            |
| 4. | Consideration of the minutes of the regular Planning Commission meeting of July 7, 2022 was postponed to the September meeting.   | <b>Approval of Minutes</b>                           |
| 5. | No public comment regarding non-agenda items was offered.   | <b>Public Comments</b>                               |
| 6. | Larson stated that the next item for consideration was the request of Kris Nelson of Schley Nelson Architects, representing Paw Paw Playhouse, for Site Plan Review of proposed site/building modifications to Paw Paw Playhouse, including an outdoor seating area, pursuant to Section 42-402 (5), Zoning Ordinance. The subject site is located at 404 East Michigan and is within the B-2 District. | <b>New Business:<br/>SPR – Paw Paw<br/>Playhouse</b> |

Kris Nelson was present on behalf of the application. He provided an overview of the application, noting the following:

- The proposal includes interior building renovations; the addition of an elevator; new storefront/façade elements; and, the addition of a raised deck and pergola for outdoor seating. No change of use is proposed.
- The proposed renovations will qualify for several grant opportunities.
- A fence is proposed to be established along the east property line for buffering.
- One of the existing driveways will be closed.
- The existing parking area will be paved and striped to provide 8 parking spaces . . . use of existing on-street parking will also be used to meet parking requirements.
- A dumpster/enclosure will be added.

In response to Planning Commission questions, Nelson confirmed that the proposed deck will be elevated 2 ft off the ground; the proposed 6 ft wood fence along the east property line complies with applicable fence standards; the East Michigan driveway and existing loading area are proposed to be

replaced with front yard landscaping; and, no outdoor lighting will be added.

Following review of the application and applicable provisions of the Zoning Ordinance, **motion** by Palenick, **supported** by Bogen, to recommend Village Council approval of the proposed building/site renovations, including outdoor seating, at Paw Paw Playhouse located at 404 East Michigan.

Site Plan Approval is recommended based upon a finding that the proposal meets the criteria for site plan approval set forth in Section 42-402 (4), conditioned upon the following:

1. A demonstration of compliance with applicable parking requirements (e.g., number of spaces; layout; setbacks).
2. The establishment of a fence along the east property line, subject to the fence standards of Section 42-405 (b) and (c).
3. The provision of detail for the proposed refuse disposal area and front yard landscaping for administrative review/approval.
4. Any proposed signage shall be subject to review/approval through the sign permit process.
5. Village Fire Department review/approval.
6. Compliance with all applicable Federal, State and Local codes/ordinances.

The **motion carried 5-0**, with Nottingham abstaining.

7. Larson stated that the next item for consideration was the public hearing on the request of Sue Barber, representing Legacy House, for Special Land Use Permit/Site Plan Review for the proposed establishment of an 'Emergency/Transitional Residence' within an existing dwelling in accordance with Section 42-367 (11), Zoning Ordinance. The subject site is located at 105 Oak Street and is within the R-2 District.

**Public Hearing:  
SLU/SPR – 105  
Oak Street**

Larson advised that, at the conclusion of public comment and the closing of the public hearing on July 7, 2022, the matter was postponed to the August 4, 2022 meeting . . . to allow the following to occur:

1. Planning Commission study of the documents provided by the applicant at the meeting.
2. Distribution of the Wings of God Transition Home 'House & Program

Rules' for the Kalamazoo Street facility for comparison.

3. Confirmation that the public hearing was published/noticed in compliance with applicable noticing requirements.

Larson confirmed that the Planning Commission received the Kalamazoo Street WOG Transition Home 'House & Program Rules', as requested, and have had the opportunity to compare the documents provided by the applicant in July with said rules. (Items 1 & 2)

Per Item 3, Larson requested an update on the public hearing noticing completed for the application. Harvey reported that the Village Clerk recently confirmed that the notice had been published as required . . . but that the required mailing of the notice to property owners/occupants within 300 ft of the project site had failed to include all occupants of said properties. As a result, the public hearing for the application must be re-noticed.

Harvey explained that the consideration of the application in July does not qualify as the public hearing since the required noticing had not been completed. She noted that further consideration of the application should not occur until the required noticing is completed and the public hearing is held.

The Planning Commission agreed that the matter should be placed on the September 1, 2022 meeting agenda. Barber indicated she would not be available to attend the September meeting but will arrange for a representative to attend instead.

Larson stated that 6 letters had been received regarding the application and have been copied/provided to all Planning Commission members. She stated the letters will be read/referenced at the public hearing in September.

Phil Winthrow stated that after the meeting in July the applicant removed the fence that existed on their common property line and damaged his yard. He expressed concern that now his yard is open to view and access causing safety concerns. He produced a police report that has been filed about the incident.

Barber explained that she is in the process of replacing the existing damaged chain-link fence with a new stockade fence but has been stalled in obtaining the required fence permit. Village Manager Joseph stated he would follow up with staff on the permit.

Larson stated that in light of the number of neighborhood residents present she would entertain public comment, with the understanding that the Planning Commission cannot engage in discussion on the

application until the public hearing in September.

Steve Dykstra stressed the importance of having a legacy house in the community, commenting as a recovering addict now serving as a contributing member of the community. Dykstra elaborated that participation is voluntary and includes only non-violent offenders. He noted that the proposed house will provide only 6 spaces in a community with over 200 addicts. He stressed the need for the assistance this Christ-centered program offers . . . citing the virtues of the 12-step program that is employed.

Bill Murphy noted his support for the facility . . . just not at the proposed location.

In response to questions, Harvey explained the distinction between ‘public comment’ and ‘public hearing’ and the role of public comment in the Planning Commission’s review process.

Kathy Murphy expressed support for the special land use criteria that will be applied to the request by the Planning Commission and encouraged public comment to be provided in the framework of that criteria.

Larson informed that the material provided to the Planning Commission related to the application is considered public information and can be obtained from the Village upon request. Barber reminded that wingsofgodinc.org provides information on the organization and the program.

8. Larson stated that updates on pending work items will next be considered.

**Ongoing Business:  
Updates**

Harvey reported the following:

- Short-Term Rentals (STRs) – the Planning Commission’s recommended ‘next steps’ are on the August 8, 2022 Village Council agenda for consideration. If the recommendation is accepted, consideration of the draft amendments will be on the September Planning Commission agenda.
- Re-Introduction of ADUs text amendment to Village Council – the Planning Commission directed Harvey and Joseph to develop a strategy for re-introduction. It was determined that an education/Q&A session on ADUs and the ADU draft text with the Planning Commission and Village Council would be a friendly and informative way to re-introduce the topic. The draft text could then be formally introduced to the Council for action at a following meeting.

Planning Commission members expressed support for the approach. Joseph indicated he would move forward with securing a date for the joint work session.

- *Waterfront Lots* text amendment – it has been confirmed that Village Council did not follow up on the proposed amendment after initially returning it to the Planning Commission for revision. The draft text, as revised, is on the August 8, 2022 Village Council agenda for action.
- The recommended amendment to the definition of ‘family’ is on the August 8, 2022 Village Council agenda for action.

9. Hickmott stated that she did not see the public noticing error to be cause for concern. She noted that it was a single mistake by the Village and that it has been corrected. She encouraged that grace be shown in circumstances such as these.

**Member Comments**

Hickmott also opined that the Planning Commission should work not to engage with the public during the public comment period.

Palenick reported that the Township now has a new website . . . and that they continue to work on an STR ordinance and the senior center property acquisition.

10. Joseph reported the Council is currently considering a social district ordinance and an outdoor dining ordinance.

**Village Manager/  
Planning Consultant**

12. There being no further business to come before the Commission, the meeting was adjourned at 9:05 p.m.

**Adjournment**