

**Minutes, Paw Paw Planning Commission
Regular Meeting, December 3, 2020**

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| 1. | The Planning Commission meeting of Thursday, December 3, 2020 convened at 7:00 p.m. Chairperson Larson presiding. The Planning Commission meeting was conducted through electronic remote access. | Meeting Convened |
| 2. | Present: Larson, Bogen, Brown, Jarvis, Palenick, and Pioch. Also Present: Village Manager, Sarah Moyer-Cale and Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Pioch, supported by Bogen, to approve the agenda as presented. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Motion by Brown, supported by Bogen, to approve the minutes of the regular Planning Commission meeting of November 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 proposed rezoning of approximately 0.4 acres located at 200 South Gremps Street from the B-2 District to the CBD District. Larson opened the public hearing. | Public Hearing: Rezoning – 200 S. Gremps |

Kevin Ketchum was present on behalf of the application. He stated that he desires to purchase the property and operate an arcade in the existing vacant commercial building on the site. He explained that the requested CBD District would allow for site design elements more in keeping with the size of the property and the surrounding land use pattern.

Barb Carpenter, a neighboring property owner, stated that she supports occupancy of the building and the proposal for a family-related use in the downtown, but expressed concern with the adequacy of parking on the site and the noise/hours of operation associated with the proposed use.

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

In response to questions, Harvey affirmed that the Commission's review of the requested rezoning should not consider the elements of the proposed use but rather be based on the Amendment Review Criteria set forth in Sec 42-33.

Following Planning Commission consideration of the request, **motion** was made by Bogen, **supported** by Jarvis, to recommend Village Council approval of the request to rezone the subject property from the B-2 District to the CBD District based upon the conclusions of the rezoning criteria set forth in

Sec 42-33, with specific reference to the following findings:

- The CBD District is more consistent with the size, orientation and location of the subject property and is supported by the Village of Paw Paw Master Plan.
- In consideration of the nature of the commercial zoning/land use adjacent to the north and opposite the site, the requested rezoning will not constitute a 'spot zone' nor be generally inconsistent with surrounding zoning/land use.
- The requested rezoning recognizes that the subject property already represents the southern edge of commercial zoning/land use on the west side of Gremps Street and will not signal nor support 'zoning creep' south into the adjacent single-family residential neighborhood.
- The requested rezoning will not alter the status or impact of the property, but rather allow land use more responsive to the size and situation of the property and continued use/future redevelopment of the site as a downtown commercial property.

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

7. Larson stated that the next item for consideration is the amendment of Secs 42-370, 42-401 (c), and 42-3, Zoning Ordinance to establish building design standards for residential accessory buildings and clarify waterfront lot requirements. Larson opened the public hearing.

**Public Hearing:
Text Amendments -
Accessory Buildings/
Waterfront Lots**

Harvey provided an overview of the proposed amendments. Larson noted that the draft text has been discussed extensively by the Planning Commission at both the October and November meetings.

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

Lengthy Commission discussion ensued wherein the definition of a front yard on a waterfront lot, the setback averaging approach, and the appropriate location for a detached accessory building on a waterfront lot were debated.

Motion was then made by Bogen, **supported** by Jarvis, to recommend Village Council approval of the proposed amendment of Sec 42-370 – Accessory Buildings, as set forth in the December 3, 2020 Notice of Public Hearing. All members present voting yes. The **motion carried**.

Motion was made by Bogen, **supported** by Palenick, to recommend Village Council approval of the proposed amendment of Sec 42-401 (c) – Schedule of Regulations, as set forth in the December 3, 2020 Notice of Public Hearing. All members present voting yes. The **motion carried**.

Motion was made by Pioch, **supported** by Palenick, to recommend Village Council approval of the proposed amendment of Sec 42-3 – Definitions, as set forth in the December 3, 2020 Notice of Public Hearing. All members present voting yes. The **motion carried**.

8. Larson stated that the next item for consideration is the request by Kevin Ketchum of K&K Amusement for Site Plan Review of the proposed establishment of an arcade in the existing commercial building located at 200 South Gremps Street. The subject site has been recommended for approval to be rezoned from the B-2 District to the CBD District.

**New Business:
SPR - Arcade**

Kevin Ketchum was present on behalf of the application. Referencing the staff report on the proposed site plan, Ketchum confirmed the following:

- The driveway on the property is too narrow to support on-site parking behind the building; parking will be provided through nearby public parking lots and on-street parking.
- Minimal loading activities are required and will occur through the front door.
- A residential-size trash receptacle is proposed and will be stored inside the building.
- The property abuts residential zoning to the south – the south building wall is provided no windows/doors and a minimal (7 ft) setback from the south property line exists; no change is proposed.

In response to Commission questions, Harvey confirmed that if the recommended rezoning of the property is not approved by Village Council, an approval of the proposed site plan will not be valid and the applicant will be required to return for a new approval.

Motion by Pioch, **supported** by Jarvis, to recommend Site Plan Approval of the proposed establishment of an ‘arcade’ in the existing 6,050 sq ft commercial building located at 200 South Gremps Street, based upon a finding of compliance with the Site Plan Review Criteria set forth in Sec 42-402, and **subject to the following conditions**:

1. Rezoning of the subject property from the B-2 District to the CBD District.
2. Compliance with the outdoor lighting standards of Sec 42-405 (a).

3. Compliance with the dumpster standards of Sec 42-406 (9), if applicable.
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.

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

9. Larson stated that the next item for consideration is the discussion of proposed amendments to Section 42-267 (25) – Telecommunications Towers.

**Old Business:
Telecommunications
Towers**

Harvey referenced draft text (Draft #1) provided for Planning Commission review in November. She noted that she discovered that many elements of Sec 42-367 (25) are out of date and inconsistent with State law. In response, she is suggesting an update of the existing provision using text she recently crafted for another community . . . noting it has already received legal review . . . and adjusting it for use in the Village.

Harvey provided an overview of the draft text, outlining the differences between the old/new text and providing background on the new provisions.

The Planning Commission expressed support for the proposed amendments and accepted the draft text as prepared for public hearing at the next available meeting.

10. Bogen referenced the recently constructed accessory building on East Michigan (~~west~~ east of Madison), again noting that he feels the building Exceeds the 14 ft building height limitation and, given the number of vehicles frequently parked around the building, is being used as something other than a residential accessory building.

Member Comments

Moyer-Cale explained that the referenced accessory building is approximately 15-16 ft in height, but received a valid building permit prior to construction. She acknowledged that the permit was issued in error, but that options for compliance are now limited.

Planning Commission members expressed disappointment, noting that they hope the permit process has since been modified to avoid similar errors in the future.

Moyer-Cale indicated that she will investigate the complaint of vehicle

storage in the front yards and the use of the building as a business.

11. No staff comments were offered.

**Village Manager/
Planning Consultant**

12. There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

Adjournment