

**Minutes, Paw Paw Planning Commission  
Regular Meeting, July 1, 2021**

1. The regular Planning Commission meeting of Thursday, July 1, 2021 convened at 7:00 p.m. at 114 N. Gremps, Paw Paw, Michigan. Chairperson Larson presiding. **Meeting Convened**
  
2. Present: Larson, Bogen, Brown, Hellwege, Nottingham, Palenick, and Pioch. Also Present: Village Manager, Sarah Moyer-Cale and Village Planning Consultant, Rebecca Harvey. **Members Present**
  
3. **Motion** by Hellwege, **supported** by Bogen, to approve the agenda as presented. All members present voting yes. The **motion carried**. **Approval of Agenda**
  
4. **Motion** by Pioch, **supported** by Nottingham to approve the minutes of the regular Planning Commission meeting of May 6, 2021 as presented. All members present voting yes. The **motion carried**. **Approval of Minutes**  
  

**Motion** by Palenick, **supported** by Pioch to approve the minutes of the special Planning Commission meeting of May 20, 2021, as presented. All members present voting yes. The **motion carried**.

**Motion** by Nottingham, **supported** by Palenick to approve the minutes of the regular Planning Commission meeting of June 3, 2021 as presented. All members present voting yes. The **motion carried**.
  
5. No public comment regarding non-agenda items was offered. **Public Comment**
  
6. Larson stated that the next item for consideration was the request of Jim Degroff, Paw Paw Fire Department, for Preliminary Plan Review of the Paw Paw Fire Station and related site improvements on approximately 4 acres located on South Gremps Street. Subject property is specifically located on the west side of South Gremps Street, directly opposite Fadel Street, and is within the VRA-PUD District. **New Business:  
Preliminary Plan  
Review - PPF**  
  

Jim DeGroff and Kris Nelson, project architect, were present on behalf of the application. Nelson noted that the site plan is fundamentally the same as what was presented at the Pre-Application meeting. He gave a brief overview of the project, focusing on responses to the issues/questions raised in the Staff Report. Nelson referenced a Response Letter dated July 1, 2021 and related maps/graphics prepared to address the noted deficiencies.

He summarized the key design elements in question:

  - Building materials:  
: north building elevation – redesigned to meet building design standards

- : using texture/color to break up building height and mass
- : textured metal (ribbed) used to combat 'pole barn' appearance
- : lots of glass proposed to provide visibility into building

- Setback deviations:
  - : the proposed building setback (78 ft from South Gremps) is guided largely by fire truck access needs and safety considerations
  - : the location of the property on the 'edge' of the PUD allows the impact of the greater setback to be minimal
  - : the front yard area resulting from the necessary building setback has been established as a public gathering space and has received a landscaped emphasis
- Training structure:
  - : it is not clear that the proposed training structure will receive funding
  - : the structure remains shown on the site plan for approval in case funding is received

In response to Commission questions, Nelson clarified the following:

- Proposed parking has been reduced slightly and reconfigured to reduce paving; grass-surface parking remains an option to discuss.
- The side yard parking arrangement was reconfigured to meet frontage and screening requirements.
- The plan proposes the retention of the existing vegetative buffer along the north and south property boundaries.
- The proposed Ampey Drive access is proposed for overflow use during events; it is not designed for fire truck use. It is not readily visible and routine use is not expected.

The Planning Commission noted general support for the key design elements profiled in the Preliminary Plan, with specific reference to the reasons cited for the building location and building architecture/materials. It was then agreed to schedule the required public hearing on the final site plan for the August 5, 2021 Planning Commission meeting.

7. Larson stated that next item for consideration was the request of Bob Parshall for Site Plan Review of a proposed Mini-Storage Facility. Subject property is located at 280 CR 665 and is within the B-2 District.

**New Business:  
SPR – Mini-Storage  
Facility**

It was noted that a representative of the application was not present. The Commission determined to delay consideration of the matter to the end of the agenda.

8. Larson stated that the next item for consideration was the request of Deb and Robert Gilman for Special Land Use Permit/Site Plan Review for a Bed & Breakfast Facility ('short-term rental'). Subject property is located at 214 Hazen Street and is within the R-2 District.

Larson opened the public hearing.

Robert and Deb Gilman were present on behalf of the application. They explained they are owners of the subject property and have renovated the house to serve as their lake home. They noted that they also rent the home as an AirBNB ('short-term rental') and that they are not actually a 'bed & breakfast facility'.

Harvey explained that the Zoning Ordinance does not currently allow short-term rental operations in the Village, a topic that is currently under consideration by the Planning Commission. She noted that the current rental use is technically a violation of the Ordinance and that the matter was placed on the agenda to allow for an exploration of the 'bed & breakfast facility' use option.

Lengthy discussion ensued regarding the merit of moving an existing 'short-term rental' through the approval process for a 'bed & breakfast facility'. It was suggested that obtaining approval as a 'bed & breakfast facility' would require compliance with the related standards, but that time would be granted for the applicant to move through that process. It would further be standard procedure not to enforce the ordinance during the time an applicant is working to move into compliance. During this time, the Planning Commission could proceed with their scheduled discussion of amending the Zoning Ordinance to address 'short-term rentals' in the Village. The applicant could then seek to amend the approval consistent with whatever approach is allowed for 'short-term rentals'.

The applicant acknowledged the process discussed and agreed to proceed with the zoning approval.

A neighboring property owner stated that the Gilmans had greatly improved the property and that there have been no nuisance problems for the neighborhood since they started renting three years earlier. He noted support for the use and the Gilman's effort to bring income into the Village. It was added that there are several other short-term rental homes on the lake.

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

Following review of the application and the applicable provisions of Sections 42-366 and 42-367 (3), **motion** by Pioch, **supported** by Bogen,

to grant Special Land Use Permit and recommend Village Council approval of the Site Plan based upon a finding of compliance with the Special Use Permit Criteria set forth in Sec 42-366 and subject to the following:

1. Compliance with the provisions of Section 42-367 (3) – ‘bed & breakfast facilities’.
2. Submission of a landscape plan demonstrating compliance with Section 42-406 (b).
3. Village Fire Department review/approval.
4. Compliance with all Federal, State and Local Ordinances.

The **motion carried** 6 – 0, with Nottingham abstaining.

9. Larson stated that the next item for consideration was the proposed amendment of Section 42-367 (23) to eliminate subsection (a) that requires an open-air business to be located on a minimum lot size of one acre.

**Public Hearing:  
Text Amendment -  
Open-Air Business**

Larson opened the public hearing.

Tony Strong, manager of St Julian Wine Co., inquired as to the basis for the one-acre standard.

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

In discussion of the proposed amendment, Commission members acknowledged that a one-acre lot size minimum seemed excessive and noted that the other standards of Section 42-367 (23) provided adequate control of characteristic impacts of open-air businesses. It was further recognized that the special land use process offers an avenue for denial of an open-air business if there are concerns related to the subject property.

**Motion** by Palenick, **supported** by Hellwege, to recommend Village Council approval of the proposed amendment of Section 42-367 (23) so as to delete subsection (a), as presented. The motion **carried unanimously**.

10. Larson stated that the next item for consideration was the request of Sarah Braganini for Special Land Use Permit/Site Plan Review of a proposed Open-Air Business (food trucks) on the site of the Slatestone Shopping Center. Subject property is located at 804 South Kalamazoo Street and is within the B-2 District.

**Public Hearing:  
SLU/SPR – Food  
Trucks**

Larson opened the public hearing.

Tony Strong, St. Julian Wine Co., was present on behalf of the application.

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

In review of the application and the applicable provisions of the Zoning Ordinance, the following was noted:

- The proposal meets the special land use criteria set forth in Section 42-366, similar to the food truck proposal previously approved on the site of St Julian.
- The subject site is slightly less than one acre in size; the proposal can be approved subject to approval of the proposed amendment of Section 42-367 (23) to remove the one-acre standard.
- The food trucks are each provided refuse disposal facilities; the food truck area will be attended by a clean-up crew.
- All food trucks are licensed by the health department.
- There is no need for the food trucks to be 'connected with a 500 sq ft building for office use'; a waiver of the standard is in order.
- No outdoor dining or outdoor lighting is proposed.
- Signage will be limited to the food trucks.
- Proposed operations to be 4:00-7:00 on weekends.

**Motion** by Pioch, **supported** by Palenick, to grant Special Land Use Permit and recommend Village Council approval of the site plan for a proposed 'open air business' (temporary food trucks) on 'weekends from June-October' within the existing retail shopping center parking lot at 804 S. Kalamazoo Street, based upon a finding that the proposal meets the special land use criteria set forth in Sections 42-366 and 42-367 (23) and the criteria for site plan approval set forth in Section 42-402 (4), conditioned upon the following:

1. Compliance with the 1-acre minimum site size requirement (for an 'open air business'), unless otherwise modified.
2. A demonstration of compliance with Health Department requirements for sanitation and general health conditions.
3. A waiver of the requirement to provide a 500 sq ft building for office use connected with the 'open air business'.
4. A finding that a performance bond to ensure strict compliance with the regulations and/or approval is not necessary.
5. Village Fire Department review/approval.

6. Compliance with all applicable Federal, State and Local codes/ordinances.

The **motion carried** 6-0, with Nottingham abstaining.

11. Larson stated that the next item for consideration was a proposed amendment of Section 42-405 (c) of the Village of Paw Paw Zoning Ordinance so as to 1) clarify the circumstances that barbed wire fences may be authorized by the Planning Commission; 2) allow protective measures fencing as a special land use in all districts; and 3) provide for living fences in all zoning districts.

**Public Hearing:  
Text Amendment -  
Fences**

Larson opened the public hearing.

Kevin Conklin, Van Buren County Sheriff Department, stated that he was in attendance to confirm the status of the requested amendment to allow barbed wire fencing in the Village. He noted his availability for questions.

Larson referenced the significant amount of study that has gone into the issue of allowing barbed wire fencing in the Village. She referenced the work memo prepared on protective measures fencing vs. barbed wire fencing.

Moyer-Cale reminded that Village Council had provided feedback on the Planning Commission's proposed amendment approach on the topic (set forth in the 4.01.21 Memo) at the May Planning Commission meeting, and provided the following direction:

- Support allowing barbed wire where it will be used by a governmental agency whose primary purpose is the protection of public safety . . . or where deemed necessary to ensure public safety.
- Do not want barbed wire fencing within the CBD, DOD or VRA-PUD Districts.
- Support the idea of allowing 'protective measures fencing', to provide

She noted that the proposed amendments to Section 42-405 (c) respond to the direction provided by Village Council.

Conklin questioned why the Village would want to prohibit barbed wire fencing in any district/location. He opined that barbed wire fencing should be allowed if it is determined to be needed.

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

Following final review of the proposed amendments, it was agreed that subsection (5) should be removed, noting that ‘living fences’ are already allowed as screening/landscaping.

**Motion** by Palenick, **supported** by Brown, to recommend Village Council approval of the proposed amendment of Section 42-405 (c) – Fences, as revised, to address the authorization of barbed wire fencing in the Village and provide for protective measures fencing. **Motion carried 4-2**, with Nottingham abstaining and Larson and Pioch dissenting.

Pioch reiterated his objection to the proposed amendment related to barbed wire fencing, noting its potential for allowing the proliferation of barbed wire fencing throughout the Village, especially within the downtown.

Brown reminded of his concern that there is currently no definition of ‘fence’ in the Zoning Ordinance. Harvey presented proposed amendments to Section 42-3 – Definitions that would clarify within the definitions of ‘structure’ and ‘building’ that a fence is a ‘structure’.

General support for the proposed amendment was noted and a public hearing on same was scheduled for the August meeting.

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| 12. | Larson noted that a representative of the application for the Mini-Storage Facility at 280 CR 665 was still not present. <b>Motion</b> by Pioch, <b>supported</b> by Palenick, to postpone consideration of the application to the August meeting. The motion <b>carried unanimously</b> . | <b>New Business:</b>                            |
| 13. | Larson stated that no Ongoing Business was scheduled for consideration.  | <b>Ongoing Business</b>                         |
| 14. | No member comments were offered.   | <b>Member Comments</b>                          |
| 15. | 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 9:55 p.m.  | <b>Adjournment</b>                              |