

**Minutes, Paw Paw Planning Commission
Special Meeting, June 24, 2020**

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| 1. | The Planning Commission meeting of Thursday, June 24, 2020 convened at 7:00 p.m. Chairperson Larson presiding. The Planning Commission meeting was conducted through electronic remote access due to Executive Order. | Meeting Convened |
| 2. | Present: Larson, Bogen, Brown, Jarvis, Palenick, and Pioch. Also present: 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 Bogen, supported by Palenick, to approve the minutes of the regular Planning Commission meeting of May 7, 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 Michael Seelye Lifetime Trust for Special Land Use Permit/Site Plan Review for the proposed construction of a 1230 sq ft drive-thru restaurant pursuant to Section 42-367 (10), Zoning Ordinance. The subject property is located at 821 S. Kalamazoo Street and is within the R-1 District. | Public Hearing:
SLU/SPR – 821 S.
Kalamazoo |

Andrew Rossell, project engineer, was present on behalf of the application. He provided an overview of the proposal, noting the following:

- On June 21, 2020, the ZBA granted variance approval from the 30 ft front setback requirement so as to permit a 13 ft setback from the r.o.w of Kalamazoo Street;
- The building has been reduced to 1200 sq ft in area to provide a 28 ft front setback (in excess of the 13 ft setback variance approved) and reduced parking, as suggested by the ZBA;
- The building entry has been relocated from the side of the building to the front for improved pedestrian safety . . and the front yard patio revised accordingly;
- Storm water will be addressed through connection to the storm sewer and a retention basin to the rear of the site.

In response to Commission questions, Rossell confirmed there will be a limited amount of on-site dining; the site plan does not propose use/ infringement of the Knauss driveway; and, MDOT is currently reviewing the proposed drive radius. He stated that the owner will agree to the requested extension of the sidewalk along Kalamazoo Street and keeping the front yard

vegetation 'low' to maintain driver visibility.

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

Following discussion of the special land use and site plan review criteria, **motion** was made by Pioch, **supported** by Bogen, to grant Special Land Use Permit and recommend Site Plan Approval for the proposed 1200 sq ft 'restaurant with drive-thru service' based upon a finding of compliance with the Special Use Permit Criteria set forth in Section 42-366; the standards applicable to 'restaurants with drive-thru service' set forth in Section 42-367 (10); and the site plan review criteria set forth in Section 42-402, **subject to the following conditions:**

- 1) Extension of a concrete walk the length of the Kalamazoo Street frontage.
- 2) Submission of building elevations demonstrating compliance with Section 42-225 – Building Design Requirements.
- 3) Any proposed signage shall be subject to review/approval through the sign permit process.
- 4) Village Fire Department review/approval
- 5) Village Department of Public Works review/approval of the proposed method of on-site storm water disposal.
- 6) Compliance with all applicable Federal, State and Local codes/ordinances.

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

7. Larson stated that the next item for consideration is the request by Brian Wood of Allen Edwin Homes, representing Westview Capital, LLC, for Preliminary Plan Review of a proposed 8-unit site condominium development (Harris Woods) pursuant to Article IV – Site Condominium Development, Land Divisions, Subdivisions and Development (Ordinance). Subject property is located at the southwest corner of Harris Street and Lakeview Road and is within the R-2 District. **Preliminary Plan Review: Harris Woods**

Brian Wood was present on behalf of the application. He provided an overview of the development proposal, stating that the preliminary plan has been designed in compliance with applicable requirements. He confirmed that the project engineer is currently working with the Village to secure utility 'as-built' plans; the project site is entirely wooded and the proposed land division will involve limited tree removal; the building setback lines noted on the plan will be corrected; and, the only grade changes/clearing to occur will be

related to the residential construction on each individual site, which will be detailed in the building permit applications.

Planning Commission review of the proposed plan ensued wherein the following design elements were clarified: Units 1-6 and 8 will gain access from Harris Street – Unit 7 will gain access from Charles Street; no common elements, open space or new roadways are proposed; and, the area's history of flooding and the presence of a high-water table has dictated the design of the development . . . where the interior areas will be preserved and buildings will be located near the fronts of the units.

The nature of the 33 ft wide 'Exception' along Harris Street was questioned. Woods explained that it is not part of the project site and that he believes it is part of the road right-of-way, but that has not yet been confirmed with the Village. Planning Commission members expressed the need for confirmation on this point to ensure that the project site does in fact have frontage on a road and that driveway access through this area will be allowed.

Larson questioned if the extension of a sidewalk along Harris would be required in conjunction with the project.

Pioch stated that additional housing is needed in the Village and he is supportive of the development proposal. **Motion** was then made by Pioch, **supported** by Jarvis, to recommend Village Council approval of the Preliminary Plan for the proposed 8-unit site condominium development (Harris Woods) based on the following findings:

- The applicant is working with the Village to obtain 'as built' utility plans to provide the required 'location of existing utilities'.
- The representation by the applicant, and the notes on the Preliminary Plan that clearing/grading '*only related to residential construction on individual sites*' is proposed is accepted as adequately responding to the requirements for:
 - 'proposed topography'
 - an indication of 'which significant natural features will be preserved'
 - an 'estimated area of clearing/grading'
 - 'any areas identified for preservation'
- Specific 'clearing/grading' plans for individual sites will be presented with each requested building permit.
- The Preliminary Plan meets the plan content and development detail requirements set forth in Section 16-103 and is consistent with the Master Plan objectives for housing and residential land use.

- The Preliminary Plan is in compliance with the Site Plan Review Criteria set forth in Sec 42-402.

and **subject to the following conditions:**

- 1) Confirmation that the land area along Harris Street noted as ‘Exception’ on the Preliminary Plan is part of the Harris Street right-of-way. This confirmation is necessary to determine that the subject 6.7-acre property is provided frontage on a public road.
- 2) Compliance with sidewalk requirements applicable within the Village of Paw Paw.
- 3) Correction of the building setback lines on the Preliminary Plan to reflect side setbacks of 6 ft minimum/15 ft total.

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

8. Larson stated that the next item for consideration is the request received for an amendment of Sec 42-370, Zoning Ordinance, to reduce the setback applicable to accessory buildings from 10 ft to 6 ft.

**Ongoing Business:
Text Amendment -
Accessory Buildings**

Planning Commission members noted that in 2019, the height, setback and size standards applicable to accessory buildings were recommended to be increased in conjunction with the proposed amendment authorizing Accessory Dwelling Units (ADUs) in accessory buildings.

Specifically, the building height was recommended to be increased from 14 ft to the height of the principal building; the building setback was recommended to be increased from 3 ft to 10 ft; and, the building size was recommended to be increased from 720 sq ft to 884 sq ft.

It had been reasoned that if an ADU was allowed to be established in an accessory building, the accessory building height should be increased to support a second story; the accessory building setback from neighboring properties should be increased in consideration of the increased building height and additional use option; and, the accessory building size should be increased to accommodate an ADU.

It was observed that the Village Council approved the recommended increase in accessory building setback and size standards . . . but did not approve an increased building height standard nor allow the ADU use option. Planning Commission members questioned if the 10 ft side setback requirement is now necessary if the increased building height and additional use option (ADU) were not authorized.

It was noted that the Master Plan supports the new housing options recommended in 2019 . . . and additional housing is still needed in the Village. A joint meeting of the Village Council and the Planning Commission was suggested for the opportunity to discuss the Plan’s residential/housing policies and the details of the housing options recommended in 2019. It was agreed that the joint meeting should not be held until the meeting can occur in person.

In continued discussion of the request to reduce the 10 ft setback, the following was studied: setback requirements for principal buildings; the purpose of side setback standards; and, the desired dimensional relationship between a principal building and accessory building.

Due to the lateness of the hour, it was determined that the request would be considered further at the next Planning Commission meeting. Harvey was directed to reissue the ADU and accessory building-related amendments recommended in 2019 for refreshed study.

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| 9. | No member comments were offered. | Member Comments |
| 10. | No staff comments were offered. | Village Manager/
Planning Consultant |
| 10. | There being no further business to come before the Commission, the meeting was adjourned at 8:57 p.m. | Adjournment |