

**Minutes, Paw Paw Planning Commission
Regular Meeting, November 5, 2020**

- | | | |
|----|---|--|
| 1. | The Planning Commission meeting of Thursday, November 5, 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: Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Harvey requested an amendment of the agenda to include under New Business the scheduling of a rezoning request of property located at 200 South Gremps Street. Motion by Bogen, supported by Jarvis, to approve the agenda as amended. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Motion by Pioch, supported by Palenick, to approve the minutes of the regular Planning Commission meeting of October 1, 2020, as presented. All members present voting yes, with Bogen abstaining. The motion carried . | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that no Public Hearing Item is scheduled for consideration. | Public Hearing Item |
| 7. | Larson stated that the next item for consideration is the requested discussion of the fencing standard set forth in Subsection (3) of Section 42-405(c). She noted that the use of barbed wire fences in the Village was discussed in general, and denied specifically for use at the VBCO storage facility located off Hazen Street, at the October 1 meeting. Larson stated that a representative of the VBCO Sheriff's Department was present and has requested reconsideration of the barbed wire fence proposal. | Ongoing Business:
Fence Standards |

Kevin Conklin, VBCO Sheriff's Department, was present and provided the following positions in support of the request for barbed wire fencing at the Hazen Street storage facility:

- Many other businesses in the Village are using barbed wire on their fencing. (10-15 business locations identified)
- The Hazen Street storage facility will be used to store SWAT vehicles that contain expensive electronic equipment, firearms, evidence, etc.
- Other safety measures will also be used at the storage facility, including security lighting and an alarm system.
- The proposed fencing will serve to 'ensure public safety' . . . the standard used to allow barbed wire fencing in the Village.

In Planning Commission consideration of the points presented by Conklin, the following was noted: several sites referenced as using barbed wire fencing are not located within the Village; most of the Village sites referenced are long-standing situations and predate the Ordinance requirement; the Ordinance requirement was established as a deliberate attempt to curb the practice of using barbed wire fencing in the Village; and, only one business listed that did not predate the Ordinance received approval – Bloomingdale Communications.

Pioch noted that the stated objective of preventing theft is typical to most facilities. If preventing theft is determined to constitute ‘ensuring public safety’, then barbed wire fencing would be allowed at most facilities. He felt this was contrary to the purpose of the standard.

Bogen opined that barbed wire fencing is not a deterrent to theft and that additional security options, such as alarms, etc., would better serve that purpose.

Palenick stated that he felt that given the nature of the items proposed for storage, any proposed security system for the facility would be ‘ensuring the public safety’, and therefore be warranted.

Pioch reiterated that the standard of ‘ensuring public safety’ is intended to protect the public, not to protect things. He suggested that any discussion of modifying that objective/standard should first receive feedback from the Village Council.

Planning Commission members agreed on the following points of consensus:

- Use of barbed wire fencing at the VBCO storage facility does not meet the current standard of ‘necessary to ensure public safety’.
- Village Council affirmation of the objectives of the current standard of ‘necessary to ensure public safety’ is requested.
- Village Council feedback is desired prior to any consideration of an amendment to the existing standard.

8. Larson stated that the next item for consideration is the amendment of Sec 42-370, Zoning Ordinance to 1) include a design standard that would require a visual or physical break in the walls of residential accessory buildings to prevent expansive blank walls; 2) replace the ‘view shed standard’ applicable to accessory buildings with ‘waterfront lot’ standards; and, 3) improve consistency in the standards applicable to accessory buildings.

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

Harvey provided an overview of the draft text (Draft #2), noting that the revisions requested at the October meeting had been incorporated. Referencing work tables provided, she outlined how the proposed accessory

building/waterfront lot text differs/does not differ from existing standards.

Bogen questioned if the increased maximum building size standard of 884 sq ft was still desired, given the increased building height and ‘accessory dwelling unit’ use option were not approved. The recently increased size standard was determined to be satisfactory.

In continued discussion, Bogen expressed concern with the use of accessory buildings for home occupations and Chairperson Larson questioned the need for a standard to limit the number of accessory buildings. It was observed that the Ordinance already prohibits the use of accessory buildings for home occupations. It was also noted that building setback and lot coverage requirements adequately serve to limit the number of accessory buildings allowed on a property.

The Planning Commission agreed that the proposed revisions to the accessory building standards (Sec 42-370 a)-g) were supported. After review of the new ‘waterfront lot’ provisions, it was acknowledged that the new language will not change most existing standards; improves the view shed limitation; fills existing gaps in the standards; and, reduces the rear yard setback standard for accessory buildings on waterfront lots.

Motion by Pioch, **supported** by Bogen, to accept the proposed draft amendments (Draft #2) and schedule same for public hearing at the December 3, 2020 meeting. 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.

**New Business:
Telecommunications
Towers**

Harvey referenced draft text (Draft #1) provided for Planning Commission review. She noted that she recently discovered that many elements of Section 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. Planning Commission members agreed to review the draft text for consideration at the December meeting.

10. Harvey presented an application received requesting the rezoning of property located at 200 South Gremps Street from B-2 to CBD. **Motion** by Bogen, **supported** by Jarvis, to schedule a public hearing on the requested rezoning for the December 3, 2020 meeting. All members present voting yes. The **motion carried**.

11. Bogen referenced the recently constructed accessory building on East Michigan (west of Madison). He noted 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. Chairperson Larson requested Harvey investigate the situation and determine what solutions may be possible.
12. No staff comments were offered.
12. There being no further business to come before the Commission, the meeting was adjourned at 9:15 p.m.

Member Comments

**Village Manager/
Planning Consultant
Adjournment**