

**Minutes, Paw Paw Planning Commission
Regular Meeting, September 2, 2021**

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| 1. | The regular Planning Commission meeting of Thursday, September 2, 2021 convened at 7:00 p.m. at 114 N. Gremps, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Brown, Hellwege, and Palenick. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Hellwege, supported by Palenick, to approve the agenda as presented. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Motion by Palenick, supported by Larson, to approve the minutes of the regular Planning Commission meeting of July 1, 2021, as presented. All members present voting yes. The motion carried . | Approval of Minutes |
| | Motion by Hellwege, supported by Brown, to approve the minutes of the regular Planning Commission meeting of August 5, 2021, 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 was the request of Bob Parshall for Special Land Use Permit/Site Plan Review for the following: 1) fencing within a Mini-Storage Facility that does not meet the fence standards required by Section 42-405 (c)(1); 2) the establishment of an Open-Air Business (U-Haul Truck Rental) on the site of a Mini-Storage Facility per Sections 42-223 (3) and 42-367 (23); and, 3) outdoor storage in connection with a Mini-Storage Facility per Section 42-223 (13). Subject property is located at 280 CR 665 and is within the B-2 District. | Public Hearing:
SLU/SPR – 280 CR
665 |

Larson opened the public hearing.

Harvey provided an overview of the application. She explained that the Planning Commission recommended conditional site plan approval for the proposed Mini-Storage Facility on August 5, 2021, but postponed action on the applicant's request for a special land use permit to allow a 6 ft chain link fence within the front yard of the subject site to the September meeting, suggesting the applicant consider the option of protective measures fencing to support the height and front yard location proposal.

Further, it was acknowledged at the August meeting that the open-air business (U-Haul parking) and outdoor storage proposals would require special land use permits. The applicant has since made application for the required

special land use permits and the public hearings for same noticed accordingly.

Harvey noted that the proposed use of the 30-ft wide drive that extends east of the proposed 'office building' for the parking of rental U-Haul vehicles should be reviewed for compliance with the Open-Air Business standards of Section 42-367 (23), specifically the 40 ft front setback requirement from CR 665.

She further explained that the phased temporary outdoor storage proposal should be reviewed for compliance with the front yard location limitation; the 30% footprint standard; and applicable screening requirements of Section 42-223 (13).

Larson stated that the fencing request would be considered first.

Bob Parshall and Andrew Rossell, project engineer, were present on behalf of the application. Parshall stated that he investigated the use of protective measures fencing at the site and found it to be cost-prohibitive. Instead, he proposed a no-climb chain link fence product more reasonable in cost, to be installed at a 4 ft height on a 2 ft berm with plantings around the perimeter of the site. He clarified that no barbed wire is proposed and that the plantings would be placed on the outside of the fence so that over time the fencing would be buffered.

In response to Commission questions, the applicant confirmed the following:

- The existing fence along the south property line is proposed to remain.
- No fencing is proposed to be established east of the proposed driveway.
- The fencing is proposed to extend from the driveway west to the cemetery, which is all within the front yard given the CR 665 frontage on the site.

No further 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 Commission acknowledged that chain link fencing already exists along the south boundary of the site; the subject site is in an undeveloped/rural area of the Village and in close proximity to the highway; and, the elements of the fence proposal (black vinyl no-climb design with no barbed wire and plantings to provide a landscape buffer) rendered the front yard location acceptable and compatible with the adjacent property and surrounding area. It was further agreed that the proposed 4 ft fence on a 2 ft berm could instead be a 6 ft fence with no berm, as long as the plantings were still provided.

Motion by Palenick, **supported** by Hellwege, to grant Special Land Use Permit and recommend Village Council approval of the Site Plan based upon a finding that the fence proposal meets the Special Land Use Criteria of Section 42-366, subject to the following:

1. The fencing will be black vinyl ‘no-climb’ chain link, not to exceed 6 ft in height, and shall not include barbed wire.
The fencing shall be located as proposed on the site plan.
Plantings will be placed on the exterior side of the fence as it extends along the road rights-of way to provide a buffering effect.

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

Larson stated that Open-Air Business request would be considered next.

Rossell identified the 30 ft x 80 ft drive east of the driveway proposed to be used for the parking of U-Haul vehicles. In response to the standards of Section 42-367 (23), he noted that a small trash container can be located near the office for use by people picking up/dropping off the vehicles . . . but that generally the vehicles will be cleaned by staff and refuse disposed of off-site. In response to the 40 ft setback requirement, Rossell acknowledged that the proposed vehicle parking layout will only be provided a 10 ft setback from CR 665, but explained that the grade change on the site prevents moving the parking further south.

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 the Zoning Ordinance, **motion** by Hellwege, **supported** by Palenick, to grant Special Land Use Permit and recommend Village Council approval of the Site Plan for use of the 30 ft wide drive proposed to extend east of the office building, as well as a portion of the parking lot provided near the office building, for the parking of rental U-Haul vehicles, provided:

1. A trash container is located in close proximity to the vehicle drop-off area. (Section 42-367 (23) b.)
2. The parking of rental U-Haul vehicles shall comply with the setback requirements, unless variance approval is granted by the Zoning Board of Appeals. (Section 42-367 (23) f.)

Approval is granted/recommended based upon a finding that the Open-Air Business (U-Haul parking) proposal meets the Special Land Use Criteria set forth in Section 42-366.

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

Larson stated that outdoor storage request would be considered next.

In response to questions, Parshall confirmed that the proposed outdoor storage would consist of vehicle storage only. In consideration of the front yard locational limitation and the requirement that the outdoor storage area cannot exceed 30% of the footprint of the buildings located on the site, he suggested a modification of the proposal to use only the Phase 3 area south of Phase 1 for outdoor storage since that area will not be within the 'front yard'. It was noted that the area available for storage would also need to comply with the % coverage and setback requirements of Section 14-223 (13).

After further discussion, it was agreed that once Phase 2 was constructed, the outdoor storage area could then be extended west behind Phase 2 and be out of the 'front yard', subject again to compliance with the % coverage and setback requirements of Section 14-223 (13).

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 the Zoning Ordinance, **motion** by Brown, **supported** by Hellwege, to grant Special Land Use Permit and recommend Village Council approval of the Site Plan for the following:

1. Use of the proposed Phase 3 area located directly south of Phase 1 for outdoor vehicle storage, upon demonstration of compliance with applicable setback, % coverage, and screening requirements established by Section 42-223 (13) a.-c.
2. Upon the construction of Phase 2, the outdoor vehicle storage area within Phase 3 may be extended west behind Phase 2, upon demonstration of compliance with setback, % coverage, and screening requirements established by Section 42-223 (13) a.-c.

Approval is granted/recommended based upon a finding that the outdoor storage proposal meets the Special Land Use Criteria set forth in Section 42-366.

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

7. Larson stated that no New Business is scheduled for consideration.

New Business

8. Larson stated that the next item for consideration is discussion of amending the Zoning Ordinance to address 'short-term rentals' in the Village.

**Ongoing Business:
STRs**

Harvey referenced the Discussion Outline and literature review provided to the Planning Commission in August to assist in the discussion.

General discussion ensued regarding the current STR activity in the Village. It was agreed that Palenick and Hellwege would do further research on line to determine the quantity and location of STRs advertised within the Village.

Brown provided 2018 data on owner-occupied and renter-occupied rates within the Village for reference.

Due to the lateness of the hour, continued discussion was postponed to the October meeting.

9. No member comments were offered.

Member Comments

10. 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 9:00 p.m.

Adjournment