

**Minutes, Paw Paw Planning Commission
Regular Meeting, September 1, 2022**

- | | | |
|----|---|--|
| 1. | The regular Planning Commission meeting of Thursday, September 1, 2022 convened at 7:00 p.m. at 114 N. Gremps, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Brown, Hickmott, and Pioch. Also present: Village Manager, Will Joseph 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 Pioch, to approve the minutes of the regular Planning Commission meeting of July 7, 2022, as presented. All members present voting yes. The motion carried .

Motion by Brown, supported by Pioch, to approve the minutes of the regular Planning Commission meeting of August 4, 2022, as presented. All members present voting yes. The motion carried . | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comments |
| 6. | Larson stated that the next item for consideration was the request of John Tapper, representing Tapper Express Lube & Car Wash, for Special Land Use Permit/Site Plan Review for a proposed addition/renovations to the existing car wash facility, pursuant to Section 42-367 (5), Zoning Ordinance. The subject site is located at 413 East Michigan and is within the B-2 District.

Larson opened the public hearing.

Bud McKay, project contractor, was present on behalf of the application. He provided an overview of the application, noting the following: <ul style="list-style-type: none">- The proposed car wash is similar in size (16 ft x 52 ft) and design as the existing car wash on the site.- The landscaping along the west and north property lines, required as a condition of approval of the existing car wash, was completed.- The east wall of the proposed car wash will have windows to match those on the west wall . . . and will comply with the building design requirements of the B-2 District.- No additional signage is proposed.- The site exists as 2 parcels but can be combined into a single parcel if required. | New Business:
SLU/SPR – Tapper
Car Wash |

Amanda Bartlett, neighbor, expressed concern with the lack of landscaping and green space on the site; the amount of paved area; the glare produced by the existing site lighting; the smell of the soap that is used in the car wash; and, the increase in traffic and noise that will be generated by the proposed expansion.

Kathleen Purcell, neighbor, expressed similar concern regarding the lack of green space, existing site lighting, smell, and noise associated with the existing facility. She further stated that the existing Oak St driveway represents an infringement into the adjacent residential area.

Patricia Pontoga, neighbor, concurred with noted concerns regarding the noise, lights, and traffic related to the existing facility. She questioned the need for an additional car wash bay on the site.

In response to Planning Commission questions, McKay stated that most of the lights referenced by the neighbors are on the site of the car lot and not the site under consideration. He noted that the 2 existing lights on the car wash site have been switched to LED and are now on a timer (6 a.m.-8 a.m. and 6 p.m.-10 p.m.). He advised that they will also put shields on the existing 2 lights to further minimize impact.

McKay noted that the noise referenced is likely associated with the dryers and that they are willing to keep the bay doors closed during drying if desired. He explained that the soap that is used in the washing process is standard and does not contain chemicals . . . adding that, the applicant is willing to change soap brands if the smell of the existing soap is objectionable. He stated that the additional car wash bay is proposed in response to customer demand.

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

Following review of the application and applicable provisions of the Zoning Ordinance, **motion** by Pioch, **supported** by Bogen, to grant Special Land Use Permit and recommend approval of the Site Plan for the proposed addition to the existing car wash facility based upon a finding that the proposal meets the criteria for approval set forth in Sections 42-366, 42-367 (5), and 42-404, subject to the following:

1. Confirmation that Parcel 1 and Parcel 2 are combined to render the subject site a single parcel.
2. Submission and execution of a landscape plan that demonstrates compliance with the landscape standards of Section 42-406 and the parking lot screening standards of Section 42-404 (5), including the extension of the 'raised landscape area' the length of the north property line with

additional plantings and the addition of plantings along the west property line.

3. The existing site lighting shall be provided shields so as to not cast direct illumination on, or cause a nuisance to, adjacent or nearby properties.
4. Compliance with the noise standards established by Village nuisance ordinances.
5. Reconsideration of wash products used in the existing and proposed car wash operations to address the emission of odors beyond the boundaries of the lot that constitute a public nuisance.
6. Village Fire Department review/approval.
7. Compliance with all applicable Federal, State and Local codes/ordinances.

The **motion carried 4-1**, with Brown dissenting.

7. Larson stated that the next item for consideration was the public hearing on the request of Sue Barber, representing Legacy House, for Special Land Use Permit/Site Plan Review for the proposed establishment of an ‘Emergency/Transitional Residence’ within an existing dwelling in accordance with Section 42-367 (11), Zoning Ordinance. The subject site is located at 105 Oak Street and is within the R-2 District.

**Public Hearing:
SLU/SPR – 105
Oak Street**

Larson advised that it was confirmed in August that the public hearing notice for the subject request had not been completed as required. As a result, the public hearing was rescheduled to the September 1, 2022 Planning Commission meeting and re-noticed in compliance with the MZEA noticing requirements.

Larson noted the following:

- The Planning Commission is in receipt of a modified site plan that has been revised in response to July/August review comments and an updated staff report on the revised site plan.
- The Planning Commission is in receipt of the Kalamazoo Street WOG Transition Home ‘House & Program Rules’, as requested, to allow for a comparison with the applicant’s proposal.
- Six (6) letters have been received regarding the application and have been copied/provided to all Planning Commission members.

Larson advised that the letters will be read during public comment.

Larson opened the public hearing.

Sue Barber, owner, applicant, and member of the Board of Directors of Wings of God, was present on behalf of the application. She provided a history of how the subject property was identified/selected as a site for a transition home, specifically referencing 2 alternate sites that had been pursued but that failed to receive Village support. Barber outlined the improvements already made to the home/property, noting a pending application with the ZBA for a setback variance to allow for the deteriorating deck to be reconstructed.

Kim Smith, Kathy Murphy, and Jeanie Canfield, neighbors, read their letters of opposition to the proposal.

Kate Purcell expressed support for the proposal, noting that the community is in need of such a facility. She stated that only 6 residents will live there, and that they must pay to live on site and work 40 hrs/week . . . it is not a half-way house.

Phil Winthrow, adjacent neighbor, stated that he has had 2 adversarial conversations with the applicant, which supports his fear that the operation will not be a good neighbor.

Sam Barber, applicant, explained that the fence situation previously represented by Winthrow was erroneous. Since then a new fence has been erected and all fence connections improved.

Frederick Jeffers, Allie Ross, Melinda Barber, and Lois Baldwin, neighbors, read their letters of opposition to the proposal.

Sara Bodo stated that the site is currently not being maintained. She added that neighbors to the site have the right to live in a safe space.

Karina (?), co-founder/director, stated that the Village is a beautiful community and that WOG is offering to help those citizens in need that are currently living in the community. She referenced numerous facilities already operating in the Village that serve residents with addictions . . . noting that these residents are here whether they are helped or not.

Charissa Engel noted that the neighbors have expressed their wishes and that they deserve to be heard.

Karen Macomb expressed concern that improvements to the house/property continue as though the use proposal has already been approved. She further noted that she feels the house and parking area are too small to serve 6 residents and a house manager.

Zoey Hutchins stated that the subject property is on the school route and presents a safety issue for pedestrians. She expressed support for WOG and the proposed transition house . . . but not at the subject site.

Lois Baldwin observed that the facility needs to be supported by the neighborhood and community in order to be successful for the residents. She feels the situation has been rushed and that the applicant should be

engaged in relationship-building rather than being contentious with neighbors. Judge Buhl acknowledged that the project has had a rough start . . . and assured there is no presumption of approval. He noted that there seems to be a big gap between perception and reality . . . which has resulted in fear. He further noted that there are many rental units in the area . . . and that many of these homes are currently visited by addicts. A WOG transition home historically has no law enforcement concerns nor results in loss of property values.

Jeff Reberstorf clarified the difference between a forced-occupancy KPEP facility with former inmates and the proposed WOG transition house.

Luke Barber observed that the area is zoned R-2 and already exists as a walkable mixed-use area with many rental properties. He feels the proposed use is not incompatible with the surrounding land use.

Nick Martinez stated that the area's young and vulnerable population is placed at risk by 'inviting' unsupervised addicts into the neighborhood. Such a proposal should not be forced upon a neighborhood.

Smith stated that the proposed facility requires specific training and unqualified staff will result in serious ramifications. He noted that there are already signs the house is attracting visits by drug addicts and dealers.

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

Planning Commission discussion ensued. Larson stated that she felt the value of the WOG program was not delivered well and that the surrounding neighborhood was not prepared for the proposal. She contrasted this with the previous WOG proposal on Kalamazoo Street. Larson also expressed concern that the program rules for the proposed men's facility suggest it will not be as tightly run or well-managed as the women's facility. She felt this observation was key in that the program rules for the women's facility was pivotal in that facility getting approved.

The applicant provided the Commission with the distinctions between men's and women's facilities and the foundations for the program rules for each.

Bogen stated that he finds the program rules to be sufficient and feels the transition house will be successful at the proposed location.

In response to questions, Larson confirmed that the Village previously released the Kalamazoo St WOG facility from the annual reporting requirement.

Pioch acknowledged that 'unknowns' tend to create fear, but his 25-year experience with 'recovery homes' suggests those fears are seldom realized. He also noted that the presence of addicts in the neighborhood, a fear expressed by many, is already a reality . . . which suggests there may be a need in the community for the program. Pioch expressed concern, however,

with the ‘tightness of space’ on the site and how this may translate into impacts on adjacent properties.

Hickmott stated that several elements of the proposal do not meet applicable zoning standards, which suggests that the project will have detrimental impacts on the surrounding area.

Bogen stated that he supports the application . . . noting that a ‘managed facility’ would be preferable to a divided-up home with renters. He noted that the improvements made to the house have already increased the value of the site, as well as surrounding properties. He noted that any site plan deficiencies could be addressed as conditions of approval.

Larson reiterated her concern over the differences between the proposed facility rules and the facility rules approved for the Kalamazoo St transition house.

Following review of the application and applicable provisions of the Zoning Ordinance, **motion** by Pioch, **supported** by Hickmott, to deny Special Land Use Permit for the proposed conversion of the residential dwelling located at 105 Oak Street to a ‘transitional residence’, based upon the following findings of Section 42-366:

- Given the limited size of the site and house, use of the property for a ‘transitional residence’ would not be compatible with the character of the adjacent properties and the surrounding area.
- The proposal would result in a ‘detrimental impact’ to adjacent property and the immediate neighborhood in that the existing house is currently a nonconforming structure and use as a ‘transition house’ could have a domino effect regarding other nonconforming structures in the area.
- The proposal lacks compliance with all ‘transitional residence’ standards, Namely:
 - : Minimum size of manager living quarters
 - : Minimum driveway width
 - : Parking space setbacks and surfacing requirements
 - : Landscaping requirements
- The proposed facility rules are not consistent with the rules of the Kalamazoo St transition house, identified at the time of approval to serve as guidelines for future transition house requests.

The **motion carried 4-1**, with Brown abstaining.

8. Larson stated that the next item for consideration was the request of Tyler **New Business:**

Cravens of Mitten State Engineering, project engineer, for Site Plan Review of the proposed expansion of Village View Estates to add 10 mobile home sites, pursuant to Section 42-182 (3), Zoning Ordinance. The subject site is located at 288 CR 665 and is within the RMH Residential Mobile Home District.

Tyler Bourdo of Mitten State Engineering was present on behalf of the application. He provided an overview of the application, noting the following:

- The property is adjacent to the north of 17 acres currently occupied by Village View Estates Mobile Home Park.
- The subject 5-acre parcel is currently occupied by the sales office for Village View Estates, an accessory building, and a cell tower . . . served by a 20 ft wide paved private drive.
- An expansion of the existing mobile home community is proposed to include the addition of 10 new mobile home sites on the subject 5-acre site.
- Approvals from the Van Buren County Road Commission and the Michigan Mobile Home Commission are in progress.
- In response to review comments set forth in the staff report:
 - : street lighting has been provided as required
 - : no new signage is proposed
 - : visitor (overflow) parking spaces have been provided

Following review of the application and applicable provisions of the Zoning Ordinance, **motion** by Brown, **supported** by Bogen, to recommend approval of the Site Plan for the proposed expansion of Village View Estates (and the addition of 10 mobile home sites) located at 288 CR 665, based upon a finding that the proposal meets the criteria for site plan approval set forth in Section 42-404, subject to the following:

1. Application of the Village sidewalk policy within the proposed expansion area.
2. Any proposed signage shall be subject to review/approval through the sign permit process.
3. Village Fire Department review/approval.
4. Village review/approval of grading, utility and storm water management plan.
5. Compliance with all applicable Federal, State and Local codes/ordinances.

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

9. Due to the lateness of the hour, Ongoing Business was postponed to the regular October meeting.
10. No member comments were offered.
11. No staff comments were offered.
12. There being no further business to come before the Commission, the meeting was adjourned at 11:00 p.m.

**Ongoing Business:
STRs**

Member Comments

**Village Manager/
Planning Consultant**

Adjournment