

**Minutes, Paw Paw Planning Commission
Regular Meeting, January 4, 2017**

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| 1. | The regular Planning Commission meeting of Thursday, January 4, 2017 convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Hildebrandt, Jarvis, Pioch, Rumsey and Thomas. Also present: Village Planning Consultant, Rebecca Harvey and Assistant Village Manager, Sarah Moyer-Cale. | Members Present |
| 3. | Motion by Jarvis, supported by Hildebrandt, to approve the agenda as presented. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Motion by Thomas, supported by Rumsey, to approve the minutes of the regular Planning Commission meeting of December 1, 2016 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 proposed amendment of Section 42-367 (23) a., Zoning Ordinance, to modify the one acre minimum lot size standard applicable to a <i>'private open air business'</i> . | Public Hearing
Item: Text
Amendment -
Open Air Business |

Freeman Kirby was present on behalf of the text amendment request. No public comment was offered on the matter.

Larson referenced a memo dated January 3, 2017 received from the Village Manager wherein the Planning Commission is requested to postpone consideration of the request until ownership of property occupied by the Kirby Truck Parts operation can be clarified and identified use violations on said property addressed.

Rumsey opined that the status of the applicant's property has no bearing on the request to consider amending a provision in the Zoning Ordinance. The Board agreed that the requested text amendment is not specific to a particular use or site and should proceed outside of the enforcement issues raised regarding the applicant's property.

Larson then referenced the Planning/Zoning Report developed to provide an outline for discussion and a resolution to the request. Lengthy Board discussion ensued wherein the following was noted:

- Is a lot size standard necessary for a *'private open air business'* if

such a use is a Special Use and controlled by the special use criteria and the review of the Planning Commission?

- A lot size standard has the result of controlling the prevalence of *'private open air businesses'* throughout the Village, which is important along its commercial gateways,
- A lot size standard helps ensure that adequate land area will be provided to meet desired design standards, which will also important to the character of the commercial gateways in the Village.

Larson stated that she had researched area ordinances to identify generally accepted approaches to outdoor retail activity in the area and found that the standards in effect in the Village are lenient in comparison.

Jarvis opined that a decision to reduce the requirement will support future requests for further reductions from new projects. Bogen stated that it would be appropriate to review the standards applicable to a *'private open air business'* as a whole but that he is unwilling to address the lot size standard separately and in a vacuum.

At length, a **motion** was offered by Thomas, **seconded** by Rumsey to recommend approval of an amendment to Section 42-367 (23) a. so as to reduce the one acre lot size standard to .75 acres. **The motion failed 2-5, Bogen, Hildebrandt, Jarvis, Larson and Pioch dissenting.**

Motion then made by Pioch, **supported** by Hildebrandt, to recommend that the existing one acre minimum lot size standard applicable to a *'private open air business'* not be modified. The motion **carried 6 to 1, Rumsey dissenting.**

7. Larson stated that the next item for consideration was the request by Mark Lipson for Special Use Permit/Site Plan Review for a proposed Indoor Recreation Facility. The subject property is located at 1027 East Michigan and is within the B-2 General Business District.

**Public Hearing
Item: Performance
Fieldhouse (Lipson)**

Mark Lipson was present on behalf of the application. Lipson provided an overview of the project, noting that the subject site is ideal for the proposed use given its proximity to the highway, major corridors, commercial uses, and schools and the presence of outdoor ball fields already existing on the site. He provided research completed identifying a need in the area for the proposed use. Referencing the proposed site plan and building elevations, Lipson outlined the details of the proposed development.

Jack Arlen stated that he owns the property adjacent to the east and expressed concern with the proposal given past problems with the ball fields on the site and issues related to trespass, noise, property damage, interference

with tv reception, storm water runoff, and the lack of a buffer between the properties.. He stated that the site is too small to be used for ball fields and that it serves to limit the use and devalue his adjacent residential site.

Harvey provided an overview of the status of the subject 6.8 development site, noting the recent annexation of the rear 5.7 acres from Antwerp Township and the likely status of the existing outdoor ballfields as lawful nonconforming uses. She noted that, pursuant to Section 42-104, the recently annexed property retains its existing zoning (R-2) for 1 year unless it is rezoned by the Village. Harvey stated that the Planning Commission is scheduled to consider a request to rezone the subject property from the R-2 District to the B-2 District in February. She confirmed that the requested B-2 District allows the proposed 'indoor recreation facility' as a special land use. The existing outdoor ballfields are not allowed uses within the B-2 District but may remain as a nonconforming use on the site.

No further public comment was offered on the matter.

The Board proceeded with a review of the proposal pursuant to Section 42-366 and 42-367 (4) and noted the following:

- The site is currently served by 2 driveways; the eastern-most drive is proposed to be closed and the existing driveway adjacent to the west property line improved. The existing drive is located at least 75 ft from an intersection as required;
- The proposed building will be located a minimum of 100 ft from any residential use (ie. the adjacent house);
- Parking is provided in compliance with Ordinance requirements;
- Proposed light fixtures will be sharp cut-off with shields and proposed footcandle levels reveal compliance with lighting standards;
- The existing sidewalk along East Michigan will be improved;
- The proposed building complies with applicable building size, height, setback and design standards (per the ClearSpan building rendering);
- The retention of the existing trees and limited plantings along the east and north property lines is proposed;
- Compliance with applicable landscaping standards has not been met due to the size of the site; a request for variance approval from the landscaping standards will be considered by the ZBA in February.
- The outdoor ball fields are an existing nonconforming use and are proposed to be used but are not proposed to be modified or expanded.

Motion by Thomas, **supported** by Jarvis, to grant Special Use Permit for the proposed 31,200 sq ft indoor recreation facility (Performance

Fieldhouse) located at 1027 East Michigan based upon a finding of compliance with the Special Use Permit Criteria set forth in Section 42-366 and the Special Use Permit Standards applicable to an 'indoor recreation facility' set forth in Section 42-367 (4), and conditioned upon the rezoning of the rear 5.7 acres, or portion thereof, of the subject site to the B-2 District. All members present voting yes. The **motion carried.**

Motion by Pioch, **supported** by Rumsey, to recommend Village Council approval of the Site Plan for the proposed 31,200 sq ft indoor recreation facility (Performance Fieldhouse) based upon a finding of compliance with the Site Plan Review Criteria set forth in Section 42-402, and subject to the following conditions:

1. Rezoning of the rear 5.7 acres, or portion thereof, of the subject site to the B-2 District.
2. The provision of required parking lot screening along the east boundary.
3. Compliance with outdoor lighting requirements set forth in Section 42-405.
4. Compliance with applicable building design requirements.
5. Submission of a final landscape plan that meets applicable landscape requirements.
6. Fire Department review/approval.
7. Village Department of Public Works review/approval of utility extensions/connections and the proposed method of storm water disposal.
8. Proposed signage shall comply with the applicable provisions of Article VI and shall be reviewed/approved through the permit process.
9. Compliance with all applicable Federal, State and Local codes/ordinances.

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

9. Larson noted that the Waterfront Overlay District was presented to the Board in April, 2016 and that the Board had expressed support for moving the proposed district forward. To that end, a review of the proposed text had been initiated in May, 2016. Due to the application schedule during the latter part of 2016, the review has not been completed and remains a priority item for the Board.

**Ongoing Business:
Waterfront Overlay
District**

Board members agreed to place the matter on the next available meeting

agenda to allow for completion of the review and a determination of a public hearing date.

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| 10. | Larson stated that no New Business was scheduled for consideration. | New Business |
| 11. | No member comments were offered. | Member Comments |
| 12. | No staff comments were offered. | Village Manager/
Planning Consultant |
| 13. | There being no further business to come before the Board, the meeting was adjourned at 9:30 p.m. | Adjournment |