

**Minutes, Paw Paw Planning Commission
Regular Meeting, June 1, 2017**

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| 1. | The regular Planning Commission meeting of Thursday, June 1, 2017 convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Jarvis, Pioch and Thomas. Also present: Village Planning Consultant, Rebecca Harvey and Assistant Village Manager, Sarah Moyer-Cale. | 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 Thomas, supported by Jarvis, to approve the minutes of the regular Planning Commission meeting of April 6, 2017 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 rezoning of approximately 1 acre (4-5 parcels) located immediately west of South Niles Street and south of Berrien Street, from the R-2 Single Family and Two-Family District to the RO Restricted Office District and/or B-2 General Business District. | Public Hearing:
Rezoning – Niles
Street |

Larson noted that the applicant (Thomas Demarest) owns the .2 acre lot on the corner of South Niles and Berrien Streets and has requested the subject lot be rezoned from the R-2 District to the B-2 District. She explained that the area to be considered was expanded by the Planning Commission to include the 3 adjacent .2 acre lots and the portion of the 5th lot currently zoned R-2 . . . and to consider the RO District in addition to the requested B-2 District.

Thomas Demarest was present on behalf of the application. He stated that he requested rezoning of the property to B-2 to facilitate office development on the site. Demarest noted that surrounding and adjacent land use is largely nonresidential, with neighboring views that include the County Court House and parking lots.

Sherry Gordon (neighbor) stated that the proposed rezoning will have a negative impact on the current residential use of the property under consideration and the area in general.

Jason Harloft noted that he purchased one of the residential properties under consideration to provide housing for his employees and he does

not want to lose the residential capacity of the property. He referenced the goal of Project Rising Tide (PRT) to preserve/provide affordable housing in the Village and opined that the requested rezoning is in direct opposition to this goal.

Lucy Beal stated that she resides opposite the area under consideration and expressed concern that the Village would consider rezoning these occupied residential lots when there are vacant commercial properties in town currently available.

Ellen McGuire (neighbor) stated that Van Buren County has already negatively impacted the area with the existing buildings/parking lots. However, the general residential character is still intact and represents a long-standing neighborhood. She reiterated the lack of demand for commercial zoning in the Village.

Dennis Glidden expressed concern with the impact the requested rezoning would have on property taxes for surrounding properties.

Pam Posten stated that she feared the abutting residential street grid would turn into primary traffic routes if the commercial rezoning was approved.

Dawn Grady expressed support for comments previously made in opposition to additional commercial activity in the area.

In response to questions, Harvey provided an overview of the rezoning process and the basis for the Planning Commission's expansion of the area/districts to be considered.

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

The Board proceeded with a review of the proposed rezoning pursuant to Section 42-33 – Amendment Review Criteria. The following conclusions were noted:

1. The proposed rezoning will not be in accordance with the basic intent and purpose of the RO or B-2 Districts, the B-2 District specifically referencing businesses with large lot requirements and major thoroughfare locations.
2. Both the existing and proposed Future Land Use Maps and Master Plan goals/objectives support continued residential use in this neighborhood area adjacent to the downtown core.
3. The only change in conditions that has occurred in the area has

resulted primarily from the expansion of County buildings, which are not subject to local zoning. The area zoning and residential land use pattern has not been altered.

4. The rezoning will not serve to correct an inequitable situation but rather to introduce non-residential zoning into an area of existing residential zoning/land use.
5. Rezoning the subject property for commercial land use will likely set the course for the conversion of the residential neighborhood adjacent to the east.
6. The requested rezoning will not be consistent or compatible with the adjacent established residential neighborhoods.
7. The size of the property will limit the ability of site development to comply with B-2 District standards.
8. The area represents a mixed use development trend, with the strong commercial element fronting Kalamazoo Avenue and the established residential neighborhoods to the east.
9. The TMA and studies done in conjunction with PRT advise affordable housing is difficult to find in the Village . . while vacant commercial property is plentiful. A rezoning would promote the loss of existing affordable housing.

Motion by Pioch, **supported** by Thomas, to recommend Village Council denial of the proposed rezoning of the subject 1 acre (4-5 lots) from the R-2 Single Family and Two-Family District to the RO Restricted Office District and/or B-2 General Business District. based upon the conclusion of the rezoning criteria set forth in Section 42-33 – Amendment Review Criteria. The **motion carried** 4 to 1, Jarvis dissenting.

7. Larson stated that the next item for consideration were the proposed amendments of the Zoning Ordinance associated with the establishment of the Waterfront Overlay District.

**Public Hearing:
Waterfront
Overlay District**

Harvey provided an overview of the process applied in developing the proposed waterfront overlay approach and the specific elements of the WF Overlay District. Through the use of a power point presentation, she provided examples of shoreline vegetative buffers that would be consistent with the vegetative buffer standards set forth in the District.

Larson noted that a letter of support for the District had been received from Two Rivers Coalition. The letter was read into the record.

Sue Danielson questioned how the vegetative buffer requirement would apply to waterfront property with steep slopes. She stated that waterfront property is of high value and involves high taxes and should not be restricted in its use. She added that there are already too many regulations in the Village.

Ron Bartlett noted his objection to the vegetative buffer requirement noting that it will occupy too much of small waterfront lots.

Sharon Stevens questioned how the WF Overlay District standards would be applied and how they would be enforced on existing developed lots.

Harvey reviewed the applicability elements of the WF Overlay District and explained that the proposed standards would apply to new development and redevelopment . . . but would not apply to existing development, in that zoning is not retroactive.

Roman Plaszczak stated that he is in the process of establishing a 'natural seawall' along his waterfront property on Maple Lake and that he has found the process to be lengthy and expensive. He urged the Planning Commission to consider the impacts a vegetative buffer requirement may have on waterfront lots in the Village and not adopt standards that may deter development in the Village.

Kevin Hart, Two Rivers Coalition, explained that the 'natural seawall' referenced by Plaszczak is an MDEQ-regulated approach and is different than the vegetative buffer requirement set forth in the District. He explained that vegetative buffers are valuable and effective in filtering storm water runoff and protecting water quality. He stated that the application of such an approach should be viewed as a responsibility of a waterfront property owner.

Lengthy discussion ensued regarding the distinctions between the MDEQ standards for 'natural seawalls' and the vegetative buffer requirement set forth in the WF Overlay District.

Barb Carpenter stated that waterways add value to property and that it is crucial that we protect them. She noted support for the vegetative buffer requirement but suggested that the 15 ft width could be reduced and still achieve the same objective.

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

Planning Commission discussion ensued wherein it was agreed that there was continued support for the objectives of the WF Overlay District and its value as a watershed protection strategy. It was further noted that review of the specific standards set forth in the District should continue to confirm feasibility of application.

Motion by Thomas, **supported** by Pioch, to postpone the public hearing on the proposed WF Overlay District to the July meeting so as to continue discussion regarding the basis for the 15 ft depth of the vegetative buffer and the 20 ft lake access metric. All members present voting yes. The **motion carried**.

8. Larson stated that the next item for consideration were the proposed amendments to the sign regulations to comport with the U.S. Supreme Court's ruling in *Reed v Town of Gilbert* and to make additional changes to the sign provisions and provide additional definitions.

**Public Hearing:
Sign Regulations**

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

Motion by Thomas, **supported** by Bogen, to recommend Village Council approval of the proposed amendments to the sign regulations set forth in the Village of Paw Paw Zoning Ordinance. All members present voting yes. The **motion carried**.

9. Larson stated that the next item for consideration was the request by Van Buren County for Special Use Permit/Site Plan Review for a proposed storage building on property located at 753 Hazen Street. The subject site is located within the R-1 District.

**Public Hearing:
SLU/SPR -
Van Buren County**

In response to the applicant's request, **motion** by Pioch, **supported** by Jarvis, to postpone consideration of the application to the July 13, 2017 Planning Commission meeting to allow for completion of the required site plan. All members present voting yes. The **motion carried**.

10. Larson stated that consideration of the proposed amendment to the definition of 'lot area' will be postponed to the July meeting.

**New Business:
Definition of 'Lot
Area'**

11. Planning Commission members agreed that the public hearing for the proposed Master Plan Update will be scheduled for the August meeting.

**Ongoing Business:
Master Plan PH**

12. No member comments were offered.

Member Comments

13. No staff comments were offered.

**Village Manager/
Planning Consultant**

14. There being no further business to come before the Board, the meeting was adjourned at 9:45 p.m.

Adjournment