

**Minutes, Paw Paw Planning Commission
Regular Meeting, July 5, 2018**

1. The regular Planning Commission meeting of Thursday, July 5, 2018 convened at 7:00 p.m. at 114 North Gremps, Paw Paw, Michigan Chairperson Larson presiding. **Meeting Convened**

2. Present: Larson, Bogen, Jarvis, Palenick and Thomas. Also present: Planning Consultant, Rebecca Harvey and Village Manager, Sarah Moyer-Cale. **Members Present**

3. **Motion** by Thomas, **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 May 3, 2018 as presented. All members present voting yes. The **motion carried**. **Approval of Minutes**

Motion by Jarvis, **supported** by Bogen, to approve the minutes of the special Planning Commission meeting of May 9, 2018 as presented. All members present voting yes. The **motion carried**.

5. No public comment regarding non-agenda items was offered. **Public Comment**

6. Larson stated that the next item for consideration was the request by Patrick Warner for Special Land Use Permit/Site Plan Review for the proposed establishment of an Open Air Business (Seasonal Food Truck; Wine Fest Vendor) at the existing site of Warner Vineyards Winery. The subject property is located 706 South Kalamazoo Street and is within the B-2 District. **Public Hearing
Item: Warner Food
Truck**

Larson opened the public hearing.

Pat Warner was present on behalf of the application. He gave an overview of the food truck proposal, noting its value to the community, the elements of the operation, and the positive feedback received from customers to date.

Robert Hindenach expressed his support for the operation.
Karen Curzmann expressed support for the operation, noting its success in keeping dining dollars local and its positive contribution to the local business climate.
Deanna Hindenaugh noted support for a new business in the community.
Brad Wilcox, owner of Brewsters, reflected on the positive impact the food truck has brought to Paw Paw.
Matt Curzmann noted the employment opportunity and sense of community associated with the operation.

John Braganinni, owner of St. Julian Wine Co. expressed support for the operation but noted concern with its impacts on permanent dining facilities in the area. He noted that zoning decisions should support existing businesses and their investment in the community.

Ella McGuire expressed support for the operation.

Diane Erikson noted support for the seasonal culture added with the food truck and its complement to the Warner operation.

Dr. Hendrickson opined that food trucks are a progressing trend and they offer both dining options and an increase in the dining base within a community.

There being no further public comment, Larson closed the public comment portion of the public hearing.

General Planning Commission discussion ensued wherein it was determined that the food truck is proposed for location on private property and so is regulated as an 'open air business' under the Zoning Ordinance, as opposed to a 'food truck ordinance' that would apply to food trucks operating within road rights-of-way. It was further agreed that the 'wine fest vendor' element of the application would not be regulated as part of the 'open air business' but would instead be addressed through the Harvest Wine Fest operational procedures.

In response to Commission questions, Warner confirmed that the food truck has been in operation since May 26, 2018 without the requisite approvals.

The Planning Commission proceeded with a review of the proposal pursuant to applicable zoning provisions. With confirmation that the project site totals 1.6 acres; garbage containers are provided and maintained daily; restrooms are available within Warner's; and liability insurance is secured by Warner's, compliance with Section 42-367 (23) was confirmed.

Pursuant to the special land use criteria, it was noted that adequate access and parking are provided on the site; the food truck location complies with applicable setback requirements and does not occupy existing parking spaces; associated outdoor activities include music at the amphitheater on site and bistro tables; hours of operation are 11:00 to 7:00, and 11:00 to 8:00 on Saturdays; and, no additional lighting or signage is proposed.

Motion by Thomas, **supported** by Jarvis, to grant Special Land Use Permit and recommend Site Plan Approval for the proposed 'open air business' (food truck) at the existing site of Warner's Vineyard based upon a finding of compliance with the special land use criteria set forth in Section 42-366; the standards applicable to an 'open air business' set forth in Section 42-367 (23); and the site plan review criteria set forth in Section 42-402, subject to the following conditions:

- a. Designation of the existing driveway (with signage) as a ‘no parking area’.
- b. Submission of a revised site plan indicating hours of operation; location of tables; the driveway as a ‘no parking area’; location of restrooms; size of project site; and setback of the food truck from the sidewalk.
- c. Fire Department review/approval.
- d. Approval is valid from May 25, 2018 through September 30, 2018.

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

- 7. Larson stated the next item for consideration was the request of Holly and Keith Dorgan for Site Plan Review of the establishment of a rooftop deck and fencing at 148 East Michigan.

**OnGoing Business:
148 E. Michigan**

Larson noted that the Planning Commission granted site plan approval for the rooftop additions and fencing along the north, south and east sides of the building on May 9, 2018. Fencing along the east side of the building had not been approved due to concerns regarding visibility and consistency with building design per Section 42-255 C.4.

Holly and Keith Dorgan were present on behalf of the application. A revised fencing proposal for the east side of the building was presented. A 5 ft aluminum fence similar to that approved for the north side of the building was proposed to replace the 6 ft composite fence originally proposed. The Dorgan’s requested the ability to replace the aluminum fence with the composite fence if wind and/or privacy become an issue.

Planning Commission members reiterated concerns with the snow and wind load associated with a 3-sided solid barrier, as well as concerns with the esthetic of the east wall given its location within the downtown. It was agreed that the enhancements made to the building to date have greatly improved its standing as a main building in the core of the Village.

Motion by Jarvis, **supported** by Thomas, to accept the fencing proposal along the east side of the building with the requested contingency for modification. The motion **carried 3 to 2, with Larson and Bogen dissenting**.

- 8. Larson stated that the next item for consideration was the review/revision of the residential districts. Specifically, review of draft text related to ‘accessory dwellings’, reduced dwelling sizes within pocket neighborhoods, and a ‘missing middle’ overlay district.

**OnGoing Business:
Residential Districts
- ‘missing middle
housing’**

Due to the lateness of the hour, review of the draft text was postponed to the next regular meeting of the Planning Commission.

- 9. Larson noted that no New Business was scheduled for consideration.

New Business

10. No member comments were offered at this time.

Member Comments

11. No staff comments were offered at this time.

**Village Manager/
Planning Consultant**

10. There being no further business to come before the Board, the meeting was adjourned at 9:07 p.m.

Adjournment

DRAFT