

**Minutes, Paw Paw Planning Commission
Regular Meeting, December 6, 2018**

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| 1. | The regular Planning Commission meeting of Thursday, December 6, 2018 convened at 7:00 p.m. at 114 North Gremps, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Hildebrandt, Palenick, and Pioch. Also present: 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 Hildebrandt, supported by Bogen, to approve the minutes of the regular Planning Commission meeting of November 1, 2018 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 to the Zoning Ordinance so as to allow ‘outdoor storage’ as a special land use within the B-2 District. | Public Hearing
Item - Outdoor
Storage in B-2 |

Harvey noted that the draft text had received lengthy consideration at the November meeting and had been revised pursuant to the Commission’s discussion for public hearing.

No public comment was offered on the matter.

General discussion of the revised draft text ensued. Bogen questioned the difference between ‘outdoor storage’ and ‘outdoor display’. The Commission concurred that storage areas are generally not open to the public nor used for merchandising. It was agreed that some merchandise displayed outside could qualify as being ‘stored’ . . . but the basic distinction between storage areas and display areas was understood.

Larson inquired if Subsection 3 would prohibit the storage of items taller than the required screen. It was determined that the special land use approval of any outdoor storage area could be based on the proposed items to be stored and that the required screening would be at the discretion of the Commission. It was agreed that the proposed text was satisfactory.

Motion was then made by Pioch, **supported** by Hildebrandt, to recommend Village Council approval of the proposed amendment to Section 42-223 to allow outdoor storage as a special land use within the B-2 District. All members present voting yes. The motion **carried unanimously**.

7. Larson stated that the next item for consideration was the request by Village Council to amend the Zoning Ordinance with the addition of Section 42-372 – Marihuana Establishments Prohibited.

New Business: Text Amendment - Prohibit Marihuana Establishments

Harvey referenced the proposed draft text and public hearing notice, noting that both had been prepared by Village legal counsel. She provided an overview of the Michigan Initiated Law 1 of 2018 (Michigan Regulation and Taxation of Marihuana Act) and the recent decision of the Village Council to ‘opt out’ of allowing marihuana establishments within the Village.

Larson inquired why the Village had chosen to prohibit marihuana establishments in the zoning ordinance instead of in a police power ordinance format similar to other communities in the area. She also questioned if the Planning Commission would be in a position to recommend modifications to the draft text following the public hearing.

Harvey responded that the decision to ‘opt out’ rests with the governing body of the Village (Village Council) and that communities have been advised to seek the advice of legal counsel in the preparation of the required ordinance. She noted that the decision to prohibit marihuana establishments through the zoning ordinance was the recommendation of the Village Attorney and was not subject to Planning Commission debate.

Discussion continued regarding the applicable process. It was noted that the proposed amendment to the Zoning Ordinance requires that the Planning Commission hold the public hearing and make recommendation to the Village Council on the draft text, but that the decision to opt out rests with the Village Council, so the need to ‘modify’ the draft text will be limited.

Motion by Pioch, **supported** by Palenick, to accept the draft text and schedule same for public hearing at the January Planning Commission meeting. All members present voting yes. The **motion carried**.

8. Larson stated that the next item for consideration was the review/ revision of the residential districts. Specifically, a review of Draft #2 - revisions to the R-2 District to provide for accessory dwelling units and cottage housing.

OnGoing Business: Residential Districts - ‘missing middle housing’

Harvey reminded that Draft #1 had been presented in September and that the proposed changes to the R-2 District and the proposed ADU text (Section 42-372) had been reviewed extensively by the Planning

Commission at both the September and November meetings. She noted that Draft #2 reflects the Commission's requested revisions.

Planning Commission discussion of Draft #2 (dated 12.06.18) – R-2 District and Sec 42-372 – Accessory Dwelling Units, ensued. The following was noted:

- : proposed changes to Sec 42-141 are satisfactory;
- : proposed changes to Sec 42-143 are satisfactory;
- : proposed modification to Sec 42-363 is satisfactory;
- : revisions to proposed Sec 42-372 are consistent with Planning Commission discussion;
- : proposed modifications to Sec 42-370 are satisfactory, except the required side/rear setback should be increased from 3 ft to 5 ft, not 10 ft;
- : modifying the maximum accessory building area to 'a first floor area no greater than 884 sq ft' will reasonably allow for a 3-car garage and give the option for the garage to have an upper level.

The Planning Commission then began review and discussion of Sec 42-373 – Cottage Housing. Focused discussion on the 'cottage housing concept' and the proposed development standards ensued. It was agreed that the text should be revised to include purpose statements and to better define 'cottage housing'. In review of the proposed standards, the following was noted:

- : increase # of units allowed in place of each SF from 2 to 3;
- : modify cottage height limit to allow 24 ft to peak;
- : the parking standards/options should be reconsidered;
- : reduce side/rear setback requirement from 10 ft to 6 ft.

In response to the discussion related to cottage housing heights, Harvey agreed to put together sample house plans for cottage housing and to obtain feedback on the draft standards from the Village Building Department. It was also agreed that discussion of revised draft text and the housing plan details would be scheduled for January.

9. Planning Commission members recognized Harvey for her recent article in the Michigan Planner, a publication of the Michigan Chapter of the American Planning Association. They thanked her for the positive representations of the Village and their work with the Planning Studio at WMU.

Member Comments

Bogen expressed concern with recent outdoor storage activities occurring at the Dollar General site.

10. No staff comments were offered at this time.

**Village Manager/
Planning Consultant**

11. There being no further business to come before the Board, the meeting was adjourned at 9:25 p.m.

Adjournment

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