

**Minutes, Paw Paw Planning Commission
Regular Meeting, February 4, 2010**

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| 1. | The regular Planning Commission meeting of Thursday, February 4, 2010 convened at 7:00 p.m. at 114 N. Gremps , Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Flores, Rumsey, and Thomas. Also present: Planning Consultant, Rebecca Harvey. Larson noted that Planning Commission member Flores has recently been appointed to the Board but has not yet been sworn in and so is not in attendance as an official member of the Board. | Members Present |
| 3. | Motion by Bogen, supported by Thomas, to approve the agenda as presented. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Thomas, supported by Bogen, to approve the minutes of the regular Planning Commission meeting of November 5, 2009, with the following amendment: page 3, 4 th paragraph – add reference to the Board’s discussion regarding the sign provisions applicable to home occupations and the past application of said provision to limit home occupation signage to ‘nameplates’. 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 noted that no public hearing items were scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that a review of the planning and zoning functions and responsibilities of the Planning Commission would be conducted by the Village Planning Consultant. She noted that the review would serve to orient new members of the Board to the role of the Planning Commission and provide existing members with updated information on new laws, issues, and practices. Larson noted that a Planning Commission Handbook had been developed to assist in the discussion and for continued member reference. | New Business:
Planning/Zoning
Functions and
Responsibilities |

Harvey proceeded with a review of the material contained within the Handbook, including the Planning Commission ByLaws, the Planning/Zoning Procedural Checklists, and Michigan’s planning and zoning statutes. The primary areas of review and Board discussion involved the structure of local planning and zoning, the relationship between the Planning Commission, Zoning Board of Appeals, and Village Council, the duties of the Boards, and general zoning administration issues. It was noted that discussion regarding the role of the Village Council and Planning Commission in planning/zoning

matters should be continued at such time as the Village Council liaison to the Planning Commission is present. It was agreed that effective communication between the Boards is a key element to a successful program and support was noted for periodic joint meetings to facilitate that communication.

8. Larson stated that Board consideration has been requested regarding an amendment to the Zoning Ordinance so as to permit 'Libraries' within the "B-1" and "B-2" Districts. It was noted that 'libraries are currently permitted uses within the "R-1", "R-2", and "RMH" Districts but not in any of the commercial districts. It was further noted that the existing library is located within the "B-1" District and may exist as a legal nonconforming use.

**Text Amendment:
"Libraries" within
"B-1"/"B-2"
Districts**

Following a review of the Statements of Purpose for the "B-1" and "B-2" Districts, the current language used to permit libraries in the residential districts and its similarity to language used in the commercial districts, and the similarity of uses permitted within the commercial districts, it was determined that the exclusion of 'libraries' in the commercial districts was most likely an oversight in the development of the Ordinance and that consideration of an amendment to the text was appropriate.

Accordingly, an amendment to Sections 42.202(1) and 42.222(6) so as to add 'libraries' as a permitted use within the "B-1" and "B-2" Districts was scheduled for public hearing at the March 4, 2010 Planning Commission meeting.

9. Larson noted that Board review of Code of Ordinances - Section 12-32. Blighting Factors and Zoning Ordinance – Section 42.401 b.1. had been requested at a previous meeting as a result of issues of clarity and enforcement questions regarding these provisions. It was further noted that the recent issues raised are related to the parking of vehicles within the front yard and the application of the existing standards to corner lots. It was determined that the matter would be scheduled for discussion with direction to the Planning Consultant to review the noted provisions and present amendments for consideration.

Ongoing Business:

10. No member comments were offered.

Member Comments

11. No comments were offered by Harvey.

**Village Manager/
Planning Consultant
Comments**

12. There being no further business to come before the Commission, the meeting was adjourned at 9:21 p.m.

Adjournment

**Minutes, Paw Paw Planning Commission
Regular Meeting, March 4, 2010**

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| 1. | The regular Planning Commission meeting of Thursday, March 4, 2010, convened at 7:03 p.m. at 114 North Gremps, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Flores, Pioch, and Rumsey. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Rumsey, supported by Flores, to approve the agenda. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Pioch, supported by Rumsey, to approve the minutes of the regular Planning Commission meeting of February 4, 2010. 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 a public hearing was scheduled to consider the following amendments to the Village of Paw Paw Zoning Ordinance: Add to Section 42-202 (1) - Libraries as a Permitted Use within the B-1 District and Add to Section 42-222 (6) – Libraries as a Permitted Use within the B-2 District. | Public Hearing:
Text Amendments -
Libraries in B-1 and
B-2 |
| | <p>No public comment was offered on the matter. Following general discussion of the proposed amendments and reference to previous Board consideration of the matter in February, motion by Rumsey, supported by Flores, to recommend approval of the text amendments as presented based upon the following conclusions: 1) the proposed text amendments will be consistent with the intent and purpose of the B-1/B-2 Districts; and 2) the proposed text amendments will allow a use similar in character to the uses currently permitted within the B-1/B-2 Districts. All members present voting yes. The motion carried.</p> <p>The Board acknowledged that the public hearing notice was published in the Kalamazoo Gazette due to applicable noticing timelines, but noted that publication generally occurs within the local newspaper given the circulation, cost, and desire to support local businesses.</p> | |
| 7. | Larson stated that the 2009 Annual Report of the Planning Commission has been prepared and outlines the status of the planning/zoning activities of the Planning Commission for 2009, pursuant to the Planning Act and the Planning Commission Bylaws. She noted that the report also sets forth identified activities of the Planning Commission for 2010 under ‘Topics Under Study in 2010’, ‘Ongoing Concerns’, and ‘Future Work’. Following | New Business:
PC Annual
Report |

Board discussion, the report was approved with modifications. Larson stated the report would be revised as noted and submitted to the Village Council.

General discussion ensued regarding the posting of Planning Commission meeting minutes on the Village of Paw Paw web site.

8. Larson referenced the discussion held at the February meeting in which Harvey provided the Board with an overview of the functions and responsibilities of the Planning Commission. Discussion continued regarding the benefit of communication between the Planning Commission and the Village Council. The Board expressed its support for occasional joint meetings between the boards, including the Zoning Board of Appeals.

**Ongoing Business:
Planning/Zoning
Functions and
Responsibilities**

9. Larson noted the request for Board review of Section 42.401 b.1., Zoning Ordinance and Code of Ordinances - Section 12-32, Blighting Factors as they address the parking and/or storage of recreational vehicles within residential districts. She stated that the matter had been raised due to issues of clarity and enforcement questions regarding the provisions.

**Ongoing Business:
Parking/Storage
of Recreational
Vehicles**

Referencing the March 4, 2010 meeting memo on same, Harvey provided the Board with background information on the application of the current standards and suggested revisions to improve clarity and consistency between the two provisions. It was agreed that the memo would be provided to the absent Board members and the matter placed on the April agenda for discussion.

10. No comments were offered at this time.

Member Comments

11. No comments were offered at this time.

**Village Manager/
Planning Consultant
Comments**

15. There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

Adjournment

**Minutes, Paw Paw Planning Commission
Regular Meeting, April 1, 2010**

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| 1. | The regular Planning Commission meeting of Thursday, April 1, 2010 convened at 7:01 p.m. at 114 N. Gremps , Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Flores, Pioch, Rumsey, and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Thomas, supported by Pioch, to approve the agenda as presented, with the addition of Board discussion with Kip Kerby, owner of Great Lakes Belting, under New Business. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Pioch, supported by Rumsey, to approve the minutes of the regular Planning Commission meeting of March 4, 2010, 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 noted that no public hearing items were scheduled for consideration. | Public Hearing Items |
| 7. | Larson recognized Kip Kerby, owner of Great Lakes Belting. Mr. Kerby explained that he is interested in expanding the existing facility located on Ampey Road. The property is located within the B-2 District which, as currently constructed, does not permit the existing wholesale/assembly use. He stated that in lieu of a rezoning request, he would like the Board to consider amending the B-2 District so as to permit wholesale operations that include light assembly. Mr. Kirby referenced the April 1, 2010 application letter. | New Business:
Text Amendment
Request |

Harvey noted the April 1, 2010 Planning Commission Memo on the matter and explained the options available to respond to Mr. Kirby's request and the applicable schedules of same. She further provided the Board with sample language for consideration in the requested text amendment.

Following review of the application and related sample text, an amendment to Section 42-221 – Purpose (B-2 District) and/or Section 42-222 (2) – Permitted Uses (B-2 District) so as to permit 'retail-wholesale businesses that include minor assembly of merchandise or treatment of articles' within the B-2 District was scheduled for public hearing at the May 6, 2010 Planning Commission meeting.

8. Larson stated that pursuant to the Planning Commission Bylaws, the election of officers of the Board is scheduled to take place at the regular meeting in April. Motion made by Thomas, supported by Bogen, to nominate the following slate of officers of the Planning Commission for 2010/2011:

Chair: Kathy Larson
Vice-Chair: Chuck Rumsey
Secretary: Mike Thomas

**New Business:
Election of Officers**

All members present voting yes. The motion carried.

Motion by Bogen, supported by Pioch, to elect the slate of officers of the Planning Commission as nominated. All members present voting yes. The motion carried.

9. Larson noted that the 2009 Annual Report of the Planning Commission was reviewed and accepted by the Board at its March 4, 2010 meeting. She distributed revised copies of the report, modified to respond to comments received at the March meeting. She further noted that the report had been provided to the Village Council and had received very positive feedback.

**Ongoing Business:
PC Annual Report**

10. Larson noted the request for Board review of Section 42.401 b.1., Zoning Ordinance and Code of Ordinances – Section 12-32, Blighting Factors as they address the parking and/or storage of recreational vehicles within residential districts. She reiterated that the matter has been raised due to issues of clarity and enforcement questions regarding the provisions.

**Ongoing Business:
Parking/Storage
of Recreational
Vehicles**

Referencing the March 4, 2010 Planning Commission Memo on the item, Harvey provided the Board with background information on the request, as well as a review of the application of current standards, issues raised, and suggested revisions to consider.

Lengthy discussion ensued, wherein the following positions were identified:

- the ordinance should allow for the off-street parking of vehicles on private property;
- the off-street parking of vehicles should be allowed within driveways, including turnarounds, but not within front yards or extending across sidewalks;
- ‘driveway’ should be clearly defined in the ordinance – a driveway must be clearly established and improved (not part of the yard);
- long-term storage or parking of recreational vehicles, large semis/tractors, or straight trucks within driveways is objectionable– obstructs views from adjacent lots;
- short-term parking of recreational vehicles (72 hours) within driveways,

- including within the front setback, is acceptable;
- front yard appearance/activity is important on small lots in maintaining property values and the integrity of a neighborhood;
- ordinance text should be clear and enforceable
- support definition of 'recreational vehicle' provided in Blight Ordinance; relocate to Zoning Ordinance
- remove 'off-street parking of recreational vehicles' standards from Blight Ordinance.

In further discussion, it was also determined that the current ordinance is silent with respect to the parking of commercial vehicles in residential districts and that language should be added prohibiting same.

Harvey was directed to prepare/revise draft language for inclusion in the Zoning Ordinance that responds to the parameters defined through Board discussion. It was noted that the requested draft language would be placed on the May 6, 2010 agenda for review.

11. Pioch reported that the Village Council is supportive of a joint meeting between the Village Council, Planning Commission, and Zoning Board of Appeals. It was agreed that such a meeting would be considered for scheduling.

Member Comments

12. Harvey reported that the Village Council, at its March 22, 2010 meeting, moved to adopt the Master Plan as recommended by the Planning Commission. It was also noted that the Commission's recommendation to amend the Zoning Ordinance so as to permit 'libraries' within the B-1 and B-2 Districts was also accepted.

**Village Manager/
Planning Consultant
Comments**

Harvey noted that the Council has also been reviewing the recommended text amendments regarding fencing. She stated that four (4) modifications to the text had been suggested and considered at the March 22, 2010 meeting and that general consensus regarding the revised text had been noted. Action on the amended text is tentatively scheduled for April.

Inquiry was made regarding a new fence established on Berrien Street and its compliance with the proposed text.

13. There being no further business to come before the Commission, the meeting was adjourned at 9:20 p.m.

Adjournment

**Minutes, Paw Paw Planning Commission
Regular Meeting, May 6, 2010**

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| 1. | The regular Planning Commission meeting of Thursday, May 6, 2010, convened at 7:03 p.m. at 114 North Gremps, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Flores, Pioch, Rumsey, and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Thomas, supported by Pioch, to approve the agenda. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Pioch, supported by Flores, to approve the minutes of the regular Planning Commission meeting of April 1, 2010, with the following amendment: page 2, item 10 – clarify the Board’s conclusion regarding the parking of vehicles in front yards. 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 a public hearing was scheduled to consider the following amendments to the Village of Paw Paw Zoning Ordinance: revise Section 42-221 – Purpose for B-2 District and/or amend Section 42-222 (2) to include ‘minor assembly of merchandise or treatment of articles’ in conjunction with a ‘retail-wholesale business’. | Public Hearing:
Text Amendments -
B-2 District |

Kip Kerby of Great Lakes Belting was present and indicated his support of the proposed amendment to Section 42-222 (2). He further noted that incidental assembly of merchandise in conjunction with retail-wholesale business is consistent with the Great Lakes Belting operation and with the general commercial area surrounding his facility. No further public comment was offered on the matter.

Harvey reviewed the text amendments under consideration, noting that the proposed amendment to Section 42-221 would serve to indicate that the uses allowed within the B-2 District have been deemed ‘not to be objectionable to the surrounding commercial area’ but would not serve to impose a standard of review on those uses. In contrast, the proposed amendment to Section 42-222 (2) would not only expand the commercial use permitted to include minor assembly but would also establish a standard of compatibility applicable to that use.

Board discussion ensued wherein it was concluded that the proposed amendment to Section 42-222 (2) was consistent with the overall purpose

of the B-2 District and the uses permitted therein. Further, it was noted that 'light assembly' did not constitute manufacturing and was appropriate within a general commercial district. Motion by Thomas, supported by Rumsey, to recommend approval of the text amendment to Section 42-222 (2) as presented, based upon the conclusions noted. It was further recommended to deny the text amendment to Section 42-221, noting satisfaction with the B-2 purpose statement as written. All members present voting yes. The motion carried.

7. Larson stated that a public hearing was scheduled to consider a request by Kip Kerby of Great Lakes Belting for Site Plan Review of the proposed construction of a 21,745 sq ft building and continued occupancy of the existing 10,912 sq ft building for Great Lakes Belting. The subject site is located at 138/142 Ampey Road and is within the B-2 General Business District.

**Public Hearing:
Site Plan Review -
Great Lakes
Belting**

Dan Lewis of Prein & Newhof was present on behalf of the application. Referencing the Planning & Zoning Report, he stated that shared use agreements for access, parking, and stormwater disposal have been prepared and will be recorded to facilitate the proposed site design. Lewis noted that Village Engineer and Village Fire Department review and approval had also been obtained as required. With respect to the landscaping requirements, he explained that the required green strip along Ampey Road has been provided the requisite number of plantings but that they are proposed to be clustered instead of spaced 2 ft on center as required. Further, a mix of grass and non-grass groundcover has been proposed to meet the intent of the groundcover requirement.

In response to Board questions, Mr. Kerby noted that a sidewalk had not been provided along the property frontage (on Ampey Road) but that he has agreed to participate in funding the planned installation of sidewalk along the south side of Ampey. Lengthy Board discussion ensued wherein it was noted that sidewalks have been required in other site plan approvals in the Village and that consistency on this matter was crucial.

It was also noted, however, that the ordinance does not specifically require sidewalks and that Ampey Road, as a dead-end road, does not present an ideal corridor for sidewalk development. There was general consensus that a sidewalk in the subject area would be most appropriately located along the south side of Ampey Road in the vicinity of the motel. Larson stressed the need for consistency in site plan review in order to achieve a connected network of sidewalks in the Village. Rumsey stated that the subject area is not in close proximity to a residential area, that little pedestrian activity exists along Ampey Road, that Ampey Road is a dead-end road, and that no other segments of sidewalk have been established in the area.

sMr. Kirby indicated a willingness to establish a sidewalk the length of his

property frontage along Ampey Road in the future at such time as it is determined to be desirable by the Village. The Board agreed to accept the applicant's proposal as a condition of site plan approval.

Motion by Thomas, supported by Flores, to recommend Site Plan Approval for the proposed Great Lakes Belting facility based upon its compliance with applicable Ordinance standards and subject to the following conditions:

1) adoption of the recommended amendment to Section 42-222 (2) by the Village Council; 2) establishment of a sidewalk along Ampey Road the length of the frontage of the subject property at such time as determined by the Village to be desirable; 3) submission of a recorded instrument designed to implement the proposed shared access, parking, and stormwater disposal arrangements; 4) Village Fire Department review/approval; and 5) review/approval by the Village Department of Public Utilities. Motion carried 5 to 1, with Larson dissenting noting the need for a sidewalk requirement.

8. Larson stated that no new business was scheduled for consideration.

New Business

9. Larson noted the request for Board review of Section 42.401 b.1., Zoning Ordinance and Code of Ordinances - Section 12-32, Blighting Factors as they address the parking and/or storage of recreational vehicles within residential districts. She stated that the matter had been presented to the Board in March and reviewed in detail in April.

**Ongoing Business:
Parking/Storage
of Recreational
Vehicles**

Referencing the May 6, 2010 meeting memo on same, the Board reviewed the conclusions of the April 1, 2010 Planning Commission review.

Continued support of the conclusions was noted, with a clarification that parking of commercial vehicles within residential districts should be permitted within established guidelines. A review of the proposed 'gross vehicle weight rating' standard ensued, wherein its application to various commercial vehicles was discussed. It was determined that Harvey would compile visual examples of same for further discussion in June.

In review of the proposed Sample Ordinance Language, the setback standards set forth in 42-401 b.1.B. were determined to be unnecessary given the general size of property within the Village. The proposed amendment to the definition of 'recreational vehicle' was modified to remove reference to 'mobile homes' and 'farm equipment' and to add 'unattached pick up covers' and 'pickup coach campers' to the definition.

The Board further noted that the size of a recreational vehicle appeared to play a role in the support to regulate the parking of same within the driveway. Harvey was directed to consider the matter and present recommended approaches to the Board in June.

10. Pioch stated that the Village Council supported the idea of a joint meeting between the Boards and requested scheduling options. It was noted that June 24 and July 15 would be presented as optional dates for a joint meeting.
- Member Comments**

Larson asked for an update on the questions posed at the April meeting regarding fencing arrangements along Kalamazoo Street. Pioch responded that he had not made inquiry to date.

Thomas noted that he has presented an idea for a recreational facility that is not currently in the Recreation Plan to the Parks/Recreation Committee for consideration.

Rumsey suggested that the owner of the Mutani Marathon Mart be advised as to the one year site plan approval deadline and the options available for the renewal of said approval.

11. No comments were offered at this time.
- Village Manager/
Planning Consultant
Comments**

15. There being no further business to come before the Commission, the meeting was adjourned at 9:03 p.m.
- Adjournment**

**Minutes, Paw Paw Planning Commission
Regular Meeting, June 3, 2010**

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| 1. | The regular Planning Commission meeting of Thursday, June 3, 2010 convened at 7:00 p.m. at 114 N. Gremps , Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Flores, Pioch, and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Thomas, supported by Flores, to approve the agenda as presented. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Pioch, supported by Thomas, to approve the minutes of the regular Planning Commission meeting of May 6, 2010, 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 noted that no public hearing items were scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that the Joint Meeting of the Village Council, Planning Commission, and Zoning Board of Appeals has been scheduled for Thursday, June 28, 2010 at 6:00 p.m. She noted that the meeting would be held one (1) hour prior to the regularly scheduled Village Council meeting.

Larson referenced a memo to the Planning Commission from Village Manager Neilsen dated June 2, 2010. She noted that suggested topics for consideration at the joint meeting had been set forth for Planning Commission review and comment. Board discussion then ensued wherein it was determined that Item 2 – Master Plan Action Items and Item 3 – Blight Enforcement noted in the memo were of top priority and should receive attention at the joint meeting. It was further noted that Item 1 – Michigan Medical Marihuana Act should be identified as a Planning Commission study item. | New Business:
Joint Meeting |
| 8. | Larson noted the request for Board review of Section 42.401 b.1., Zoning Ordinance and Code of Ordinances – Section 12-32, Blighting Factors as they address the parking and/or storage of recreational vehicles within residential districts. She stated that the matter had been discussed in detail in April and draft language considered in May. Larson noted that Harvey | Ongoing Business:
Parking/Storage
of Recreational
Vehicles |

had been directed to provide visual examples related to the 'gross vehicle weight rating' standard and to revise the draft language regarding the setback standards and the definition of 'recreational vehicle' as discussed.

Harvey referenced the revised draft language dated May 6, 2010 and reviewed the requested text changes. She further distributed information that outlined US DOT's commercial truck classification scheme based upon gross vehicle weight rating and provided examples and photos of vehicles within each classification. Harvey noted that similar information regarding trailers was also included.

Following review and discussion of the information, Board consensus was reached that the regulation of the parking of commercial vehicles within residential districts (Subsection A) should refer to the truck classification and trailer classification rather than 'gross vehicle weight rating' given the change in payload capacities over the years. Further, Subsection A should be revised to permit the parking of Class 1-3 commercial trucks and Class 1-3 trailers within residential districts.

It was noted through Board discussion that Subsection A applies to the overnight parking and/or storage of commercial vehicles within residential districts and not to commercial vehicles in the act of servicing residential property. Subsections B and C, as well as the proposed definition of 'recreational vehicle', were determined to be acceptable as revised.

In discussion of Subsection B, the Board noted that the phrase 'established and improved private driveway' is not intended to require a driveway to have a paved surface. It was agreed that the language as rewritten provides clear parameters for enforcement. The Board questioned if 42-401 b.1. allows for a front yard to be paved and used as a driveway. Harvey noted that she would review the Ordinance, specifically existing lot coverage and open space standards, in response to Board concerns on the matter.

It was noted that the draft language should be further revised as discussed and presented for review in July. Following final review, a public hearing on the text amendment would be scheduled.

9. Larson stated that the Board should discuss and reach consensus regarding the matter of sidewalks. She opined that consistency in the requirement of sidewalks during site plan review was essential. Previous site plan approvals wherein sidewalks were required were referenced. Members noted that the lack of any specific Ordinance standard requiring same and the absence of a 'plan' identifying where sidewalks are desired in the Village raises issues of clarity during the site plan review process. Concern was also raised that a sidewalk requirement will increase maintenance costs/responsibilities to the Village. Harvey was directed to research the Village policy with respect to

Member Comments

sidewalk maintenance costs, as well as the existence of any plan for sidewalk extension within the Village.

Larson then noted concern with the frequency and duration of garage sales occurring on some properties within the Village and questions regarding the application of Article 26 – Rummage Sales. She also noted the Plan's objective to revitalize the residential component of the Village and her related concern with the condition of much of the rental housing within the Village. Pioch responded with an update of the Council's direction to Associated Government Services (AGS) to begin the enforcement of the housing code, as well as the role of the Housing Commission.

12. No comment was offered at this time.

**Village Manager/
Planning Consultant
Comments**

13. There being no further business to come before the Commission, the meeting was adjourned.

Adjournment

**Minutes, Paw Paw Planning Commission
Regular Meeting, July 1, 2010**

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| 1. | The regular Planning Commission meeting of Thursday, July 1, 2010 convened at 7:00 p.m. at 114 N. Gremps, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Pioch, Roger, Rumsey and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Thomas, supported Pioch, to approve the agenda as presented. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Pioch, supported by Roger, to approve the minutes of the regular Planning Commission meeting of June 3, 2010, with the following correction: page 1, item 7 – change the referenced date from Thursday, June 28, 2010 to Monday, June 28, 2010. 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 noted that no public hearing items were scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that the Joint Meeting of the Village Council, Planning Commission, and Zoning Board of Appeals was held on Monday, June 28, 2010. She noted that there was good attendance from each Board and that the main topics of discussion included the status of the Master Plan and a strategy for implementation of same, as well as a review of the enforcement procedures as they relate to issues of ‘blight’ within the Village. She referenced the Joint Meeting Memo dated June 28, 2010. Larson also noted the group exercise regarding the identification of ‘blight’ within the Village. | New Business:
Joint Meeting |
- Board discussion ensued regarding the noted enforcement processes and the application of specific codes within the Village. Larson noted that Nielsen will provide a summary of the joint meeting discussion which should provide clarity as to questions raised regarding the application of codes to owner-occupied and rental properties.

Board members noted their support of the joint meeting and suggested a follow-up meeting be considered in six (6) months.

8. Larson noted the request for consideration of the proposed rezoning of a 50 ft x 200 ft parcel located at 110 South Gremps Street from “CBD” Central Business District (front ½) and “B-2” General Business District (rear ½) to “B-2” General Business District (entire parcel) or other appropriate zone. She further noted that the subject property is currently classified as DC Downtown Core by the Master Plan for the Village and that an amendment reclassifying the property to CC Corridor Commercial would be required to support the requested rezoning.

**New Business:
Rezoning Request -
Dacoba**

Harvey provided the Board with background information on the requested rezoning and the zoning plan contained within the Master Plan. She noted that the Board should determine the extent of the area to be noticed for rezoning consideration and the zoning districts to be considered for the noticed area. Harvey explained that such an exercise is sound planning practice which allows the Board to notice for public hearing reasonable options consistent with the land use objectives of the Village. She noted that this process also eliminates any delay that would be experienced in identifying the options at the public hearing stage where action would then be limited due to inadequate notice.

Lengthy Board discussion ensued wherein it was determined that, based upon the existing land use and zoning patterns in the area, parcel configurations, and Plan objectives, it would be reasonable to notice for public hearing consideration of the following:

: the request by Dacoba LLC for the rezoning of a 50 ft x 200 ft parcel located at **110 South Gremps** from CBD Central Business District (front ½) and B-2 General Business District (rear ½) to B-2 General Business District (entire parcel), including an amendment to the Village of Paw Paw Master Plan so as to reclassify the property from DC Downtown Core to CC Corridor Commercial; and

: **101 West Michigan** (adjacent to 110 South Gremps on the north) – rezone from CBD Central Business District to B-2 General Business District; amend Master Plan to reclassify from DC Downtown Core to CC Corridor Commercial

: **116 South Gremps** (adjacent to 110 South Gremps on the south) – rezone from CBD Central Business District to B-2 General Business District; amend Master Plan to reclassify from DC Downtown Core to CC Corridor Commercial

: **200 South Gremps** (adjacent to 116 South Gremps on the south) – rezone from B-2 General Business District to CBD Central Business District; amend Master Plan to reclassify from Mixed Density to DC Downtown Core or CC Corridor Commercial

It was further noted that given the noticing requirements applicable to master plan amendments, the public hearing on the rezonings/amendments would be scheduled for the September 2, 2010 Planning Commission meeting.

9. Larson noted the request for Board review of Section 42.401 b.1., Zoning Ordinance and Code of Ordinances – Section 12-32, Blighting Factors as they address the parking and/or storage of recreational vehicles within residential districts. She stated that the matter had been discussed in detail in April and draft language considered in May and June.

**Ongoing Business:
Parking/Storage
of Recreational
Vehicles**

Larson further noted that the Board had reviewed visual examples related to the ‘gross vehicle weight rating’ standard in June. Following discussion of the information, Board consensus was reached that the regulation of the parking of commercial vehicles within residential districts (Subsection A) should refer to the truck classification and trailer classification rather than ‘gross vehicle weight rating’ given the change in payload capacities over the years. Further, Subsection A should be revised to permit the parking of Class 1-3 commercial trucks and Class 1-3 trailers within residential districts. Harvey referenced the draft text dated July 1, 2010 and the requested changes.

Larson added that the Board had expressed concern in June that Section 42-401 b.1. as rewritten allows for a front yard to be paved and used as a driveway. Harvey had been directed to review the Ordinance and provide the Board direction on the matter.

Harvey reported that the Ordinance does regulate lot coverage but does not mandate that required open space be located within the front yard. The Board reiterated its concern that the provision ‘except within an established and improved private driveway or portion thereof’ in subsection B. will not prevent parking within the front yard under a claim that the front yard is an established driveway .

Through Board discussion it was determined that further definition of ‘improved’ would not reduce the potential for circumventing the standard. It was also noted that prohibiting the establishment of a drive in front of the house without special permit as a way of preventing parking in the front yard was too restrictive. Board consensus was reached, however, that deletion of the term ‘established’ in the provision would remove the ability to claim an area within a front yard was regularly used for parking and that retention of the term ‘improved’ clearly implies the driveway must be paved, hard surface, or gravel.

Harvey stated that the incorporation of a maximum driveway width is commonly used as a way to define the driveway and prohibit random front yard parking. The Board concurred and determined to establish a maximum driveway width of 24 ft but only within the front setback area. Harvey was

directed to revise the draft language as discussed for final review in August.

10. Larson stated that the implementation plan for the Village Master Plan discussed at the joint meeting identified the Planning Commission/ Planning Staff as the designated lead on the first two (2) items on the list (ie. review the Zoning Ordinance to address existing provisions contrary to the Plan and create new Zoning Ordinance provisions to implement the Plan). She requested that Harvey guide the Board on how to proceed regarding these two (2) tasks.

Member Comments

Larson also noted that sample text from form-based codes had been provided to Nielsen at the joint meeting. She requested that copies of the sample text be provided to Planning Commission members for reference.

Larson questioned if ‘farm markets’ were required to obtain site plan approval. She noted that the Ordinance should be applied consistently and violations of the Ordinance should be enforced. Rumsey reiterated that standards should be enforced or the standard changed.

11. No comment was offered at this time.

**Village Manager/
Planning Consultant
Comments**

12. There being no further business to come before the Commission, the meeting was adjourned at 9:05 p.m.

Adjournment

**Minutes, Paw Paw Planning Commission
Regular Meeting, August 5, 2010**

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| 1. The regular Planning Commission meeting of Thursday, August 5, 2010, convened at 7:01 p.m. at 114 North Gremps, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. Present: Larson, Bogen, Flores, Pioch, and Rumsey. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. Motion by Bogen, supported by Rumsey, to approve the agenda. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. Motion by Pioch, supported by Bogen, to approve the minutes of the regular Planning Commission meeting of July 1, 2010. 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 no public hearing item was scheduled for consideration. | Public Hearing
Items |
| 7. Larson noted the request for consideration of the proposed rezoning of property located at 109 North Gremps Street from “R-1” Single Family Residential District to “B-2” General Business District. She further noted that the subject property is currently classified as DC Downtown Core by the Master Plan for the Village and that an amendment reclassifying the property to CC Corridor Commercial would be required to support the requested rezoning.

The Board reviewed a parcel map of the area and concluded that the land use and zoning patterns in the vicinity of the requested parcel did not support consideration of an expanded area for rezoning. It was then determined that a public hearing on the requested rezoning and related Master Plan amendment would be scheduled for the October Planning Commission meeting. | New Business:
Rezoning Request -
Jones |
| 8. Larson noted the request for Board review of Section 42.401 b.1., Zoning Ordinance and Code of Ordinances - Section 12-32, Blighting Factors as they address the parking and/or storage of recreational vehicles within residential districts. She stated that the matter had been discussed in detail in April and draft language developed, reviewed and revised at the May, June, and July Planning Commission meetings. | Ongoing Business:
Parking/Storage
of Recreational
Vehicles |

Larson stated that the Board had largely reached consensus on the July 1, 2010 draft language noting only minimal modifications and had directed Harvey to revise the draft language as discussed for final review in August.

General discussion ensued wherein Larson questioned if the existing/proposed approach to the regulation of parking within the Village might be considered too restrictive. Pioch and Bogen expressed their support for the approach set forth in the draft language and referenced the objectives identified by the Board in April regarding parking within residential districts. They opined that the proposed draft language addresses each objective noted by the Board and removes the inconsistencies found in the existing ordinances.

Limited discussion was held regarding the exemption of 'farming vehicles' in the proposed draft language and the need for time limits on the parking of construction vehicles during construction. It was determined that the draft language responded to all of the objectives identified in the initial review stage and that the matter was ready for public hearing. In consideration of the meeting calendar and applicable noticing requirements, the text amendment(s) were scheduled for public hearing at the October Planning Commission meeting.

9. Rumsey expressed concern that the existing sign ordinance may be too restrictive as applied to many existing signage situations in the Village and that it may create hardships in enforcement efforts.

Member Comments

In response to questions/comments raised regarding specific ordinance enforcement efforts within the Village, Harvey reiterated her direction to the Board regarding the lack of Planning Commission authority in the area of ordinance enforcement. Discussion ensued wherein it was stressed that Planning Commission focus on the creation of ordinance provisions that are clear and easily enforceable is appropriate but that the identification/discussion of specific ordinance violations during meetings was not productive. Concerns and/or questions with respect to compliance with ordinance provisions or permit approvals are more appropriately directed to staff charged with the enforcement of the ordinance.

Harvey further suggested that Board members may contact her with any questions regarding Planning Commission agenda items or items of Planning Commission interest prior to scheduled meetings. She noted that this would allow for an informed response at meetings and create a positive direction on issues. Board members noted their appreciation and support of such a process.

Flores expressed concern regarding the practice of Board members receiving payment for meetings not attended. A general discussion regarding the history of the Board's compensation practices ensued.

Citing a recent newspaper article about a Kalamazoo area sign violation, Larson noted that she had previously expressed concern regarding an apparent lack of clarity in the Zoning Ordinance regarding home occupation signs. She requested that the matter be placed on the Planning Commission's work plan.

Larson also made reference to work plan items established in 2009 that had not yet been addressed and suggested that they be included in the upcoming work plan discussions. These were noted to include the topics of 1) impervious surfaces within commercial areas; 2) lot coverage standards; and 3) excessive parking standards.

Larson further noted her continuing concern with respect to the occupancy of dwellings within the Village by multiple persons. The existing definition of 'family' in the Zoning Ordinance, existing zoning patterns in the community, and 'group home' requirements were discussed.

10. Harvey reported on questions raised by Board members at the June/July Planning Commission meetings regarding the provision of sidewalks in development proposals, the application of Ordinance 24 (Peddlers, Solicitors, and Transient Merchants) to single farm stands within the Village, and the status of the proposed fence ordinance.

**Village Manager/
Planning Consultant
Comments**

11. There being no further business to come before the Commission, the meeting was adjourned at 9:28 p.m.

Adjournment

**Minutes, Paw Paw Planning Commission
Regular Meeting, September 2, 2010**

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| 1. | The regular Planning Commission meeting of Thursday, September 2, 2010 convened at 7:00 p.m. at 114 N. Gremps , Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Flores, Pioch, Rumsey, and Thomas. Also present: Village Planning Consultant, Rebecca Harvey and Village Manager, Larry Nielsen. | Members Present |
| 3. | Motion by Flores, supported by Thomas, to approve the agenda as presented. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Pioch, supported by Rumsey, to approve the minutes of the regular Planning Commission meeting of August 5, 2010 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 a public hearing was scheduled to consider the requested rezoning of property located at 110 South Gremps from CBD Central Business District (front ½) and B-2 General Business District (rear ½) to B-2 General Business District (entire parcel). An amendment to the Master Plan so as to reclassify the property from DC Downtown Core to CC Corridor Commercial will also be considered. | Public Hearings
Rezoning Request -
Dacoba LLC |

Larson further noted that the Board had expanded the area to be considered so as to include the following properties:

: **101 West Michigan** (adjacent to 110 South Gremps on the north) – rezone from ***CBD Central Business District*** to ***B-2 General Business District***; amend Master Plan to reclassify from ***DC Downtown Core*** to ***CC Commercial Core***

: **116 South Gremps** (adjacent to 110 South Gremps on the south) – rezone from ***CBD Central Business District*** to ***B-2 General Business District***; amend Master Plan to reclassify from ***DC Downtown Core*** to ***CC Corridor Commercial***

: **200 South Gremps** (adjacent to 116 South Gremps on the south) – rezone from ***B-2 General Business District*** to ***CBD Central Business District***; amend Master Plan to reclassify from ***MD Mixed Density*** to ***DC Downtown Core*** or ***CC Corridor Commercial***.

She explained that the Board had expanded the area to allow for a comprehensive discussion of the area, including consideration of the overall zoning pattern and the land use objectives set forth in the Plan.

It was noted that the applicant was not present. No public comment was offered on the matter and the public hearing was closed.

General Board discussion ensued regarding the existing zoning/land use of the subject properties, the overall zoning and land use pattern in the general area, and the location of the existing building on the requested property. (110 South Gremps)

In consideration of the review standards set forth in Section 42-33, Zoning Ordinance and with reference to the Rezoning Request Analysis (per Section 42-33) prepared by Harvey, the Board concluded the following:

- 1) the current zoning of the subject properties (CBD) is consistent with the purpose set forth for the CBD in the Zoning Ordinance;
- 2) the Master Plan classifies the subject properties as DC Downtown Core supporting the existing zoning pattern; the policies set forth for the CC Corridor Commercial do not support a reclassification of the subject area nor a change in zone to B-2;
- 3) the Plan was recently adopted; a change of conditions has not occurred that would support an amendment to the Plan;
- 4) the 'split' zoning pattern on the requested property (110 South Gremps) and the presence of an existing building on the site do pose some limitations; however, rezoning the site to entirely CBD or B-2 will not largely affect its commercial development potential;
- 5) leaving the subject properties within the CBD would be consistent with existing downtown development boundaries and would not be considered 'arbitrary' or 'inconsistent' with the area;
- 6) Rezoning the area from CBD to B-2 will require reconsideration of the Plan's objectives for the area as part of the 'downtown' rather than as a commercial corridor/entrance;
- 8) development of the subject properties can occur consistent with the requirements of either the CBD or the B-2;
- 9) trends in land development support continued inclusion of the subject properties in the 'downtown area';
- 10)/11) the proposed rezoning to B-2 will not introduce largely different characteristics of a commercial population so will not severely impact public facilities or property values; however, commercial use of the properties within a district designed to achieve planned development (CBD) will decrease the potential for negative impacts on traffic and the natural characteristics of the area.

Larson requested a recommendation from the Planning Consultant. Harvey

stated she would recommend that the subject property (110 South Gremps), as well as the expanded area, remain within the CBD, consistent with the current Plan classifications of the area, based upon the following:

- : the Master Plan was recently adopted and sets forth very specific and different land use objectives for the CC Corridor Commercial and DC Downtown Core classifications;
- : reclassification of the area to CC, to support a B-2 rezoning, would not be supported by the Plan's adopted objectives;
- : rezoning contrary to the Plan or amending the Plan contrary to its objectives sets an undesirable trend in land use decisions;
- : envisioned changes to the Zoning Ordinance designed to implement the DC objectives will be useless if the area is rezoned contrary to the Plan;
- : the conclusions of the applicable criteria (Section 42-33) do not support the proposed rezonings or plan amendments.

Following Board discussion, motion by Thomas, supported by Bogan, to recommend that the properties located at 101 West Michigan, 116 South Gremps, and 200 South Gremps remain as currently zoned. It was further recommended that the property located at 101 West Michigan and 116 South Gremps remain within the DC Downtown Core Plan classification but that the Master Plan be amended so as to reclassify the property located at 200 South Gremps from MD Mixed Density to DC Downtown Core.

It was noted that a reclassification of this property will be consistent with the objectives of the Plan and allow for support to rezone the site from B-2 to CBD at the request of the property owner. The conclusions set forth in the review of Section 42-33, as well as the recommendation of the Planning Consultant, were cited in support of the motion. All members present voting yes. The motion carried.

Motion by Thomas, supported by Pioch, to recommend denial of the request to rezone the property located at 110 South Gremps from CBD (front ½) to B-2 so as to render the entire parcel within the B-2 and to amend the Plan so as to reclassify said property as CC Corridor Commercial. The conclusions set forth in the review of Section 42-33 and the recommendation of the Planning Consultant were again cited in support of the motion. All members present voting yes. The motion carried.

7. Larson noted that Village Manager Nielsen was present to provide the Board with a presentation concerning the Michigan Medical Marihuana Act. She referenced the 'background information' on the topic that was provided to the Board at its August 5, 2010 meeting.

**New Business:
Michigan Medical
Marihuana Act**

Nielsen reviewed the elements of the Act through a power point presentation. Board discussion ensued wherein consensus was reached that the Village

would like to be proactive in its approach to medical marihuana dispensaries and supported the regulation of same. It was further determined that the regulation of dispensaries should be through the Zoning Ordinance and that it was appropriate to provide for that regulation through the home occupation provision in the Ordinance.

Nielsen provided the Board with a draft home occupation provision designed to regulate medical marihuana dispensaries. A cursory review of the draft suggested that the provisions should be revised so that standards specific to the dispensaries do not apply to all home occupations. The Board directed Harvey to prepare a review of the draft home occupation provision for Board consideration in October. It was agreed that Board review/revision of the draft language would be scheduled for October to facilitate a public hearing on the text amendment before the end of the year.

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| 8. | Larson referenced the August 5, 2010 Memo from the Village Manager/Council regarding Master Plan Assignments and requested topics for Planning Commission consideration. She further noted the 2011 Work Plan development strategy and related schedule developed by Harvey. | Ongoing Business:
Master Plan
Assignments/Work
Plan Topics |
| Consistent with the proposed strategy/schedule, the Board reviewed the Master Plan assignments and requested work topics. Existing work plan items were also identified. Harvey was directed to develop a draft 2011 Work Plan based on the Board's discussion for review and prioritization at the October meeting. | | |
| 9. | Larson noted that the proposed text amendment regarding 'the parking and/or storage of recreational vehicles in residential districts' received its final review by the Board at the August meeting. Final draft text dated September 2, 2010 was provided to the Board. It was noted that a public hearing on the text amendment would be tentatively scheduled for October. | Ongoing Business:
Text Amendment
Parking of Rec
Vehicles |
| 10. | No comments were offered by Planning Commission members. | Member Comments |
| 11. | Harvey reviewed the agenda items for the October Planning Commission meeting. Nielsen provided the Board with information regarding upcoming workshops. | Village Manager/
Planning Consultant
Comments |
| 12. | There being no further business to come before the Commission, the meeting was adjourned at 9:15 p.m, | Adjournment |

**Minutes, Paw Paw Planning Commission
Regular Meeting, October 7, 2010**

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| 1. | The regular Planning Commission meeting of Thursday, October 7, 2010, convened at 7:00 p.m. at 114 North Gremps, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Rumsey, and Thomas. Also present: Village Manager, Larry Nielsen and Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Thomas, supported by Bogen, to approve the agenda. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Bogen, supported by Thomas, to approve the minutes of the regular Planning Commission meeting of September 2, 2010. 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 a public hearing was scheduled to consider the requested rezoning of property located at 109 North Gremps from R-1 Single Family Residential District to B-2 General Business District. An amendment to the Village of Paw Paw Master Plan so as to reclassify the property from DC Downtown Core to CC Corridor Commercial will also be considered. | Public Hearing:
Rezoning Request -
Jones |
| It was noted that the applicant was not present. No public comment was offered on the matter. The Board then moved to table consideration of the request to the November 4, 2010 Planning Commission meeting to allow the applicant to be present and participate in the public hearing. | | |
| 7. | Larson stated that a public hearing was scheduled to consider proposed amendments to the Village of Paw Paw Zoning Ordinance to revise Section 42-401b.1. – Parking and/or storage of vehicles in residential districts; Section 42-3 – definition of ‘recreational vehicle’; and to repeal Section 12-32 – Blighting Factors, Code of Ordinances. | Public Hearing:
Text Amendment -
Parking of Rec
Vehicles in Res
Districts |
| Harvey presented an overview of the application of the existing standards in the Ordinances, the objectives supporting the proposed amendments, and the application of the proposed standards. Parcel graphics were used to demonstrate existing conditions and scenarios of proposed text application. | | |
| Frank Miller stated that the proposed standards limiting front yard storage will prevent on-site storage of his recreational vehicle due to narrow side yards. | | |

Wayne Wilhelm questioned why the Planning Commission was addressing the current standards; Larson responded that the request had come from the Village Council after receiving complaints/concerns from the Village Police Department regarding problems in enforcement of same due to lack of clarity in the standards and difficult lot configurations.

Paul Riborre noted the following concerns regarding the proposed text:

- Why limit driveway width to 24 ft?
- Why does the text only address recreational vehicles?
- Why require the removal of small vehicles that have minimal impact?
- The concern should be solely with 'blight' issues and not address standard residential parking
- The Village is not a 'gated' community and should not be regulated as such

Phil Columbo stated that he does not support the proposed definition of a 'recreational vehicle', noting that it depends on the function of the vehicle and not the type of vehicle in determining if it is 'recreational'. He stated that the definition is too loosely constructed and will lead to problems in application.

In response to questions, Harvey stated that the proposed text does not serve to regulate the width or design of a driveway. The reference to the '24 ft width limitation' establishes only that parking can occur within an improved driveway or portion thereof that doesn't exceed 24 ft in width' to address the concept of using a front yard as a parking lot.

Larson reviewed the concerns that exist with the current standards and explained the Board's objectives regarding the proposed revisions.

In response to additional questions regarding the motivation behind the proposed amendments, Nielsen explained the specific problems encountered in the enforcement of the existing standards given the lack of clarity in the definition of 'front yard', the varied configuration of lots, and the impact of setback limits on narrow lots. He acknowledged the Planning Commission's effort to address front yard storage concerns when rear yard and side yard area is limited.

Roger Parment stated that corner lots have two (2) front yards and are treated unfairly in land use restrictions.

Harvey referenced the parcel graphic and reviewed the concept of 'front yard' and the premise behind related separation and use standards to maintain the safety, function, and integrity of the abutting corridor.

Paul Riborre stated that the concepts behind the separation of roadway and

building lack common sense. He stated that properties generally only have one front yard and that zoning needs to eliminate the regulation of the front yard. Mr. Riborre continued that the proposed text penalizes the citizens of the Village instead of addressing blight issues.

Larson questioned how the concerns that have been raised regarding front yard parking and long-term front yard storage of recreational vehicles should be addressed. She questioned further if there were elements of the proposed text that were supported. In response, it was repeated that the ordinance is flawed and should be designed to only address blight.

Phyllis Riborre suggested that Planning Commission work important to the citizens be announced or reviewed in Village publications to inform and solicit public involvement. Dawn Glass suggested that concerns expressed regarding blocked views should be addressed between neighbors.

Phil Columbo reiterated that the Village should focus on blight issues such as dismantled vehicles, trash, and abandoned property and not try to control lifestyles.

Wayne Wilhelm stated that the existing/proposed 72 hour limit on the parking of recreational vehicles is too restrictive. In response to Board questions, he noted, however, that he does not necessarily support year-round parking of recreational vehicles in driveways where there is no intention of use.

Phyllis Riborre stated that she is concerned that the proposed regulation is motivated by the premise that 'something bothers someone'. She also questioned the ability to enforce the 72 hour limitation set forth in the Ordinance.

Tanya Meyers thanked the Planning Commission for looking at the existing standards in the Ordinance and their efforts to improve the regulations so that they are not unreasonable.

Hearing no further public comment, the public hearing was closed. Rumsey stated that the existing standards are poorly written and difficult to enforce and that he supports efforts to improve the current situation. Larson summarized the concerns expressed by the public as follows: definition of 'corner lot'; definition of 'recreational vehicle'; 72 hour limit on the parking of recreational vehicles in the driveway; and impact on smaller lots that have minimal side and rear yards.

(Mike Pioch arrived)

It was determined that the matter would be tabled to the November 4, 2010 Planning Commission meeting whereat the public input received would be

reviewed and revisions to the proposed text discussed.

8. Larson stated that Board discussion on the recently proposed amendments to the home occupation provisions was scheduled. Nielsen advised that a model ordinance regarding same was being developed by MTA, MML, and MAP and that Board review of the draft text should be delayed until the model ordinance is available for reference. Board members agreed.

**New Business:
Text Amendment -
Home Occupations**

9. Larson noted that the Board had discussed the Master Plan Assignments and suggested work plan topics at the September meeting and that a 2011 Work Plan had been developed from that discussion. Due to time constraints, Board members agreed to individually rate each work plan item on a scale from 1 – 3 in preparation for the November meeting discussion.

**Ongoing Business:
2011 Work Plan**

It was further agreed that the results of the ratings will be compiled and discussed at the November meeting to result in a prioritization of the Work Plan. A detailed work plan that includes a **work strategy** and **estimated schedule/budget** for each work item will then be developed (Harvey) for approval in December and submitted to the Village Council for use in the budget process.

10. Larson introduced articles on the topic of ‘raising chickens in residential areas’ and suggested its addition to the work list.
11. Nielsen provided information regarding the upcoming Harvest Moon Extravaganza.
12. There being no further business to come before the Commission, the meeting was adjourned at 9:45 p.m.

Member Comments

**Village Manager/
Planning Consultant
Comments**

Adjournment

**Minutes, Paw Paw Planning Commission
Regular Meeting, November 4, 2010**

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| 1. | The regular Planning Commission meeting of Thursday, November 4, 2010 convened at 7:00 p.m. at 114 N. Gremps, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Flores, Pioch, Rumsey and Thomas. Also present: Village Manager, Larry Nielsen and Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Rumsey, supported by Thomas, to approve the agenda as presented. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Thomas, supported by Bogen, to approve the minutes of the regular Planning Commission meeting of October 7, 2010, 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 a public hearing was scheduled to consider the requested rezoning of property located at 109 North Gremps from R-1 Single Family Residential District to B-2 General Business District. An amendment to the Village of Paw Paw Master Plan so as to reclassify the property from DC Downtown Core to CC Corridor Commercial will also be considered. | Public Hearing:
Rezoning Request -
Jones |

David Jones was present on behalf of the application. He stated that the property was originally zoned commercial and has been used for commercial purposes for many years. Jones added that the property is currently occupied by a commercial building that is connected to utilities and is classified as commercial on the tax bill for the property. He questioned how the property became zoned residential.

Nielsen noted that the 2003 zoning map indicates the property is located within the R-1 District. He opined that the property was placed within a residential zone during the 2003 adoption of the zoning ordinance due to the vacant status of the property. Jones noted that the property has been occupied by many tenants over the years but has never been vacant for a period exceeding five (5) months.

Harvey reviewed the Master Plan map and adopted land use objectives, as well as the zoning map and related zoning districts for the area. She referenced the applicable review standards for rezoning set forth in Section 42-33, Zoning Ordinance.

In reference to the review standards, Jones offered the following: the subject site is limited in size, inconsistent with the purpose of the requested B-2 District, but is well located for commercial activity; the property has been used for commercial purposes for at least 25 years and that there is no change of conditions in that regard; the location of the property and the surrounding uses support commercial use of the property; the existing building on the site cannot reasonably be converted to a residence rendering residential zoning impractical.

Lengthy Board discussion ensued regarding the zoning and land use history of the subject property, the surrounding zoning and land use pattern, and the commercial land use objectives and future land use classifications set forth in the recently adopted Master Plan. It was noted that the Plan currently classifies the subject property as DC Downtown Core, which would support CBD zoning of the site. Jones noted that the B-2 District was requested due to use interests at the time of application but that the CBD would be satisfactory given the use opportunities within same.

Jones stated that he would like to withdraw his request to rezone the subject property from R-1 to B-2 and instead request consideration of a proposed rezoning from R-1 to CBD, consistent with the Village of Paw Paw Master Plan.

Motion by Thomas, supported by Bogen, to accept the applicant's request to withdraw the application and to schedule a new public hearing on the request to rezone the subject property from R-1 to CBD for the December 2, 2010 Planning Commission meeting. All members present voting yes. The motion carried.

8. Larson stated that a public hearing was held on October 7, 2010 on the proposed amendments to the Village of Paw Paw Zoning Ordinance to revise Section 42-401b.1. – Parking and/or storage of vehicles in residential districts; Section 42-3 – definition of 'recreational vehicle'; and to repeal Section 12-32, Blighting Factors, Code of Ordinances as they address the parking and/or storage of recreational vehicles within residential districts.

**Public Hearing:
Parking/Storage
of Recreational
Vehicles**

Larson stated that the matter had received considerable public input in October and referenced the summary of public comment set forth in the October 7, 2010 Planning Commission meeting minutes.

Nielsen referenced the Memo to the Planning Commission and Village Council dated November 4, 2010. He noted that the Memo sets forth a proposal by Council Member Wilhelmi to amend Section 12-32 – Blighting

Factors to be considered by the Village Council at its November 8, 2010 meeting. Nielsen advised that action by the Village Council to accept the proposed amendment will remove the matter from Planning Commission consideration. He noted, however, that the Planning Commission could still proceed with the amendment of Section 42-401b.1. in consideration of the potential changes to Section 12-32 – Blighting Factors.

Following general Board discussion, motion by Rumsey, supported by Thomas, to table further consideration of the proposed amendments as noticed to the December meeting of the Planning Commission to allow Village Council consideration of Council Member Wilhelmi's proposal and the provision of direction on the matter to the Planning Commission. All members present voting yes. Motion carried.

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| 9. | Larson stated that no new business was scheduled for consideration | New Business |
| 10. | Larson noted that the Board had discussed the Master Plan Assignments and suggested work plan topics at the September meeting and that a 2011 Work Plan had been developed from that discussion. Due to time constraints at the October meeting, Board members had agreed to individually rate each work plan item on a scale from 1 – 3 to allow for prioritization at the November meeting. | Ongoing Business:
2011 Work Plan |

Board discussion then ensued wherein the results of the ratings were compiled. The work items set forth in the 2011 Work Plan were prioritized as follows:

Priority 1:

- review/revise Zoning Ordinance to ensure that new development is 'transit-friendly' (#3)
- learn more about form-based codes and explore their value to the Village (#6)
- clarify 'home occupation' sign standards (#8)
- revise Zoning Ordinance to require/regulate the provision of sidewalks in nonresidential development (#9)
- review Zoning Ordinance for adequacy and consistency w/ Plan objectives regarding lot coverage standards (#11)
- review Zoning Ordinance for adequacy of parking standards and availability of options to allow for reduced parking (#12)

Priority 1.5:

- understand the unique impacts of vacant commercial/industrial buildings and explore zoning options available to address those impacts (#7)

Priority 2.5:

- revise Zoning Ordinance to provide standards as to design, form, parking, landscaping, lighting, and amenities of ‘big box’ commercial development (#5)

Priority 3:

- review the Zoning Ordinance to determine if any existing regulations inhibit the implementation of the Master Plan; revise the Ordinance as required (#1)
- create new Zoning Ordinance requirements to implement the Master Plan, including ‘mixed uses’, ‘overlay districts’, ‘form-based development districts’, and ‘density standards’ (#2)
- revise Zoning Ordinance to regulate dispensaries authorized by the Michigan Medical Marijuana Act (‘home occupation’ provision) (#4)
- review Zoning Ordinance for adequacy in its regulation of impervious surfaces within nonresidential development; incorporate stormwater design standards (#10)

Harvey was directed to prepare a detailed work plan that includes a **work strategy** and **estimated schedule/budget** for the Priority 1 work items for review/approval in December. It was noted that the approved work plan will then be submitted to the Village Council for use in the budget process.

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| 11. | No comment was offered at this time. | Member Comments |
| 12. | Nielsen provided updates regarding the following: the downtown streetscape proposal prepared by the DDA consistent with the Master Plan; recent enforcement activity by the Village Police Department; the vacancy rate within the downtown area (<15%); and the new ownership of the movie theatre. | Village Manager/
Planning Consultant
Comments |
| 13. | There being no further business to come before the Commission, the meeting was adjourned at 8:25 p.m. | Adjournment |

**Minutes, Paw Paw Planning Commission
Regular Meeting, December 1, 2011**

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| 1. | The regular Planning Commission meeting of Thursday, December 1, 2011 convened at 7:00 p.m. at 114 North Gremps, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Pioch, Reeder, Rumsey, and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Rumsey, supported by Pioch, to approve the agenda. All members present voting yes. The motion carried. | Approval of Agenda |
| 4. | Motion by Pioch, supported by Bogen, to approve the minutes of the regular Planning Commission meeting of November 3, 2011. 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 no public hearing items are scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that no 'New Business' was scheduled for consideration. | New Business |
| 8. | Larson stated that, consistent with Board discussion in November regarding zoning options designed to allow for reduced parking in nonresidential areas, draft text was prepared for Board review. She referenced the December 1, 2011 Memo provided by Harvey and the draft text contained therein. The Board noted their support of the proposed draft text that would permit 'joint use of parking facilities' and a mechanism to allow for 'reduced off-street parking' under certain conditions. | OnGoing Business:
Parking Standards |
| Board discussion ensued wherein it was noted that the 25% limitation in the 'joint use' provision should be removed; and the provision for 'reduced off-street parking' should be redrafted for clarity. Harvey was directed to revise the draft text for consideration at the January meeting. | | |
| 9. | Larson stated that, consistent with Board discussion in November regarding building design standards that would prohibit large blank walls on commercial buildings, draft text was prepared for Board review. She referenced the December 1, 2011 Memo provided by Harvey and the draft text contained therein. | OnGoing Business:
Building Design Standards |

The Board again noted their support of the proposed draft text, but

determined that the CBD text should also include a standard for windows on the façade of the first story of buildings and a provision that addresses buildings on corner lots. Harvey was directed to modify the draft text for consideration at the January meeting.

10. Larson stated that the next matter to be considered is continued discussion regarding the Work Plan Item requested by the Village Council to reduce the large expanses of 2-family zoning within the Village through rezonings to single-family land use.

**Ongoing Business:
Reducing 2-Family
Zoning**

She noted that in November the Planning Commission identified those properties currently within the R-1 and R-2 Districts that are not zoned consistent with the Master Plan.

The Board determined that rezoning these few properties identified as inconsistent with the Master Plan would not be prudent given the land use or land cover existing on those properties, as well as the zoning/land use on adjacent properties. Further, said rezonings would not serve to ‘remove the large expanses of 2-family zoned district’ within the Village, as requested.

The Planning Commission proceeded to review the Future Land Use Map to determine where those areas planned for Medium Density Residential land use could be changed to Low Density Residential land use (and related rezonings). Following review of the map and with further discussion of the request to reduce the amount of R-2 zoning in the Village, the following was noted:

- Single- and two-family homes are appropriate land uses within ‘neighborhoods’;
- The recognized land use ‘problem’ within the Village is related to existing nonconforming 3-, 4-, and 5-unit dwellings that have been converted/established within single- and two-family neighborhoods prior to the adoption of the ordinance; (*illegal conversions since the adoption of the Ordinance were unknown*)
- The expansion of these existing nonconforming land uses (ie. adding more units) or the conversion of existing single family homes to ‘multiple unit’ homes is not permitted under the current ordinance within the R-1 or R-2 Districts;
- Further, the lot size standard within the R-2 District is 8700 sq ft/dwelling unit - - which would require a lot size of at least 17,400 sq ft in area to legally convert a single family home to a two-family home within the existing R-2 District;

- Given the average size of lots currently within the R-2 District, the ability to convert a single-family home to a two-family home in compliance with Ordinance standards is limited;
- Zoning can only control density of use; not ownership . . . the existing R-1 and R-2 Districts prohibit the establishment of ‘multiple unit’ dwellings; further, the R-2 District, in application, prohibits the establishment of two-family dwellings on most lots within the Village; . . . in other words, whether property is zoned R-1 or R-2, single family homes are largely the only residential use permitted by Ordinance.

Brief discussion ensued regarding how the Village can inspire more home ownership and the role of the Housing Commission in controlling home conversions/occupancies.

The Board noted, however, that a review of the map to reduce the amount of land area classified as Medium Density Residential and/or zoned R-2 was still in order. To that end, the Board agreed that each member would review the Future Land Use Map/Zoning Map and identify areas for potential conversion. A discussion of each member’s work map was then scheduled for the January meeting.

At the conclusion of the review, a public hearing will then be scheduled for a Master Plan amendment and related rezoning for those properties identified to be reclassified from Medium- to Low Density Residential and rezoned from R-2 to R-1.

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| 11. | No comment was offered at this time. | Member Comments |
| 12. | No comment was offered at this time. | Village Manager/
Planning Consultant
Comments |
| 13. | There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m. | Adjournment |