

**Minutes, Paw Paw Planning Commission
Regular Meeting, January 7, 2016**

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| 1. | The regular Planning Commission meeting of Thursday, January 7, 2016 convened at 7:00 p.m. at 129 South Kalamazoo Street, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Hildebrandt, Jarvis, Pioch, Rumsey, and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Jarvis, supported by Bogen, 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 December 3, 2015. 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 <i>Public Hearing Item</i> was scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that no <i>New Business</i> was scheduled for consideration. | New Business |
| 8. | Larson stated that the next item for consideration was Board discussion of proposed revisions to the sign ordinance. She noted that a general review of Draft #1 of the revised sign regulations had been conducted at the December Planning Commission meeting with a detailed discussion of same scheduled for January. | Ongoing Business:
Sign Ordinance |

Harvey noted that Draft #1 includes the following sections: 42-431 – Purpose; 42-432 – Definitions; 42-433 – General Sign Regulations; 42-434 – Prohibited Signs; 42-435 – Exempt Signs; 42-438 – Changeable Copy Signs; 42-440 – Nonconforming Signs; 42-441 – Sign Permits; and 42-442 – Violations. She noted that Sections 42-436 – District Regulations; 42-437 – Temporary Signs; and 42-439 – Off-Premise Signs are currently under construction and will be included in Draft #2.

Planning Commission review of Draft #1 ensued wherein the following was noted:

Section 42-431 – Purpose

- This section represents an important element of the sign regulations (per the ‘Michigan Sign Guidebook’)
- Only minor modifications to the existing text are proposed
- The proposed draft text is acceptable

Section 42-433 – Definitions

- sign definitions are proposed to continue to be set forth in the definitions section of the Zoning Ordinance (Section 42-3)
- the definition of ‘sign’ is proposed to be revised and a number of new definitions are proposed to be added
- a review of the proposed definitions will follow

Section 42-433 – General Sign Regulations

- Subsection f) allows for signs to be illuminated and provides guidelines for external illumination
- The existing standard that prohibits internal sign illumination within 150 ft of residential zoning should be added back into the draft text
- The remaining provisions are acceptable

Section 42-434 – Prohibited Signs

- Subsections b), d), e), and j) will be further addressed through the ‘temporary sign’ standards that are still being developed
- Subsection c) prohibits ‘animated signs’ - - what kind of signs are included in that definition?
- Subsections g) and i) continue to prohibit ‘rotating’ and ‘flashing’ signs

Larson, Hildebrandt, Rumsey: signage in the downtown area is addressed through the Downtown Overlay District - - why should ‘animated’ and ‘flashing’ signs be prohibited elsewhere in the Village? Village businesses should be provided every opportunity to advertise so that they may succeed.

Pioch, Jarvis, Bogen: ‘animated’ and ‘flashing’ signs are not consistent with the aesthetic environment of the commercial corridors in the Village and will negatively impact the character of the community. Further, the visual activity associated with sign animation and movement creates sign clutter and results in roadway distraction and confusion.

Planning Commission members agreed that information/studies that speak to the role of signage in community character and business success would be helpful. Harvey noted that she will seek to provide the requested information.

Section 42-435 – Exempt Signs

- Subsection e) should be revised to allow ‘nameplates’ on structures other than just gates and walls
- (Harvey) This section needs additional study for ‘content-neutrality’

Due to the lateness of the hour, it was agreed that continued review of the revised sign regulations would be scheduled for the February meeting. It was noted that Sections 42-436, 42-437, and 42-439 will be completed and included in Draft #2 for Planning Commission consideration in February.

9. Rumsey inquired as to the status of the required landscape plan for the vehicle sales facility located on Kalamazoo Avenue. **Member Comments**
- Bogen questioned if ‘natural’ landscape areas are regulated in the Village.
- Harvey noted that she will confirm and respond to the noted questions.
10. Harvey distributed copies of the updated codified Zoning Ordinance to Commission members. **Village Manager/
Planning Consultant**
- Harvey provided copies of maps generated through VanBuren County Planning Department depicting data on age of housing, owner/non-owner occupied housing, and housing value within the Village of Paw Paw. Extensive discussion was held on the residential patterns reflected on the maps.
11. There being no further business to come before the Commission, the meeting was adjourned at 8:45 p.m. **Adjournment**

**Minutes, Paw Paw Planning Commission
Regular Meeting, February 4, 2016**

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|----|---|---|
| 1. | The regular Planning Commission meeting of Thursday, February 4, 2016 convened at 7:00 p.m. at 129 South Kalamazoo Street, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Jarvis, Pioch, and Rumsey. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Rumsey, supported by Jarvis, to approve the agenda as presented. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Motion by Jarvis, supported by Pioch, to approve the minutes of the regular Planning Commission meeting of January 7, 2016. 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 <i>Public Hearing Item</i> was scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that no <i>New Business</i> was scheduled for consideration. | New Business |
| 8. | Larson stated that the next item for consideration was Board discussion of proposed revisions to the sign ordinance. She noted that a detailed review of Sections 42-431 through 42-435 of Draft #1 of the revised sign regulations had been completed at the January Planning Commission meeting and that continued review of the draft text was scheduled for the February meeting. | Ongoing Business:
Sign Ordinance |

Harvey referenced Draft #2 of the revised sign regulations. She stated that Draft #2 represents the incorporation of modifications suggested at the January meeting, as well as a completed Section 42-436 – District Regulations. Harvey noted that Section 42-437 – Temporary Signs is still under construction.

Planning Commission review of Draft #2 ensued wherein the following was noted:

Section 42-433 – General Sign Regulations

- the revisions made are consistent with Board discussion
- the proposed text is acceptable

Section 42-434 – Prohibited Signs

- the revisions made are consistent with Board discussion
- the proposed text is acceptable

Section 42-435 – Exempt Signs

- the revisions made are consistent with Board discussion
- with the addition of Subsection d) - Home occupation signs, a definition of ‘home occupation sign’ should be added to Section 42-3 and the reference to signage for home occupations should be removed from the ‘home occupation’ provision
- the proposed text is acceptable

Section 42-436 – District Regulations

- support was noted for the table format
- a review of the existing sign standards set forth in this Section is warranted
- Subsections b) – f) are acceptable
- should this section provide for ‘tenant locater’ signs

Due to the lateness of the hour, it was agreed that continued review of the revised sign regulations would be scheduled for the March meeting. Harvey noted that Section 42-437 will be completed and included in Draft #3 for Planning Commission consideration in March.

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| 9. | General Board discussion was held on the status of projects within the Village. (Berkshire; ownership of railroad right-of-way; Gallagher’s; and the ‘Old Guitar Building’) | Member Comments |
| 10. | Harvey noted that the Village is in receipt of the Annual Update from Wings of God pursuant to the Special Land Use Permit. | Village Manager/
Planning Consultant |
| 11. | There being no further business to come before the Commission, the meeting was adjourned at 8:55 p.m. | Adjournment |

**Minutes, Paw Paw Planning Commission
Regular Meeting, March 3, 2016**

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|----|---|---|
| 1. | The regular Planning Commission meeting of Thursday, March 3, 2016 convened at 7:00 p.m. at 129 South Kalamazoo Street, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Hildebrandt, Pioch, and Rumsey. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Pioch, supported by Rumsey, to approve the agenda as presented. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | It was noted that approval of the minutes of the regular Planning Commission meeting of February 4, 2016 will be postponed to the April meeting. | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that no <i>Public Hearing Item</i> was scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that no <i>New Business</i> was scheduled for consideration. | New Business |
| 8. | Larson stated that the next item for consideration was Board discussion of proposed revisions to the sign ordinance. She noted that a review of Sections 42-431 through 42-435 (as revised) and of Section 42-436 set forth in Draft #2 of the revised sign regulations had been completed at the February Planning Commission meeting and that continued review of the draft text was scheduled for the March meeting. | Ongoing Business:
Sign Ordinance |

Harvey referenced Draft #3 of the revised sign regulations. She stated that Draft #3 represents the incorporation of modifications suggested at the February meeting, as well as a completed Section 42-437 – Temporary Signs.

Planning Commission review of Draft #3 ensued wherein the following was noted:

Section 42-434 – Prohibited Signs

- Larson requested reconsideration of Subsection i) – ‘signs on vehicles’
- lengthy discussion ensued regarding application of the proposed

standard

- Harvey was directed to provide clarification of the standard through sample ordinances with similar text

Section 42-437 – Temporary Signs

- remove requirement for a ‘temporary sign permit’
- allow two temporary signs for first 66 ft of lot frontage with one additional sign for each additional 30 ft of lot frontage
- allow 6 sq ft total area and 4 ft height in residential districts
- allow 32 sq ft total area and 6 ft height in commercial/industrial districts
- remove time limit

Section 42-438 – Changeable Copy Signs

Section 42-439 – Nonconforming Signs

Section 42-440 – Abandoned Signs

Section 42-441 – Sign Permits

Section 42-442 – Violations

- the proposed draft text is acceptable

Section 42-3 – Definitions

- define ‘balloon sign’ as temporary
- delete definition of ‘bench sign’
- delete definition of ‘directional sign’
- define ‘pennant sign’ as temporary
- define ‘portable sign’ as temporary

Harvey was directed to incorporate the noted revisions into Draft #4 for final draft review in April. It was agreed that the dimensional requirements applicable to signs set forth in Section 42-436 would be reviewed at that time as well. It was suggested that the draft text also be submitted to the Village Zoning Administrator for review and comment.

9. Larson distributed a draft of the 2015 Planning Commission Annual Report and requested Commission review of the document in preparation for action at the April meeting.
10. Harvey reported that the Planning Studio class at Western Michigan University has once again selected a project within the Village of Paw and has requested the opportunity to present the project to the Planning Commission in April.

Member Comments

**Village Manager/
Planning Consultant**

It was determined that a special meeting of the Planning Commission will be scheduled for Thursday, April 21, 2016 at 7:00. Given the nature of the project, it was noted that the Village Council and members of the Paw Paw Township Board and Planning Commission will also be invited to attend.

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

Adjournment

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**Minutes, Paw Paw Planning Commission
Regular Meeting, April 7, 2016**

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| 1. | The regular Planning Commission meeting of Thursday, April 7, 2016 convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Rumsey and Thomas. Also present: 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 February 4, 2016 as presented. All members present voting yes. The motion carried . | Approval of Minutes |
| | Motion by Rumsey, supported by Thomas, to approve the minutes of the regular Planning Commission meeting of March 3, 2016 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 no <i>Public Hearing Item</i> was scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that the next item for consideration was the request for site plan review of proposed site improvements/renovations to the existing Wendy's located at 828 South Kalamazoo Street. The subject property is within the B-2 District. | New Business:
SPR - Wendy's |

Matt Cole of Paradigm Design was present on behalf of the application. He provided an overview of the project, noting that building renovations would include a refresh of the façade and changes to building signage. Site improvements would include a redesign of the drive-thru area; the addition of a 16 ft wide driveway loop in front of the building and a new driveway access to Fadel Street to improve site circulation; a revised parking lot layout and reduction of on-site parking from 53 spaces to 37 spaces (36 parking spaces are required); and new landscaping.

In response to Board questions, Cole stated that the site improvements will include a resolution to the current storm water drainage issue in the parking lot. Board members expressed support for the proposed access/circulation and landscaping improvements at the site.

No public comment was offered on the matter.

The Board proceeded with a review of the site plan pursuant to the Site Plan Review Criteria set forth in Section 42-404 (4), with specific reference to the Planning/Zoning Report. Harvey noted that the existing use is a Special Land Use within the B-2 District but that the proposed renovations do not require an amendment of the Special Land Use Permit.

Motion by Thomas, **supported** by Rumsey, to recommend Village Council approval of the site plan for the proposed improvements/renovations at the site of Wendy's located at 828 South Kalamazoo Street. The recommendation is based upon a finding that the proposal meets the criteria for Site Plan Approval set forth in Section 42-402 (4), Zoning Ordinance, and subject to the following conditions:

1. Compliance with the proposed Landscape Plan.
2. Proposed signage shall be subject to compliance with Ordinance standards and shall require a sign permit.
3. Village Fire Department review/approval.
4. Village approval of the storm water improvements to address the existing drainage problem on the site.
5. Compliance with all applicable Federal, State and Local codes/ordinances.

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

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| 8. | Motion by Rumsey, supported by Bogen, to nominate and elect the following slate of Planning Commission officers for the 2016-2017 fiscal year: Chair – Kathy Larson; Vice-Chair – Dave Bogen; Secretary – Mike Thomas. All members present voting yes. The motion carried . | New Business:
Election of
Officers |
| 9. | Motion by Thomas, supported by Rumsey, to adopt by resolution the proposed 2016-2017 meeting schedule of the Planning Commission. All members present voting yes. The motion carried . | New Business:
Meeting Schedule |
| 10. | The Board noted the accuracy and completeness of the 2015 Annual Report prepared by the Chair. Motion by Rumsey, supported by Bogen, to accept the 2015 Planning Commission Annual Report as presented. All members present voting yes. The motion carried . | New Business:
2015 PC Annual
Report |
| 11. | Larson referenced the draft 2016-2017 Planning Commission Work Plan | New Business: |

prepared for Board discussion. The following was noted:

PC Work Plan

- Item a. – *Review sign ordinance* was ranked #1 in 2015 and is in progress. It is estimated to be completed in June/July.
- Item c. – *Develop waterfront overlay district* is in progress as the WMU Planning Studio project and will be presented to the Planning Commission this month.
- Item j. – *5-year review of Master Plan* was ranked #2 in 2015. An RFP was developed and distributed and an update proposal is currently under consideration by the Village Council.

Board members agreed that Item c. – *Develop waterfront overlay district* should be ranked #3 in anticipation of the required review of the Planning Studio project.

Harvey noted that the remaining items on the Work Plan were identified through a review of the Zoning Ordinance to determine if any existing regulations inhibit implementation of the Master Plan or if any new requirements are needed to assist in implementing the Master Plan. Board members noted support of the identified work items.

General Board discussion ensued regarding potential work items aimed at improving the appearance of the Village. ‘Rental housing’ and ‘trees’ were identified as target issues.

12. Larson stated that the next item for consideration was Board discussion of proposed revisions to the sign ordinance. She noted that a review of Draft #3 had been completed in March and that Harvey was directed to incorporate the noted revisions into Draft #4 for final draft review in April. It was agreed that the dimensional requirements applicable to signs set forth in Section 42-436 would also be reviewed in April.

Ongoing Business: Sign Ordinance

Harvey referenced Draft #4, noting the revisions made and the addition of photos for clarification. In further review of Section 42-438 – Changeable Copy Signs and the proposed definitions for Electronic Display Signs, it was determined that ‘changeable copy signs’, ‘electronic changeable copy signs’ and ‘electronic graphic display signs’ were acceptable and should all be allowed through Section 42-438. ‘Video display signs’ and ‘multi-vision or tri-vision signs’ should remain prohibited.

In review of Section 42-436, it was determined that the provision allowing ‘1 wall sign per street frontage’ should be clarified to require each additional wall sign allowed to be oriented toward the additional street frontage. It was further noted that one square foot per foot in length

of the wall area on which the sign is located should be allowed for wall signs in the R0, B-1 and B-2 Districts.

Harvey was directed to incorporate the noted revisions into Draft #5 for review in May. It was agreed that the remainder of Section 42-436 would be reviewed at that time as well.

13. No member comments were offered.

Member Comments

14. Harvey reported on the March 7 ZBA consideration of a setback variance request by Water Street Coffee for property located on Kalamazoo Street.

**Village Manager/
Planning Consultant**

Harvey reminded of the special Planning Commission meeting scheduled for April 21, 2016 for the WMU Planning Studio presentation.

15. There being no further business to come before the Commission, the meeting was adjourned at 9:00 p.m.

Adjournment

**Minutes, Paw Paw Planning Commission
Regular Meeting, May 5, 2016**

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| 1. | The regular Planning Commission meeting of Thursday, May 5, 2016 convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Hildebrandt, Jarvis, Pioch, Rumsey and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Jarvis, supported by Pioch, to approve the agenda as presented. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Motion by Thomas, supported by Jarvis, to approve the minutes of the regular Planning Commission meeting of April 7, 2016 as presented. All members present voting yes. The motion carried . | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that no <i>Public Hearing Item</i> was scheduled for consideration. | Public Hearing Items |
| 7. | Larson stated that the next item for consideration was Board discussion of the proposed Waterfront Overlay District presented by the WMU Planning Studio class at the special Planning Commission meeting held on April 21, 2016. | New Business:
Waterfront Overlay District |

Planning Commission members congratulated the class on a 'job well done'. . noting their appreciation for the informative presentation and the quality report supporting the proposed overlay district.

Board members expressed support for the premise of the overlay district as a water quality protection measure. General discussion regarding the proposed overlay district ensued wherein the following was noted:

- the gap analysis set forth in the study establishes a strong foundation for the proposed district;
- the application of the proposed district standards to existing buildings/uses;
- confirmation of the proposed district depth of 100 feet;
- proposed vegetative buffer requirements.

It was agreed that an in-depth review of the proposed text would be placed on the June meeting agenda. It was noted that a public hearing would be

scheduled following completion of the Board's review.

8. Larson stated that the next item for consideration was Board discussion of proposed revisions to the sign ordinance. She noted that a review of Draft #4 had been initiated in April and that a review of the remainder of Section 42-436 was scheduled for the May meeting.

**Ongoing Business:
Sign Ordinance**

In completing the review of Section 42-436, no further revisions were noted. Harvey was then directed to incorporate the noted revisions from the April and May meetings into Draft #5. The Board requested that Draft #5 then be submitted to the Village Zoning Administrator and Village Attorney for review/comment.

It was agreed that a public hearing on the revised sign ordinance would be scheduled upon receipt/consideration of the requested review comments.

9. No member comments were offered.
10. No staff comment was offered.
11. There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

Member Comments
**Village Manager/
Planning Consultant**
Adjournment

**Minutes, Paw Paw Planning Commission
Regular Meeting, June 2, 2016**

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|----|---|---|
| 1. | The regular Planning Commission meeting of Thursday, June 2, 2016 convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Jarvis, 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. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Motion by Jarvis, supported by Thomas, to approve the minutes of the regular Planning Commission meeting of May 5, 2016 as presented. All members present voting yes. The motion carried . | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that the next item for consideration was the request by John Tapper for Special Land Use Permit/Site Plan Review for the proposed construction of a car wash facility at the existing site of Tapper Ford. The subject site is located at 413 East Michigan and is within the B-2 District. | Public Hearing
Items: Car Wash
Facility (Tapper) |

Rodney Dragicovich was present on behalf of the application. He provided an overview of the project, specifically noting the following:

- the proposed car wash will be similar to the car wash at the Tapper facility on Kalamazoo Street;
- the existing East Michigan driveway is proposed to be relocated to the west;
- the existing Oak Street driveway is proposed for use;
- the car wash is a stand-alone facility that moves around the vehicle;
- building construction will be block walls and block roof;
- a new well is proposed north of the car wash;
- the car wash will be served by a 'herby-curby' and the dumpster that currently serves the adjacent sales lot.

Board discussion ensued regarding the sidewalk requirements applicable to the subject site. It was noted that a sidewalk currently exists along the East Michigan frontage but that the Oak Street frontage is paved the entire width of the site. Concern was expressed that the sidewalk adjacent on the west was not proposed for extension along the Oak Street frontage and that the

Oak Street driveway was not physically defined.

In response to Board questions, the applicant stated that the project site is dimensioned at 99 ft x 192 ft (2 lots combined) so as to ensure adequate vehicle stacking and on-site circulation that that can take advantage of the East Michigan and Oak Street driveways.

No public comment was offered on the matter.

The Board proceeded with a review of the site plan pursuant to the Site Plan Review Criteria set forth in Section 42-404 (4), with specific reference to the Planning/Zoning Report. Discussion ensued regarding applicable screening and landscaping requirements wherein the following was determined:

- The existing 6 ft wood fence and proposed 10 ft wide landscape buffer along the west property line meets the screening requirement set forth in 42-405 b.
- Section 42-404 (5) a. requires the proposed parking area to be screened from the residential use on the north side of Oak Street. The applicant proposed the establishment of a landscape area along the Oak Street frontage . . . to extend from the east property line to the edge of the Oak Street driveway (to be defined) and totaling 400 sq ft . . . to provide the required screen.
- Section 42-406 (c) requires 15% of the site be in landscaped open space. It was determined that the 15% requirement (3935 sq ft) would be met as follows: 1) west property line buffer – 2650 sq ft; 2) Oak Street landscaped screen – 400 sq ft; 3) East Michigan right-of-way adjacent to the subject site – 1000 sq ft = 3950 sq ft.

In consideration of the Oak Street landscape/screen proposal, the applicant proposed to define the Oak Street driveway and a walkway along Oak Street the width of the site with paint. The Planning Commission agreed that the proposal would serve to define the driveway and provide for a ‘sidewalk’ extension without tearing up the existing pavement.

Motion by Rumsey, **supported** by Thomas, grant Special Land Use Permit for the proposed car wash facility based upon a finding that the proposal meets the criteria for a Special Land Use set forth in Section 42-366. Specifically, in consideration of the existing commercial zoning/land use of the subject site; the use of the existing site improvements without major modification; compliance with applicable development standards; and the provision of satisfactory buffers from surrounding residential properties (as discussed/agreed), the proposed car wash facility was determined to

be compatible with the character of the area. All members present voting yes. The **motion carried**.

Motion by Thomas, **supported** by Jarvis, to recommend Village Council approval of the Site Plan for the proposed 1334 sq ft car wash facility based upon a finding of compliance with the Site Plan Review Criteria set forth in Section 42-402, subject to the following conditions:

1. The provision of one (1) additional parking space along the east side of the site for a total of seven (7) parking spaces, as required by Section 42-404.
2. The delineation of a sidewalk or pedestrian walkway along Oak Street, the width of the property frontage.

: The walkway shall be located so as to serve as an extension of the sidewalk that currently exists along Oak Street on the property adjacent to the west.

: The walkway shall be of a width similar to the sidewalk that currently exists along Oak Street.

: Delineation of the walkway using paint is held to meet the sidewalk requirement in recognition of the pavement that exists along Oak Street the width of the property frontage.

: The walkway proposal is recommended for approval consistent with the intent of the Village sidewalk requirement.

3. Compliance with the following screening and landscaping requirements:

: The 6 ft high fence that exists along the west property line is sufficient to meet applicable screening requirements. (Section 42-405)

: The proposed 10 ft wide landscape area along the west property line is sufficient to meet applicable screening requirements. The proposed trees shall be no less than 4 ft in height at the time of planting. (Section 42-405)

: The 15% (3935 sq ft) landscape requirement (42-406 c.) shall be met through the 10 ft landscape strip along the west property line (2650 sq ft); the 6 ft – 8 ft wide landscape area that extends along East Michigan in front of the property (800 sq ft); and, the establishment of a landscape area approximately 400 sq ft in area along the Oak Street frontage. The Oak Street landscape area will serve to meet the landscape requirement as well as provide a buffer to residential property opposite the site and provide delineation to

the Oak Street driveway and walkway.

4. Proposed signage shall be subject to compliance with Ordinance standards and shall require a sign permit.
5. Village Fire Department review/approval.
6. Compliance with all applicable Federal, State and Local codes/ordinances.
7. Submission of a revised site plan prior to consideration by the Village Council.

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

7. Larson stated that the next item for consideration was the Kick-Off Meeting for the Master Plan Update. Paul Lippins, McKenna Assoc., was present as the planning consultant retained to update the Village Master Plan.

**New Business:
Master Plan Update**

Lippins provided an overview of the project scope and the schedule for the Plan Update, noting that the Kick-Off Meeting with the Master Plan Steering Committee had been held earlier in the day. He explained that McKenna would complete the Community Profile Analysis in July and return in August to conduct Focus Group Sessions and launch the online survey. He gave a brief presentation of the findings of the demographic analysis completed to date.

Lippins then led the Planning Commission through a 'One Big Idea' exercise. The following 'ideas' were generated:

- Provide incentives for the combination and development of lots (such as free utility hook-ups);
- Establish an alternate route to divert the truck traffic from the downtown area;
- Recreation for young people;
- Improve walkability;
- Improve gateways into the Village (reduce paving; underground utilities, etc)
- Improve attractiveness of residential areas (address impact of rentals);
- Establish 'blueway' trail - - south of Briggs Pond
- Diversity in business ownership.

The Kick-Off Meeting concluded with the distribution and review of the Vision, Goals, Strategies Worksheet. He noted that the worksheet is being distributed to the Village Council, the Master Plan Steering

Committee, and other Village and Village-related committees for completion. He requested that completed worksheets be returned within 1-2 weeks.

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| 8. | Due to the lateness of the hour, it was agreed to schedule continued discussion of the proposed Waterfront Overlay District to the July meeting. | Ongoing Business:
Waterfront Overlay |
| 9. | Larson questioned if the Village Sidewalk Ordinance should be part of the Zoning Ordinance. She requested that copies of the Ordinance be provided to the Planning Commission for further discussion. | Member Comments |
| 10. | No staff comments were offered. | Village Manager/
Planning Consultant |
| 11. | There being no further business to come before the Commission, the meeting was adjourned at 9:00 p.m. | Adjournment |

**Minutes, Paw Paw Planning Commission
Regular Meeting, August 4, 2016**

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| 1. | The regular Planning Commission meeting of Thursday, August 4, 2016 convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Hildebrandt, Jarvis, Pioch and Rumsey.
Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Pioch, supported by Rumsey, to approve the agenda as presented. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Motion by Pioch, supported by Hildebrandt, to approve the minutes of the regular Planning Commission meeting of July 7, 2016 as presented. All members present voting yes. The motion carried . | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that the next item for consideration was the request by Joe Romph and Jim Clark for amendments to Section 42-259 that would increase the maximum size allowed for a projecting sign and allow for internal illumination of signs within the Downtown Overlay District. | Public Hearing
Items: Text
Amendment - Signs
in DOD |

Joe Romph and Jim Clark of Village Pharmacy were present on behalf of the application. They explained that they had recently purchased a projecting sign for use at the renovated pharmacy located in the Downtown Overlay District. They stated that the sign did not comply with the 20 sq ft maximum sign size standard and was designed as an internally illuminated sign, which is not currently allowed within the DOD. Romph and Clark noted that variance relief from the sign size standard and the lighting standard had been considered by the Zoning Board of Appeals and had been denied.

Romph and Clark stated that the existing size limitation for projecting signs in the DOD is unreasonably small and does not allow for signs to be legible by passing motorists. They further noted that the prohibition of internally-illuminated signs in the DOD does not recognize that there are different ways to provide internal lighting that are in keeping with the character of the DOD and that they can emit lower levels of light than does external sign lighting.

Board review of the recently adopted sign standards for the DOD ensued.

The following was noted:

- 100 sq ft of total signage is allowed within the DOD; the 20 sq ft maximum size standard applies only to ‘projecting signs’;
- The DOD (including the sign standards) was developed to protect the form and character of the downtown area; several downtown area signs were referenced in highlighting the character of the area; (*ie. Brewsters – painted on building with feature lights directed on the sign*)
- The sign ordinance is available on-line and easily accessible; it is easy to confirm applicable sign standards prior to sign construction;
- Michigan’s Sign Guidebook indicates that only a 12.5 sq ft sign size is necessary to be legible at speeds of 25 mph;
- Michigan’s Sign Guidebook notes that ‘available driver reading time’ for internally- and externally-lit signs is similar.

Clark stated that the DOD building form standards made the Village Pharmacy renovation expensive. He noted support for the intent of the DOD but added that the standards are difficult to meet and that not being able to use the sign that was made will be an additional expense.

Rumsey opined that the shape and style of the Village Pharmacy projecting sign appears to be consistent with the objectives of the DOD. He inquired if the sign could be reduced in size to comply with the 20 sq ft standard.

Larson questioned how a larger sign size would work in the District where buildings are 3-story in height and close together. She opined that visual clutter and visibility issues will result.

Larson and Pioch expressed concern with allowing internally-lit signs in the DOD, including the illumination of only the letters/logo. Both noted that it would be difficult to manage what portions of the sign could be lighted, what color lighting was acceptable, etc.

Following lengthy review of the objectives and existing standards of the DOD, the proposed amended text, and existing signs within the downtown, the Board agreed to continue discussion of the specific text proposed by Clark/Romph at a public hearing on the proposed amendment. **Motion** by Rumsey, **supported** by Jarvis, to schedule a public hearing on the proposed changes to the sign standards of the DOD for the September Planning Commission meeting. . and requested that the public hearing notice be broadly crafted to allow for Board discussion of alternate text. The motion **carried unanimously**.

7. Larson stated that the next item for consideration was the request by Justin Barker for Special Land Use Permit/Site Plan Review for a

**Public Hearing
Items: U-Haul**

proposed U-Haul Truck & Trailer Rental Operation at the existing site of GamePlaze. The subject site is located at 301 West Michigan and is within the B-2 District.

**Truck & Trailer
Rental**

Harvey explained that the Planning Commission had recommended approval of the Barker site plan in July and that the Village Council has considered the matter and returned it to the Commission for ‘reconsideration of the U-Haul parking proposal.’

Jarvis explained that the Village Council was concerned that the quantity and location of the parking spaces approved for the U-Haul trucks/trailers could not be reasonably managed by the applicant due to the random drop off practices of customers and would become an enforcement burden for the Village. She stated that the Council requested further consideration of the site plan with attention to the parking proposal.

It was noted that the applicant was not present. Harvey stated that the applicant had been advised of the Village Council’s action on the site plan and that the Planning Commission would be considering the matter tonight.

Board discussion ensued wherein it was noted that the parking arrangement of the ‘open air’ element of the operation (ie. the outdoor parking of the U-Haul trucks/trailers) was reviewed and approved as a specific part of the Special Land Use Permit pursuant to Section 42-367 (23). As such, it was felt that the Planning Commission had already granted approval of the four (4) specified parking spaces for the trucks/trailers and that reconsideration of the site plan could not alter the Special Land Use Permit approval.

The Planning Commission gave additional consideration to the concerns expressed by the Village Council regarding the proposed parking arrangement and noted that approval was based on the parameters expressed by the applicant, an impact-based assessment of the proposal, and the standards in the Ordinance. It was concluded that, similar to all land use approvals, it would be the applicant’s burden to operate within the scope of the approval and that the Village would have the ability to revoke the approval if violations of the Special Land Use Permit became a problem.

8. Due to the lateness of the hour, it was agreed to tentatively schedule continued discussion of the proposed Waterfront Overlay District to the October meeting.
9. Due to the lateness of the hour, it was agreed to schedule continued discussion of Article VI - Signs to a future meeting. It was noted that the Board would like to provide a final review of the draft text once reviews by the Village Zoning Administrator and Village Attorney have been received. Following final review, a public hearing will be scheduled.

**Ongoing Business:
Waterfront Overlay**

**Ongoing Business:
Sign Ordinance**

Board members noted that the September agenda will be full and it may be better to delay the final review/discussion to the October agenda..

10. No member comments were offered.

Member Comments

11. No staff comments were offered.

**Village Manager/
Planning Consultant**

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

Adjournment

DRAFT

**Minutes, Paw Paw Planning Commission
Regular Meeting, September 1, 2016**

- | | | |
|----|---|--|
| 1. | The regular Planning Commission meeting of Thursday, September 1, 2016 convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen, Hildebrandt, Jarvis, Pioch, Rumsey and Thomas.
Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Thomas, supported by Bogen, to approve the agenda as presented. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Motion by Thomas, supported by Rumsey, to approve the minutes of the regular Planning Commission meeting of August 4, 2016 as presented. All members present voting yes. The motion carried . | Approval of Minutes |
| 5. | No public comment regarding non-agenda items was offered. | Public Comment |
| 6. | Larson stated that the next item for consideration was the request by LSM Ventures for Special Land Use Permit/Site Plan Review for a proposed coffee shop with a drive-thru (Biggby Coffee). The subject site is located at 400 South Kalamazoo Street and is within the B-2 District. | Public Hearing
Items: Biggby
Coffee |

(Hildebrandt exited the meeting)

Kris Nelson, Schley Architects and Linda Marcon, LSM Ventures were present on behalf of the application. Nelson provided an overview of the project. He referenced the parking and setback variances granted for the project by the ZBA on July 11, 2016, noting that they provided the basis for the proposed site design. He highlighted the following elements of the project:

- The project site is a small corner lot and is limited by applicable parking/setback requirements and existing adjacent development;
- site access will largely be provided from Harry Bush Blvd; a right-turn only exit onto Kalamazoo Street is proposed and has been designed per MDOT review;
- the landscape proposal includes the open space within the adjacent right-of-way and meets applicable Ordinance requirements;
- storm water runoff will be managed through 4 catch basins tied to the public storm sewer system;
- the footcandle layout provided demonstrates compliance with outdoor

- lighting standards;
- building elevations demonstrate compliance with building design (façade) standards; Section 42-225 requires at least 30% of first story façade to be windows (east side – 217 sq ft req'd/241 sq ft proposed; north side – 176 sq ft req'd/180 sq ft proposed)

No public comment was offered on the matter.

The Board proceeded with a review of the proposal and noted the following:

- parking is provided consistent with the parking variances granted;
- on-site circulation is adequate and shall be subject to Fire Department review/approval;
- a retaining wall exists along the south property line; no cross-access to the south is proposed;
- the subject site is surrounded by commercial zoning/land use; no fencing is proposed;
- sidewalks will extend along the property's frontage on Kalamazoo Avenue and Harry Bush Blvd.

Motion by Thomas, **supported** by Pioch, to grant Special Land Use Permit for the proposed coffee shop with a drive thru (Biggby) located at 400 South Kalamazoo Street based upon a finding that the proposal meets the criteria for a Special Land Use Permit set forth in Section 42-366 and the Special Use Permit Standards applicable to a 'drive-in restaurant' set forth in Section 42-367 (8), and in consideration of the variances granted to the applicant by the Zoning Board of Appeals on July 11, 2016. All members present voting yes. The **motion carried**.

Motion by Pioch, **supported** by Bogen, to recommend Village Council approval of the Site Plan for the proposed coffee shop with a drive-thru (Biggby) based upon a finding of compliance with the Site Plan Review Criteria set forth in Section 42-402, and subject to the following conditions:

1. Village Fire Department review/approval.
2. Village Public Utilities Department review/approval of all proposed utility extensions/connections and modifications to the existing on-site storm water disposal.
3. MDOT review/approval of the proposed Kalamazoo Street driveway modifications.

4. Compliance with all applicable Federal, State and Local codes/ordinances.

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

7. Larson stated that the next items for consideration were the proposed amendments of Section 42-259, Zoning Ordinance to modify the provisions in Subsection B.4.d. regarding the size of projecting signs and the provisions in Subsection B.1.d. regarding the illumination of signs within the Downtown Overlay District.

**Public Hearing
Items: Text
Amendments -
Signs in DOD**

Larson noted that the matter had been discussed at length at the August 4, 2016 meeting and that the Board had agreed to continue discussion of the specific text proposed by the applicant (Clark/Romph) at a public hearing on the proposed amendments.

Harvey summarized the existing and proposed sign provisions under consideration and reviewed the total signage allowed for an individual storefront within the DOD. She then presented alternate text for consideration that would instead add a new provision to Section 42-259 that would apply only to those eight lots that are located at the gateways of the District. She explained that those eight lots could be identified as representing entry points (or gateways) into the District, as well as lots of transition between the adjacent general commercial zoning along Michigan Avenue and Kalamazoo Street and the downtown, thereby justifying a moderate relaxation of those signs standards that are visually impactful (ie. size and lighting).

Pioch inquired if such an approach is common in downtown areas. Harvey responded that it was an idea created to recognize potential areas of transition between the B-2 and DOD Districts. In response to further questions, Harvey noted that sample codes for historic downtowns and walkable areas and feedback from the historic architect that prepared the Downtown Building Design Guidelines were key resources in the development of the existing sign standards.

Joe Romph noted his appreciation for the difficulty of the situation and his support for the proposed alternate approach.

Kris Nelson added that the proposed alternate approach would result in a progression of signage from the B-2 District to the DOD, much like was considered for the building design on the Village Pharmacy site.

No further public comment was offered on the matter.

Lengthy Board discussion ensued regarding the proposed alternate text

wherein both support for and concern with the proposed amendments were expressed. The following was noted:

- Not all of the eight gateway lots may be appropriate for the increased signage options;
- A modified sign size may be appropriate for these lots, but the introduction of internally-illuminated signs in the DOD remains a concern;
- The suggested 'special land use' approach for the modified sign options would allow for review of gateway sign proposals and address concerns on color and lighting impact;
- Changing the standards for some lots in the DOD will send the message that it would be acceptable throughout the District;
- The alternate approach recognizes the 'edge' properties but stands firm on the pedestrian orientation of the DOD area; it reaches a balance in a creative way.
- The alternate approach would continue to support attention to signage materials in the downtown;
- The size and lighting changes should apply throughout the District and not just to some properties in the District;
- The issue was created by a sign company and should not be corrected through a compromise in the District's standards.

Bogen questioned the basis that a sign could ever be denied under the alternate approach. Harvey stated that the sign proposal would be reviewed pursuant to the special land use permit criteria which would allow consideration of things such as the nature of the surrounding land use, where the sign would be located, what kind of signage exists on nearby properties, etc.

Following further deliberation, the Board noted their difficulty in reaching consensus on the matter.

At length, a **motion** was offered by Pioch, **seconded** by Rumsey, to recommend approval of the following amendments to Section 42-259, Zoning Ordinance:

1. Amend Section 42-259 B. 4., so as to read:

- d. The (projecting) sign shall not extend further than 4 ½ feet from the face of the building and shall not exceed **24** sq ft in area.

2. Amend Section 42-259 B. 1., so as to read:

- d. Lighting: Signs can be illuminated with directional spotlights or indirect lighting. **Complete internal illumination of signs shall not be permitted. Only letters and logos (symbols) may**

be internally illuminated and may not exceed 50% of the projecting sign size. The illumination must be constant, with no flashing or color changing.

Motion carried 4-2, Pioch and Larson dissenting.

8. Larson stated that the next item for consideration was the request by Freeman Kirby for Special Land Use Permit/Site Plan Review for the proposed establishment of an *Open Air Business* involving the outdoor display and sale of truck parts. The subject site is located at 1022 and 1022 ½ East Michigan and is within the B-2 District.

**Public Hearing
Item: Freeman
Kirby**

Jerry Dundon was present on behalf of the application. He provided an overview of the operation currently existing on the subject site and explained that approval is requested to bring the property into compliance with the Zoning Ordinance.

Harvey noted that it was determined that the operation most closely fit the definition of an ‘open air business’ in the Zoning Ordinance. As such, the special land use provisions of Section 42-367 (23) apply, as well as the special land use and site plan review criteria. She noted that the subject site is .8 acres in area and does not meet the 1 acre standard established by Section 42-367 (23). A variance has been requested and will be scheduled for consideration in October.

Board discussion ensued regarding the boundaries of the subject property and the lot configuration in the area. It was noted that the site plan did not clearly indicate property boundaries and that it appeared to be in conflict with the Village parcel maps and aerial photos of the site.

General discussion then proceeded regarding the current layout of the operation. It was noted that the parking lot and display areas are not clearly delineated rendering review difficult.

Motion by Rumsey, **supported** by Thomas, to postpone further consideration of the request to the September 14, 2016 special meeting to allow the applicant to submit a revised site plan that reconciles the property boundaries of the site and provides any missing information.. All members present voting yes.
The **motion carried**.

9. Larson stated that no New Business was scheduled for consideration.
10. Larson stated that no Ongoing Business was scheduled for consideration.
11. Larson noted that the ZBA has suggested a review of the Ordinance

New Business

Ongoing Business

Member Comments

is in order regarding the regulation of a restaurant with a drive-thru as a result of their consideration of the Biggby application. Board members agreed the matter would be added to the Work Plan.

Larson referenced the proposed expansion of the jail facilities and parking lots on the courthouse property. She noted that the County is working with the Village in the project design.

12. No staff comments were offered.

**Village Manager/
Planning Consultant**

13. There being no further business to come before the Board, the meeting was adjourned at 9:35 p.m.

Adjournment

**Minutes, Paw Paw Planning Commission
Special Meeting, September 14, 2016**

1. The special Planning Commission meeting of Wednesday, September 14, 2016 convened at 7:30 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. **Meeting Convened**
2. Present: Larson, Hildebrandt, Jarvis, Pioch, and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. **Members Present**
3. **Motion** by Pioch, **supported** by Jarvis, to approve the agenda as presented. All members present voting yes. The **motion carried**. **Approval of Agenda**
4. No public comment regarding non-agenda items was offered. **Public Comment**
5. Larson stated that the next item for consideration was the request by Freeman Kirby for Special Land Use Permit/Site Plan Review for the proposed establishment of an *Open Air Business* involving the outdoor display and sale of truck parts. The subject site is located at 1022 and 1022 ½ East Michigan and is within the B-2 District. **Public Hearing Item: Freeman Kirby**

Larson noted that the matter had been postponed from the September 1, 2016 meeting to allow the applicant the opportunity to revise the site plan per the Board's discussion. Harvey stated that the applicant is in the process of updating the site plan and has requested that the matter be considered at the regular meeting in October.

Motion by Thomas, **supported** by Jarvis, to postpone further consideration of the request to the October 6, 2016 meeting as requested by the applicant. All members present voting yes. The **motion carried**.
6. Larson stated that the next item for consideration was the request by Andrew Rossell of AR Engineering for the proposed rezoning of approximately 1 acre located at and in the vicinity of 711 East Michigan from the R-2 and R-O Districts to the B-2 District. An amendment to the Master Plan so as to reclassify the subject property from the MDR classification to the CC classification will also be considered. **Public Hearing Item: Master Plan Amendment/ Rezoning – 711 East Michigan**

Larson noted that when the request was scheduled for public hearing, the Board had expanded the request to include consideration of the following:

: Rezone from R-2, RM, & R-O to R-2 or B-2 –

property located on the north side of East Michigan (south of Elm Street) between Dykman Street and Madison Street - - consisting of approximately 2.5 acres (9 lots)

: Rezone from B-2 to R-2 –

property located on the south side of East Michigan (north of East Main Street) between Dykman Street and Woodman Street - - consisting of approximately 4 acres (11 lots)

: Amend Master Plan –

- Change all property to CC Corridor Commercial
- Keep all property in MDR Medium Density Residential

Andrew Rossell and Peter Oleszczuk, Midwest Property Development, were present on behalf of the application. Rossell stated that the 711 East Michigan parcel was previously occupied by Paw Paw Laundry and is currently a brownfield site. He noted that the front portion of the property is already zoned B-2, as is the 0.4-acre parcel adjacent to the west, and that the request is to rezone the rear portion of 711 East Michigan from RO to B-2 and to rezone the 0.2-acre parcel adjacent to the east from R-2 to B-2. The requested rezoning would result in a 1.2-acre commercial site that will be proposed for retail activity.

Rossell provided a review of the surrounding zoning and land use, noting several adjacent commercial uses and the commercial character of the East Michigan corridor. He noted that residential land use exists to the north and south of the area but that the corridor is both largely zoned and used as commercial. An aerial photo of the area was presented to illustrate the existing character of East Michigan as a ‘gateway’ corridor.

In response to questions, Rossell confirmed that the front of the property is already within the B-2 District but that the rear of the lot is requested for B-2 zoning to accommodate storm water management improvements that will be necessary for development of the property.

Oleszczuk stated that the subject property has been identified for clean up by the MDEQ due to high levels of contaminants, which will prevent future use of the site for residential. He noted that both the MDEQ and the Brownfield Authority support commercial use of the property due to its

environmental status.

Thomas questioned the nature of the MDEQ concerns. Oleszczuk responded that the levels of contaminants were above accepted levels and represent legal issues per the MDEQ. He presented the Phase I investigation paperwork completed for the property, noting that the MDEQ will require removal of the building, clean up and capping, and continued testing. Oleszczuk stated that the MDEQ has indicated that they have no funds to remediate the property and that they will simply monitor the property until such time as it is developed.

In response to further questions, Oleszczuk explained that the rear portion of the site represents the location of the existing building and the highest levels of contaminants . . . but is where the residential zoning currently exists. It was noted that the dry cleaning operations were stopped in 2004 and that the business closed in 2006.

No public comment was offered on the matter.

Larson expressed surprise at the lack of attendance at the public hearing by area property owners. Harvey confirmed that the public hearing notice was mailed and published as required by statute . . . and that no mailed notices had been returned to date.

Thomas stated that the segment of the East Michigan corridor under review represents a mix of zoning and land use . . . much of which is inconsistent with the current Master Plan. He noted further that the Village is in the middle of updating the Master Plan and that the area will soon be under review as a part of that process. Thomas stated that, in light of these conditions, public feedback on the future of the corridor is important and that he is hesitant to move forward with a 'big picture' review of the area under the circumstances.

Board discussion ensued wherein concern was expressed with changing the existing Master Plan when no change of conditions is apparent and there is no input from area residents and property owners. It was further agreed that a review of the area would better be accomplished through the Master Plan update that is in progress and already involves Village residents.

Motion by Thomas, **supported** by Pioch, to recommend denial of the proposal to amend the Master Plan so as to reclassify those properties within the expanded area from the MDR classification to the CC classification, based upon the conclusions of the Board's discussion. It was noted that the motion to recommend denial is not intended to include those three (3) parcels represented by the application. All members present voting yes. The **motion carried**.

Motion by Thomas, **supported** by Pioch, to also recommend denial of the proposal to rezone those properties within the expanded area to either the R-2 or B-2 District, based upon the conclusions of the Board regarding the status of the Master Plan. It was again noted that the motion to recommend denial is not intended to include those three (3) parcels represented by the application. All members present voting yes. **The motion carried.**

Referencing the Planning/Zoning Analysis provided by Harvey, the Board proceeded with a review of the application (three (3) parcels) per the Amendment Review Criteria set forth in Section 42-33. The following conclusions were noted:

1. The B-2 District may provide adequate parameters for a ‘gateway’ commercial node, but commercial strip zoning/development will impact both the function of East Michigan and detract from the downtown area regarding business attraction, congestion, and overall corridor appeal.
2. The Master Plan does not currently support rezoning of the subject property to the B-2 District. However, the CC Corridor Commercial plan classification is characterized by auto-oriented businesses and is currently only directed to gateway areas in the Village.
3. The status of the property as a contaminated site does represent a significant change in conditions in the area . . . if it can be demonstrated that residential use of the property will not be allowed in any remediation plan.
4. The area is represented by a mix of zoning and land use, making it difficult to argue ‘spot zoning’. A more important consideration would be the impact that a change to commercial zoning would have on extending commercial zoning west along the corridor towards the downtown and reducing the separation between the two commercial areas.
5. Rezoning the subject property will set the course for the conversion of East Michigan to a commercial corridor, unless it can be done under a new Master Plan that provides clear boundaries and parameters for a commercial gateway approach.
6. The proposed rezoning would be consistent with existing commercial land use in the area, but not with the existing and planned residential use along the corridor.

7. The ability of the property to be used as residential will impact whether the property can reasonably be zoned residential.
8. Though the corridor represents a mix of zoning and land use, there has been no development activity in the area that would suggest a trend toward commercial conversion.
9. The area is served by public utilities and a 3-lane roadway and is not in close proximity to significant natural resources.

Motion by Thomas, **supported** by Jarvis to amend the Master Plan to reclassify the requested 3 parcels from the MDR classification to the CC classification based upon the findings of the review criteria set forth in Section 42-33. **Motion failed** 2 – 3, Larson, Pioch and Hildebrandt dissenting.

Larson, Pioch and Hildebrandt expressed concern that adequate information had not been provided supporting the claim that the property could not be used as residential. Rossell and Oleszczuk requested the opportunity to return to the Board with the requested information. The Board agreed that additional information on the matter would be welcomed.

Motion by Thomas, **supported** by Pioch, to postpone further consideration of the request to the October 6, 2016 meeting as requested by the applicant. All members present voting yes. The **motion carried**.

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| 7. | Larson stated that no New Business was scheduled for consideration. | New Business |
| 8. | Larson stated that no Ongoing Business was scheduled for consideration. | Ongoing Business |
| 9. | No member comments were offered. | Member Comments |
| 10. | No staff comments were offered. | Village Manager/
Planning Consultant |
| 11. | There being no further business to come before the Board, the meeting was adjourned at 8:55 p.m. | Adjournment |

**Minutes, Paw Paw Planning Commission
Regular Meeting, October 6, 2016**

1. The regular Planning Commission meeting of Thursday, October 6, 2016 convened at 7:00 p.m. at 609 West Michigan, Paw Paw, Michigan. Chairperson Larson presiding. **Meeting Convened**

2. Present: Larson, Bogen, Hildebrandt, Pioch, Rumsey and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. **Members Present**

3. **Motion** by Pioch, **supported** by Hildebrandt, to approve the agenda as presented. All members present voting yes. The **motion carried**. **Approval of Agenda**

4. **Motion** by Thomas, **supported** by Rumsey, to approve the minutes of the regular Planning Commission meeting of September 1, 2016 as presented. All members present voting yes. The **motion carried**. **Approval of Minutes**

Motion by Pioch, **supported** by Hildebrandt, to approve the minutes of the special Planning Commission meeting of September 14, 2016 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 Freeman Kirby for Special Land Use Permit/Site Plan Review for a proposed ‘open air business’ involving the outdoor display and sale of truck parts. The subject site is located at 1022 and 1022 ½ East Michigan and is within the B-2 District. **Public Hearing
Items: SLU/SPR -
Kirby**

Freeman Kirby and Jerry Dundon were present on behalf of the application. Dundon provided an overview of the operation currently existing on the subject site and explained that approval is requested to bring the property into compliance with the Zoning Ordinance.

Harvey stated that the request had been considered by the Board at the September 1, 2016 meeting and that action was postponed to allow the applicant the opportunity to submit a revised site plan that reconciles the property boundaries of the site and provide missing information.

Harvey reiterated that it was determined that the operation most closely fit the definition of an ‘open air business’ in the Zoning Ordinance. As such, the special land use provisions of Section 42-367 (23) apply, as well as the special land use and site plan review criteria. She confirmed that the subject site is .8 acres in area and does not meet the 1 acre standard established by Section 42-367 (23). A variance has been requested and will be scheduled

for consideration in November.

In response to Board questions, Dundon highlighted the existing paved drives/parking areas, display areas and the two buildings proposed for storage/display (Warehouses #1 and #2) on the site plan. He further noted that the existing residence on the property is only occupied by the business owner when in town with merchandise deliveries and is not a rental unit.

No public comment was offered on the matter.

Bogen stated that he believes the proposed use is a 'salvage yard' and is not an allowed use within the B-2 District. The Board reviewed the definition of 'open air business' set forth in Section 42-3 and agreed with the application of subsections (4) and (5) to the proposed use. It was noted that the proposed operation does not include the dismantling or disassembly of vehicles nor the storage of inoperable vehicles on the site.

Larson advised that the vehicles currently parked on the property and listed for sale are not allowed. Kirby stated that the vehicles will be removed by tomorrow.

The Board proceeded with a review of the proposal and noted the following:

- no changes to the existing driveway arrangement are proposed;
- use of the 1 parking space/400 sq ft gross sales floor area standard applicable to a 'motor sales and service establishment' is acceptable;
- the proposed front and rear parking lots provide the required 10 parking spaces;
- the proposed display berm located in the front yard open space is not acceptable and should be removed or relocated to a proposed display area;
- the proposed open space on the site is acceptable but a landscape plan demonstrating compliance with the landscape requirements is lacking;
- a sidewalk is required to be extended along the East Michigan frontage;
- the applicant has presented that the surrounding commercial activity offers adequate open air/light and that additional outdoor lighting is not proposed;
- existing access drives and proposed parking/display areas provide adequate on-site circulation for loading operations and vehicular/pedestrian maneuverability but shall be subject to Fire Department review/approval;
- the developed elements of the site (buildings, paving, driveways) are not proposed to be modified.

Motion by Thomas, **supported** by Rumsey, to grant a Special Land Use Permit and recommend Village Council approval of the site plan for the proposed 'open air business' located at 1022 and 1022 ½ East Michigan,

based upon the description of the proposed use presented by the applicant and upon a finding of compliance with the Special Use Permit Criteria set forth in Section 42-366, the Special Use Permit 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:

1. Receipt of Variance Approval from the Zoning Board of Appeals from the following standard applicable to an 'open air business':

Section 42-367 (23) a. –

The subject lot area shall be a minimum of 1 acre; **the subject site is 0.8 acres in size. A variance has been requested and is scheduled for consideration on November 7, 2016.**

2. Removal of the proposed 'display berm' from the front yard open space (or relocation to an approved display area).
3. Extension of a sidewalk along the site's East Michigan frontage in compliance with the Village of Paw Paw Sidewalk Ordinance by June 1, 2017.
4. Submission of a landscape plan that confirms compliance with the landscape requirements set forth in Section 42-406 (15% open space; 60% of open space to be between building/roadway; requirements for plantings).
5. Village Fire Department review/approval.

The **motion carried** 5 to 1, Bogen dissenting.

7. Larson stated that the next item for consideration was the request by Andrew Rossell of AR Engineering for the proposed rezoning of approximately 1 acre located at and in the vicinity of 711 East Michigan from the R-2 and R-O Districts to the B-2 District. An amendment to the Master Plan so as to reclassify the subject property from the MDR classification to the CC classification will also be considered.

**Public Hearing
Item: Master Plan
Amendment/
Rezoning – 711 East
Michigan**

She noted that when the request was scheduled for public hearing, the Board had expanded the request to include consideration of the following:

: Rezone from R-2, RM, & R-O to R-2 or B-2 –

property located on the north side of East Michigan (south of Elm Street) between Dykman Street and Madison Street - consisting of approximately 2.5 acres (9 lots)

: Rezone from B-2 to R-2 –

property located on the south side of East Michigan (north of East Main Street) between Dykman Street and Woodman Street - - consisting of approximately 4 acres (11 lots)

: Amend Master Plan –

- Change all property to CC Corridor Commercial
- Keep all property in MDR Medium Density Residential

Larson stated that a public hearing on the request (and expanded area) was held on September 14, 2016. She noted that the Planning Commission recommended denial of both the proposed amendment of the Master Plan to reclassify those properties within the expanded area from the MDR classification to the CC classification, and of the proposal to rezone those properties within the expanded area to the R-2 or B-2 District.

The recommendations to deny were based on a concern with changing the existing Master Plan when no change of conditions is apparent and without input from area residents and property owners. It had been further agreed that a review of the area would better be accomplished through the Master Plan update that is in progress and already involves Village residents.

Larson noted that the recommendation to deny did not include the three parcels represented by the application. Instead, further consideration of the application was postponed to the October 6, 2016 meeting to allow the applicant the opportunity to return to the Board with additional information supporting the claim that the property was contaminated and could not reasonably be reclaimed for residential use.

Harvey then advised that due to concern expressed regarding notification of the proposed rezoning request to area property owners, the Village determined to repeat the required noticing process for the application. She noted that the renoticing will comply with the 15-day requirement and have the effect of rescheduling the public hearing on the proposed rezoning to the November 3, 2016 Planning Commission meeting.

Board members expressed their support for the Village's decision to re-notify area property owners of the proposed rezoning in an effort to increase public participation and ensure transparency of the process.

Larson stated that the Board would still welcome the applicant's presentation of information pertinent to the contamination/clean-up efforts of the property, even though Board action cannot occur now until November 3, 2016.

Andrew Rossell and Peter Oleszczuk, Midwest Property Development, were again present on behalf of the application. Rossell introduced Kirk Perschbacher, Lakeshore Environmental, Inc., David Hahn, MDEQ Senior Environmental Quality Analyst, and Mike Gurnee, MDEQ Brownfield Coordinator.

Rossell stated that he understands the decision of the Village to renote the public hearing but is frustrated at the delays that have occurred in the consideration of this request. With that said, he noted his appreciation for the opportunity to return to the Board and present the requested information on the environmental status of the subject property.

Perschbacher provided a detailed review of the known contaminants that currently exist on the property. He advised that the full picture cannot be determined until the existing building on the site is removed, but that it is clear that concentrations of contaminants are high and that the contamination currently extends off-site.

Perschbacher explained that the clean-up criteria is higher for residential development and therefore more expensive. He stated that the cost of clean up to residential standards would exceed a million dollars and would not be eligible for brownfield funding. MDEQ confirmed that it is highly unlikely that it is financially feasible to clean up the property to a level that would support residential development.

It was noted that the clean-up criteria for commercial development is less rigorous and therefore less expensive. Additionally, brownfield funding is available for clean-up associated with commercial development, which will assist in making the project viable.

Hahn stated that the MDEQ is on board with working together to improve the situation in the area. He detailed the spread of the contaminants off-site and the work that will be done to identify the contamination boundary and protect the area residents.

In response to questions, Hahn noted that the area is on the MDEQ radar and that they will be pursuing clean-up efforts on their own due to the high risk to area residents. He confirmed that full remediation in the area to

residential standards is not economically feasible, but that the ability to use brownfield funds and have partners in the clean-up effort is a big advantage.

Board members agreed that the information presented was crucial in understanding the situation and the existing limitations to residential development in the area. It was noted that a review of the information presented at the November public hearing where area property owners will likely be present would be helpful.

Motion by Thomas, **supported** by Rumsey, to table action on the application to the November 3, 2016, meeting consistent with the reissued public hearing notice. The motion **carried unanimously**.

8. Larson stated that the next item for consideration was the request by Greg Wegeler for Site Plan Review for a proposed expansion to an existing coffee shop (Greg's Paw Paw Blend). The subject site is located 804 South Kalamazoo Street (Suite #7) and is within the B-2 District.

**New Business:
SPR – Greg's Paw
Paw Paw Blend**

Harvey advised that a review of the site plan has revealed that the proposed expansion is for the addition of a drive-thru element to the existing coffee shop. She noted that a 'drive-in restaurant' is a special use within the B-2 District and will require a public hearing.

The Board agreed to place the matter on the November 3, 2016 meeting agenda to allow staff to complete the required noticing and to conduct a review of the site plan. Copies of the site plan were provided to Board members.

9. Larson stated that no Ongoing Business was scheduled for consideration.
10. No member comments were offered.
11. No staff comments were offered.
12. There being no further business to come before the Board, the meeting was adjourned at 9:35 p.m.

Ongoing Business

Member Comments

**Village Manager/
Planning Consultant**

Adjournment

**Minutes, Paw Paw Planning Commission
Regular Meeting, November 5, 2015**

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| 1. | The regular Planning Commission meeting of Thursday, November 5, 2015 convened at 7:00 p.m. at 404 East Michigan Avenue, Paw Paw, Michigan. Chairperson Larson presiding. | Meeting Convened |
| 2. | Present: Larson, Bogen , Hildebrandt , Jarvis, Pioch, Rumsey, and Thomas. Also present: Village Planning Consultant, Rebecca Harvey. | Members Present |
| 3. | Motion by Thomas, supported by Hildebrandt, to approve the agenda as presented. All members present voting yes. The motion carried . | Approval of Agenda |
| 4. | Consideration of the minutes of the October 1, 2015 Planning Commission meeting was tabled to the December meeting. | 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 request of Brenda Atkinson to rezone approximately .3 acres located at 204 South Kalamazoo Street from the R-O Restricted Office District to the B-2 General Business District. It was noted that an amendment to the Village of Paw Paw Master Plan Future Land Use Map so as to reclassify the subject property from the MXD Density classification to a Commercial (CC, HC, or C/O) classification is required. | Public Hearing:
Master Plan
Amendment/
Rezoning - 204
Kalamazoo Ave |

Larson stated that, after review of the surrounding zoning and land use, and in consideration of the Future Land Use Map, it was determined that it would be reasonable to expand the area under consideration to include the 2 parcels adjacent to the north and the 2 parcels adjacent to the south of 204 South Kalamazoo Street. She noted that the subject 5 parcels represent the only R-O zoning in the area and abut commercial zoning to the north and south. Including all 5 parcels for consideration will allow for a comprehensive review of the area in responding to the specific rezoning request.

Brenda Atkinson was present on behalf of the application. She stated that 204 Kalamazoo Ave is currently zoned for 'offices' and that the requested B-2 District will be a better fit for the proposed use of the property as a salon and spa.

An adjacent property owner was present and indicated support for the requested rezoning. He noted that the B-2 District will afford the area greater use options.

No further public comment was offered on the matter.

The Board proceeded with a review of the zoning/land use pattern in the area. The following was noted:

- The subject 5 parcels are adjacent to commercial zoning on the north and south and opposite commercial zoning to the east;
- The requested rezoning will remove the option of providing residential land use near the downtown;
- The 'downtown overlay district' is available to achieve mixed use/density in the area;
- Leaving the lot furthest west within the R-O District would provide a buffer for the limited residential zoning adjacent to the west.

Referencing the Planning/Zoning Analysis prepared by Harvey, the Board continued with a review of the request pursuant to the Amendment Review Criteria set forth in Section 42-33, Zoning Ordinance.

Harvey stated that a letter had been received from the VanBuren County Planning Commission noting that the Commission unanimously concurs with the proposed Plan amendment.

Motion by Rumsey, **supported** by Pioch, to recommend Village Council approval of the proposed amendment to the Village of Paw Paw Master Plan Future Land Use Map to change the planning classification of property located in the general vicinity of 204 South Kalamazoo Street (5 parcels totaling approximately 1 acre located on the west side of South Kalamazoo Street, between Paw Paw Street and St Joseph Street) from the MXD Mixed Density planning classification to the C/O Commercial/Office planning classification . . based on the surrounding zoning and land use pattern and the development trends along that portion of the corridor. All members present voting yes. **The motion carried.**

Motion by Thomas, **supported** by Hildebrandt, to recommend Village Council approval of the proposed amendment to the Village of Paw Paw Zoning Map, as made part of the Village of Paw Paw Zoning Ordinance by Section 42-102 thereof, to rezone the eastern-most 4 parcels of the above-described property from the existing R-O Restricted Office District zoning classification to the B-2 General Business District zoning classification.

The recommendation to approve is based upon the conclusions of the rezoning criteria set forth in Section 42-33, with specific reference to the surrounding zoning and land use; development trends along that portion of the corridor; and, a recognition that the size of the 4 parcels will dictate the design and intensity of commercial use in the area. All

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

7. Larson stated that the next item for consideration was the request for site plan review for the proposed conversion of an existing 2100 square foot residence to a salon/spa/yoga studio. The subject property is located at 204 South Kalamazoo Street and is within the R-O District. (Under consideration for rezoning to B-2 District)

**New Business:
SPR – 204 South
Kalamazoo Ave**

Brenda Atkinson was present on behalf of the application. She provided an overview of the proposed occupancy of the existing building and related site improvements. The details of the proposed on-site and off-site parking layout were presented.

No public comment was offered on the matter.

The Board proceeded with a review of the Site Plan Standards set forth in Section 42-402 (4), with specific reference to the Planning/Zoning Report. Board discussion ensued wherein the following was noted:

- No changes are proposed to the existing access arrangement;
- The existing driveway is narrow and only allows for 1-way traffic . . . parking should not be located along the driveway due to limited parking space maneuverability and poor site circulation;
- On-street parking can be used in meeting parking requirements;
- Outdoor lighting has not been detailed;
- Refuse disposal has not been indicated;
- On-site landscaping has not been shown;
- The paved parking area is required to be designed to demonstrate compliance with storm water runoff standards;
- The proposed barrier-free ramp has not been shown.

Atkinson stated that she would like to return with a revised site plan that responds to the Board’s review comments for consideration in December or January. She noted that she is not anticipating construction until Spring, 2016 and that she would prefer to return with an adequate site plan within the next two months. The Board agreed and tentatively scheduled continued consideration of the site plan for the December or January meeting.

8. Larson stated that the next item for consideration was Board discussion regarding the sign ordinance. Due to the lateness of the hour, it was agreed to consider the matter at the December meeting.
9. Larson referenced the invitation received for the Wings of God facility tours.

**Ongoing Business:
Sign Ordinance
Review**

Member Comments

11. Harvey stated that the ZBA met on November 2, 2015 and considered a request from Berkshire – Paw Paw for variance approval from the first story height requirement in the Downtown Overlay District. She advised that the variance was granted.

**Village Manager/
Planning Consultant**

Harvey further provided an update on the Village's participation as a Rising Tide Community.

12. There being no further business to come before the Commission, the meeting was adjourned at 8:45 p.m.

Adjournment