

**VILLAGE OF PAW PAW PLANNING COMMISSION
DRAFT MINUTES
REGULAR MONTHLY MEETING
THURSDAY, DECEMBER 7, 2023, 7:00 pm**

1 The regular monthly meeting of the Paw Paw Planning Commission was held at the Paw Paw Township
2 Hall Chamber located at 114 N. Gremps Street, Paw Paw, Van Buren County, Michigan.

3

4 **I. CALL TO ORDER:**

5 The meeting was called to order by Chair Larson at 7:00 pm.

II. ROLL CALL:

6 MEMBERS PRESENT: KATHLEEN LARSON – CHAIR
7 EMILLY HICKMOTT – SECRETARY
8 TOM PALENICK
9 MICHAEL PIOCH
10 ASHLEY NOTTINGHAM – VILLAGE TRUSTEE
11 JEFF BROWN
DAVID BOGEN

12 NOT PRESENT: NONE

13 OTHERS PRESENT: TRICIA ANDERSON, VILLAGE PLANNER, WILLIAMS & WORKS

14 **III. APPROVAL OF THE AGENDA: MOTION**

15 Commissioner Palenick moved, with support from Commissioner Nottingham, to approve the
16 agenda as proposed for the December 7, 2023, regular Planning Commission Meeting.

17 Motion carried unanimously.

18 **IV. November 2, 2023 MINUTES: MOTION**

19 Commissioner Pioch moved, with support from Commissioner Palenick, to approve the meeting
20 minutes from November 2, 2023, subject to the changes noted.

21 Motion carried unanimously by voice vote.

22 **V. PUBLIC COMMENT –**

23 Mr. David McQueen was present and expressed his concerns related to any ordinances that may be
24 adopted relevant to Short-Term Rentals (STRs). He indicated that allowing STRs would provide a
25 substantial benefit to the Village by contributing to the tax base and bringing visitors to the

26 community, which in turn, bolsters the economy (dining, shopping, etc.). He urged the PC not to
27 place harsh restrictions on the STRs and to consider classifying STRs into different categories based
28 on the maximum occupancy. He added that many potential rules that have been brought up are
29 already in place for long-term rentals, and he questions why it would need to be more complicated
30 for STRs.

31
32 **VI. NEW BUSINESS – No new business**

33 **VII. OLD BUSINESS**

34 **A. DISCUSSION: SHORT-TERM RENTAL ORDINANCE**

35 Commissioner Pioch noted that perhaps the PC is overcomplicating the issues related to
36 STR, and thought perhaps the ordinance could be better simplified. He added that he does
37 feel that some level of registration would be beneficial so that the Village can track where
38 they're located. He also added that the ordinance that the PC has been working with,
39 written by the previous planning consultant, might be considered overkill. He mentioned
40 the lakeshore communities and the issues that they're dealing with because of the high
41 volume of STRs, and so many communities had to respond by adopting more stringent rules.
42 He feels that something easier to manage should be where they're headed.

43
44 Chair Larson, asked Commissioner Pioch which way he was leaning.

45
46 Commissioner Pioch noted that he likes the sample ordinance provided by Ms. Anderson
47 from Port Sheldon Township that was included in the packet. Ms. Anderson noted that Port
48 Sheldon did not end up adopting the STR ordinance and that the sample ordinance was a
49 regulatory ordinance and not a zoning ordinance. She added that some areas of the zoning
50 ordinance were tied to it since it is considered a land use.

51
52 Commissioner Brown indicated that he agrees with Commissioner Pioch and noted that he
53 likes the Port Sheldon ordinance. He also asked Ms. Anderson about whether a land use is
54 permitted if it is not mentioned or regulated in the ordinance. Ms. Anderson confirmed that
55 the general approach is to prohibit land uses that are not clearly defined, as they do not
56 have any regulatory standards. The best way to handle a land use that is not expressly
57 named is to amend the ordinance to add and define the use, along with any regulatory
58 language, either prohibitive or permissive.

59
60 Chair Larson added that she liked the idea of having a registered agent who could be
61 contacted if someone needed to get a hold of them. She added that there should be a
62 registration so that the Village knows where they are. Adding the name, address, number of
63 bedrooms, safety features, max occupancy load, fire extinguishers, etc. would be beneficial
64 on an application.

65

66 Commissioner Brown noted that the Port Sheldon ordinance seemed to address all the
67 things noted by Chair Larson, and yet it appeared to be a little more compact.

68
69 Chair Larson added that she thinks the Planning Commission should just simplify the
70 ordinance and it would still achieve what they were looking for. She added that there were
71 some inconsistencies with the number of miles away the owner needed to be. She said she
72 feels that they should be inspected. She likes the idea of what the Township is doing, with
73 having a third party doing the STR inspection.

74
75 Commissioner Brown noted that he thinks that there are only four STRs in the Village.
76 Others disagreed and said there were more than you can find on Air BnB.

77
78 Commissioner Palenick noted that he feels that the STRs need to be inspected to ensure
79 safety and that people are not using basement bedrooms without egress, etc. He added
80 that in the Township, there were about 17 STRs over the summer. He said he has also
81 fielded calls from people inquiring about purchasing the property for the sole purpose of
82 STR. He added that the Township's administration of the STR ordinance is a little simpler
83 because they don't do long-term rental registration.

84
85 Commissioner Bogen noted that he talked to the folks at the Village and that it might be
86 hard to administer a heavily regulated ordinance because there are many issues and
87 violations in the Village that are not being followed up on. He added that the recent article
88 in the gazette indicated that when STR owners give their renters their cell phone numbers,
89 they end up getting calls, not regarding emergencies, but rather that they are out of coffee.

90
91 Commissioner Brown noted that he doesn't think it's been a problem in the Village thus far.

92
93 Commissioner Bogen continued to say that all properties are different and each case is
94 different.

95
96 Chair Larson noted that people from Chicago are buying properties and making money off
97 STRs.

98
99 Commissioner Bogen asked Mr. McQueen about the occupancy tax. He added that the
100 same tax that gets assessed when someone stays in a hotel. And that VRBO takes the tax
101 and gives it to the state or the county and it eventually ends up with the local unit of
102 government. Commissioner Bogen asked if there was a sales tax. Commissioner Brown said
103 he doesn't know if the Village specifically is collecting this tax. Commissioner Hickmott
104 added that the fee that is paid by the renter goes to various places, including the occupancy
105 tax.

106

107 Chair Larson asked Mr. McQueen how STRs reduce the impact on infrastructure, Mr.
108 McQueen noted that 60% occupancy rather than 100% per year with a long-term rental.

109
110 Commissioner Brown noted that he marked up the Port Sheldon ordinance and wanted to
111 go through each of his comments. Ms. Anderson provided clarity on some of his questions.
112 There was a brief discussion on whether STRs should be considered a special land use.

113
114 Commissioner Hickmott noted that the focus should be on the life health and safety aspect
115 as that is the actual concern and she doesn't want to bog down the commission by having
116 too many SLUs to review and that health safety is prioritized in an administrative review.

117
118 The Planning Commission went through the Port Sheldon general law ordinance. Discussion
119 was had about Ms. Anderson incorporating the desired changes into the Word document.

120
121 Much discussion was had about the rental registration and why it's different from the long-
122 term rental registration. The inspections occur only once every 3 years for the long-term
123 rentals. Commissioner Palenick added that yearly makes more sense for STR because there
124 is a lot of turnover and there are more opportunities for things to go wrong, and there might
125 not be the same respect for the property.

126
127 Mr. McQueen asked about the number of properties that are responsible for paying the the
128 fees and what the fees may be. He added that if the fees are too high, it could deter
129 property owners like him from renting out his property.

130
131 Chair Larson asked Ms. Anderson to draft an ordinance to amend for the affected areas of
132 the zoning ordinance, and a resolution for a future review by the Village Council for the
133 short-term rental regulations.

134
135 **B. DISCUSSION: FOOD TRUCK ORDINANCE**

136 The Planning Commission reviewed the revised food truck ordinance and provided Ms.
137 Anderson with some minor changes. Ms. Anderson was asked to provide the Planning
138 Commission with a clean version at the next meeting in January.

139
140 **VIII. PLANNING COMMISSION MEMBER COMMENTS –**

141 The Planning Commission indicated that they would like to receive the meeting packets a week
142 ahead of the meeting and that they'd like the packets to be printed double-sided. Ms. Anderson
143 was asked to draft the agenda and packet and also send to the Planning Commission one week
144 ahead of the meeting.

145
146 Chair Larson notified the commission that the City of Lawton is updating their master plan.
147 Discussion about the Master Plan for the village.

148 Commissioner Nottingham reported on the new Village manager search and that they'll be
149 conducting 9 interviews.

150
151 Commissioner Palenick noted that Sol America is in talks with the Township about a solar field
152 across from the sewer ponds on Village-owned property. Commissioner Palenick asked
153 Commissioner Nottingham if there's been any talk of the Village becoming a city. She said it has
154 been brought up but the discussion hasn't gone anywhere and isn't actively being pursued.

155
156 Chair Larson noted that Mr. Lux gave her copies of Michigan Planner and there was an article
157 about the difference between a village and a city.

158
159 The Planning Commissioners noted that the Village looks great and that they were grateful for the
160 company the Village contracted with which puts up the lights and then takes them down.

161
162 **IX. STAFF/CONSULTANT COMMENTS** – Ms. Anderson noted that she has not yet heard from Auto
163 Zone and that it will likely be on the agenda in January.

164 **X. ADJOURNMENT** – 9:13 pm



Tricia Anderson, AICP – Williams & Works
Recording Secretary