



**VILLAGE OF PAW PAW
PLANNING COMMISSION
MEETING MINUTES
THURSDAY, APRIL 4, 2024, 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.

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4 **I. CALL TO ORDER:**

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

6 **II. ROLL CALL:**

6 MEMBERS PRESENT: KATHLEEN LARSON – CHAIR
7 EMILLY HICKMOTT – SECRETARY
8 NICK MARTINEZ – VILLAGE COUNCIL REPRESENTATIVE
9 MICHAEL PIOCH
10 JEFF BROWN
11 DAVID BOGEN

12

13 NOT PRESENT: TOM PALENICK (EXCUSED)

14

15 OTHERS PRESENT: TRICIA ANDERSON, VILLAGE PLANNER, WILLIAMS & WORKS
16 ED HELLWEGE, INTERIM VILLAGE MANAGER

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18

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

20 Commissioner Brown moved, with support from Commissioner Bogen, to approve the agenda for
21 the April 4, 2024, regular meeting, subject to the addition of the Election of Officers.

22 Motion carried unanimously.

23 **IV. MINUTES: MOTION**

24 Commissioner Pioch moved, with support from Commissioner Bogen, to approve the meeting
25 minutes from March 7, 2024, subject to the spelling errors noted.

26 Motion carried unanimously by voice vote.

27 **V. PUBLIC COMMENT** – No public comments.

28

29 **VI. NEW BUSINESS** – No new business.

30 **VII. OLD BUSINESS**

31 **A. PUBLIC HEARING: Short-Term Rental Ordinance Amendments – Recommendation to**
32 **Village Council**

33 **▪ Amendment to Chapter 8, Buildings & Building Regulations of the General Code of**
34 **Ordinances to add Article VII, Regulations for Short-Term Rentals (STR)**

35 **▪ Amendment to Chapter 42, Zoning, Section 42-3, Definitions, Chapter 42, Article III,**
36 **District Regulations**

37 Chair Larson asked Ms. Anderson to introduce the proposed amendments. Ms. Anderson
38 reminded the Planning Commission that, procedurally, they are being asked to make a
39 recommendation on the zoning amendment and that the regulatory ordinance does not
40 require a recommendation, however, since the Village Council directed the Planning
41 Commission to draft the ordinance, it was fine to provide courtesy recommendation to the
42 Village Council on the regulatory ordinance.

43 Chair Larson opened the public hearing.

44 Patrick Warner inquired about the ordinance and was interested in learning more because
45 he owns a historic rail car that he rents out as a short-term rental on the Warner Vineyards
46 property.

47 Dawn McQueen listed some concerns with some of the specific language in the draft
48 ordinance as an STR landlord. She noted that some of the things that are required by Air
49 B&B are redundant with what the Village is requiring as part of the registration process. She
50 explained that the listing is the contract and that the contract calls the people who rent the
51 STRs “guests”, and the ordinance refers to the same as both “renters” and “occupants”. She
52 also noted additional areas where the ordinance requires several things that Air B&B does
53 not require. She was concerned that some of the requirements seemed arbitrary.

54 Ann Hellwege indicated that she’s worried about the look of the community and that the
55 attractiveness of the area will be damaged by the restrictiveness of the ordinance. She
56 added that she was worried that the ordinance might not be as friendly to guests as it could
57 be, and that it might deter people from staying in Paw Paw. She indicated that the
58 ordinance appears to be more of a preparation for problems, rather than any actual
59 problems. She asked that the Village look into the actual problems and felt it was unfair
60 that the regulations are more strict than for long-term rentals.

61 Matt Miller, of 35533 60th Ave. He lives in Paw Paw Township and is on the Township Board.
62 He noted that the ordinance expresses a great deal of concern with the level of regulation
63 related to smoke detectors, fire extinguishers, etc. He thanked Pat Warner and felt thankful
64 for what he does in the community. Chair Larson asked Mr. Miller if his comments were
65 related to the subject draft ordinance. Mr. Miller noted that the ordinance was not
66 available. He wondered if the Village was only concerned with the people and the high-end
67 homes that are being rented, and that the Village should be concerned for the less
68 fortunate.

69 Hope Vasquez, of 34420 Edgewater Dr., noted that when she bought her property, the
70 property taxes doubled. She was concerned with the zoning violations all over the Village
71 and Township and that those issues were not being resolved. She wondered if the people
72 who want to regulate the short-term rentals are only people who work for the Village. She
73 wanted to make sure that the Planning Commission was not wanting to adopt this
74 ordinance to personally benefit from it.

75 The resident of 520 and 522 S. Lagrave Street noted that he just fixed up his second home
76 and now the Village is developing all these regulations. He feels that the guests and hosts
77 essentially regulate themselves through the ratings in the online platforms.

78 Greg Wagler, of Paw Paw Township, noted that he does not think the Village should be
79 adopting an ordinance. He asked Ms. Anderson where all this was coming from. He asked if
80 there have been issues with short-term rentals in Paw Paw. He noted that he was told that
81 there have been several complaints in the Township and he would be interested in seeing a
82 list of those complaints. He was concerned that the motivation to adopt the ordinance was
83 money.

84 Chair Larson closed the public hearing. She noted that she is disappointed with some of the
85 comments that were made since some were not in reference to the draft ordinance that is
86 before them. She tried to answer the questions posed by the public. She added that there
87 is always an outlier who doesn't follow the rules, which prompts the Village to want to have
88 an ordinance in place. Chair Larson walked through the ordinance sections and addressed
89 the question related to the 20 miles. She added that the short-term rentals she knows of
90 look nice. She also added that if there are no rules on the books, then you cannot enforce
91 things that neighbors may complain about, and the ordinance is not meant to penalize
92 anyone, but rather to keep things in line. She noted that the question of why all the
93 precautions like smoke detectors and fire extinguishers, and recalled a fire that occurred in
94 a rental unit where there was a fatality.

95 Chair Larson allowed some additional comments from the public and answered further
96 questions.

97 Chair Larson continued addressing the rationale behind the rules and the ordinance
98 sections.

99 Members of the public expressed their displeasure with the fact that the agenda and the
100 ordinance were not available ahead of the meeting in a convenient manner, such as on the
101 website.

102 Commissioner Hickmott responded to the comment about the draft ordinance requirement
103 to make Village ordinances available to STR occupants that pertain to short-term rentals.
104 She suggested that this could be achieved by simply providing a QR code or link that directs
105 people to the applicable ordinances.

106 Chair Larson noted that she did not anticipate the adversarial positions among the public
107 and that the Planning Commission has worked on this ordinance for quite some time.

108 More comments were made by the public related to their disappointment in the
109 misinformation and lack of information.

110 Ms. Anderson spoke about the history of how the Planning Commission got to where they
111 are today with the draft STR ordinance. She indicated that the first draft was written by the
112 previous planning consultant and felt very over-regulatory. It also relied upon processes
113 that would be difficult for the City to carry out. It was also written in response to a bill in the
114 legislature a few years ago that, if approved, would preempt STRs from local regulations.
115 She added that this bill never came to fruition and isn't likely to at this point. She also
116 added that she explored the varied options with the Planning Commission that the Village
117 has, ranging from doing nothing at all to requiring a special land use for each STR that wants
118 to operate in the Village.

119 Commissioner Brown asked Mr. and Mrs. McQueen about the contact information and why
120 they would have an issue with it being posted as required by the draft ordinance. Mrs.
121 McQueen responded by saying that her renters can contact her through online platforms
122 such as Air B&B or VRBO. She does not want to give out her personal information. The
123 Commission agreed to remove the requirement for the permit to contain the contact
124 information of the home. Chair Larson added that the section that notes the 20 miles
125 should instead be the one hour. Ms. Anderson noted the change.

126 Commissioner Pioch noted that under the notice of Village Rules, the word "copies" should
127 be removed since there are other ways to relay information to people without having to
128 provide paper copies.

129 Interim Village Manager Hellwege Noted that there is no money to hire a person to
130 administer the ordinance and that the current staff is not capable of handling the
131 administration of the STR ordinance. He added that there is no available staff from the fire
132 district and does not have control of their staffing and whether they can conduct
133 inspections. Chair Larson noted that the Township talked about using Safe Built to do the
134 inspections. Ed noted that the fire department is all volunteers. The consensus was to
135 remove "village fire marshall" from page 5 of 10 and any other page that identifies the fire
136 department as having a role in the procedures in the administration of the ordinance.

137 Ms. Anderson asked about where the commission stood on the issue of “accessory dwelling
138 unit ADU” being defined. She pointed out some examples she included in her memorandum
139 of some existing ADUs in the Village and felt that these structures should not be precluded
140 from being rented as a short-term rental. The draft says “no accessory building shall be
141 used for an STR”, however, accessory dwelling units are, in fact, accessory structures. The
142 Planning Commission collectively agreed to keep the definition for ADU.

143 **Motions:**

144 **Commissioner Pioch moved, with support from Commissioner Hickmott, and a courtesy**
145 **recommendation to the Village Council for the approval of an amendment to Chapter 8,**
146 **Buildings & Building Regulations of the General Code of Ordinances to add Article VII,**
147 **Regulations for Short-Term Rentals.**

148 **Motion carried unanimously by voice vote. (except for Nick Martinez, who reserved his**
149 **vote for the Village Council’s consideration of the amendments).**

150 **Commissioner Brown moved, with support from Commissioner Bogen, to forward a**
151 **favorable recommendation to the Village Council for the amendment to Chapter 42,**
152 **Zoning, Section 42-3, Definitions, Chapter 42, Article III, District Regulations.**

153 **Motion carried unanimously by voice vote. (except for Nick Martinez, who reserved his**
154 **vote for the Village Council’s consideration of the amendments).**
155

156 Donna McQueen thanked the Commission for their hard work and for addressing the
157 concerns raised by them.

158 **B. PUBLIC HEARING: Mobile Food Vending Ordinance Amendments - Recommendation**

- 159 • **Amendment to Chapter 24, Peddlers, Solicitors, and Transient Merchants, of the**
160 **General Code of Ordinances – Ordinance to Amend**
- 161 • **Amendments to Sections 42-3, Definitions, Section 42-373, Supplemental**
162 **Regulations, and Section 42-367, Special Land Uses – Ordinance to Amend**

163 Chair Larson introduced the item and opened the public hearing.

164 Andrew Beel from Gobles had concerns about whether the mobile food vendor definition
165 would exclude them from peddlers, transient merchants, etc. He also noted that he hopes
166 that this ordinance places the responsibility to obtain permits on the mobile food vendor to
167 obtain the permit. He noted that there’s a written agreement that is normally required as
168 part of the permit with the other municipalities that he’s worked in.

169 James Sluss from 310 Orchard in Gobles was concerned with the same thing related to the
170 definition. He also noted that he was involved with the Advanced Auto Parts lot that had a
171 food truck last year and he was asked to end his operation. He indicated that situations like

172 this are cause for it to be the food truck operator who should be responsible for obtaining
173 the permit rather than the property owner since he lost time and money not realizing that it
174 was unlawful for him to operate there. He added that he really likes the City of Grand
175 Rapids' food truck ordinance.

176 Discussion continued related to who should secure the license. Ms. Anderson noted that
177 the way the draft is written, the property owner is responsible for filling out the application.

178 Commissioner Martinez noted that the Village council recalled that the farmer's market
179 wanted to have food vendors, but that the ordinance may be a barrier to having the vendors
180 at the farmers market.

181 Ms. Anderson noted that there is still some language that hasn't been addressed related to
182 special events and that there are no regulations associated with "special events" or "Village
183 sanctioned events".

184 Ms. Anderson agreed to make the changes discussed.

185 The Planning Commission agreed that there is more work to be done with the ordinance and
186 it would be best to table the item and adjourn the public hearing and pick it back up at the
187 May meeting.

188 **Motion:**

189 **Commissioner Pioch moved, with support from Commissioner Hickmott, to adjourn the**
190 **public hearing and re-open it at a future meeting for additional discussion, and to**
191 **postpone their action on the item.**

192 **Motion carried unanimously by voice vote.**

193 The Planning Commission thanked the two gentlemen and woman who attended to share
194 their comments related to the mobile food vending ordinance.

195
196 **VIII. MASTER PLAN DISCUSSION:**

197 Chair Larson brought up the audit that Brad Kotrba from Williams & Works wrote. She added
198 that, since the Village is having difficulty writing a request for proposals, that it would be helpful to
199 use Mr. Kotrba's audit report as a guide to develop the scope of work for the request for
200 proposals. Interim Village Manager Hellwege and Chair Larson asked that Williams & Works assist
201 with the content of the request for proposals.

202
203 **IX. ELECTION OF OFFICERS:**

204 Commissioner Pioch nominated current officers for the seats of secretary, vice chair, and chair as
205 follows:
206

207
208 Emily Hickmott.....Secretary
209 Mike Pioch.....Vice Chair
210 Kathy Larson.....Chair

211
212 Second by Commissioner Bogen.

213
214 Motion carried unanimously by voice vote.

215
216 **X. PLANNING COMMISSION MEMBER COMMENTS –**

217 Chair Larson noted that the Planning Commission was sent some information regarding a
218 multifamily development. Interim Village Manager Hellwege noted that the Zoning Administrator
219 had been corresponding with the applicant. It was not known what the address was for the
220 proposed development.

221
222 The Planning Commission briefly discussed affordable housing and Chair Larson noted that the
223 Council expressed an adverse opinion on rentals related to a cottage court that was proposed a
224 few years ago.

225
226 Chair Larson urged Commissioner Martinez and Interim Village Manager Hellwege to update the
227 website with meeting minutes and other items.

228
229 **XI. STAFF/CONSULTANT COMMENTS –** Ms. Anderson expressed an interest in being brought into the
230 loop as soon as a developer makes contact with the Village.

231
232 **XII. ADJOURNMENT – 9:55 pm**

 5/2/2024

Tricia Anderson, AICP – Williams & Works
Recording Secretary