



Village of Paw Paw

Planning Commission Regular Meeting

Thursday, July 18, 2024

MEETING MINUTES

I. Call to Order

Chair Larson called the meeting to order at 7:00 pm.

II. Roll Call

PRESENT:

KATHY LARSON, CHAIR

MICHAEL PIOCH, VICE CHAIR

NICK MARTINEZ, VILLAGE COUNCIL REPRESENTATIVE

TOM PALENICK

DAVID BOGEN

JEFF BROWN

ABSENT:

EMILLY HICKMOTT, SECRETARY (EXCUSED)

ALSO PRESENT:

TRICIA ANDERSON, WILLIAMS & WORKS, VILLAGE PLANNER

BRYAN MYRKLE, VILLAGE MANAGER

III. Approval of Agenda

Commissioner Pioch moved, with support from Commissioner Bogen, to approve the agenda for the July 18, 2024 Planning Commission meeting.

Motion carried unanimously by voice vote.

30 **IV. Approval of Meeting Minutes from June 6, 2024**

31 **A. June 6, 2024 Draft Meeting Minutes**

32 **Commissioner Palenick moved, with support from Commissioner Martinez, to approve**
33 **the meeting minutes from June 6, 2024, subject to the change in Line 62 – change**
34 **Allegan to VanBuren, and Tom Palenick being noted as present**

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

36

37 **V. Public Comment**

38 Chair Larson introduced the rules for public comment.

39 Greg Wagler, resident of Paw Paw Township, expressed his concerns with the short-term
40 rental ordinance adopted by Paw Paw Township.

41 Holly Hamilton, business owner, expressed her support for Mr. Warner. She noted that the
42 concerts are having a positive impact on her business. She added that that her customers
43 loved the experience of shopping and attending the events at Warner’s.

44 Jim Cody, resident, noted that his niece is an events planner and was curious how Paw Paw is
45 doing it because there are no concerts like the ones at Warners. He supports Mr. Warner
46 and the concerts.

47 Patricia Clark, resident, noted that she lives nearby and has listened to the concerts for
48 years. She expressed her support for Mr. Warner’s concerts. She noted that the concerts
49 are a special part of the community and that it brings joy to the community.

50 Angela Bird, resident, described how her experiences at Warner’s has brought joy into her
51 life since her husband passed. She implored the Planning Commission to consider the
52 positive impact that the concerts have had and noted that it’s more than just music.

53 Rick Mitchell, resident, recalled a time when Warner Vineyards was struggling, and that now
54 that he’s found a way to bring something that people love to the community, he does not
55 want to see it go away. He spoke to rumors he’s heard that it’s “nothing but a drunk fest”
56 and noted that the concerts are not that at all. He supports Mr. Warner and hopes the
57 Village makes good decisions.

58 Lyle Swinehart, resident, noted that there should be a compromise and that he feels the
59 concerts are too loud and too often. He added if they wouldn’t be so often, he wouldn’t
60 have such a problem with the volume. He agreed that these concerts bring people to the
61 community and thinks it’s great, but feels there should be a compromise.

62 Diane Beuller, resident, noted that she can hear the music and she is across the river. She
63 added that she enjoys the music.

64 Keith Dorgan, business owner, indicated that his watch gave a notification that the sound
65 was at 92 decibels. He doesn't see the difference in the sound level generated by some of
66 the bands that play in town.

67 Bailey North, resident, noted that some of the sounds are difficult to drown out, such as bass
68 drums. The amplification was turned up in 2020 and she noted that she called the Village
69 police, who responded saying that it was a Village Hall matter and they don't enforce that.
70 She noted that she wants to simply age in place in her home that she bought with the
71 money that she made in the Village. She is asking only that the volume be regulated so that
72 it is not so intrusive.

73 Jeremy Dyk, resident, noted that when he was growing up here in the Village, there was
74 nothing to do in the summer. He was amazed by the distance that people are traveling to
75 attend Warner's concerts. He noted that he will go to Grand Rapids for a music festival and
76 tell people about the good things happening in Paw Paw with Warner Vineyards.

77 Susie Glomski, resident and realtor, noted the impact that the concerts are having on
78 bringing people to the area to live permanently. She noted that she gives complimentary
79 tickets to her clients. She feels it is doing a great thing for the economy.

80 Gary Mitchell, resident, noted that people that attend concerts at Warner's are happy and
81 having a great time. He does not feel that there have been any problems and that Mr.
82 Warner has good security and he is doing a great job.

83 Sherry Bastion, owner of Chicken Coop, thanked Mr. Warner for bringing so much business
84 to her restaurant.

85 Pat Lang, employee for security company hired by Mr. Warner, noted that there are a lot of
86 jobs that are created by the concerts and events at Warn Vineyards. He indicated that
87 people are well taken care of that attend the concerts.

88 Tony Milek, who lives outside the Village, noted that Mr. Warner is a good friend of his. He
89 said that the Village was thriving when the wine and grape festival was happening before it
90 got shut down. He feels that Mr. Warner's concerts are bringing that vitality back to the
91 Village again.

92 Sean Clinger, resident, said he is a former owner of a trailer business. He noted that he is
93 recommending the concerts to his clients. He added that the sound level is not any louder
94 than any other concerts in the Village. He added that he does feel sorry for the residents
95 that live nearby, but that he supports the business.

96 Paul Braganini, of St. Julian Winery, noted that he is hearing a lot of people saying that there
97 should be a common ground, and that he and St. Julian support economic development in
98 the Village and he supports the concerts.

99 Joel Scakaly, Vice President of St. Julian, noted that he has not seen this kind of a buzz in the
100 Village of Paw Paw. He feels that there is a way to allow the concerts to continue, they
101 should.

102 Chris Smith, resident, indicated they moved here from northern California and added that
103 the experiences his daughter is getting from the Warner concerts are priceless. He
104 compared the boom of the business and concerts at Warner with the Austin, Texas music
105 scene and where it started. He supports the concerts at Warner.

106 Marybeth Sonzema, of the Chamber of Commerce, noted that she loves the joy and seeing
107 people hugging and dancing

108 Mark Frankhouse, resident of Kalamazoo, is also the host of a radio show and that he moved
109 to the Kalamazoo area and noted that there are many little pockets in southwest Michigan
110 that are unique communities. He added that Paw Paw is unique because its residents
111 believe in the Village. He noted that if there is not an ordinance that puts a cap on the
112 number of concerts, there should not be one, because it would be taking money out of
113 people's pockets.

114 Mary Fork from Townsquare Media, spoke to the "Warner effect". She noted that the digital
115 media company she runs uses a marketing tool that allows her to see foot traffic in every
116 single business in town. She said that businesses are seeing an uptick in visits. She supports
117 the concerts and Mr. Warner.

118 Sarah Cox, business owner, on the Chamber and DDA, noted that a geofence was erected
119 around Paw Paw and noted that data reveals that the "warner effect" have generated 8.4
120 million dollars in revenue. She added that as a small business owner, she has struggled, but
121 that Mr. Warner has brought so much to the economy.

122 Kim Jones, resident, was present to support Mr. Warner. She noted that Mr. Warner does
123 great things for the community. She added that she distributes wine and harvest cards to
124 people at her second home in Marshall, and noted that people know about the concerts in
125 Marshall.

126 Angie Grant, waitress at Warners, resident of Mattawan. She noted that one of the concerts
127 she worked made her really love waitressing again and she loves doing it. She is very excited
128 to see Paw Paw's people come together through the concerts.

129 Wendy Turner, resident, expressed concerns with noise. And that it's considered "loud and
130 unusual to a reasonable person" as noted in the Disturbing the Peace ordinance. She said
131 that she cannot even have a conversation with her husband in her own home because of the
132 thumping bass. She noted that people who attend the concerts choose to attend them, and
133 that she doesn't get to choose. She added that there may be people who are have noise
134 sensitivities, people who need to get up for work in the morning, and other conditions. She
135 suggested that only 10 events and that noise should not extend out from said business.

136 Lisa Snyder, resident, noted that there is no need to be mean to people that are up at the
137 podium. She has heart trouble and is affected by the thumping of the bass from music. She
138 added that the music in Paw Paw are enjoyable and awesome. She wants to recognize those
139 that are concerned with the noise.

140 Kate Vercell, resident, noted that she loves culture and music, but is concerned with the
141 noise, and that it is a lot to ask and that she has the right to enjoy her property without the
142 headaches and windows shaking. She was also concerned with the lack of policing these
143 issues and that she feels there's an ethics issue there. She does enjoy seeing concerts and
144 loves the energy of arts and music, but also likes to enjoy her own backyard. She expressed
145 concerns for a future special land use permit as she feels it may open the flood gates for
146 other issues.

147 Kimberly McNatt, resident, wanted to express her concerns with the noise issue. She said
148 she does not hate music, she loves music. She noted that there is a misconception that
149 those that are concerned with the noise are trying to shut Warner's down, but she loves
150 what it's doing for the economy. She noted that she has PTSD and anxiety and loud noise
151 causes issues for her health. She added that her hair is falling out and she is struggling. She
152 invited the Planning Commission to visit her home to experience the effects. She has
153 considered putting her home on the market

154 Anthony Sage, resident, and his home is facing the Warner's amphitheater. He added that
155 his home is not affected by the sound. He echoed what others have said about the benefits
156 the concerts bring to the local economy.

157 Kim Sage, resident, noted that she hears everything from businesses on or near the river.
158 She noted that Mr. Warner has done a lot for the Paw Paw community and offers low prices
159 for the events and for the food and wine. She added that the concerts do not generate
160 "noise" as some residents have said. She said that you learn to live with it, and she supports
161 it.

162 Eric Maloche, resident and employee of Warner Vineyards, noted that there should be a
163 compromise so that the concerts can continue. He feels that it hasn't been the number of
164 concerts, but it's been the noise. He doesn't want to see the concerts shut down.

165 Sam Callejas, of Fennville, noted that he works at Fenn Valley and they have a relationship
166 with Warner Vineyards and noted that what's happening in Paw Paw is really cool. He added
167 that different communities are struggling and that the data shows that the concerts are
168 having a positive impact on the economy. He noted that a sound technician might be a good
169 idea.

170 Cara Singles, resident, noted that her house is right across the street from the fire
171 department. She noted that you deal with the sirens once in a while because it's for the
172 greater good, and compared the Warner Vineyards concerts to this.

173 Evan Turner, resident, wants to see peace in their home, and that there must be a
174 compromise. He added that for most of the concerts, you need to raise your voice to
175 communicate in your own home, and that's the "Warner effect" at his house. He added that
176 the Warner's website indicates that over 100 concerts are planned for 2024.

177 Mandy Wiersma, resident of Kalamazoo, noted that she is representing Pizza Hut, and that
178 the concerts have had a positive impact on their dine-in service, and she appreciates it.

179 Joseph MacDonald, resident, noted that he supports the concerts and is not impacted by the
180 music. He noted that Warner’s has done great things for the community.

181 Ron Mallard, resident, said that his wife is a musician. He isn’t concerned with the noise. He
182 added that he is concerned with 10% of the people dictating the what 90% of the people
183 want.

184 Dave Jones, property owner in the Village, noted that he’s noticed that people that don’t
185 come out often are coming to Paw Paw.

186 Patrick Warner wanted to address the people who had concerns with the sound. He noted
187 that he is working with some people to try and mitigate the sounds generated by the
188 concerts. He noted contracts that his acts enter into now prohibit profanity and he does not
189 allow the concerts to go all night. He said that they’ve found a niche with the concerts and
190 they want to keep it going. He added that they’ve started a scholarship for students at Paw
191 Paw high school. He wants to coexist with his neighbors.

192 Chair Larson noted that she was disappointed by of some of the negative things she’s seen
193 on social media regarding the concerts, but noted that people at this meeting have been
194 respectful.

195 Chair Larson closed the public comment portion of the meeting.

196 **VI. New Business**

197 **A. Discussion - Warner Vineyards Outdoor Concerts**

198 Chair Larson introduced Mr. Myrkle, Village Manager. Mr. Myrkle noted that he has
199 experience in both local government and in event management. He noted that he heard
200 a lot of folks commenting on the fact that there must be some common ground on the
201 issue, and he feels that it is, in fact, a manageable issue. He noted that he’s developed a
202 relationship with Mr. Warner and notes that he’s been cooperative with Village staff in
203 correcting a number of building code related items.

204
205 Mr. Myrkle noted that normally this conversation about the concerts’ impact on
206 adjacent properties is something that would normally be addressed before the use is
207 permitted to commence, but that the Village cannot turn back time and that the Village
208 and the property owner need to move forward with a plan to allow a compromise.

209
210 Mr. Myrkle emphasized safety and that a few items related to safety are being
211 addressed, however, there needs to be a legal framework to allow the concerts to
212 continue in a lawful manner. He added they need a solid foundation for events like this
213 going forward. He explained that he felt that a straightforward solution would be to
214 consider the concerts as a special land use, under the current language in the Zoning
215 Ordinance, which allows the Planning Commission to consider “other uses” that may be
216 similar to uses permitted in the zoning district, however, in speaking with the Village
217 Attorney and Village Planner, he’s learning that the current language is no longer in
218 compliance with the Zoning Enabling Act, and that there is case law that further

219 establishes this. Because of this, he noted that he intends to work with Ms. Anderson to
220 draft some specific language for an ordinance amendment so that there are applicable
221 standards for the specific use. He added that an ordinance amendment would benefit
222 the Village and protect health, safety and welfare of residents by having clear standards
223 in place for future or existing businesses that wish to pursue an outdoor music venue.
224

225 Mr. Warner asked questions about the special land use and if it needs to be issued every
226 year. Ms. Anderson noted that the special land use stays with the land, and that it does
227 not need to be renewed annually, though the Planning Commission may impose
228 conditions that would require a review on an annual basis or something similar.
229

230 Chair Larson summarized the steps that must be taken as outlined by Mr. Myrkle.
231

232 Commissioner Brown noted that he didn't hear a single person say that they didn't like
233 music.
234

235 Commissioner Martinez reminded the folks in the audience and that a public hearing
236 would be held so that people could review the proposed ordinance amendment and
237 provide comments.
238

239 Chair Larson thanked everyone who attended the meeting and asked when the public
240 hearing might be held.
241

242 **B. Discussion - Master Plan Update / Zoning Ordinance Update Request for Proposals**

243 Mr. Myrkle noted that it's his understanding that the Village was awarded a MSHDA
244 grant to update the master plan and zoning code. He noted that the Zoning
245 Administrator and Interim Village Manager assisted him in putting together the RFP. Mr.
246 Hellwege reached out to a list of planners to get a feel for those who may be interested
247 in submitting proposals. He added that the RFP was reviewed by Ms. Anderson and that
248 she provided some neutral feedback. He noted that the plan was to appoint a steering
249 committee, and it should have members of council and members of the Planning
250 Commission.
251

252 He asked if the Planning Commission wanted involvement in the selection of the firm.
253 Commissioner Brown was asking if \$44,000 would cover the master plan update AND
254 the zoning ordinance. Ms. Anderson noted that a master plan update with a moderate
255 level of engagement would not be overly expensive. She added that Zoning Ordinance
256 may use up more of the funds, based on the amount of work that would need to be
257 done. Mr. Myrkle added that the Village is aware that additional funds may be needed
258 to accomplish both tasks if the costs to update them exceeds the grant amount.
259

260 Commissioner Martinez noted that he would be interested in serving on the
261 subcommittee for the master plan update.
262

263 **VII. Old Business**

264 **A. Mobile Food Vending Ordinance Amendment Recommendations:**

265 **1. Amendment to Chapter 24, Peddlers, Solicitors, and Transient Merchants, of**
266 **the General Code of Ordinances – Ordinance to Amend**

267 Ms. Anderson reminded the Commissioners that only a change to the definition
268 of peddlers, solicitors and transient merchants was proposed to Chapter 24.

269 **Commissioner Martinez moved, with support from Commissioner Bogen, to**
270 **forward a favorable recommendation to the Village Council for the approval of**
271 **the amendment to Chapter 24, Peddlers, Solicitors and Transient Merchants.**

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

273 **2. Amendments to Sections 42-3, Definitions, Section 42-373, Supplemental**
274 **Regulations, and Section 42-367, Special Land Uses – Ordinance to Amend**

275 Ms. Anderson summarized the changes that were made since the previous
276 Planning Commission meeting. She noted that the consensus was to remove
277 the allowance for mobile food vendors in the public right of way. She added that
278 the Village does not have a noise ordinance, and so the section that is
279 referenced in relation to generators was changed to Section 20-91, Disturbing
280 the Peace.

281 **Commissioner Brown moved, with support from Commissioner Pioch to**
282 **forward a favorable recommendation to the Village Council for the approval of**
283 **the proposed zoning amendments.**

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

285 **VIII. Planning Commission Member Comments**

286 Commissioner Bogen noted that the Village Council should address the STR ordinance and
287 not wait until something bad happens related to noise. Commissioner Martinez noted that
288 the Village Council is planning to take it back up.

289 Mr. Myrkle noted that the STR ordinance in the Village and the Township should be similar.

290 Mr. Palenick provided some commentary regarding Mr. Wagler’s comments and that the
291 Township’s STR ordinance is similar.

292 Commissioner Martinez noted that he has informed the Village Council that the mobile food
293 vending item is forthcoming.

294

295

296

297 **IX. Staff/Consultant Comments**

298 Ms. Anderson and Mr. Myrkle informed the Planning Commission on some items that will
299 they will likely see on the next agenda or an agenda in the near future.

300 **X. Adjournment.**

301 The meeting adjourned at 10:15 pm.



August 1, 2024

Tricia Anderson, AICP – Williams & Works
Recording Secretary