

**Minutes, Paw Paw Planning Commission
Regular Meeting, January 26, 2006**

The Planning Commission meeting held Thursday, January 26, 2006 convened at 7:00 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. Chairperson Kathleen Larson presiding.

**Meeting
Convened**

Present: Larson, Rumsey, Bogen, Larcinese, Thomas and Krenz. Roger excused. Also present: Bradley Noeldner, Village Manager, Amy Pickens, Customer Relations Assistant and Lisa Wininger, Planner.

**Members
Present**

Motion by Rumsey, supported by Thomas, to approve the minutes of the regular meeting for December 22, 2005 as corrected. ***moved to here Eric would like his comments for last meeting added to the minutes.** All members voting yes, motion approved. ***As corrected 3-23-06**

**Approval of
minutes**

Old Business

Old Business:

***The following old business was discussed:**

Review Site Plan Checklist- Kathy mentioned it would be nice to have a filled out copy of the site plan checklist and a picture of the property with every site plan. Also mentioned was to add dimensions of the building, length, width, and height, to question # 8 on the site plan checklist. To question # 12 on the site plan checklist please add the location of sidewalks. Kathy asked that when an item has been checked yes on the site plan checklist, is there documentation to prove the answer is justified, and if so the who checks to make sure the commission is provided with these documents? Brad noted that the Village Council ***Planning Commission** is going to go through the site plan checklist and compare it to the Ordinance. Brad also said that he will try to compile a new site plan checklist that will follow right along with the Ordinance. ***As corrected 3-23-06**

Power Point Presentation on Natural Resources- Kathy asked Eric if he would be able to pull the slides that would be most helpful for the presentation.

Review Section in Ordinance on Statement of Evidence

Parking lot at Warner's

Dumpster Screening at Warner's

Sign Issue at Warner's

Review on the Fencing Brad said he was going to have the police go out and measure the fence and confirm to him, then he would send a letter to Monica Charles and ask her to reply.

Follow-up on Assisted Living Brad said that there are two types of houses. The first type being able to house six people or less. The second type has an age requirement of 60 yrs or older, and a minimum of 21 beds. Brad also stated he would follow up with AGS regarding Dawn Glass's house.

**Member
Comments**

~~Eric would like his comments for last meeting added to the minutes.~~

Larcinese

Dave would like the fence at 723 E. Michigan Ave to be reduced and comply with the fence ordinance. Dave also asked the question, when a

Bogen

site plan is sent to council, how does the planning commission know what the contingencies are or what happened with the plan.

Brad asked if it would be possible to put anything within the 25 foot buffer for the wetlands ~~from the construction~~ Lisa said she would look in to it further. Brad wanted to know what issues would present if Wal-Mart decides to come. Also is there something in the ordinance that would protect the Village if Wal-Mart comes, and then closes, and if not, can we construct something. ***As corrected 3-23-06**

Noeldner

Motion by Bogen, supported by Larcinese, to adjourn meeting. Time: 9:25 p.m. All members voting yes, motion approved.

Adjournment

Respectfully submitted:

Amy Pickens, Customer Relations Assistant

**Minutes, Paw Paw Planning Commission
Regular Meeting, March 23, 2006**

The Planning Commission meeting held Thursday, March 23, 2006 convened at 7:00 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. Chairperson Kathleen Larson presiding.

**Meeting
Convened**

Present: Larson, Rumsey, Bogen ~~and~~ Larcinese, Thomas ~~and~~ Krenz. ~~and~~ Roger excused. Also present: KeVen Riley, Village Clerk, and Lisa Wininger, Planner. **As corrected 4-27-06.**

**Members
Present**

Motion by Rumsey, supported by Larcinese, approve the minutes of the regular meeting of January 26, 2006 as corrected. All members voting yes, motion approved.

**Approval of
minutes**

Harold Schuitmaker and Harold Cirino presented the site plans for an addition to the USDA building and the Secretary of State office. Schuitmaker stated that 30 jobs from Berrien Springs will be relocating to Paw Paw and they will also be relocating their regional headquarters from Coldwater here.

Motion by Thomas, supported by Bogen, to approve recommend to the Village Council the site plan for USDA and Secretary of State office additions be approved with the following contingencies:

**USDA and
Secretary of
State office
additions site
plan
recommendation**

1. Obtain the proper Village approval for the driveway change.
2. Applicant to comply with all Federal, State & Local laws and regulations including those pertaining to wetlands and obtaining any necessary permits
3. Retaining wall fence to satisfy the screening requirements of the zoning ordinance be added to the amended landscape plan for the area abutting the residential zone area.

All members voting yes, motion approved.

The following old business items were once again discussed and resolution came on items one and two. Others will remain until resolved.

Old Business

1. ***Review Site Plan Checklist*** – *The checklist seemed complete with the exception that the staff will provide pictures for site plan approval. Noeldner provided a checklist for environmental issues and the commission took no action they need time to review the information.*
2. ***Review section in ordinance on Statement of evidence*** – *This is only required for Special Use permits as stated in the Zoning Ordinance. The applicant will be required to provide a statement of supporting evidence that the proposed activity meets the criteria and any other pertinent information upon which the applicant intends to rely on approval.*

3. ***Parking lot at Warner's*** – Noeldner sent letter giving them until July 1 to comply with the site plan that was approved.
4. ***Dumpster screening at Warner's*** - Noeldner sent letter giving them until July 1 to comply with the site plan that was approved.
5. ***Sign issue at Warner's*** – Noeldner sent letter giving them until July 1 to comply with the site plan that was approved.
6. ***Review on the Fencing*** – This was reviewed and it was felt that Winger will bring back some clearer wording because there are some misinterpretations on the current wording.
7. ***Follow-up on Assisted Living*** – Noeldner stated in a memo that he will get more information regarding this and have this for the next meeting.
8. ***Brennan Case*** – Noeldner provided communication with Attorney Page about the property located at 609 E. Michigan Avenue.
9. ***Yarbrough – Dyckman Street Apartments Dumpster Screening*** – Riley will review site plan and speak with Mr. Yarbrough.

Noeldner also provided them with letter sent to Eleanor Larue and Aaron De Prima regarding the off site sign placed at 200 E. Michigan Avenue.

Larson asked that Riley develop a newsletter to go into utility bills that catches ones eyes for about 20 seconds. Riley will work with staff to develop this for on-going problems. Possible items would include needs for permits for fences and sheds, etc.

**Member
Comments
Larson**

Bogen asked about what happened with the carports issue and the Village Council and Larcinese agreed to ask Council for some direction on carports.

Bogen

Larcinese asked if the Commission received a copy of the wetlands power point that he gave Noeldner and no one had received them. Riley stated she will ask Noeldner and get them out by Monday.

Larcinese

Motion by Bogen, supported by Thomas, to adjourn meeting. Time: 8:57 p.m. All members voting yes, motion approved.

Adjournment

Respectfully submitted:

KeVen L. Riley, Village Clerk

**Minutes, Paw Paw Planning Commission
Regular Meeting, April 27, 2006**

The Planning Commission meeting held Thursday, April 27, 2006 convened at 7:00 p.m. at 600 E. Michigan Avenue, Paw Paw, Michigan. Chairperson Kathleen Larson presiding.

**Meeting
Convened**

Present: Larson, Rumsey, Bogen, Larcinese, Thomas and Krenz. Roger excused. Also present: Bradley Noeldner, Village Manager, KeVen Riley, Village Clerk, John Small, Director of Public Services, Russ Reynnells, Chief of Police, Kelly Page, Village Attorney and Lisa Wininger, Planner.

**Members
Present**

Motion by Krenz, supported by Thomas, approve the minutes of the regular meeting of March 23, 2006 as corrected. All members voting yes, motion approved.

**Approval of
minutes**

Chairman Larson thanked Riley for the news letter she felt it was helpful and Riley stated that the Village Hall office has received positive comments from the public also.

Newsletter

Motion by Thomas, supported by Larcinese, to adopt the rules of procedure as follows:

**Rules of
Procedure**

Rules of Meeting

1. Public Comments will be addressed in the public hearing session of the meeting and the public comments session.
2. Address all comments to the Commission Chairman.
3. Please state name for the record.
4. Limit comments relevant to the topic being heard.
5. Limit comments to three minutes, in order for all public comments to be voiced. Public comments can be extended at the discretion of the Chairman.
6. Avoid being repetitious of comments already heard.
7. Please be courteous and avoid talking when others have the floor.

All members voting yes, motion approved.

Motion by Larcinese, supported by Rumsey, to close the regular meeting and open the public hearing to hear the following request:

**Public
Hearing for
outdoor
display area
for 1013 S.
Kalamazoo –
Wal-Mart**

1. A request for a special use permit to consider allowing an outdoor display area for sale of: Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment. Outdoor display of lawn mowers, and similar products at 1013 South Kalamazoo Street, Paw Paw, MI (parcel #80-47-600-009-00, 80-47-600-013-00, 80-47-600-014-00, 80-47-600-018-00, 80-47-600-019-00, 80-47-600-020-00, 80-47-600-016-00, 80-47-600-015-00) (Wal-Mart Store #4439-00)

All members voting yes, motion approved. The regular meeting closed at 7:07 p.m. Public hearing opened.

Wal-Mart representative Mike DeVries, team leader from Atwell-Hicks presented his request for an outdoor display area and asked that the request for a gas station be withdrawn at this time. Chairperson Larson accepted the withdrawal on the gasoline station. She asked for public comments on the special use request.

**Public
Comments:**

Richard Brigle spoke with concerns about the wetlands that were being proposed to be built on.

Jerry Reshman presented and read a letter regarding the negative effects of a Wal-Mart and the businesses that it would affect. He is concerned about the environmental effects. He asked the planning commission not to approve the special use permits.

William Serrine, Jr. was representing his vested interest in his property on S. LaGrave Street next to I-94 that was not part of the proposed building site.

Sherry Thompson, owner of the Party Wagon, a local owned party supply store, felt she couldn't compete with Wal-Mart. She feels that the Planning Commission and Village Council if they approve the Wal-Mart site plans will lose many businesses and the support they give to all the non-profit organizations in the community.

Mary Courtade prefers not to have a Wal-Mart because she likes the small town atmosphere that Paw Paw has to offer.

Brenda Cannon, Dollar General manager, felt it would hurt the many Dollar General's in the area.

Shawn Klinger wants to see a Wal-Mart to be able to buy clothes and necessary items without having to drive to Kalamazoo and spending the extra money for gas.

Dale Murney wants to have Paw Paw keep the small town setting and not allow big box stores.

Joe Romph, co-owner of Village Drug, also enjoys the small town atmosphere and he feels with all the environmental issues the planning commission should think twice about allowing a Wal-Mart. He currently employs 14 people with 6 full-time with medical and dental. Although Wal-Mart claims they will hire 200 employees, he asked how many of these people would be full-time and how many actual new jobs this will create or will this be just the same people that are already hired by our current businesses that will lose their jobs because of store closings.

Teresa Klann was concerned about the violation of the storm water runoff to the wetlands, the negative effects on the traffic it will create on

S. Kalamazoo Street. **She referenced the traffic problems in Portage.** She is also concerned about the demands on the Public Safety issues this will cause and she wants the small town atmosphere instead of the Kalamazoo. She feels people need to “Shop Paw Paw First”. ***As corrected 5-4-2006.**

Dale Hiemstra and Scott Robinson are very happy to see Wal-Mart possibly coming to Paw Paw.

Wayne Wilhelmi that allowing Wal-Mart to limit their sales to only non-living items, so that it doesn't affect the nurseries in our area.

Diane Michener, owner of Pet Supplies, states Wal-Mart will put her out of business; she wants a small town atmosphere.

Ted Major appreciates all the support the small town business owners provides to groups like the Rotary Club and she is concerned **about Wal-Mart taking out good businesses and not giving back to the community.** ***As corrected 5-4-2006.**

Ray Tattersal does not oppose Wal-Mart but he is concerned about traffic.

Kathy Murphy is opposed to Wal-Mart and wants to know if this will better the community.

Attorney Page spoke reminding the Planning Commission that if the zoning district is correct and they meet the requirements of the zoning ordinance, neither this Commission or Village Council can discriminate against an applicant. They do need to share all information with all agencies involved, Local, County, State or Federal. They just have to make sure the standards exist and that an applicant comply with those standards. Special use permits must be complete and comply with the Michigan Zoning and Planning Laws. Even though the plans are approved and the project moves to its final stages, no one can mandate you to stop and buy from there.

Cindy Stevens doesn't support Wal-Mart, and is very concerned about the fertilizer run off into the wetlands.

Gary Stock doesn't support Wal-Mart he feels they need to scale the store down to 75,000 – 80,000 square feet.

Wininger stated she wanted the level of detail to be as high as possible for the site plan before recommending this to the Village Council. She had parking concerns with the outdoor area. She was also concerned about the statement of evidence that wasn't present with the application.

Noeldner asked about the fencing construction and the high-racks listed on the site plan.

DeVries stated the fencing material and set up were shown on page 8 of

the site plan.

Commissioners were concerned about the parking spaces and they want to make sure that everything is in order prior to their recommendation to the Village Council.

Motion by Thomas, supported by Rumsey, to close the public hearing and re-open the regular meeting. All members voting yes, motion approved. Public hearing closed at: 8:07 p.m.

**Public
Hearing
Closed**

Larcinese uses the K-Mart site as an example **of how we thought the proper permits were obtained but they weren't.** ~~stating~~ The Army Corp of Engineers ~~are the ones that give the approval for working in the~~ had problems with the previous plans for the wetlands areas and K-Mart didn't have that and he was skeptical as to whether it was obtainable. He feels that Wal-Mart should look for alternative sites. ***As corrected 5-4-06.**

**Member
comment
Larcinese**

~~Thomas was concerned the Planning Commission are setting too high of standards and that they are creating wetland issues.~~ ***As corrected 5-4-06.**

Thomas

Motion by Thomas, supported by Krenz, to postpone the special use permit for an outdoor display area at the proposed Wal-Mart site at 1013 S. until May 25, 2006, so the applicant get more information. All members voting yes, motion approved.

**Special use
postponed
until 5-25-06**

Thomas was concerned the Planning Commission are setting too high of standards and that they are creating wetland issues.

Thomas

Motion by Thomas, supported by Krenz, to postpone their decision to recommend or deny the site plan for the proposed Wal-Mart site at 1013 S. Kalamazoo Street until May 25, 2006.. All members voting yes, motion approved.

**Site plan
postponed
until 5-25-06**

Many concerns were not addressed by the developers and after this meeting their were more concerns that Commissioners had and so staff will meet with the developers and give them the requirements they are lacking in order to re-present their requests on May 25, 2006.

The following old business items were once again discussed and resolution came on some items. Others will remain on the agenda until resolved.

Old Business

1. *Parking lot at Warner's – Hold until 7-1-2006*
2. *Dumpster screening at Warner's– Hold until 7-1-2006*
3. *Sign issue at Warner's– Hold until 7-1-2006*
4. *Review on the Fencing – Wininger will present better wording*
5. *Follow-up on Assisted Living – Noeldner will give report on his finds*
6. *Brennan Case – Noeldner will update on Attorney Pages response from March 21, 2006 letter – Brennan set meeting in a.m. with Noeldner*
7. *Yarbrough – Dyckman Street Apartments Dumpster*

Screening – Riley spoke with Yarbrough and he stated he will comply and get this taken care of very soon.

Motion by Bogen, supported by Larcinese, to adjourn meeting. Time: 9:37 p.m. All members voting yes, motion approved.

Adjournment

Respectfully submitted:

KeVen L. Riley, Village Clerk

**Minutes, Paw Paw Planning Commission
Regular Meeting, May 4, 2006**

Approve as Revised
May 25, 2006-bjn

The Planning Commission meeting held Thursday, May 4, 2006 convened at 7:05 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. Chairperson Kathleen Larson presiding.

**Meeting
Convened**

Present: Larson, Rumsey, Bogen, Larcinese, Thomas and Krenz. Roger excused. Also present: Bradley Noeldner, Village Manager, KeVen Riley, Village Clerk, and Lisa Wininger, Planner.

**Members
Present**

Motion by Bogen, supported by Krenz, approve the minutes of the regular meeting of April 27, 2006 as corrected. All members voting yes, motion approved.

**Approval of
minutes**

Jack Barr from Nederveld Associates presented the site plan for the Advance Auto Parts store planned for 308 S. Kalamazoo Street. The discussion followed regarding the drive-way coming off St. Joseph Street. The planning commission recommended moving the drive farther west along St. Joseph Street away from the corner and to allow the trucks to back into the site from the street, due to the agreed upon change with the driveway and some landscaping changes.

**Advanced
Auto Parts
site plan**

Motion by Larcinese, supported by Krenz, to postpone until May 25, 2006, any further action on the proposed Advance Auto Parts site at 308 S. Kalamazoo Street until a more complete site plan with the requested changes is submitted. All members voting yes, motion approved.

**Advanced
Auto Parts
Postponed**

Aaron Catlin from Fleis and VandenBrink presented a proposed site plan for an addition to the Paw Paw Township Hall at 114 N. Gremps Street.

**Paw Paw
Township**

Motion by Rumsey, supported by Bogen, to approve recommending to the Village Council the site plan for the proposed improvements at the Paw Paw Township Hall at 114 N. Gremps Street with the following contingencies:

**Paw Paw
Township
addition
site plan
recommenda
tion**

1. Landscape plan to be submitted within 90 days.
2. Applicant to comply with all Federal, State & Local laws and regulations including those pertaining to wetlands and obtaining any necessary permits
3. Photometric review and approval is required.

All members voting yes, motion approved.

Dan DeJonge, George Holmes and Jason Sibley from Lamar Construction presented the proposed amendment to the site plan for 451 Health Parkway for the access road.

**Starr
Medical
Access Road**

Thomas felt this change would not make Bronson Hospital and the Starr Medical doctors agree on an access road from CR 665.

Motion by Larcinese, supported by Krenz, to recommend to the Village

Council for approval of the site plan for the proposed road access change at 451 Health Parkway site at with the following contingencies:

**Starr
Medical site
plan
recommendation**

1. In accordance with Article 13.7 (X) the minimum right-of-way will be 66 feet and the street must be paved 30 feet wide
2. Applicant to comply with all Federal, State & Local laws and regulations including those pertaining to wetlands and obtaining any necessary permits
3. Prior to final occupancy the street and ROW will be deeded over to the Village of Paw Paw as a public street.
4. A letter from the Van Buren County Road Commission letter authorizing access to 60th Street is required.
5. At such time as a public road will access the eastern property line, the ~~developer~~ **owner** will construct the public road on their property to connect with CR 665 at the expense of the ~~developer~~ **owner** or be special assessed through property taxes set by the Village of Paw Paw.

Thomas opposed, all other members voting yes, motion approved.

Noeldner also presented a site plan for Paw Paw Schools and went over the proposed changes. The Planning Commission does not have to approve this because it does not fall within their jurisdiction.

**PP Middle
School**

Discussion on the Wal-Mart plans pursued. Thomas felt the decision the Commission took was going to be the “ribbon on the package” for site plan approval and the commission is going to have to live with those decisions for all site plans. Most members disagreed and felt the developer was not prepared. No action was necessary or taken.

**Member
Comments**

Motion by Thomas, supported by Krenz, to adjourn meeting. Time: 9:57 p.m. All members voting yes, motion approved.

Adjournment

Respectfully submitted:
KeVen L. Riley, Village Clerk

Minutes, Paw Paw Planning Commission

The Planning Commission meeting held Thursday, May 25, 2006 at 111 E. Michigan Avenue, Paw Paw, Michigan, convened at 7:05 p.m., Chairperson Kathleen Larson presiding.

**Meeting
Convened**

Present: Larson, Rumsey, Bogen, Thomas, Roger and Krenz. Planning Commission Member Larcinese is excused. Also present: Bradley Noeldner, Village Manager, Lisa Winger, Village Planner and Nate Voigt, Project Engineer for Nederveld Associates, Inc. (Advance Auto Parts Store Representative).

**Members
Present**

Motion by Thomas, supported by Krenz, to approve the minutes of the regular meeting of May 4, 2006 as corrected. All members voting yes. The motion is approved.

**Approval of
minutes**

Motion by Thomas, supported by Krenz, to postpone until August 24, 2006, or later if requested; any further action on the request for a Special Use Permit for an outdoor display area at the Proposed Wal-Mart site at 1013 S. Kalamazoo Street. All members voting yes. The motion is approved.

**Wal-Mart
Special Use
Permit
Postponed**

Nate Voigt, Project Manager, from Nederveld Associates, Inc. presented a revised site plan for an Advance Auto Parts Store planned for 308 S. Kalamazoo Street. Amendments to the site plan, from a previously submitted plan, included the relocation of an access drive off St. Joseph Street and revisions to the landscape plan providing for additional plantings of shrubs. A discussion followed regarding the possibility of retaining some of the existing trees, eliminating some of the parking at the South side of the building and adding additional landscape materials in various locations. Mr. Voigt indicated that this will be evaluated and they will attempt to accommodate these requests if possible.

**Advanced Auto
Parts Site Plan
Review**

Motion by Thomas, supported by Rumsey, to recommend to the Village Council approval of the site plan for a proposed Advance Auto Parts Store planned for 308 S. Kalamazoo Street, with the following contingencies:

1. A revised landscape plan providing for additional landscape area and materials at the south side of the building is to be submitted to the Village within 90 days. Further, the Village is requesting the elimination of four parking spaces to enhance the landscape area south of the building;
2. The applicant is to comply with all Federal, State & Local laws and regulations, including those pertaining to wetlands, and obtain any necessary permits.

All members voting yes. The motion is approved.

Village Finance Officer Riley has provided Chairperson Larson with a copy of Ordinance No. 264 as it relates to the Planning Commission. After review and discussion of the ordinance, the following action was taken. Motion by Bogen, supported by Krenz, to select Kathleen Larson, Chairperson, Chuck Rumsey, Vice Chairperson, Mike Thomas, Secretary/Clerk and Eric Larcinese, Deputy Secretary/Clerk for fiscal year 2007. All members voting yes. The motion is approved.

**Selection of
Planning
Commission
Officers**

Village Manager Noeldner provided an update relating to the issue of when this project was going to be brought into compliance. Noeldner reported that Mr. Warner had been provided a letter which allowed him until July 1, 2006 to bring the parking lot and dumpster screening into compliance. If at that time the project is still in non-compliance, legal action will be initiated to complete this matter.

**Warner
Vineyards
Parking Lot**

Mr. Noeldner also told the Planning Commission that Jim Yarbrough has informed him that Mr. Yarbrough has utilized his bond to apply for a permit to work in the MDOT right-of-way for the purpose of relocating the access drive to the Warner Vineyard parking lot. He has not stated when the work will be completed.

Mr. Noeldner was asked the status of the removal of the Warner Vineyards sign currently located on property being occupied by Allegis Credit Union. He responded that the Allegis occupancy permit was contingent on removal of the sign.

**Warner
Vineyards Sign**

The Planning Commission talked about the need to review our fencing requirements and after discussion, it was decided that Lisa will bring some recommendations to the June Planning Commission meeting.

**Review of
Fencing
Ordinance**

Under old business, the question about licensing or oversight of assisted living facilities was brought up. After brief discussion, it was determined that Noeldner will attempt to contact Judge Willis and bring some information to the June meeting.

**Assisted Living
Oversight
Requirements**

Another topic included under old business is the status of the use of property owned by Patrick Brennan (the "old" St. Mark's Church building). Noeldner informed the Planning Commission that he has met with Mr. Brennan and discussed several options on how he can bring the facility into compliance. Mr. Brennan has indicated that he plans to seek a use variance and submit application to the Zoning Board of Appeals. As of this time, no action has been initiated by Mr. Brennan.

**Patrick Brennan
Non-conforming
Use**

Old business discussion also included concerns about screening around the dumpster located at the Yarbrough Apartments located at Dyckman Street. Ms. Riley has indicated to Mr. Noeldner that she had spoken to Mr. Yarbrough regarding this matter and he has indicated he will comply and get this taken care of very soon. Staff will continue to pursue this matter

**Yarbrough
Apartments
Dumpster
Screening**

to bring the screening into compliance.

General discussion took place relating to items of concern the Planning Commission has about the proposed Wal-Mart project. Several items were discussed including, wetlands, floodplains, County drains and vacated buildings. Discussion also took place about the possibility of an ordinance to require building demolition if a structure were to set vacant for over a specific period of time. Lisa stated that she would attempt to find some information about this topic which other communities may have already implemented.

**General
Discussion**

Commission Member Larson updated the Planning Commission about discussion she had held with Village President Plaszcak and Manager Noeldner regarding the proposed Wal-Mart project and what information Council may require for site plan approval. She also stated that she had gone back to review the site plan previously approved for K-Mart and Star Medical Offices to see what the Council had required of each of those projects for approval. Larson also discussed a May 9, 2006, letter from Attorney Page regarding site plan review and approval.

**Member
Comments**

Commission Member Bogen brought up for consideration, the fact that the Planning Commission may want to review the Ordinance as it relates to parking requirements, in light of the discussion which took place about the amount of spaces proposed for an Advance Auto Parts Store (In particular, the fact that they are constructing more spaces that minimally required by our ordinance).

Motion by Thomas, supported by Rumsey, to adjourn the meeting at 9:11 p.m. All members voting yes. The motion is approved.

Adjournment

Respectfully submitted:

Bradley J. Noeldner, Village Manager

Planning Commission Minutes
for
August 24, 2006 Meeting

The Planning Commission meeting held Thursday, August 24, 2006 convened at 7:00 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. Chairperson Kathleen Larson presiding.

Present: Larson, Bogen, Thomas, Larcinese, Roger, Greensley and Rumsey. Also present: Bradley Noeldner and Lisa Wininger, Planner.

Motion by Thomas, supported by Roger, to approve the minutes of the regular meeting of June 22, 2006 as presented to the commission. Larcinese indicated he had not abstained from the vote as indicated in the minutes presented for approval. Motion by Thomas, supported by Roger to approve the minutes as amended. Ayes: Larson, Larcinese, Bogen, Thomas, Roger, Greensley and Rumsey.

Chairperson Larson welcomed Mary Lou Greensley to the Planning Commission. She also explained about Commissioner Krenz accepting a position in North Carolina and had submitted his letter of resignation from the board. She also pointed out that Commissioner Greensley represents the residents on both the Zoning Board of Appeals and the Planning Commission.

OLD BUSINESS:

Warner Winery: Village Manager Noeldner updated the Planning Commission on the status of Ordinance enforcement as it relates to the paving of the parking lot and the screening of dumpsters at the Warner Winery property. A September 25, 2006, Show-Cause Hearing has been set in Van Buren County Circuit Court for Mr. Warner to provide evidence of why he has not complied with the ordinance.

Sample Fence Regulations: Discussion took place relating to the existing ordinance requirements regarding fence height, location, opacity and set-back from sidewalk requirements. Also, set-back requirements from any right-of-way.

After detailed and productive discussion, it was determined that Lisa and Brad will bring recommendations for revised wording to the Planning Commission. Wording to help clarify and define some of the existing terms in the ordinance.

Adult Independent Living Facilities: Involved discussion took place relating to the type of over-site, licensing requirements and compliance criteria relating to independent living facilities.

The existing facility at North Kalamazoo Street is located in a multi-family zoned district. Questions arose as to what the old barn type structure at this site is now being utilized as.

Noeldner is to contact the owner and follow up on this matter further.

Big Box Stores: Winger provided the Commission with information regarding “Abandoned Big Box Stores”. She discussed how different communities are dealing with this problem in different ways. This led to general discussion relating to a desire to control the size of commercial buildings.

Parking Requirements: Discussion took place in regard to information provided at the last meeting as it relates to “maximum” parking requirements. This concept is a departure from our existing ordinance requirements and the Commission members are interested in getting more information.

Thomas suggested having a developer provide input on minimum and maximum requirements for a specific project and then allow the Planning Commission to negotiate with the developer an amount that seems to be in the best interest of the community and the business combined.

Bogen suggested that the Commission have the ability to require a statement of need for the developers proposed parking requirements.

Winger discussed the ability to negotiate for the amount of spaces at a new development. She will bring some recommendations to the next meeting.

Zoning Enabling Act: Recent Legislation in Lansing, has changed provisions of the existing Zoning Act. A seminar to discuss some of the major components is scheduled for September 13, 2006 at the Lawrence Conference Center.

Other Items: Chairperson Larson recapped some items to be included on the next agenda. Recommendations on amendments to the fence ordinance. Information relating to maximum parking requirements. Discussion relating to car ports. Further discussion about the Independent Living requirements and enforcement. Patrick Brennan’s request for a “Conditional Special Use” at the “old” St. Mark’s Church property, and an update on the Yarbrough Apartments dumpster screening.

Meeting adjourned:

Motion by Bogan, supported by Rumsey, to adjourn meeting at 9:25 p.m.

All present voted in the affirmative.

Planning Commission Minutes

For

September 28, 2006 Meeting

The Planning Commission meeting held Thursday, September 28, 2006 convened at 7:00 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. Chairperson Kathleen Larson presiding.

Present: Larson, Bogen, Thomas, Larcinese, Greensley and Rumsey. Also present: Bradley Noeldner and Lisa Wininger, Planner. Roger excused.

Motion by Thomas, supported by Larcinese, to approve the minutes of the regular meeting of August 24, 2006 as presented to the commission. All members present voted in the affirmative.

Motion by Larcinese, supported by Rumsey to approve the minutes of the June 22, 2006 regular meeting as amended. All members present voted in the affirmative.

Public Hearing: Keystone Community Bank-East Michigan Ave.

Motion by Larcinese, supported by Greensley, to close the regular meeting and proceed into a public hearing to receive comment and consider a request for rezoning parcel # 80-47-280-001-00, from RM (Multi-family residential) to B-2 (General Business). Regular meeting closed at 7:04 p.m.

Lisa Wininger provided the Commission with a review of criteria to be considered when presented with a rezoning request. She pointed out that three main criteria should be evaluated. 1) Is the new use consistent with the future land use plan; 2) Will allowing such a rezoning be detrimental to the surrounding properties; and 3) Is the site well suited for rezoning?

In the opinion of Wininger, after reviewing the site and surrounding properties, allowing a rezoning from RM to B-2 would be consistent with surrounding property uses. With proper landscaping and screening, a rezoning would have limited detrimental impact on adjacent properties located across the street. Also, the property immediately to the north, on the same block, the property to the west, just across the street, and the property to the east on Michigan Avenue (same block) are all currently zoned B-2, General Business.

Discussion took place about whether B-2 was the best use for the site. Also, what if the bank were not to remain in the buildings, what would be the impact on surrounding properties if some other permitted B-2 use were to move onto the property which may not be as "friendly" as the bank to surrounding properties.

Wininger replied that staff was not suggesting that B-2 was the “best” use for the site- only that the ordinance provides for sufficient screening and access requirements to make this zoning district not a detriment to the surrounding properties.

Other than the discussion of the Planning Commission and the response to questions of the Commission by Shannon Streich from Continental Designs, there were no other public comments on this issue.

Public Hearing : JTKS, LLC – Special Use Permit – 429 S. Kalamazoo St.

Motion by Thomas, supported by Rumsey, to close the Keystone Community Bank Public Hearing at 7:09 p.m. and open a public hearing to receive comment and consider a request for a special use permit to allow outdoor display and sales of new and used motor vehicles, boats, trailers or similar equipment at 429 S. Kalamazoo Street, Paw Paw, MI (parcel # 80-47-161-005-00) (JTKS, LLC).

Larson asked if Mr. Tapper would please explain to the Commission why he was requesting a special use permit. He replied that the Zoning Ordinance requires a special use permit to allow for an open air business in the B-2 (General Business District). His intended use for this site is to have a vehicle sales facility.

Phyllis Hoger (522 S. LaGrave St.), inquired about how close to the river the project may be constructed. She also has concerns about how the lighting may impact her property located immediately to the east of the proposed site. Her last question was in relation to fencing. She wanted to know if the site will be fenced to the river or not?

Wanda Nolen (412 S. Niles St.) asked about the impact of lighting, stated concerns about privacy of the neighbors located on S. Niles Street and traffic and noise concerns.

Mr. Tapper stated that it is his intention to not build in an area any closer to the river which could impact wetland areas. All site plans will be in compliance with local and state requirements.

He went on to say that the lighting will be contained on-site. That the site has an existing fence surrounding it, which will remain and in regard to concerns about noise, his business hours are typically 9:00 a.m. – 6:00 p.m. weekdays, and Saturdays between 9:00 a.m. – 5:00 p.m. Normally, the business is closed on Sundays.

Mr. Tapper also commented that the back yards should have no different privacy concerns than when the lumber yard was in operations at the site.

Lisa indicated that a site plan would need to be approved prior to the issuance of a Special Use Permit. Upon review of the site plan, lighting needs would be addressed and would need to be in compliance with the zoning ordinance. She also stated that fencing requirements would need to be in compliance with ordinance requirements and that no

extension of the requested site could be done without coming back to the Planning Commission for further review and approval.

Kathy indicated that there are too many items required on the site plan check list, which are not included on the existing site plan. She further stated that she is willing to have a meeting next week in order to allow Mr. Tapper to get this information placed on the site plan and, still allow the project to move forward and keep it on schedule for consideration by the Village Council.

Kathy asked that staff provide Howard Overbeek with a list of items still needed on the site plan so that when it is brought back to the Planning Commission, they can take some type of action on the request.

Motion by Thomas, supported by Bogen, to postpone a decision on the request for a Special Use Permit until a Special Planning Commission meeting to be held Thursday, October 5, 2006, at 7:00 p.m. in the Paw Paw Village Hall, located at 111 E. Michigan Avenue.

There were no other comments on this issue.

Public Hearing: “Special Conditional Use Permit) – Patrick Brennan, 609 E. Michigan Avenue

Motion by Larcinese, supported by Thomas, to close the JTKS,LLC Public Hearing at 7:14 p.m. and open a public hearing to receive comment and discussion on a “Special Conditional Use Permit” request submitted by Patrick Brennan for the property located at 609 E. Michigan Avenue, Paw Paw, Parcel # 80-47-154-003-00. The purpose of the request is to allow B-2 (General Business) uses at a site currently zoned R-2 (one & two family residential).

Winger explained to the Planning Commission the reason that a “Special Conditional Use” request is being requested at this site, rather than a re-zoning. She referenced the section of the Ordinance which applies to such requests. This site is quite unique in shape and size. It also contains a historical structure which has significance to the community and state. In fact, even if the existing structures were completely removed and a new structure constructed, it could not meet the set-back requirements of the Ordinance. Also, the ordinance does not provide for a property owner to request a “Use” variance.

Therefore, rather than re-zone the property, then go to the Zoning Board of Appeals (ZBA) to request set-back variance to allow the property owner to use the property, it is in the best interest of the community to allow the zoning designation to remain R-2 (one & two family residential) and to approve a “Special Conditional Use” to allow the property owner the best and highest use of the site.

Winger further explained that a Special Conditional Use limits what can be done on the site. It limits the uses available to the property to only those consistent with the existing structures. The owner needs to provide a sketch of the property showing the existing

structures, dimensions, basic floor plan, etc., so that any changes which may take place in the future may be tracked. Expansion of the buildings is not permitted.

She also stated that because this is not a re-zoning, all signs at the sight must be in compliance with the R-2 zoning district requirements. All other requirements of the R-2 zoning district must be followed.

Thomas wanted to know if we can limit the types of B-2 uses allowed at the site and exclude some which may be detrimental to surrounding properties.

Wininger indicated that the uses can be restricted to “permitted uses” in B-1, RO zoning districts.

After much discussion and input from Mr. Brennan that his intended use of the property at this time is for a beauty shop and church/community meeting room, Lisa suggested the following uses be allowed at the site, under this “Special Conditional Use” permit.

1. All uses currently allowed in R-2 (one & two family residential)
2. B-1 (Local Business District) All permitted uses with the exclusion of (c) funeral parlors and mortuaries, (i) warehousing facilities, including mini storage facilities, (j) accessory buildings and uses, and all uses allowed by Special Use.
3. RO (Restricted Office District) all permitted uses of this zoning district with the exception of (a) two & three family dwellings and (e) funeral parlors and mortuaries.
4. There can be no change of approved uses without a request, and further approval, from the Planning Commission.

Renee Townsend (609 Oak Street, Paw Paw) stated that this was her first time attending a Planning Commission meeting. She asked what support the Planning Commission provides to control the amount of multiple residential properties in the Village. Specifically, she referred to structures which house more than one & two families in them.

She discussed a large house located to the east of her residence and two apartments on Oak Street near her residence. She also discussed the condition of a house located in back of her property with boarded up windows and which sits vacant.

Kathy suggested that there are ordinances which address blight and if there are violations of the ordinance as it relates to the apartments, the Village can look into them. However, some of the apartments which Ms. Townsend mentioned are legal non-conforming uses. Meaning they were in existence at the time the ordinance was adopted and as long as the use doesn't change, they can continue as apartments.

Village staff will look into the properties in question and do what they can to make sure they are in compliance with the ordinance.

There are no further comments on the issue of the Special Conditional Use request at this time.

Motion by Thomas, supported by Larcinese, to close the Brennan public hearing and move back into the regular public meeting of the Planning Commission. Returned to the regular meeting at 7:21 p.m.

NEW BUSINESS:

Motion by Thomas, supported by Larcinese, to recommend the Village Council approve the request from **Keystone Community Bank**- to consider rezoning parcel # 80-47-280-001-00 from RM (Multi-family residential) to B-2 (General Business).

All voted in the affirmative. Rogers absent.

Motion by Larcinese, supported by Rumsey, to approve a special use variance request from **Patrick Brennan** for property located at 609 E. Michigan Avenue, parcel # 80-47-154-003-00 for the following uses:

1. All uses currently allowed in R-2 (one & two family residential)
2. B-1 (Local Business District) All permitted uses with the exclusion of (c) funeral parlors and mortuaries, (i) warehousing facilities, including mini storage facilities, (j) accessory buildings and uses, and all uses allowed by Special Use.
3. RO (Restricted Office District) all permitted uses of this zoning district with the exception of (a) two & three family dwellings and (e) funeral parlors and mortuaries.
4. There can be no change of approved uses without a request, and further approval, from the Planning Commission.
5. This permit is in effect only in conjunction with the existing structure. No expansion of the building is permitted and if the building is to be removed, the permit will become invalid.
6. A site sketch and interior plans must be submitted to the Village so that a record can be kept of the status of the site at the time of permit approval. Any deviation from this plan will require Village approval.
7. Any signs must be consistent with the sign standards for the R-2 districts unless a variance is approved by the Zoning Board of Appeals.
8. All other regulations of the Village and State must be observed.

Ayes: Larson, Rumsey, Thomas, Greensley and Larcinese

Nay: Bogan

Absent: Roger

OTHER BUSINESS:

Mr. Tapper asked if the Planning Commission could provide him with a time line of when the information relating to his project would be required to be submitted to the Village so that it could be reviewed. It was decided that the Village needed it by Tuesday afternoon so that it could be delivered to the Planning Commission members for their review.

Fence Ordinance: Wininger provide sample language for revisions to the fence ordinance. She asked that the Commission members take it home for review and bring comments to the next regular meeting.

Parking Standards: Wininger provided sample language for revising parking standards. Again, she asked the Commission members to take it home and review for comments to be brought back at the next regular meeting.

Car Ports: Larcinese informed the Commission that the Council would like to have us review the ordinance as it relates to car ports. Staff will review recommendations from Councilmember Basinger and provide some direction at the next regular meeting.

Sign Ordinance: Larcinese informed the Commission that revisions will likely be necessary to the portion of the sign ordinance that relates to political signs. The Village has temporarily limit enforcement of campaign signs due to a request and threat of law suit brought to us by the ACLU. Attorney Page is reviewing options the Village may have based upon federal court cases which have prevailed relating to political campaign signs. When we have this information, staff will present it to the Planning Commission for consideration.

OLD BUSINESS:

Warner Winery: Village Manager Noeldner updated the Planning Commission on the status of Ordinance enforcement as it relates to the paving of the parking lot and the screening of dumpsters at the Warner Winery property. A court order has provided 45 days for Mr. Warner to bring his property into compliance with the site plan approval.

Yarbrough Apartments Dumpster Screening: Noeldner informed the Commission that he had discussed this with Mr. Yarbrough this past week and that Yarbrough intended to have this completed yet this fall.

Meeting adjourned:

Motion by Rumsey, supported by Bogan, to adjourn meeting at 9:38 p.m.

All present voted in the affirmative.

Minutes, Paw Paw Planning Commission

The Planning Commission meeting held Thursday, October 26, 2006 at 111 E. Michigan Avenue, Paw Paw, Michigan, convened at 7:00 p.m., Chairperson Kathleen Larson presiding.

**Meeting
Convened**

Members Present: Larson, Rumsey, Bogen, Thomas, Roger and Greensley. Larcinese is excused. Also present: Bradley Noeldner, Village Manager, Lisa Wininger, and Village Planner.

**Members
Present**

Motion by Rumsey, supported by Bogen, to approve the minutes of the regular meeting of September 28, 2006 as present. All members voting yes, motion is approved.

**Approval of
minutes**

Motion by Rumsey, supported by Bogen, to approve the minutes of the special meeting of October 5, 2006 as present. All members voting yes, motion is approved.

Keystone Bank representatives Jeff Gardner, Shannon Streich, Rodney Dragicevich and Tom Schlueter were present.

**Keystone Bank
Site Plan
Review**

Streich from Continental Design presented the site plan for a 3095 sq. ft building with ingress and egress from both Michigan Avenue and Woodman.

Gardner asked if it was necessary to have a sidewalk along Woodman and because of the residential area there the Commission agreed it was necessary.

Wininger was concerned about the proper screening from the residential properties.

Larson was wondering if there were any future development plans and they stated not at this time.

Motion by Thomas, supported by Bogen to recommend approval to the Village Council the site plan for the proposed Keystone Community Bank with the following contingencies:

**Site Plan
Approved**

1. Detention be on site
2. Additional landscaping for the south side of ATM and place shrubs at the front along Michigan Avenue.
3. Sidewalks on both Michigan Avenue and Woodman Street.

All members voting yes, motion carried.

Village Manager Noeldner provided an update on some of the old business which included Warner Winery parking lot, which has been about 1/3 of the way completed. For the next meeting the Village Council would like to have the planning commission review the carport wording changes provided by Council member Basinger.

Old Business

Discussion was held to address “pods” storage sheds. Winger will provide some proposed wording on that at the next meeting. A dumpster at a house on Pine Street was discussed and Noeldner will look at the property to see what is going on.

The fence ordinance wording will be set for public hearing in the near future.

Motion by Rumsey, supported by Greensly to set a public hearing for the ordinance change on fences as proposed in the memo from Winger on September 15, 2006, ***in the future**. All members voting yes, motion carried. ***As corrected 1-25-07**.

Attorney Page will review the proposed wording for parking standards from the memo from Winger dated September 10, 2006.

Noeldner will have BOCA inspector, Dwyer look for interpretation for Independent Living.

Noeldner asked for a special meeting date to be set for November 9, 2006 at 7:00 p.m. to review the Burger King Site plan.

Motion by Thomas, supported by Rumsey, to adjourn the meeting at 9:05 p.m. All members voting yes, motion is approved.

Adjournment

Respectfully submitted:

Bradley J. Noeldner, Village Manager

Planning Commission Minutes

For
Special Planning Commission Meeting
October 5, 2006

The Planning Commission meeting held Thursday, October 5, 2006 convened at 7:03 p.m. at 111 E. Michigan Avenue, Paw Paw, Michigan. Chairperson Kathleen Larson presiding.

Present: Larson, Bogen, Thomas, Larcinese, Greensley and Rumsey. Also present: Bradley Noeldner and Lisa Wininger, Planner. Roger excused.

Also present: John Tapper

Special Use Permit and Site Plan Approval: JTKS,LLC-429 S. Kalamazoo St., Paw Paw

Larson indicated that this is a special meeting of the Planning Commission and the sole purpose of this meeting is to receive comment and discuss a Special Use Permit request and review a site plan submitted by Mr. Tapper.

A request has been submitted for a special use permit to allow an outdoor display area for the sale of new and used motor vehicles, boats, trailers or similar equipment at 429 S. Kalamazoo Street, Paw Paw, MI (parcel # 80-47-161-005-00) (JTKS,LLC)

Wininger stated that the revised plan does address many of the questions and concerns the Planning Commission had at its September 28, 2006 meeting. She stated this request does encompass the entire site and shows the existing structures which will remain on the site. Therefore, if a revised site plan for a new dealership building is submitted in the future, there is no need to go through the process of securing a Special Use Permit again.

However, there are still some minor items she would like to have added to the drawings. The following items are not shown on the drawings and before the plans go to the Village Council, Wininger recommends that they be added.

1. There are no water/sewer or natural gas lines shown on the drawing.
2. There is nothing to indicate that the lighting will be contained on site.
3. There is no marking for hand-i-cap parking on the drawing
4. The fence shown at the south side of the paved area is not required.

Mr. Tapper indicated that the sales office will be heated with propane gas. Therefore, no gas lines will be necessary. The existing restroom in the lumber yard building will be used for the restroom facility.

Discussion took place regarding any requirements the Village may have to make the mobile office more attractive. There was discussion regarding the height of the proposed light poles and the type of lighting.

There is discussion and concern about the “temporary” nature of the sales office. Wininger stated that as long as the structure remains in compliance with other Village ordinances, there is really nothing the Planning Commission can do.

She pointed out that we do have a provision in the ordinance where the Planning Commission can require a surety bond to make sure a project gets completed. However, we have never required this of anyone else in the past.

Rumsey felt that the buildings which were torn down were a much larger concern than the mobile sales office due to their condition.

Larcinese pointed out that he discussed with Attorney Page the fact the Larcinese has done environmental work for this site and he was concerned about the possibility of the perception of him having a conflict of interest and whether he should vote on this question. Attorney Page indicated that he didn’t feel that Larcinese had a vested interest in this project.

Bogan asked if there is some way to add landscaping in front of the building.

NEW BUSINESS:

Motion by Thomas, supported by Bogan, to approve the **special use permit** to allow an outdoor display area for the sale of new and used motor vehicles, boats, trailers or similar equipment at 429 S. Kalamazoo Street, Paw Paw, MI (parcel # 80-47-161-005-00) (JTKS,LLC) with all provisions required for special use permits under the ordinance.

All members present voted in the affirmative. Roger absent.

Motion by Rumsey, supported by Bogan, to recommend to the Village Council that the site plan be approved for the proposed used car dealership located at 429 S. Kalamazoo Street, Paw Paw, as presented, if the conditions suggested by Wininger are included on a revised drawing.

All members present voted in the affirmative. Roger absent.

Meeting adjourned:

Motion by Thomas, supported by Bogan, to adjourn meeting at 7:45 p.m.

All present voted in the affirmative.

Minutes, Paw Paw Planning Commission

The Planning Commission special meeting held Thursday, November 9, 2006 at 111 E. Michigan Avenue, Paw Paw, Michigan, convened at 7:00 p.m., Chairperson Kathleen Larson presiding.

**Meeting
Convened**

Members Present: Larson, Rumsey, *~~Bogen~~, Thomas, Larcinese and Greensley. Bogen and Roger are excused. Also present: Bradley Noeldner, Village Manager, Lisa Winger, and Village Planner. *As corrected 01-25-07.

**Members
Present**

Burger King representatives Mike Schwartz, Mark Peterson and Phil Renvant were present.

**Burger King
Driveway Site
Plan Review**

Schwartz introduced the site plan and explained the intent and purpose which was to stay out of the MDOT right of way and to allow an access for vehicles to drive around the front of building.

Renvant stated they want to provide a safer egress for customers onto Kalamazoo Street.

Winger commented that the traffic lane should 13' wide as stated in the ordinance and the northerly drive should be configured to discourage turns out towards Kalamazoo Street and she questioned whether the left turn lane could be eliminated at the South entrance.

Noeldner was concerned about the existing landscaping on the front of the building and he also was concerned about the handicap parking spaces were narrowed to eight feet. Noeldner thought the north drive be narrowed slightly and also recommended the curb being perpendicular to M-40.

Motion by Larcinese, supported by Rumsey, to recommend approval to the Village Council the site plan for the proposed Burger King driveway with the following contingencies:

**Site Plan
Approved**

1. Angled parking be placed on the North side of the Building.
2. South drive becomes a right turn only.
3. North drive ingress only with directional signs and arrows.
4. A landscape plan must be submitted within 90 days.
5. A directional sign to Fadel Street to direct northbound traffic.

Larson opposing. All other members voting yes, motion carried.

Noeldner is to review the Advanced Auto Parts Store fence and get landscape to Thomas.

Motion by Thomas, supported by Rumsey, to adjourn the meeting at 8:20 p.m. All members voting yes, motion is approved.

Adjournment

Respectfully submitted:

Bradley J. Noeldner, Village Manager