Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:00 P.M. on November 21, 2019 at the Township Hall.

PRESENT: Kip Kerby, Fran Sanders, James Tapper, Phillip Arbanas, Tom Palenick, Ivan Olsen, and Bill Johnson.

ABSENT: None.

ALSO PRESENT: Dale Orr, Mike Ely, Rebecca Harvey (Planning Consultant), Bert Gale (Zoning Administrator, and Kelly Largent (Zoning Administrator).

APPROVAL OF THE AGENDA:

The Chairman noted that old business would be moved to precede the new business to accommodate Ms. Harvey who had another meeting at 7 pm.

Motion by Palenick, supported by Olsen to approve the agenda as amended. The motion was unanimously approved.

APPROVAL OF MINUTES:

October 24, 2019: Motion by Tapper, supported by Olsen to approve the October 24, 2019 minutes as submitted. The motion was unanimously approved.

PUBLIC COMMENT:

Mr. Mike Ely had questions about their request for an extension of their special use permit. He asked who would be granting that approval. Ms. Largent stated she had a conversation with the Supervisor and he stated it would be on the Township Board agenda for the next meeting.

Mr. Ely stated that according to the new Zoning Ordinance the Planning Commission now had the authority to approve the Special Land Use Permits. Ms. Largent explained that given the recent litigation the Supervisor believed it was consistent with the litigation that the Township Board approve the request for an extension. Ms. Largent also directed Mr. Ely to the last paragraph in Section 7.02A, which gives the Planning Commission the ability to make a recommendation to the Township Board for the Township Board to take action.
Sanders reported that January 6th is the date for asbestos abatement in the building next door and demolition. She also reported that the fire station was on hold for an interpretation of the 15 page report the Township received for the site.

OLD BUSINESS:

Accessory dwelling units/Family accessory dwelling Text Amendment.

Ms. Harvey stated that the Village Planning Commission had recommended approval of the Village Zoning Ordinance for Accessory dwelling units to be allowed in the R-2 zoning district as a special land use. The amendment allows more housing with a finite size in the R-2 zoning district and would also allow the dwelling unit in an accessory building or attached to the principle residence.

The Chairman asked Ms. Harvey if the Planning Commission could draft language from this. Ms. Harvey stated yes, it is a good starting point.

The Chairman asked if any language had been crafted by Ms. Harvey. She stated not yet. Ms. Harvey stated that the Planning Commission should review the definitions to ensure they are comfortable with the definition of an accessory dwelling unit. An accessory dwelling unit is not defined the same as a “granny flat” or guest house. She stated an accessory dwelling unit could be rented out as long as the owner resided in the principle dwelling. She also noted that the owner could choose to reside in the accessory dwelling unit and rent out the principle residence.

Ms. Harvey stated that the Village’s reasoning was 1) to allow additional housing in and near downtown and 2) the additional funds available to the property owner could be used to keep and maintain the property.

The Planning Commission discussed what the next step was. It was determined to keep this topic on the agenda. Ms. Largent was directed to put it on the agenda for the January meeting. Ms. Harvey was asked to submit further sample language for the Planning Commission to review. The Chairman asked Sanders to make a request to the Township Board for a contract with Ms. Harvey for the accessory dwelling unit information and text amendment language.

Olsen suggested that there should be a limit to the size of the accessory dwelling unit based on the lot size.

NEW BUSINESS:

Calendar.

The Planning Commission discussed the proposed meeting calendar for 2020. The Planning Commission noted that the November 19th date was the third Thursday of the month. Sanders stated that there is a standing meeting scheduled for this Thursday. The Planning Commission discussed changing the date from November 19 to November 24.
Motion by Olsen, supported by Palenick to approve the 2020 meeting schedule with the November meeting changed from the 19th to the 24th. The motion was unanimously approved.

Motor Vehicle Sales and Service Site Plan Review.

The Chairman commented on Country Lakes and that it had moved form a home to this new location at 43317 W. Red Arrow Hwy.

Mr. Orr presented his application to the Planning Commission and state that at the present moment they are renting the property and plan on buying in 1 year. They also plan to build a new building for indoor storage.

Sanders noted that the boats that were out front were no longer there.

Palenick asked if there were no boat sales. Arbanas asked about repair and storage and jet skis. Mr. Orr stated that there were no new boat sales and the sale of used boats was done by word of mouth. No boat sales are planned at this time as a consistent business.

Having no further discussion of the site plan application, Ms. Largent stated the Planning Commission could now begin their review as provided in Article 11 of the Zoning Ordinance.

The Planning Commission review utilized the staff report provided by Ms. Largent and they proceeded to discuss each item identified as a condition not met. Following is the findings the Planning Commission made for each item.

Section 11.02E(2)

h. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.

j. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.

k. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.

Section 11.02E(3)

a. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.

b. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.

m. The building is an existing building with no proposed alterations other than signage. No new lighting at this time. This condition was determined to be adequately met by the existing building.

s. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.
y. The Planning Commission determined the fence was not adequate screening and added the stipulation that the addition of slats in the chain link would provide adequate screening from the road.

Section 11.02E(4)
  a. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.
  b. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.

Section 11.02E(5)
  a. The location of the septic system was not indicated on the submitted plan. Mr. Orr was asked if he knew where the septic system was. Mr. Orr stated that it was by the sign out front. This condition was determined to be adequately met.
  b. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.

Section 9.12
  a. Mr. Orr stated that he has one employee and there is not a high volume of traffic. Usually customers enter and drop off boat and trailer for repairs and storage. The Planning Commission determined that 4 spaces is not enough parking but 28 spaces is too many. The Planning Commission determined 8 spaces is the minimum number of required parking due to the nature of the business.
  b. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.
  d. 3) The building is an existing building with no proposed alteration other than signage. This condition was determined to be adequately met by the existing building.
  e. The Planning Commission determined that 4 spaces were inadequate and that 28 spaces for the minimum required parking space was too many based on the nature of the business. The Planning Commission determined that the minimum number of parking spaces should be 8 due to the nature of the business.

Section 9.13C
  1. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.
3. The building is an existing building with no proposed alterations other than signage. This condition was determined to be adequately met by the existing building.

7. b) The building is an existing building with no proposed alteration other than signage. This condition was determined to be adequately met by the existing building.

d) Mr. Orr stated that there are 3 existing fixtures and he has no proposed changes to the existing fixtures. This condition was determined to be adequately met by the existing fixtures.

8. This condition was determined to be adequately met based on the previous lighting discussion with Mr. Orr.

Section 9.16
The Planning Commission discussed the current location of the dumpster with Mr. Orr. There currently is no screening for the dumpster. The Planning Commission asked Mr. Orr if he could relocate the dumpster to the Southeast corner of the front building since the building attached to the rear is offset allowing for the dumpster to be concealed from the street. Mr. Orr agreed to relocate the dumpster. With this agreement from Mr. Orr, the Planning Commission determined this condition to be adequately met.

Section 9.17
The Planning Commission waived the buffer strip requirement for the street side of the outdoor storage area in lieu of the 6-foot tall chain link fence with slats to provide the screening.

Section 11.02F Standards for Site Plan Approval

1. Based upon the written application and submitted site plan and Mr. Orr’s verbal communication, the Planning Commission finds there to be adequate information provided.

2. The Planning Commission finds the existing building and site met this criteria.

3. The Planning Commission finds that with the addition of slats for the chain link fence this criteria has been met.

4. The submitted application has been found to be in compliance with the district requirements with the stipulated conditions identified in the above review.

5. The proposed site plan has no changes to the existing landscape or surrounding environment. The Planning Commission determined this criteria has been met.

6. No proposed change. The Planning Commission determined this criteria has been met.

7. No proposed change. The Planning Commission determined this criteria has been met.

8. No proposed change. The Planning Commission determined this criteria has been met.

9. The Planning Commission determined this to be not applicable.
10. No proposed change. The Planning Commission determined this criteria has been met.
11. The Planning Commission determined this to be not applicable.
12. The Planning Commission determined this criteria has been met.
13. The Planning Commission determined this criteria has been met.
14. The Planning Commission determined this criteria has been met with the stipulations stated in the review above.
15. The Planning Commission determined this to be not applicable.
16. The Planning Commission determined this to be not applicable.
17. The Planning Commission determined this to be not applicable.
18. The Planning Commission determined this to be not applicable.

The Chairman opened the Public Hearing at 7:27 pm.

The Chairman asked if there were any public comments for the Special Land Use for a Motor Vehicle Sales and Service business. Mr. Ely stated that it is good to see something in there. They had looked at this site and decided that it didn’t fit their needs. It is nice to have.

The Chairman noted the discussion held by the Planning Commission and Mr. Orr. The Planning Commission reviewed the standards for the Special Land Use found in Article 8 Section 8.18 and noted that the staff review indicated compliance with the standard or the standard was not applicable. The Planning Commission agreed with the staff review.

Having no other public comment, the Chairman closed the Public Hearing at 7:33 pm.

The Planning Commission reviewed the standards for special land use found in section 7.03A. The findings are as follows:

1. The Planning Commission determined this standard has been met and is compatible with the adjacent uses.
2. The Planning Commission determined this standard to be met and this use is compatible with the Master Plan.
3. The Planning Commission determined this standard to be met.
4. The Planning Commission determined that there is minimal impact to the generation of traffic.
5. The Planning Commission determined there are no detrimental effects.
6. The Planning Commission determined this special land use to be beneficial to the economic well-being of those who will use the land, residents, businesses, landowners, and the community as a whole.
7. The Planning Commission determined this to be compatible with the natural environment since there are no proposed alterations to the existing building or site.

Motion by Tapper, supported by Arbanas to approve the Special Land Use and Site Plan with the following conditions:

1. The dumpster be relocated as defined in the site plan review, Section 9.16.
2. The chain link fence have slats added to provide screening from the road per Sections 11.02E(3)(y) and 9.17.
3. Mr. Orr provide an updated parking space plan indicating the location of the 8 minimum parking space per Sections 9.12A and 9.12E.

The motion was unanimously approved.

OTHER BUSINESS:

Next meeting is Jan 23.

Johnson stated that tonight was his last meeting. The Planning Commission thanked Johnson for his many years of service.

ADDITIONAL COMMENT: None.

ADJOURNMENT:

Motion by Palenick supported by Olsen to adjourn the meeting at 7:37 PM. The motion was unanimously approved.

Respectfully submitted,
Kelly Largent
Zoning Administrator