

**PAW PAW TOWNSHIP
PLANNING COMMISSION MINUTES**

Regular Meeting – February 20, 2024

1. CALL TO ORDER AND ROLL CALL

Chairman Kerby called the Paw Paw Township Planning Commission meeting to order at 6:00 pm.

PRESENT: Chairman Kip Kerby, Phil Hover, E. Frances Sanders, Chuck Felcyn, Chad Learned, Mark Root

ABSENT: Phillip Arbanas

ALSO PRESENT: David Jirousek and Kyle Salay of Horizon Community Planning

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. APPROVAL OF THE AGENDA

A motion was offered by Root to approve the agenda as presented. The motion was supported by Sanders.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kerby, Root, Hover, Learned, Sanders, Felcyn
- Nay: none
- Abstain: none

4. APPROVAL OF MINUTES

A motion was offered by Chad to approve the minutes from the regular meeting held on December 19, 2023, as presented. The motion was supported by Mr. Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kerby, Root, Hover, Learned, Sanders, Felcyn
- Nay: none
- Abstain: none

5. PUBLIC COMMENT ON NON-AGENDA ITEMS

- None

6. BUSINESS

a. Annual Report.

Township Planner Jirousek explained that the Planning Commission is required to provide a written annual report to the Township Board. Horizon has provided a detailed report summarizing 2023 actions, and a voting report, and goals for 2024.

Learned felt that a significant community engagement effort should be carried out in 2024 as part of a Master Plan update.

The Planning Commission agreed that the report should be forwarded to the Township Board.

Learned reported that the draft of the comments regarding the short-term rental ordinance was provided by the Supervisor, and Sanders reported the Board may request that the Planning Commission review the draft. Jirousek stated that the ordinance does not require formal review by the Planning Commission, and it only has to be approved by the Board.

b. 2024 Planning Commission Schedule.

After a discussion of availability and training dates, the Planning Commission agreed on the proposed schedule for regular meetings in 2024.

A motion was offered by Learned to approve the schedule resolution as presented with the addition of March 27 and April 24. The motion was supported by Root.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kerby, Root, Hover, Learned, Sanders, Felcyn
- Nay: none
- Abstain: none

c. Public Hearing and Consideration of Zoning Ordinance Amendments: Zoning Ordinance amendments to revise the setback requirements applicable to the WFR Waterfront Area and LDR Low Density Residential zoning districts, allow alternative parking lot surfaces on a case-by-case basis, and include requirements for the storage and parking of recreational vehicles intended for camping and travel purposes.

Jirousek stated that a multi-part zoning text amendment ordinance was proposed, which affects dimensional requirements, parking lot surface materials, and the parking of recreational vehicles.

Jirousek stated that the requirement for setbacks in the Waterfront Area zoning district to be the same or greater than the neighboring property is proposed to be struck. However, waterfront setbacks must still be the same or greater, as a different part of the ordinance addresses waterfront setbacks, and this section will not be affected.

Regarding the Low Density Residential District, Jirousek stated that a sliding scale of side setbacks was proposed to accommodate the significant number of smaller and narrower lots in this district.

Jirousek states that the ordinance also allows for parking lot surfaces to be approved with gravel or millings, but the waiver would only apply to the specific land use approved by the Planning Commission.

Lastly, Jirousek explained the proposed regulations concerning recreational vehicles for camping and recreation purposes. An RV could only be used as temporary accommodation for up to 30 days per year. One RV is permitted per one full acre of land, but there would be a total cap of five per lot. Also, RVs must be licensed, operable, and regularly used, and they cannot be connected to permanent power, water, or septic.

Chairman Kerby called for public comments.

Edward Liebenthal, 44516 Woodman Drive, asked if the Township Master Plan is online. Learned stated that it is available online, and any revisions will be as well. Mr. Liebenthal asked how and where the setbacks are measured. Jirousek explained how setbacks must match neighboring property, which can be stricter than the zoning requirements. Mr. Liebenthal asked if RVs could be parked across the street from the lake property on commonly owned lots. Jirousek responded that as long as there was a principal building on the parcel or if the parcel was over one acre in size. Mr. Liebenthal asked about RV power sources, and Jirousek said that temporary power cords would be permissible.

Hover stated that he did not think it would be appropriate for RVs to be connected to permanent septic and sewer.

Chris Plachta, 44392 Woodman Drive, asked if he meets setback requirements moving forward, would he comply? Under the current requirements, he offered that he had to build a deck on an angle to maintain setbacks. He also wondered how the RV regulations would be monitored and if all these changes were based on common zoning practice. Jirousek explained that all recommendations were based on previous concerns from the Zoning Administrator, Planner, Planning Commission, and Township Board. Learned mentioned that Township code enforcement is a complaint-based system; generally speaking, the issues will arise from a citizen or board member, and they will be addressed.

Learned read a letter from Sabrina Kahle who could not attend the meeting. The letter was specifically addressing the proposed changes to RV storage. The letter generally stated that she felt the new requirements would disproportionately affect people struggling financially and could lead to a slippery slope.

Chairman Kerby closed the public meeting at 6:40 pm.

Learned stated that hooking up to permanent septic for 30 days seems reasonable and asked for the Planning Commission to provide feedback. The Planning Commission agreed.

Mike Kralovech, Lake Cora, was concerned that lots would be being turned into RV parks and wondered if each vehicle could be lived in for 30 days.

Jirousek suggested re-wording the ordinance in Section 9.24 B, to state:

Recreational vehicles are not considered single-family dwellings and are prohibited from being used for long-term living purposes or as long-term or short-term rental accommodations. Notwithstanding this requirement, one (1) recreational vehicle per lot or parcel may be used for temporary accommodations at any one (1) time. However, temporary accommodations shall not exceed 30 days per calendar year.

Jirousek also recommended striking “or temporarily” in Section 9.24 G, which would allow RVs to temporarily connect to septic systems.

A motion was offered by Learned to recommend approval of the zoning text amendments with the changes suggested by Jirousek. The motion was supported by Hover.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kerby, Root, Hover, Learned, Sanders, Felcyn
- Nay: none
- Abstain: none

d. Public Hearing and Consideration of Zoning Map Amendments: Zoning Map amendments to rezone all lands in the Gateway Planned Unit Development (G-PUD) to the Village Edge (VE) zoning district.

Sanders recused herself from the discussion as she owns two lots in the area in question.

Jirousek explained that the proposed zoning amendment addresses the Gateway PUD. Jirousek pointed to the Township Zoning Map and explained the existing district was designed to be very scripted and strictly managed from a design perspective. Reviews would be costlier as they would require Planning Commission approval for individual homes. Also, the design requirements were more oriented toward commercial development when this area is primarily residential. Jirousek mentioned that this area is more appropriate for Village Edge zoning.

Chairman Kerby called for public comments.

Patricia Pearch, 51333 Summit Street, asked about homes on the west side of M-40 and snowplow service. Learned and Jirousek explained the project area and that this would not impact services.

It was also mentioned that someone just bought a home and they are building something across the road; if they are building a building there, what does that do to someone building a new building?

Jirousek stated that if they are building now, anything there was done under the current zoning and will not be affected.

It was asked when this ordinance would be effective. Jirousek said typically, seven days after the Board’s approval is published in the newspaper, but the Planning Commission felt a longer timeline is preferable.

Jim Pearch asked how it would impact existing homes, and Jirousek stated it would have very little impact. In the case that a structure became nonconforming, it would be grandfathered.

Jeff Long, 52401 Ackley Terrace, asked if the requirements would impact existing buildings, and Jirousek explained that it would only impact new construction.

Tim Hazard, 52169 M-40, asked why the Gateway PUD was established in the first place, and it was explained that the area was intended to be an attractive Gateway into the Village.

Brian Bennett, 51497 Summit Street, asked about the changes. Jirousek stated that the changes add a minimum size to any new buildings and have similar setbacks, but this district will have less of the prescriptive design requirements and building placement requirements than the GPUD and allow homeowners to place homes where they want as long as they meet requirements. Jirousek said that all other residential areas to the north of the Village are zoned Village Edge.

Tom Herriges, 51829 Easy Street, asked if the changes would impact taxes. Jirousek stated that the changes would have no effect on taxes, and what you build and what you place on the property will affect your taxes.

Chairman Kerby closed the public meeting at 7:05 pm.

Felcyn felt skeptical at first but then felt the change made sense.

Learned felt that a one-year effective date is ideal in case owners were planning projects under the current zoning designation. Jirousek stated that the Township could send out additional notices to landowners regarding the rezoning and effective date.

A motion was offered by Root to recommend approval of the zoning map amendment to rezone the GPUD area to Village Edge. The motion was supported by Learned.

- Chairman Kerby called for the vote, and the motion passed unanimously (5-0).
- Aye: Chairman Kerby, Root, Hover, Learned, Felcyn
- Nay: none
- Abstain: Sanders

7. DISCUSSION. ZONING ORDINANCE AMENDMENT- MULTI-TENANT BUILDING WALL SIGNS

Chairman Kerby expressed support for additional signs on multi-tenant buildings.

Learned suggested a model to allow signage based on linear footage of tenant space.

Hover mentioned that existing signs that might become nonconforming would be grandfathered and unaffected by changes.

Jirousek stated that he would prepare zoning language for review.

8. ADDITIONAL PUBLIC COMMENT

None.

9. ADDITIONAL DISCUSSION

The Planning Commission discussed a Master Plan update effort for 2024. Learned asked how long the process might take, and Jirousek said anywhere from six to 12 months, depending on the scope of the project.

Learned suggested a number of ideas for outreach and public involvement, and Sanders suggested survey information to be placed within the tax bills.

Hover believes the Township still needs to update the solar ordinance for facilities under 50 megawatts.

Sanders stated that there is a petition in opposition to the new legislation that eliminates local control.

Learned felt that the Township should adopt a comparable ordinance as mentioned in the new legislation to have the ability to review larger projects.

Hover feels that there should be more public involvement in the short-term rental ordinance preparation, especially in lakefront communities.

Felcyn agreed that increased public involvement is essential.

10. ADJOURNMENT

Chairman Kerby made a motion to adjourn the meeting at 7:40 pm. The motion was supported by Learned.

- Chairman Kerby called for the vote, and the motion passed unanimously (6-0).
- Aye: Chairman Kerby, Root, Hover, Learned, Sanders, Felcyn
- Nay: none
- Abstain: none

Prepared by: Kyle Salay and David Jirousek, February 23, 2024

Approved: March 27, 2024