

## **CALL TO ORDER**

The special quarterly meeting held Monday, February 26, 2024 of the Benton Charter Township Planning Commission was called to order by Trina Rodez at 6:04 pm and a moment of silent invocation was observed.

Members Present: Chairperson Trina Rodez, Matt Davis, Marletta Seats, and Joe Taylor  
Members Absent: Carolyn Phillips  
Staff Present: Andy Dean, Loyall Bennett, Deeann Scalf  
Also present: First Church of God (Bill Shepherd & the Church Pastor, Jaime Cervantes), Fiskars Construction (Don Fiskars),

## **SILENT INVOCATION:**

After a moment of silent invocation, Deeann Scalf called the roll (as indicated above).

**APPROVAL OF MINUTES** from January 22, 2024 (no corrections or changes needed). Mrs. Seats moved to approve. Mr. Taylor second. Roll call vote all in favor of approving minutes.

**AGENDA AMENDMENTS:** None

## **NEW BUSINESS:**

1. **Bill Shepherd, on behalf of First Church of God at 990 North Euclid (Property ID No. 11-03-0730-0024-01-1) is seeking a special use permit to expand the existing parking lot over the property at 2078 Taube with an amended site plan as submitted (after removal of the house) (Property ID No. 11-03-1020-0233-01-2) on property zoned A-2 Single Family residential. (Public Hearing).**

A cold evening. Mr. Dean introduced the First Church of God Site plan location as being a site that will require the existing house to be demolished before the parking lot can be expanded. Mr. Dean advised that the property is currently zoned A2 single-family and is located adjacent to the property listed above. First Church has been directed to get a special use permit for the construction of the parking lot expansion. The dwelling is in a significant decline, and this structure is not suitable to relocate. The dwelling is scheduled to be demolished before the construction begins. The completeness of the submittal we find that the Applicants submittal is sufficiently complete for review pursuant of the requirements. The plans have been reviewed and we have not yet received the drain plans for the project. There are a couple criteria we have on there; the approved drain plans must be received from the Berrien County Drain Commission and the driveway entrance plans must be reviewed and approved from the Berrien County Road Department. The Special Use needs to be implemented within (1) year. We have Mr. Bill Shepherd here and Mr. Don Fiskars to Present. Mr. Fiskars of Fiskars Construction (developer for First Church of God) and introduced Mr. Shepherd.

Bill Shepherd: expressed appreciation for help through this process as the First Church of God continues to grow. There are challenges from a congregation perspective. He expressed the parking lot is so full during all church services, parking on grass and everywhere which they do not want to continue doing. They have purchased this home on Taube adjacent to the First Church of God property with the idea that the house could either be moved or be repurposed or would be raised so they could make room for additional parking for their members. They did look into moving the house as mentioned, but there are so many issues with the home, that it just isn't feasible to actually move it and repurpose it. First Church of God made the decision to raise the home and expand the property and parking with the Planning Commission's approval, and has introduced Reverend Jaime Cervantes with First Church of God to tell us a little bit about the Benton Heights area and what they have been seeing out there, and their involvement within the Community.

Mr. Cervantes the Pastor at the First Church of God in Benton Heights and has the pleasure of being the Pastor within the Community. He has been with the church for over 4 ½ years, and when he arrived, he had a congregation of about 50 people and on Sunday there was about 250 people. Other than Sunday morning, they have expanded throughout the week, on any given day you stop by the Campus there is something is going on. Whether Boys & Girls Club, Table Groups, Community Dinners where they have Community Members come and they will cook

meals. They also have a lot of outside Entities coming in, for example Corewell Health, Health Department, any Entity who is interested in doing work to enhance the lives of the people in Benton Heights, they welcome them. They are the only ones with the infrastructure to sustain or house certain events. So often times they do those things and allow these Entities to use their Facilities to do these types of things, and again parking seems to be sealing the lid. They have seen study growth and it goes beyond just the Congregation itself. But if programming and Community engagement have sort of hit a lid. It has limited what they can do, and the scope of work, so this would have a tremendous impact on their ability to continue serving the people in Benton Heights and improving the lives and families in their community.

Mrs. Rodez advised this is a Public Hearing, and requested for any public comments, concerns or questions. There were none. She then asked for any Planning Commission Members comments, questions, or concerns. There were none. The Public Hearing was then adjourned at 6:10 p.m. and the Planning Commission Meeting is reconvened.

Mrs. Rodez opened the Meeting back up for discussion. Comments or concerns.

Mr. Dean advised that the criteria for the approval of the Special Land Use request is in the accordance listed in the Ordinance below, please accept the following. Section 82-481(h1) the location scale and intensity of the proposed use should be compatible with the adjacent uses and zoning of land. Staff review comment, the Applicant is proposing to demolish the existing house that is currently on the property. Then expand the parking lot for the Church on site, the standard for obtaining a Special Land Use is being applied to this Application. No additional structures are proposed on this property, the proposed use does not appear to affect the adjacent properties outside of what the Planning Commission wishes to discuss. You may find the Proposed Use does not impede the reasonable and orderly development improvement of the surrounding properties for use permitted on such properties. Mrs. Seats would like Mr. Dean to explain any criteria that he feels has not been met and only focus on that. Because most of them she is looking at are special use permit should demonstrate with compliance, except Section 82-481(i) the proposed Special Use shall demonstrate that such use will comply with all applicable requirements with the State and Federal Law. Comment: the Special Use shall demonstrate compliance with Berrien County and Township Ordinance regarding parking and storm drain issues with that comment. Mr. Dean advised their plan to do additional parking will meet the criteria of our Ordinances. Mrs. Seats ok. Mr. Dean stated the Berrien County Drain Commission has a requirement and that we cannot issue a Permit until the Drain Commission has approved the Storm Drain and its requirements. It is a process. Mrs. Seats states that is part of their condition. Mr. Davis mentions that is the Berrien County Special Drains Use Permit. Mr. Dean advised that is our Special Drain Use Permit within the Township, and that the Storm Drain Permit is from Berrien County for that property. All storm water must be accounted for on any project. Anytime you have hard surfaces, whether it is a roof, or parking lot, the plan to approve will come from the Berrien County Drain Commission and they will have provisions for that drain water to go somewhere and seep into our drain somewhere into the County drain systems.

Mr. Dean did not go any further with the criteria. Mrs. Seats advised she has already done so, and that that was the only one that was concerning and that the conditions be considered from Page (4) and Mr. Davis has also agreed that the conditions identified are appropriate.

Mr. Dean commented that the two (2) parcels should be combined as one. Mr. Dean asked the Planning Commission to consider combining the parcels. Mr. Davis asked the applicant if it was something he was planning to do.

Mr. Shepherd questioned why the Township is requesting the two parcels be combined as they do not want the legal expense and hassle of doing so just to expand a parking lot. But if that is what the Township is requiring to expand the parking lot, they will do so. But they are not wanting to do it for any other reason than that. Mr. Dean advised that Assessing is a totally different Department, and that he would inquire with Kathy Angelo (the Assessor) regarding the fees associated with having the combination completed.

Mr. Shepherd advised there are other Churches within the Township that have multiple parcels and that do not pay taxes, if it is Church owned property. So why should theirs be any different? He has asked what the long-term

intent is to make these two parcels into one, as this is a Township request, not the Church's request to do so. Mr. Dean stated this is to make sure that the properties are managed without the Township being involved in that of the future. Mr. Davis mentioned that if the Church was to sell the main property, and leave the vacant property with just the parking lot on it or vice versa, then it would become a nonconforming use, because these uses are tied together. So, it is in the best interest to the Township to combine the two parcels so everything is combined on one parcel for the future if the Church ever sold the properties.

Mrs. Seats advised that it depends on what the County requests in the combining of these two parcels together, since one is just a parking lot, and that it may be to the Church's benefit to do so. She also referenced that the costs are not astronomical to do this. It could be a Quit Claim Deed, or just combining them, it's not expensive. Mr. Davis mentioned that the Township does not want to have one parcel with just a parking lot on it and nothing else.

Mr. Davis requests to put a condition on the approval, but the Special Land Use already stats this request. Mr. Shepherd advised if the Township will not approve the permit without combining parcels, the Church must investigate the possibility of combining the parcels without demanding it be done. To see if it is conducive to what they are trying to do. Mr. Davis is recommending approval from the Planning Commission for the Special Use and they can put that information in there. Ms. Seats agrees. Loyall Bennett stated if they do not combine, do we need to put a condition on it, that if it ever goes to sale, that it goes back to A2 use. Mr. Taylor mentions The Trustee's can do that at their meeting. Mr. Davis stated the zoning will not change, so it will not have to get reversed back. Mrs. Rodez requests to obtain a motion to approve the Special Use and conditions. Mr. Davis moves to recommend the approval to the Township Board for Special Land Use and Zoning Plan approval subject to receipt of Permit from Berrien County Road Department and Berrien County Drain Commission and the Special Use be implemented. Mr. Taylor asked if there is no permit required from either of those Entities, then we should be fine. Mr. Davis amends his motion to issue approval, if permit is required. Mr. Taylor seconded the motion.

Mrs. Scalf did roll call. Mrs. Rodez motion passed. Mrs. Rodez asked for any Zoning Board of Appeals questions or comments. None. Mrs. Rodez asked for any Board questions or comments.

Mrs. Rodez advised that Joseph Taylor has been appointed to the Planning Commission Board.

REPORT OF THE BOARD OF TRUSTEES REPRESENTATIVE:	No report
REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE:	No report
BOARD COMMENTS:	None
STAFF COMMENTS:	None.

ADJOURNMENT: There being no further business before the PC, the meeting was adjourned at 6:21 pm:  
*Minutes: Deeann Scalf for the Secretary of the Planning Commission.*

Andy Dean, CBO