

## **CALL TO ORDER**

The regular meeting held on Monday, June 23<sup>rd</sup>, 2025 of the Benton Charter Township Planning Commission was called to order at 6:00 p.m.

Members Present: Chairperson Trina Rodez, Joseph Taylor, Marletta Seats and Matt Davis  
Members Absent:  
Staff Present: Loyall Bennett, Caleb O'Toole and Deeann Scalf  
Also present: Dennis & Elizabeth Sexton (Neighbor), Sean Juza (Neighbor), Carla Robinson, Jeff & Lillian Priebe (Applicants), Rebecca Harvey (Zoning Consultant),

## **SILENT INVOCATION:**

**APPROVAL OF MINUTES:** No changes or corrections on the Zoning Ordinance Updates Discussion with Rebecca Harvey (Planning & Zoning Consultant) for the Meeting Minutes held on April 14<sup>th</sup>, 2025 Meeting, Mr. Taylor motioned and support of approval by Ms. Seats. Motion passed.

**AGENDA AMENDMENTS:** None.

## **NEW BUSINESS:**

### **Zoning Ordinance Updates with Rebecca Harvey, Planning & Zoning Consultant.**

**BUILDING DEPARTMENT REPORT:** Mr. Bennett advised the Ordinance has not been updated since 1999. Rebecca Harvey introduced herself, and what she will be working on in a "Technical Review" of our current Zoning Ordinance to revamp the whole Ordinance. She requested the Planning Commission Board brainstorm and give her a List of things they would like see changed from the current Zoning. Since the Ordinance is supposed to be updated every ten (10) years, and the Township is well over that timeframe. Ms. Harvey also mentioned that she will do a "Technical Review" to update the Township's Zoning Ordinance within a (3) three month timeframe, she will do an Overview of the current Zoning Ordinance, as well as advising the Board she was involved in the 2019 changes to the Master Plan. The Technical Review Process will be done in June / July 2025 (which will be the 1<sup>st</sup> Document received), then in the first week of August she will have a Base Ordinance Outline (which will be the 2<sup>nd</sup> Document received), then the Board can brainstorm both of these, and move forward with what she has, or make any changes necessary at that time. Mr. Taylor would like to follow other Municipalities that follow Code Standards by Law, and do the same thing here to clean up the Township. Ms. Harvey advised that Zoning Ordinances are not the same as General Ordinances or aka Police Power Ordinances or Construction Codes, and these will not overlap. Example: Meaning you cannot regulate Building through the Zoning Ordinance, that is regulated through the Building Code. Same with your Zoning Ordinance, it should not be trying to do things that could be covered under your General Ordinance and / or should be covered by a General Ordinance. Mr. Bennett would like to take the Meeting for the next Agenda item before the Board does the brainstorming with the Ordinance changes and come back to the Zoning Ordinances after the Priebe discussion.

## **NEW BUSINESS:**

**Owner Jeff Priebe of 2113 Plaza Drive, Benton Harbor, is seeking a renewal for a previously approved Special Land Use Permit to construct Climate-Controlled Interior-Storage-Only Buildings on Enterprise Way on a 4.21-Acre Parcel zoned as a D-2 Commercial also known as Parcel ID No.: (11-03-0007-0017-16-3) (Public Hearing).**

**BUILDING DEPARTMENT REPORT:** Mr. Bennett introduced the Special Land Use Application for Priebe's to construct Storage Buildings off Enterprise Way in Benton Harbor, as the Special Land Use was approved in October of 2022 as the (1) one year timeframe has lapsed and the Owner would like to start the process over again to start building. One neighbor did express concerns that these types of Units bring in vandalism, theft and robbery, and this Neighbor is Opposed to it. Mr. Jeff Priebe mentioned that it was delayed due to COVID and the interest rates skyrocketing at the time.

Some of the items for this Project are as follows:

1. Phase (1) – By End of 2025
  - a. (1) Building
  - b. (10) Units Total in Building
  - c. (6) 1,000 – 2,000 SF a Unit
  - d. (4) 6,000 SF Units
  - e. Climate Controlled
  - f. No Bathrooms in these, only at the Main Building Entrance
  - g. No Access without gate codes
  - h. No External Storage
  - i. Luxury
  - j. Attracting Quality People who are looking for Large Capacity Units
2. Phase (2) – Next Year
  - a. (1) Building
  - b. (10) Units Total in Building
  - c. (6) 1,000 – 2,000 SF a Unit
  - d. (4) 6,000 SF Units Climate Controlled
  - e. Bathrooms in these Larger Units
  - f. No Access without gate codes
  - g. No External Storage
  - h. Attracting Quality People who are looking for Large Capacity Units

**PUBLIC COMMENTS, CONCERNS, QUESTIONS OR REQUESTS:** Sean Juza (Neighbor) located at 170 Enterprise Way questioned the driveway and where it is located. Mr. Priebe advised it comes straight across from North Shore Drive Street, and no Entrance off of M 63. The Units will be built North and South on the property and the (2) Buildings will face each other. They have it slated to 15 Ft of concrete in the drive, but not at the entrance. Mr. Juza requested concrete at entrance just like all the houses over there, so everything is the same for everyone.

Elizabeth Sexton (Neighbor) located at 1645 Rocky Gap advised their main concern is having Bathrooms at the Facility, because it will cause people to stay in the Units and not want to leave, as she does not find a need to have Bathrooms in a Storage Facility. Mr. Priebe mentioned there will only be a Main Bathroom at the front of the Building itself, not in each Storage Unit.

Dennis Sexton (Neighbor) located at 1645 Rocky Gap mentioned the Fire Station and being a Retired Fire Fighter and the problems with congestion with Emergency Vehicles on that corner. It's bad enough now with traffic, this will make it worse for them. He is also on the Civil Service Board Member here with the Township.

Lillian Priebe (Applicant) advised the Bathroom's being a concern back in 2022, but that it should not be an issue this time around, as they changed having Bathroom's in the smaller Units. It is a Gated Area so crime should not be an issue. These are well needed in that Area, as there are not any close around. There will be limited use to get in the Facility. As far as Fire Department traffic, they are hoping that the Units will drive more traffic on the weekends, and not during the week, so that would help. But that St Joseph City Fire Department is right in downtown, so they have the same issue, and they work it out. Ms. Priebe also mentions about Burt Pearson with the Project he has going on off of Enterprise Way just down the road as well.

**MOTION TO CLOSE THE PUBLIC HEARING METTING:** Motion by Mr. Taylor and supported by Ms. Rodez.

**BOARD MEMBER COMMENTS:** Mr. Davis was not here in 2022, so he is unsure of the original approval, but wants to make sure this will meet the intent of the Master Plan that is set in place? And will it meet the Lake View Design Criteria in that Area?

Mr. Taylor would like to see concrete at the front to match the neighboring Homeowner properties. And he see's no issues with having Bathroom's as Farmers have Porta-John's for their workers, so there is no difference. Mr. Taylor feels that the Zoning is accurate for this location, and this would be a great addition to the Community. He

feels that the front scape should look identical to other Neighboring Homeowner's properties with the concrete look.

Ms. Seats has no concerns with approving this again as she was here in 2022, except that it gets implemented within (1) one year from the time of the approval process or the Special Land Use will expire.

Ms. Rodez advised this property has been vacant for some time now, and thinks it would be a great idea for it, as it is definitely something that is needed in that Area. She feels there is a need for it, and that it would fit the Master Plan.

Mr. Davis would like to make a Motion to approve the Special Land Use with the following Conditions:

1. Subject to FAC Plans dated from October of 2022
2. Updated Building Plans prepared by Architect, Bacchiocchi dated from May of 2025 – (3) Pages for Phase 1 & 2 of the FAC Plans
3. No overnight storage of any kind
4. No operation of any Business within the Buildings on the premise
5. Request Sign Application Approvals by the Zoning Administrator
6. Request Storm Water Approvals by Authorities with Jurisdiction
7. Need Landscaping and Fencing from the FAC Plans & Approvals installed with Phase (1) of the Project
8. Fire Fighter Approvals for Compliance
9. No habitation within the Units
10. Make Entrance concrete to match neighboring properties
11. (1) one year expiration from the approval of the Special Use Permit

Mr. Taylor supported the motion and the amended motion.

**BUILDING DEPARTMENT REPORT:** Mr. Bennett would like to discuss brainstorming for the Zoning Consultant.

Mr. Taylor would like to see the following items:

- Master Plan updated and it be followed through with (taking away and adding to it)
- Limit Rental Houses (especially by Edwin Allen Homes); as Renters do not take care of their places like a Homeowner would
- Limit Airbnb's as well

Mr. Davis would like to see the following items:

- Accessory Buildings
- Sign Height (at least by the Highway's)
- Compliant with the Master Plan (esp. on low income housing)
- Special Land Use Process / Zoning Process
- Solar Farms / Renewable Energy

Ms. Seats would like to see the following items:

- Limited Growth issues with land locks
- Density & Height Restrictions
- Affordable Housing for the population we have
- Public Safety Hazards (length of time as site unoccupied) "IPMC Property Maintenance"
- Residential Condemnations
- Commercial Condemnations
- Crowd Control (Residential / Commercial)

Mr. Bennett would like to see the following items:

- IPMC Property Maintenance
- Residential Condemnations
- Commercial Condemnations
- Subdivision Stipulations
- Rental Stipulations

- Enforcing the Building Codes
- Short Term Rentals
- Hotels
- Regulatory Ordinances
- Storage Containers
- Sign Height
- Building Height
- Fee Schedule
- Accessory Buildings
- Cell Towers
- Special Use Applications
- Zoning Change Requests

**OLD BUSINESS:** None.

**TOWNSHIP BOARD REPRESENTATIVE REPORT:** None.

**ZONING BOARD OF APPEALS REPRESENTATIVE REPORT:** Mr. Davis advised there is a Zoning Board of Appeals Meeting scheduled for tomorrow, Tuesday, June 24<sup>th</sup>, 2025 regarding a Sign Height for Signature Toyota.

**BOARD MEMBER COMMENTS:** Mr. Davis advised the MTA (the Michigan Township Association) is hosted a (1) one evening Training Session held on May 28<sup>th</sup>, 2025 (in Kalamazoo, MI) regarding Enabling Acts and Laws for Planning Commission and What are the Roles of Planning Commission Members. He mentioned it was very valuable and appreciates the Township letting a bunch of them go to this event. He suggests offering a Decision Form at the Meetings here forward with Appeal timeframes. And whether we are achieving our Master Plan or not here at the Township. We need more non-motorized vehicle areas and sidewalks within the Township, as we do not have enough.

Ms. Seats where is the Master Plan statement and the request for the Planning Commission Application, if the Zoning Administrator could show the PC Board Members when the Meetings come up.

Mr. Taylor mentioned non-motorized vehicle areas and sidewalks as well. We need to redevelop the Master Plan.

**OTHER COMMENTS/CONCERNS:** None.

**ADJOURNMENT:** Mr. Davis motioned to adjourned Mr. Taylor supported. Motion carries and Meeting adjourned at 7:04 p.m.

**ADJOURNMENT:** There being no further business before the PC, the Meeting was adjourned:

*Minutes: Deeann Scalf the Secretary of the Planning Commission.*

**Loyall Bennett, Building Inspector**