

CALL TO ORDER

The regular quarterly meeting held Monday, January 8, 2024 of the Benton Charter Township Planning Commission was called to order by Trina Rodez at 6.00 pm and a moment of silent invocation was observed.

Members Present: Chairperson Trina Rodez, Carolyn Phillips, Matt Davis, Marletta Seats, alternate Joe Taylor
Members Absent: Jean Smith
Staff Present: Chris Fuchs, Andy Dean, Loyall Bennett, Stephanie Turney
Also present:

SILENT INVOCATION:

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

APPROVAL OF MINUTES from December 18 (George McManus cemetery, Charlie Binger Sp Use cabins).
AGENDA AMENDMENTS: None

NEW BUSINESS:

1. Geenen DeKock Properties – Pipestone LLC of 12 W. 8th Street; Ste #250; Holland, MI 49423 (Chuck Geenen, owner) is seeking site plan approval to build a new retail Starbucks store between the service drive to Home Depot and the exit ramp Exit 28 of E. I-94 on a 3.39 acre parcel, as shown on submitted site plans (property ID#: 11-03-0033-0002-24-6).

Night of MICHIGAN national title football game: need to be *quick*. REPORT by Chris Fuchs designated the zoning as D-1 Commercial district and identified the location. Introduced the applicant Chuck and Chad Geenan and their engineer Todd Steivey (Exxel). Chuck Geenan from Holland develops sites for restaurants, and is building this store and renting it back to Starbucks. Toff Steivey, Exxel Engineering showed the site, describing the loop around the order queue allowing for more than 20 cars in line, and showed the recorded access easement information. Discussion centered on the tight spot. A large culvert over the drain is the one access point to the site. Conversations with the water and sewer department have been held. He discussed a meeting at the drain office later this week. 4500 square foot store. Other than technical review by the drain office the applicant is hoping to get conditional approvals based on final approval by the Berrien County Drain office. Carolyn Phillips asked if there were building issues with this tight spot, responded to from the Building Department with it being designed by professionals, sealed drawings. An EGLE permit is in place relating to the environmental issues. Mr. Taylor asked if the developer built the Stevensville Store, answered by Mr. Geenan's description of the stacking ability circled around the store. Ms. Phillips then moved to recommend approval as submitted, conditional to drain approvals. Marletta Seats seconded. Voice vote unanimous in favor of recommending approval. YYYYYY

2. Tommie's Express Traverse City, LLC; 240 E 8th St, Holland, MI 48423 (purchase agreement in place) is seeking site plan approval to demolish the Rite Aid Building and build a new car wash facility at 1701 M-139 (property ID#: 11-03-2385-0001-00-5) as shown on submitted site plans (Steve Witte, engineer with Nederveld).

Mr. Fuchs expressed appreciation for the proposed removal of the Rite-Aid building and the proposed construction of a Tommie's Express car wash facility in a conforming D-1 Commercial zoning district. Steve Witte of Nederveld introduced himself and Mandi Brower of the ownership group. QCW has a purchase agreement in place pending approvals by BCT. It is a 5,243 sq ft facility. The owner operates out of Holland but owns a fair number of facilities around the state. Using the existing drive but moving one drive further south, to access the rest of the Fairplain Plaza development. Queue lanes are east of the building. There are a total of 26 parking and vacuum spaces combined. The drain office has said no further approvals are needed because they are reducing the hard surface on site. Mr. Davis asked if there is deeded access for the roadway (part of the Fairplain Plaza site condominium development with deeded access). Mr. Taylor asked how many GPD's daily would be used. 700 – 800 cars per day are planned for with water reclamation, only a 2" meter will be needed.

Ms. Phillips made a motion to recommend approval. Ms Seats seconded that motion with unanimous voice vote to approve given.

3. Perry Phillips (authorized agent) of 800 US Hwy 98, Columbia, MS 39429 is seeking site plan approval in order to construct a new build commercial site (for Southern Tire Mart) at 1915 E Napier Ave as shown on submitted drawings Property ID#: 11-03-0028-0013-01-2).

The Southern Tire Mart store proposed is one of many which are located in conjunction with the Pilot – Flying J locations. This store is proposed across the street from the Flying J on Napier. It is an allowed use in the D-1 Commercial zoning district. This is the former mobile home sales site. Rachel Robinson with Kimberly Horn design team talked about the site being 2.6 Acres of a larger parcel being split and includes the store, facilities, and drain structures. Trucks who need oil changes, tire rotations and light maintenance will stay in their trucks in one of four bays. No cars will be serviced at the facility. Trucks will exit the site upon leaving the facility. Coordination is in place with the road department (has given approval to the proposed entrance access to Napier) and drain office (plans are in for review). Mr. Davis queried if this is a split from the larger parcel. The site plan is only for the portion of the lot being used. A creek is behind the store not part of the project. Building department response to the question was with some lack of knowledge of the parties involved, or the intent or provision for utilities / access. The split process does not pass through the building department. Some concern was expressed over whether this creates a non-conforming parcel for access and utilities, and some concern was expressed about the easement accessing the rear parcel. The county GIS was shown to identify the Shell gas-station ownership of that portion of the land. The drain strategy appears to be to spill the overflow to the east under the access easement. Is that a problem (seen to be possible problem). The intent of the designed access was questioned. The expectation is the storm overflow might ought to go to the west, that the overflow is traversed (impeded?) then by the access easement? After some questioning about perhaps blocking the spillway by the access and referral to the design team Mr. Taylor asked if the ownership had purchased the entire site, asking about future use. Nothing was said to be in the works for that at the moment. With question about the approval process, the building department offered a suggestion that the item could be tabled until the answers are acceptable, or approved with conditions. It was suggested that a person would think that this parcel should provide full utility access and easements to get to the rear portion of the lot. Frontage setbacks were also questioned relating to - would the rear of this lot become the front yard of the property behind? Whatever future development occurs on that parcel will need to address those setback, access, and utility issues at the time of development. After some discussion,

Mr. Davis moved to recommend approval of the proposed site plan subject to drain commission and road department approvals and the provision of access easements and public utility easements to any remainder parcel created by the split in conformity with the (section 66-36(5)) BCT Ordinance. Unanimous approval by voice vote.

4. Midwest V, LLC (future owner) of 1435 Fulton St., 2nd Floor, Grand Haven MI 49417 is seeking site plan approval to build a proposed Dollar General store at 1393 M-139 (site of former Roxy's) also known as property ID#: 11-03-0029-0024-16-1 as submitted on civil drawings.

Mr. Fuchs described the Dollar General proposed store at the site of the former Roxy's. Jason Raleigh with AR Engineering had been forwarding questions about this site at time of the last approval on Territorial. Again, with appreciation for cleaning up another site Jason was introduced. He showed elimination of one drive access to the site (working with MDOT) along with working through changes to the drive access for the neighbor to the south. The drain office has the plans and they are waiting for final approvals in that process. Trucks need to move within the site at restricted delivery times and those issues are all being worked out. Interest in whether Roxy-Burgers would be served on site was expressed. Mr. Taylor questioned the process of working with MDOT, who was happy to engage and recommend the changes shown. Time-frame of construction was said to be early fall opening. Ms. Phillips recommended approval (saying she would be happy to do so on the old Roxy's site) with Ms. Seats seconding the motion. Motion passed unanimously.

5. Chris Lester, of 2630 Somerleyton, Benton Harbor, MI 49022 is seeking a home occupation / permit to run a hobby farm on his 41.93 Acres next to his home, zoned A-2 Single family residential (also known as property ID#: 11-03-0106-0003-03-9)(public hearing).

Public hearing opened at 6.39pm. Request was said, by Mr. Fuchs, to go back a couple months to a letter written prohibiting farming on the property in the A-2 single family zoning district. There is a large barn behind the old family farm homestead, used for farming. The building department recommended this avenue to Mr. Lester in the form of a proposed home occupation request to continue doing what he's done there for many years. No one was present to

comment, complain, or give notice. Mr. Lester raises chickens and harvests eggs. He has a large garden there. He and some friends also bring in small pigs in the spring and see them in to the freezer in late fall. No public comment other than one phone call from a neighbor who does not want a driveway next to her small home (and did not object verbally). Mr. Taylor asked if there was 40 acres, saying the definition of a farm is a minimum 5 acres, so this defines him as a small farm, right? Chickens are allowed in the community, right? Some communities allow farm animals according to who is in the area, what the zoning district is, what kind of animals are raised, and how many are raised on a per acre basis. An Ordinance amendment was possible but very involved. The home occupation permit allows for an annual permission based on an application by the applicant to continue the home occupation. Mr. Lester will need to apply annually, or lose the privilege. The public hearing was closed at 6.45pm. Mr. Davis looked at the land use in the area and expressed appreciation for the approach and request. Mr. Davis moved to approve the home occupation. Seconded by Mr. Taylor: YYYYYY. Approved.

REPORT OF THE BOARD OF TRUSTEES REPRESENTATIVE: George McManus Binger cabin request.

REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE: No meetings. Two people expressed appreciation for Mr. Binger's site plan.

BOARD COMMENTS: None
STAFF COMMENTS: None.

Prepare for a meeting January 22 (my last).

ADJOURNMENT: There being no further business before the PC, the meeting was adjourned at 6.48 pm:
Minutes: Chris Fuchs for the Secretary of the Planning Commission.