

DRAFT

VILLAGE OF BENZONIA
January Regular Meeting
Zoning Board of Appeals
Monday, January 6, 2020, 6:00 p.m.

Held at the following location:

Benzonia Township Hall
1020 Traverse Ave
Benzonia, MI 49616

1. CALL TO ORDER REGULAR MEETING:
The Regular Meeting was called to order by President Flynn at 6:01 p.m.
2. ATTENDENCE TAKEN:
Present: Trustee(s) Heyn, Misner, French, Bair, Cook, Flynn
ZA Kirk, Superintendent Boman, Treasurer Flynn, Clerk Nye
Absent: Assistant Superintendent Cline, Trustee Rankin
3. PLEDGE OF ALLEGIANCE
4. ADDITIONS/DELETIONS TO AGENDA:
French requests 9.1 moved to 12.1 and 15 moved to 12.2
5. APPROVAL OF AGENDA:
French moves, supported by Heyn, to approve agenda as amended. Ayes – All. Nays – None. Motion Carried. Rankin – Excused.
6. CLOSE REGULAR MEETING:
Regular Meeting closed by President Flynn.
7. CALL TO ORDER VILLAGE OF BENZONIA ZONING BOARD OF APPEALS:
French moves, supported by Heyn, to open the Zoning Board of Appeals Meeting. Ayes – All. Nays – None. Motion Carried. Rankin-Excused.

INTRODUCTIONS

8. REQUEST FOR ZONING VARIANCE FROM MIDWEST V LLC/DOLLAR GENERAL:
 - 8.1 ZA PRESENT ZONING VARIANCE REQUEST:
Requesting the required 91 parking spaces be reduced to 30 parking spaces; reviews variance application.
 - 8.2 APPLICANT REMARKS:
Jason Raleigh, AR Engineering and Scott Knowlton, Midwest V LLC, explains site layout shares that initial meeting with village occurred and additional trees requested abutting parking lot were agreed to.

9. OPEN PUBLIC HEARING:

Public hearing opened by President Flynn.

~~9.1 LETTERS REGARDING MATTER READ:~~

Amended to 12.1

9.2 PROPONENTS:

Bob Weisbrodt, owner of property, summarizes his understanding of existing ordinance, states that 'shopping center' is only category available to this small retail store and 91 parking space requirement is unreasonable.

ZA agrees that zoning ordinances are out of date and have deficiencies.

Trustee Misner asks if this is the case shouldn't ordinance be re-vamped.

Scott Knowlton states that they aren't asking for that; they will comply with granted variance. Adds that many ordinances are outdated regarding parking and Dollar General would rather have a variance than comply with ordinance and have a sea of asphalt.

Bob Weisbrodt states that Tractor Supply was allowed to work with current ordinances.

Steve Stephans states that there is no sewer in the Village, the current property is blighted and restricted, the Village should allow a viable business and shouldn't throw obstacles in the way of decent development.

9.3 OPPONENTS:

Cathy French – do not grant variance

Mary O'Connor, Village Planning Commission, states that Master Plan is being redone, current ordinances do not mirror Master Plan, there is a disconnect; any development should be put on hold, there are concerns about safety and making a left turn out of development.

Chris Mekas states that ordinance being old is not a good argument; parking spots can't be added in the future if they're needed.

Cameron Clark state that Village is in the Master Plan process, variance should be either denied or postponed. States further that he disagrees with Steve Stephan's statement that the Village is throwing obstacles in the way of development.

Cindy Shapiro – [Interrupted as comment was not re: variance request]

9.4 REBUTTAL:

Scott Knowlton states that they want to cooperate with the community to bring

the best development; precedent has been set to grant variance based on Tractor Supply. They do not want to 'pave over America'.

10. APPROVE/DENY/POSTPONE VARIANCE REQUEST:

Element list A-K read by Clerk for deliberation and consideration.

Cathy French (6:54) POINT OF ORDER – calls for vote.

Heyn moves, supported by Misner, to approve the variance request at presented.

Ayes: Heyn, Misner, Flynn

Nays: Bair, French

Motion Carried. Rankin – Excused.

11. CLOSE PUBLIC HEARING:

12. OPEN REGULAR MEETING:

12.1 LETTERS REGARDING MATTER READ:

Eight letters of opposition to Dollar General read by Clerk. Received from: DeAnne Loll, Brenda Wade, Monica Evans, Sue Kennedy, Benjamin MacRae, Judy Ross, Barb Dougherty, AshleyPlatt

12.2 PUBLIC COMMENT:

Cathy French – we do not need another dollar store.

Brenda Wade – we already have three dollar stores, thinks Traverse City has five, another dollar store is a bad decision.

Mary O'Connor recalls the mention of property values; dollar stores identify communities as ones with lower property values.

Shane Iverson – with the RRC, Master Plan, and zoning ordinance updates occurring we need responsible growth for Village to be shining light on the hill.

13. CONSIDERATION OF COMMERCIAL ZONING MORATORIUM RESOLUTION 2020-01 AS RECOMMENDED BY PLANNING COMMISSION:

Planning Commission recommendation read by Clerk. Zoning Moratorium Resolution 2020-01 read by Clerk. **French moves, supported by Bair, to accept the**

recommendation of the Planning Commission and adopt Resolution 2020-01 – RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY COMMERCIAL LAND USE PERMITS ALONG THE US-31 & SOUTH STREET WITHIN THE VILLAGE, as presented. Ayes – Cook, French, Bair, Misner, Heyn, Flynn. Nays – None. Motion Carried. Rankin – Excused.

Scott Knowlton states that the Planning Commission's recommendation about moratorium was accepted without discussion; tens of thousands of dollars have been spent to be sidelined and the Council has effectively interfered with his contract with Weisbrodt; feels as though the rug has been pulled out from under and adds that Planning Commission members should not comment negatively about development.

President Flynn states that the moratorium is a ‘time out’ to let the RRC, Master Plan, and zoning ordinances develop and finalize.

Scott Knowlton asks for an exception to the moratorium, asks for an exception to submit a site plan by the end of the week; for exception to the moratorium as to his specific development. After being asked to submit a request in writing for consideration at the next meeting, Mr. Knowlton asks for a copy of the moratorium.

14. CONSIDERATION OF PLANNING COMMISSION APPROVED SIGN ORDINANCE AMENDMENT 2020-01 FOR APPROVAL:

French moves, supported by Misner, to approve the SIGN ORDINANCE AMENDMENT 2020-01, as presented. Ayes – Misner, French, Cook, Heyn, Bair, Flynn. Nays – None. Motion Carried. Rankin – Excused.

Verbal complaint received regarding inability to hear proceedings without microphones.

~~15. PUBLIC COMMENT:~~

Amended to 12.2

16. MINUTES:

Regular Meeting Minutes December 2019: **French moves, supported by Heyn, to approve the December 2019 Regular Meeting Minutes, as presented. Ayes – All. Nays – None. Motion Carried. Rankin – Excused.**

Special Meeting 12.18.2019: **Heyn moves, supported by Misner, to approve the 12.18.2019 Special Meeting Minutes, as presented. Ayes – All. Nays – None. Motion Carried. Rankin – Excused.**

17. CLERK’S CORRESPONDENCE:

Save the Date received for and Economic Development Using Land Bank & Brownfield Tools Session on Tuesday, January 21, 2020, 11:00 a.m. at the Leelanau County Government Center.

Kyle Rosa, Benzie County Undersheriff, submitted letter sharing that he will be running for the Office of the Sheriff for Benzie County in the upcoming election. Rosa will host a meet and greet on January 19th from 2pm-5pm at Greystone Mansion.

18. BILLS LIST:

Heyn moves, supported by French, to approve the bills for the month of January 2020 in the amount of \$36,856.21. Ayes – Cook, Bair, French, Misner, Heyn, Flynn. Nays – None. Motion Carried. Rankin – Excused.

19. TREASURER’S REPORT:

Misner moves, supported by French, to approve the Treasurer’s report to January 6, 2020 as presented. Ayes – All. Nays – None. Motion Carried. Rankin – Excused.

20. SUPERINTENDENT’S REPORT:

- Plowed some snow
- Blew sidewalks
- Took down Christmas decorations

- Fixed culvert on Severence Street
- Normal stuff

21. ASSISTANT SUPERINTENDENT'S REPORT: Absent

22. ZONING ADMINISTRATOR REPORT: Written report submitted and attached.

23. COUNTY COMMISSIONER REPORT:

- Attorney opinion received regarding Maples bond issue; BOC waived attorney/client privilege on opinion.
- Shift from defined retirement benefit for current employees to defined contribution retirement for new employees amended and finalized.
- Union negotiation and mediation ongoing.
- 2020 Organizational Meeting will be held tomorrow morning.

24. UNFINISHED BUSINESS:

Special Meeting required for Master Plan before 02.01.2020. Special Meeting scheduled for Friday, January 24, 2020, 11:00 a.m. Clerk will post.

25. NEW BUSINESS:

Cottage Pros has informed the Village that they intend to create and maintain the ice rink at Academy Park as a community service when temperatures permit.

26. COMMITTEE REPORTS:

FINANCE: Discussed.

STREET: Chair Excused.

PARKS: No Report.

WATER: No Report.

EQUIPMENT: Reimbursement amounts noted.

PLANNING COMMISSION: Discussed.

OTHER BUSINESS: None.

27. ADJOURN:

French moves, supported by Heyn, to adjourn meeting at 7:54. Ayes – All. Nays – None. Motion Carried. Rankin – Excused.

Next Meeting February 3, 2020

Respectfully Submitted,

Rhonda Nye
Village Clerk

Minutes Drafted: January 9, 2020

Minutes Approved: February 3, 2020