

**PLANNING COMMISSION  
TOWNSHIP OF ONTWA – COUNTY OF CASS**

**MINUTES FOR PLANNING COMMISSION HELD ON  
WEDNESDAY  
JULY 6, 2022 @ 7:00 PM**

**Members in Attendance:** Chris Marbach, Bob Thompson, Sandra Seanor, Dick Gates, Wm. Mahaney, Don Delong, Mike Mroczek, Dawn Bolock, Shane Szalai

**Members Absent:** None

The Planning Commission meeting was called to order by Chairman Marbach at 7:01pm.

**Pledge of Allegiance:** Chairman Marbach led the Pledge of Allegiance

**Agenda approval:** Chairman Marbach welcomed the members and audience. He then asked for a motion to amend the agenda to allow Public Comment after the approval of the agenda. Motion by Don Delong, second by Bill Mahaney. Motion carried with all in favor. None opposed.

**Public Comment:** Chairman Marbach asked if anyone from the audience wished to speak.

Jerry Duck 23691 South Shore Dr., Edwardsburg, MI 49112 spoke regarding the Eagle Ridge project on Brady Rd. He said he had no problem with the subdivision but expressed concern over the traffic increase along Brady Rd and US12.

Steve Smith with Weichert Goldstar and owner of Irish Realty spoke in favor of the Brady Ridge project citing his interest in additional housing.

Mr. Metcalf approached to speak about the Rezoning request by Dennis Randall Kent on US12. Unfortunately, the petitioner did not show up, so Mr. Metcalf decided to wait.

Chairman Marbach asked if there were any other public comments. Hearing none, the Chair closed Public Comment.

**Approval of Past Minutes:** Chairman Marbach called for approval of the minutes from the Planning Commission meeting of 6/1/2022. Dawn Bolock made the motion to approve, seconded by Bob Thompson. Motion carried with all in favor. None opposed.

**Land Division/New Business:** Chairman Marbach noted that there are no Land Divisions

**New Business:** Chair Marbach asked for a motion to table the Kent/US12 Rezoning since the applicants were not present. Bill Mahaney made the motion, seconded by Dick Gates. Motion carried with all in favor. None opposed.

**Old Business/Eagle Ridge:** The Chair addressed the Planning Commission indicating that they had received another Wm and Works Site Condo Review dated June 17, 2022.

The applicant's attorney, Mr. Steven Studer, 4101 Lake Parkway, in MI addressed the Plan Commission. He noted that he wanted to record the meeting, which was fine with the Plan Commission Chair. He noted that the developer, J Patrick Matthews, consultants Michael Danch and Berne Miller of Danch-Harner Consulting were present and were introduced. Mr. Studer made a presentation expressing his beliefs that the application was complete and followed the ordinance.

The Chair invited the Commission members to ask questions. The Planning Commission members reviewed many of the points made by the Ontwa Planner. Specifically, the fact that the plan did not comply with the intent and vision of the Ontwa Township Master Plan. The lack of greenspace was voiced repeatedly in this meeting and in the previous two meetings. The attorney and the consultant repeated that the Master Plan was not specific enough for them to determine the amount of greenspace that should be included.

The Plan Commission members noted that the Master Plan is intentionally visionary and provides a guideline. The Plan Commission relied on the Planner's report, on pages 1-3, which discusses greenspace extensively. The only greenspace being offered by the developer was a 15' wide grassy area between the sidewalk and the street.

The Attorney, consultant and developer pushed back on providing additional greenspace. Other Commission members questions included problems with Lots 1 and 2. The Ontwa Planner indicated that Lot 2 should be removed as it does not comply with the ordinance and several Commission members noting that Lot 1 should only have internal road access as it would interfere with the MDOT 2023 shoulder widening project.

The consultant's representative noted that the traffic would be less once the school closed. As questions about additional traffic concerns continued to be raised, Vice Chair Thompson noted that it was a far reach to assume that the school would be closed, much less be the reason that traffic would be reduced. He further noted that property owners in the north portion of phase 2 would have bottlenecks if any emergency occurred. A discussion regarding an additional access to the north portion of the project ensued. Chairman Marbach noted that we were only approving or not approving phase 1.

The Bill Mahaney and other Commission members discussed concerns regarding mail delivery locations, traffic impacts and that only one ingress/egress would be available in phase 1. A recommendation to add an emergency gravel access be added. Additionally, members expressed concerns regarding that fact that the plan currently measures lot size from the street centerline and includes what the developer refers to as a 15-foot lot frontage greenspace.

Don Delong explained the importance of greenspace as envisioned as stated in the Master Plan. Several Commissioners noted that the lack of greenspace provided in the proposal did not comply with Section 7.1 of the Site Condominium Ordinance which states that "All site condominium projects shall conform to the provisions and conditions of the Master Plan and Zoning Map..." The developer noted that he could not instruct his engineers to design a project based on visions and concepts.

Sandra Seanor expressed concerns that 7.3 (5) Suitability: No lot shall include a retention or detention area should be included as part of any private lot. Additionally, the first Planner's report notes that lots are designed to be for separate ownership and are for exclusive use. It was noted that because the lots were measured from the street centerline as part of the lot measurement lots may not meet the required one hundred twenty-five (125) feet in depth at any point. Further there was discussion about the potential problems when a "private road" is asked to become a public road in the future. There was some additional discussion with the developer's attorney insisting that this was commonly done and that easements are often used.

Chair Marbach felt that further questions regarding the drainage plan and its impact to US 12 should be explored by requiring the Township Engineer to approve the drainage plan.

There had been repeated discussions of the importance of water quality tests and a well pump vicinity analysis/a well water flow study to assure that the private wells proposed would not negatively impact other area wells. There was another request for this information, which had been previously promised by the end of June, but no data was provided by the consultant when again discussed. Berne Miller said that he was still waiting for the reports.

After much discussion Chairman Marbach asked for a motion on the matter. The Secretary Seanor agreed that she would take down and make the motion and read it back to make the motion. Several Commissioners reiterated their changes. She noted that the proposal does not meet the provisions and conditions of the Master Plan citing a lack of greenspace etc., therefore the motion to approve is subject to the following changes:

- Lot 2 shall be removed and all lots that abut US-12 shall have 130 feet of frontage on US-12 as required by Section 7.3(4) of the Site Condominium Ordinance.
- The applicant shall obtain a private road permit from the Township prior to Step 2 approval by the Township Board.
- The applicant shall obtain all applicable permits from all federal, state, and local agencies having jurisdiction.
- The applicant shall comply with all requirements of the Township Engineer, Attorney, emergency services personnel, and others as deemed necessary by the Township.
- Approval by the proposed Master Deed by the Township Attorney shall be required prior to Step 2 approval by the Township Board.
- A Performance Guarantee in an amount to be determined by the Township Attorney, Planner and Engineer shall be provided prior to final approval by the Township Board.
- This is subject to the Township Engineer's approval of the US12 drainage plan.
- The Township Engineer to review and approve the water quality and well pump analysis reports prior to Step 1
- Lots may not include detention or retention areas in private lots and shall be owned and maintained by the Association of record.
- Greenspace at a minimum shall include the 15' currently mention and the current maps lots 46, 47, 71 but no less than 36000 sq ft, which shall be "perpetually preserved for the common use of condominium residents"
- Maps shall be updated to show the postal area and parking and other changes listed.

Dick Gates seconded the motion. Chairman Marbach asked that the roll be called for the vote: Shane Szalai – No, Mike Mroczek – Yes, Chris Marbach – Yes, Bob Thompson – No Don Delong – No, Dawn Bolock – Yes, Bill Mahaney – No, Sandra Seanor – No Chair Marbach noted that the motion failed 4 -- Yes to 5 – No.

More discussion ensued with Vice Chairman Thompson making a motion to table the consideration of the project until the August Planning Commission Meeting so that the issues noted could be addressed. The motion was seconded by Mike Mroczek. Chair Marbach asked for a voice vote. Shane Szalai– Yes, Mike Mroczek – Yes, Dick Gates – Yes, Chris Marbach- Yes, Bob Thompson – Yes, Don DeLong – Yes, Dawn Bolock – Yes, Bill Mahaney – Yes, Sandra Seanor – Yes. Motion passed 9-Yes 0 -No

Chairman Marbach called for a motion to table the US12 Rezoning request as there was no representative in attendance. Bill Mahaney made a motion to table the rezoning, Don DeLong seconded the motion. Motion passed with all in favor.

Sandra Seanor gave the Zoning Review Committee report noting that the following items were discussed and assigned to our Planner: Shipping Containers as Accessory Buildings, a requirement for Digital Plans for site plans etc., an additional application form for ADU's, a review and update of the current 8-page Noise Ordinance (which are Planner will work with the Attorney to accomplish) and some ideas about permitting Barndominiums. As this is a large list it is likely that the July 12<sup>th</sup> meeting will be moved to July 19<sup>th</sup>.

Lasty future meeting include a review of Solar Ordinances, and an update to the Master Plan before the end of the year.

Dawn Bolock reported that Ferndale Park was again surveyed as the stakes had been removed. She noted that the property to the east of the park (new construction) does not meet the LR district side setbacks, which are 10' each side and are now 7.6 and 3.6. A discussion ensued on the matter.

Chairman Marbach asked for any announcements. Hearing none he adjourned the meeting.

Cc: LeRoy Krempec – Zoning Administrator, Ontwa Township Planning Commission members