

**PLANNING COMMISSION  
ONTWA TOWNSHIP, CASS COUNTY MICHIGAN  
WEDNESDAY  
FEBRUARY 1, 2023 @ 7:00 PM**

Chairman Marbach called the meeting of the Ontwa Township Planning Commission to order at 7:02 pm

**Pledge of Allegiance:** All rose for the pledge of allegiance.

Chairman Marbach welcomed everyone, stating that there was a quorum present. He introduced the Ontwa Township Planner, Andy Moore from Wm and Works.

**Agenda:** Chairman Marbach asked if there were any changes, corrections or additions to the agenda as presented. Hearing none he asked for a motion to approve the agenda as presented. Motion made by Dawn Bolock and seconded by Dick Gates. He called for a vote, and all were in favor.

**Election of Officers for 2023:** Chairman Marbach called for the Election of Officers. Sandra Seanor motioned to appoint Chris Marbach as Chairman, and Dawn Bolock as Vice Chairman. It was moved and seconded, and the Chairman called for a vote, all were in favor. Dawn Bolock motioned to nominate Sandra Seanor as Secretary. Bill Mahaney seconded the motion. The Chairman called for a vote; all were in favor...motion passed.

Approval of the Public Hearing and the Regular Meeting Minutes of 12-7-2022: Chairman Marbach asked for a clerical correction dating the Public Hearing Minutes and adding a space to the Regular Minutes page. He called for other changes. There were none and he asked for a motion to approve the Public Hearing and Regular Minutes for 12-7-2022. Mike Mroczek motioned to approve, and Dick Gates seconded the motion. The Chairman called for a vote. All were in favor motion passed.

**Land Divisions:** There were no Land Division requests.

**New Business: Eddies Market Rezoning -** Chairman Marbach noted that the Eddies Market rezoning request is a Public Hearing duly advertised and noticed. He reviewed the process for the public hearing, which includes comments from the Zoning Administrator, our Planner and then the Applicant. The applicant will have the opportunity to present his request. He noted the process will then allow questions of the applicant. The Chairman will call for those wishing to speak in favor of the project and then those wishing to oppose the project. The applicant will then have an opportunity to address any concerns from the audience or PC members. The

Chairman will close the public hearing and the Planning Commission can discuss and make its decision regarding the rezoning. The Chairman suggested that participants keep their commentary to three minutes. In opening the public hearing, the Chairman read the parcel numbers for the rezoning request into the record: (1) 14-090-007-001-01, rezone to C2, (2) 14-090-006-015-04, rezone to C2 (3) 14-090-006-015-05, rezone to Multiple Family Residential (MFR).

Chairman Marbach called on Zoning Administrator Krempec for comments. He had none. Marbach called on Andy Moore the Ontwa Planner for his comments. Andy Moore noted that last year the applicant came before the Planning Commission with a request for PUD, that was not supported by the applicant's facts. It had a similar multifamily and commercial interest noting that the PUD request did not meet Ontwa Township Zoning requirements. Moore described the petition request and noted that the Planning Commission. He further noted that the Planning Commission does not have to decide on the rezoning request this evening if it believes it needs additional information on the matter. He referred to the Wm and Works Memorandum dated January 24, 2023. Moore noted that after the PCs final recommendation regarding the rezoning it will be forwarded to the Ontwa Board of Trustees for a final decision. Chairman Marbach thanked Mr. Moore and called the applicant forward.

Brian Shier, applicant for Eddies Market rezoning request, stated that he resides at 27398 US12, Edwardsburg, MI. He introduced himself and proceeded to read from his application checklist nearly verbatim. A copy of the application is available at the Zoning Administrative Office. During his presentation he discussed the Master Plan, noting the future land use plan includes commercial development at that location. He also noted that the Multi-Family Residential (MFR) rezoning request did not meet the Master Plan at this time. He continued with his presentation saying he had discussions with school, church, and sports complex. Mr. Shier provided three letters of support from: The First Pentecostal Church (Robert Geans), Edwardsburg Public Schools (Jim Knolls, Ed.S), Market Van Buren (no signature).

Mr. Shier spent some time discussing the Edwardsburg Schools need as he perceives it for additional housing. He noted that he believed that the addition of housing units would support the commercial development he is planning. He concluded his presentation.

Sandra Seanor asked why he was requesting C2 vs C1? Shier noted that he thought that C2 aligns with uses on US-12 and C2 allows for drive thru commercial activities. He noted that since covid, drive-thru facilities have become important for commercial properties. He said that he wanted any potential investor to have that option.

Shier went on to say that he thinks that the MFR is needed to support the proposed commercial property. He said that his plan prioritizes a safe walkable community between complementary land uses.

Dawn Bolock asked about his address, which is different than the one listed in the application. Shier said that he now lives on the property proposed for rezoning and that 404 E Main in Niles (on the form) is the office address.

Sandra Seanor asked if he was still proposing 200 multifamily units? The applicant said they “don’t have a good handle on units right now”. He then stated that they would do whatever zoning permits them to do.

Seanor asked if they had completed a traffic impact study. Mr. Shier had said several times that he had been working with MDOT. She further noted that she felt that a traffic impact analysis with the concurrence on numbers by MDOTs Travel Demand staff was necessary for the PC to assess the appropriate rezoning. She continued asking if they had or are planning to do a housing market study to assess absorption rates, affordability etc.? Mr. Shier stated that he is not going to spend thousands of dollars on these studies and does not plan to do studies until the rezoning is approved. Mr. Shier asked, “why would I spend thousands of dollars on a traffic study to only get a no from the PC?”

Chris Marbach asked if there be a traffic light there at the property? Shier said he wanted one, but that MDOT would determine the traffic signal improvements. He noted that MDOT had already decided to install a traffic signal at Section St. which will be completed in the summer of 2023. There was more discussion of the 200 proposed units and what Mr. Shier perceives the school system needs to be.

Dawn Bolock asked about affordability and price point. Mr. Shier said they have research on this and are confident that the market need is there. He did not offer to share this information and did not provide information about unit price points.

Bill Mahaney noted that he believes that the applicant needs at least two driveways.

**Support:** Chairman Marbach asked for public comments in favor of the project. Hearing none he requested comments opposing the project.

**Opposition:** Ed Patzer 23353 Lakeview Dr., associated with the Edwardsburg Sports Complex ESC, said he has spoken to applicant a couple of times. Patzer indicated that he was concerned about security of the Sports Complex property. The ESC is planning to secure the front of the property soon and they don’t want people to have access to the property during non-office hours. He had asked the applicant, Mr. Shier to construct a fence between the sports complex the applicant’s property. He said that the applicant said no. Mr. Patzer went on to say that the sports complex is not a park, it is private non-profit property. Patzer felt that this would have a detrimental effect on the ESC property.

Bob Runkle 27551 US 12 lives across from the proposed development. He said he thought that single family residential would be a better fit than apartments. He said he was surprised that they wouldn't consider single family residential instead.

**Applicant Responses:**

Re: Runkle's comment: Shier stated that he would not consider single family residential because of the Chicago Trails development since it had a second phase that never was never built. happened. Also cost of building single family is 3x higher than previously.

Re: Sports Complex: Shier said that he felt that the ESC board was receptive to the project, but Mr. Patzer wanted him to put a fence around the whole property and he said no. Shier said he was surprised that a fence would be a hangup on a multi-million-dollar development. He went on to say that he thought the ESC should put up a fence when the sports complex was built.

**Additional public comments:**

Skip Kaspersak President of Sports Complex Board noted that people have referred to the ESC as a park but it is not. She said that the ESC welcomes community but are not a public park and are not supported by tax dollars. She said that when the board met with Mr. Shier they had a lot of reservations. A major concern was about traffic impacts. Even their ESC events cause traffic problems, and the ESC continues to work to improve them. She noted that adding another 200 dwelling units plus commercial the impact would be tremendous. She believes that a traffic study is appropriate and should be based on max buildout for residential and commercial. She asked that the Planning Commission make sure to have the facts before making a decision.

Todd Haber 65682 Westbank Drive, Edwardsburg. Asked "who absorbs the risk for the project?" He noted that the applicant doesn't want to invest in the studies, but he doesn't want the risk, so that puts the onus on the township. He questioned why the township would want to take that risk?

Mike Mroczek asked Mr. Shier if he would be willing to have the rezoning request broken into 2 or 3 parts since the MFR seems to be the more significant issue? Mr. Shier unequivocally said no and stated that he would need approval on all three requests in order to move forward. The applicant said he wouldn't move forward with the project if they had to spend significantly more money just to get the rezoning.

**Planner's comments:** Chairman Marbach called on Andy Moore to review his report. Moore commented on the remarks made at the meeting regarding the traffic study and housing analysis and noted again that if PC had concerns about traffic or housing studies, they could table the action and ask for studies be provided before approving the rezonings.

Chairman Marbach asked for a motion to close the public hearing, which was made by Sandra Seanor, seconded by Bill Mahaney. The vote was called for all were in favor and the public hearing was closed at 8:44 pm.

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Sandra Seanor said that she wanted to make a motion. Chairman Marbach acknowledged the request. Seanor motioned that the rezoning application be tabled until such time that the applicant completes, and the Planning Commission receives a traffic impact study and a housing market analysis addressing the commercial and multifamily rezoning proposal. Both studies are to be completed by Michigan duly licensed traffic engineers and housing professionals. Second by Bill Mahaney. Chairman Marbach called for a voice vote. Secretary Seanor called for the voice vote: Bill Mahaney – Yes, Dawn Bolock – Yes, Mike Mroczek – Yes, Dick Gates – Y, Sandra Seanor – Yes, Chris Marbach – No. The motion passed 5 Yes, 1 No

**New Business: Planning Commission Annual Report** - Chairman Marbach presented the completed the 2022 Planning Commission Annual Report. PC members commented that it was very well written and comprehensive. A motion was made to approve the report by Dawn Bolock, seconded by Mike Mroczek. All voted in favor, motion passed.

**Old Business:** Chairman Marbach read a letter of support for the Elkhart Rd Trail project and asked for a motion to approve the letter. The motion to approve was made by Mike Mroczek seconded by Dick Gates, with all voting in favor and the motion passed.

**Committee Reports Zoning Ordinance Review Committee Report:** Andy Moore gave an update on the Master Plan stating that letters for the joint Township/Village project is underway. Letters will be going out to partner agencies shortly. It is estimated that the Plan update can be completed in between 9 months to a year. It will include both the Township and the Village. The addition of the Village will not extend the project completion time.

Seanor again noted that the Zoning Review Committee will meet February 14<sup>th</sup>. She again requested that any changes or clarification regarding Site Plans, Site Condo, Subdivision, or PUD be sent by the members as soon as possible. Chairman Marbach further encouraged members to think about where in the Township MFR should or could be located as well as other changes that may be appropriate as the Mater Plan is updated.

**Announcements:** Roseanne Marchetti noted that she is the newest member of the County Planning Commission. She stated that the County Planning Commission had completed their interviews for a firm to update the County Master Plan.

Sandra Seanor noted that she had presented the ZO changes at the January 25th County Planning Commission meeting and John Hanson had forwarded all of the information to the Ontwa Clerk for the BOT February meeting.

Chairman Marbach noted that the Michigan State Citizen Planner class is available beginning March 8<sup>th</sup> for 6 meetings. He noted that the Township pays for members. He then adjourned the meeting.

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



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**www.ontwatwp.org • 26225 U.S. 12 • P. O. Box 209 • Edwardsburg, MI 49112 • Fax: (269) 663-0072 • Phone: (269) 663-2347**