

**Ontwa Township Planning Commission
Cass County Michigan
draft**

Wednesday, April 7, 2021
7:00 PM

VIA ZOOM
898-2162-1303

Members on Zoom: Chris Marbach – Chairman, Sandra Seanor-Secretary, Mike Mroczek, Don Delong, Richard Gates, Robert Thompson Vice Chair, Dawn Bolock, and William Mahaney.

Members Absent: Shane Szalai

Minutes Recorded By: Brigid Forlenza

Chair Marbach called the meeting to order at 7:00 PM.

1. **Pledge of Allegiance**
2. **Agenda Approval:** Motion made by Dawn Bolock to approve agenda as presented seconded by William Mahaney. All in favor, motion passes.
3. **Reading and approval of past minutes:** March 3, 2021. Motion made by Don Delong to approve minutes as presented seconded by Sandra Seanor. All in favor, motion passes.
4. **Land Divisions:** None
5. **New Business:**
6. **1. Rezoning - Brady Road. Property ID#14-090-002-031-02 and 14-090-011-06-00.**
Rezoning hearing for property on Brady Road for 61.77 acres on US 12 and Brady Road. Owner – Brady Byron M Trust. This is a public Hearing - Chairman Marbach this is a request to rezone from AR – Agricultural to R1 – Residential. Chair Marbach read rules for the public hearing for the State of Michigan.
 - a. Remarks from Zoning Administrator
 - b. Applicant makes presentation
 - c. Opposition comments
 - d. Applicant can present rebuttal
 - e. Public Hearing closed
 - f. Planning Commission will vote
 - g. If approved to County Planning Commission for review
 - h. Finally, to Board of Trustees for approvalZoning Administrator Leroy Krempec. This is a hearing for rezoning from Agriculture to Residential. This is a matter of the Board deciding if the Master Plan stands pat. The only issue tonight is whether the zoning is changed from Agricultural to Residential.

Chair Marbach – adds that there have been layouts floating around that are irrelevant. Lots must conform to R1 sizes and standards. The concept plan will not work as drawn. If this is approved it must conform to R1 standards, the drawing is preliminary. Chair asks for someone from applicant to make presentation.

Mike Danch - Danch Harner and Associates, 1633 Commerce Drive, South Bend, IN is representing the petitioner. Mainly trying to rezone 61.7 acres on north east corner of Brady Road and US 12 to take it to R1 for a residential development. The plan submitted is a concept – site condo and is subject to change. The plan seen is to give the board members a concept of what they would like to do with the property. Develop it for single family residences. The property is vacant, and they will maintain existing farm buildings. The property will be serviced by the sanitary sewer lines that exist on Brady road. Water will be from wells. They will meet R1 standards of 12,000 feet if connected to sanitary sewer. One access point out to Brady Road at this point. We are asking Planning Commission to give us favorable recommendation to the R1 selling standards.

Chair Marbach – informed that the standard for over forty lots is two entrances.

Pat Mathews – developer, feels it is an appropriate zoning for this property to be R1. Zoning consistent with area and there is tremendous demand for housing.

Craig Taelman – 52961 Winterberry Drive, South Bend, IN owns Touchstone Builders. There is a huge demand for housing and homes, creates 2.9 jobs per every home built.

Mason Rusk – 71781 Adams Road, Granger IN. The quality of soil is great for drainage. He is building on Brady road. The market is strong for homes. He is in favor and sees a great need for development.

Steve Smith – Realtor, Weichert. Owner of Irish Builder, 2010 Bovine Court, South Bend IN. In favor as a realtor there is a housing shortage. Desperate need for homes. Please respond to needs of citizens so they can have a home in Edwardsburg.

Nick Brady, 50569 Harborwood Court, Granger IN. He is the current property owner and wants everyone to know he is in favor of this. He is the trustee in charge of this property. It is not practical for him to maintain this property or lease it for farming. He has had multiple offers for this property and the person he wants to sell it to for development will be right for the community. This land has been in the family for 150 years. His father, Mr. Brady wanted to develop this property for the past thirty years.

Chair Marbach asked Planning Commission members for questions to applicant.

Member Dawn Bolock – What are average prices of homes as these lots are small? Answer - \$250,000 to \$350,000. Plan still on 130 homes? Answer – it will fit R1 requirements.

Member William Mahaney – Where will your second entrance be?

Chair Marbach – We are not approving a site plan this is for rezoning.

Member Sandra Seanor – As I understand this the future land use for this property in the Master Plan is R1. The current Master Plan and two prior Master Plans have had this property as R1.

Chair Marbach – This has been in three Master Plans as R1 for future land use – low density residential with no complaints.

Sandra Seanor – The only thing on table tonight is a conversation whether we move from AG to R1. There will be a site plan future date if we approve changing zoning.

Chair Marbach – that is correct, the zoning ordinances list the steps they must go through. There will be more public hearings regarding development.

Sandra Seanor – The site condo application is also available. Site Plan – they follow to get all information.

7:25 PM – Hearing no further questions Chair Marbach opens to the opposition. Please keep to 3 minutes.

Vicki Lints, 23597 South Shore Drive. Everyone that benefits from this project are all from out of state. She has turned in petition that opposes this project containing 47 signatures. The letter gave us no information other than agricultural to residential. There is no benefit for residents, and this will contain too much traffic. The congestion is too much on Brady Road, Eagle Lake Road, and South Shore Drive. The Board should represent us and the best interest of Ontwa Township. Hire more police there will be more break ins and crimes. Need more schools for children. Burden on taxpayers. Moved here for agricultural and rural. This should remain agricultural. The sewer system is not great to begin with and several times she has smelled sewage. What will this do to the lake. We need to protect environment. Destroy everything for the developers to make money.

Sandra Seanor – we are at six minutes.

Tom Pabreza – 68951 Brady Road, Edwardsburg. His property will abut development. Environmentally that land cannot support 130 homes. His issues are with land itself. He cannot say honestly, he is against this. Asked Nick to look at his father's original plan with two or three acres lots. Do not green light so many homes. Brady Road is a nightmare. Think not in terms of dollars and cents but environmentally.

Nancy Pabreza – 68951 Brady Road, Edwardsburg. Looked at Master Plan 2017 and we are deficient for starter homes. Master Plan Developments will be low density with green space. This plan does not reflect this. No mention of green space. One to five homes per acre is urban planning. When was this changed in Master Plan? She does not think Elkhart wants more sewage.

Chair Marbach – 2017 was last Master Plan. This was public notice and there was an online survey. The Master Plan was for whole township.

Polly Mitchell – 23633 South Shore Drive. Has three lots abut to this property. She agrees with others that we need to stay rural. She missed the property being changed in plan. Once you lose farmland you cannot turn it back. She asks that zoning thinks about this and doing something that you cannot undo.

Sandra Hagen – 23708 South Shore Drive. She is a commercial residential broker with Caldwell Banker. Her concern is Brady Road. The school creates backup traffic on Brady Road. She is not in favor of quantity of homes. This will create an increase of traffic on Eagle Lake. She must boat early to pull people on her boat. She is not in favor of so many homes.

Chair Marbach – there is no private lake access to this property. They would have to launch at Brady Road.

Nicole Nasco – 23664 South Shore Drive, as a current educator she is worried about the impact this would have on schools. How will they work with schools? How are they partnering with DNR regarding the increase of boat traffic on Eagle Lake? What is the plan with this development to not add stress to the sewer system? They do smell the sewer from time to time and it is disgusting. Is there enough well water? Lastly, why would you zone for another subdivision when we have had vacant lots in existing subdivisions – Chicago Trails, east and west end of Eagle Lake? We are speaking in opposition to this.

Dorothy Derringer – 23713 South Shore Drive, the developer said this creates jobs. The jobs are temporary not permanent.

Chair Marbach – 7:41PM Last call for opposition – None
Do Planning Commission members have questions for opposition.

Sandra Seanor – Wants the folks here tonight to understand that if they do rezone tonight there will be another process. They will have a chance to speak to that. This group will need to come back to Planning Commission with a preliminary site plan.

Chair Marbach – If rezoned the preliminary site plan will address traffic, sewer capacity, drainage/retention, and road layouts. That would be the next step.

Bob Thompson – For the people's benefit will you touch on the site condo as an act for development. The development would not be condominiums.

Chair Marbach – In Michigan there are two methods to develop property.

1. Standard Subdivisions Process – State Controls
2. Site Condominium Process – More local control – ownership is different and review process has more local control. It looks like a subdivision.

Chair Marbach – Master Plan Low Density. Residential 2 to 3 lots per acre for this district. 130 lots on 66 acres fits requirements. He does not believe it will be this many lots.

Sandra Seanor – this area has been identified for three master plans regarding land use.

Chair Marbach – this has been in the plan for fifteen years. The rezoning is a first step in process. If plan submitted does not work, it can be denied.

Bob Thompson – to further emphasize if he comes back with a plan that does not work it will not be approved.

Last call for opposition:

Amy Coughlin – 23718 South Shore Drive, talking tonight about R1 she understands R2 is less dense. Is R2 up for discussion as well?

Chair Marbach – the request is for R1. That is how it was noticed. As of tonight – no. It could be a factor of review.

Ms. Coughlin feels R2 sounds more in line with the Master Plan.

Vicki Lints – Question regarding sewer hook-up, will they have to pay?

Mike Mroczek – The sewer hook-ups will be at a cost to each home. An example is the east end, which is a current sewer extension.

7:55PM closed to opposition.

Rebuttal:

Mike Danch – they did look at Master Plan. This is a reasonable request. Fifty percent of township remains agricultural. The Master Plan looks at residential and expanded that. This will be single family houses. They will address traffic.

Pat Mathews – The developer – this is consistent with Master Plan. This will benefit community to create move-up housing. The burden on community will not be all at once. They anticipate 10 to 12 units per year for ten years in his opinion. Project will benefit community. The streets in development can be public or private. He would entertain community meeting, so they have input and to talk to developer.

Chair Marbach – this will be built in phases? Answer – correct.

William Mahaney – Will lots be sold to builders – who will build? Answer – This will be an open subdivision for any builders.

Sandra Seanor – Assume you will be working with CCRC and Joe Bellina. I would be cautious of a speed study.

Don Delong – Look at Master Plan and look at need for green space in the development.

Sandra Seanor – Motion to close public hearing seconded by Bob Thompson. All in favor motion passes.

Chair Marbach – We are back to Planning Members for this discussion and deliberation for this application. Rezone from AR to R1.

William Mahaney – I agree with some of the folks about rezoning. We have several subdivisions that are not full. Look at May Street, look at Chicago Trails. We have other developments that need to be filled first before we go out and rezone more land.

Sandra Seanor – proximity to school will be a driver.

William Mahaney – school buses are already a problem and traffic. We need to fill other developments first.

Chair Marbach – from process side the applicant will be back in front of the Planning Commission, the public, the sewer district, the health department, the road commission. They have lots of hoops to jump through if this is rezoned.

Sandra Seanor – Is our only question here is do we follow the future land use plan and transfer this from Agricultural to R1?

Chair Marbach – I will entertain a motion for this application.

Robert Thompson made a motion to approve this per the Master Plans direction. Sandra Seanor Seconded.

Roll Call Vote: Yeas: Chair Marbach, Sandra Seanor, Mike Mroczek, Dawn Bolock, Richard Gates, and Robert Thompson. Nays: William Mahaney, Don Delong.

Motion passes.

7. **Old Business: - None**

8. **Committee Reports: Zoning Ordinance Review Committee**

a. Draft Ordinances submitted to members for review:

1. Short term rental ordinance
2. Accessory dwelling units

Purpose is for Planning Commission members to review – mark it up with changes and submit to planner for amendment. Then once approved will be forwarded to the Board of Trustees.

Future discussion will be regarding bubblers. Working on this to present to Board of Trustees.

IMPC – Updated and should be on website.

Mike Mroczek – Where are we regarding blight. What is left to do for IMPC for blight.

Zoning Administrator Leroy Krempec responded:

We have building committee set up – and people have a right to appeal for homes uninhabitable.

Mike Mroczek who is on committee. Zoning Administrator, Leroy Krempec replied the Assessor and a builder/contractor and an independent. He cannot remember who the third person is. Supervisor Jerry Marchetti would know. It is a three-member board.

a. **Public Comments:** Dawn Bolock – Chicago Trails expired for future growth – no lots just acreage.

9. **Announcements** – Ron Weiner requested where the land division is that he has submitted for 24468 North Shore Drive. Zoning Administrator Leroy Krempec replied it is on his desk waiting for survey. The applicant Weiner replied he handed the zoning administrator Krempec the survey over a month ago. He furthered that he would drop off another survey if that is what it needed. He was told it would be on agenda.

Chair Marbach apologized and related he takes the agenda from Zoning Administrator Leroy Krempec when he has the packages ready.

10. **Adjournment:** Sandra Seanor made a motion to adjourn seconded by Don Delong at 8:28PM. All in favor – motion passes.

Respectfully Submitted:

Brigid Forlenza
Recording Secretary

