

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

**MINUTES FOR PLANNING COMMISSION HELD  
ON WEDNESDAY  
MAY 3, 2023 @ 7:00 PM**

Chairman Marbach called the meeting of the Ontwa Township Planning Commission to order at 7:00 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 Planning Commission's new member Todd Haberlund and welcomed him.

**Agenda:** Chairman Marbach asked if there were any changes, corrections or additions to the agenda as presented. Marbach noted the request that the agenda be modified and read into the record regarding the communications from the Eddie's Market Attorney, Emily Palacios and an email from the Township Planner, Andy Moore. Ms. Palacios is requesting that any action on the Eddie's Market development be postponed indefinitely, but not to exceed 6 months. Both communications are attached to the meeting minutes.

Chairman Marbach said he would accept a motion to approve the request. Dick Gates made a motion to approve the request, seconded by Todd Haberlund. Dawn Bolock asked for discussion, and Chair Marbach called for discussion. Dawn Bolock noted that Eddie's Market had already taken three months and is now asking for another 6 months, noting that he had made the request to be included in the Planning Commission agendas three times and cancelled the day of the meetings twice. She proposed that the motion be amended to provide Eddie's Market with a three-month extension but no later than at the August 2<sup>nd</sup> Planning Commission meeting. Dick Gates and Mr. Haberlund agreed to amend their motion and second, to give Eddie's Market that time address the Planning Commission's requirements but no later than at the August 2<sup>nd</sup> Planning Commission meeting. The amended motion was called for by the Chair. All were in favor, and the motion carried.

**Minutes:** Approval of April 5, 2023, Minutes: Chairman Marbach had one spelling correction under. Old Business, at the last sentence, which should read in and not "on". He asked for additional questions...there were none. Dawn Bolock moved to approve, seconded by Don Delong. Chairman Marbach called for a vote, all were in favor, none opposed.

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

**New Business:** There was no New Business.

**Old Business:** Chairman Marbach, noted that the Dr. Chris Patton has submitted a complete Final Site Plan for the Planning Commissions review, and had reminded the Commission a public hearing on the Special Land Use was approved a couple of months ago and now he is presenting the Final Site Plan.

Dr. Patton introduced himself and noted he would be happy to answer any questions. Questions on signage were discussed with John Hanson from the zoning department who verified that the signage met the required size and square footage requirements. The Chairman also noted for a C2 district (11a o(5)e) that a berm (3'), fencing or landscaping would be required when an adjacent parcel was zoned as manufactured housing. Chairman Marbach had a question regarding the design of stormwater retention area drainage calculations for the retention area. Dr. Patton's consultant said he would provide said data and that they used a 100-year rain event calculation. Some additional discussion occurred with Sandra Seanor making a motion to approve the Michiana Veterinary Hospital Site Plan subject to the applicant providing acceptable drainage data and a berm, landscaping or fencing as not noted under C2 district (11a o(5)e), seconded by Dawn Bolock. The Chair called for a vote, all were in favor, none opposed. Motion passed.

### **Committee Reports**

**Zoning Ordinance Review Committee Report:** Seanor explained the Zoning Ordinance Review met April 25<sup>th</sup> to finalize the changes to the site condo/subdivision ordinances and Zoning Ordinance general provisions which will be coordinated with the Master Plan update. Once finalized the changes and schedule for Planning Commission, County Plan and BOT approval will be sent.

Seanor provided a timeline developed by the Township Planner, for the Master Plan.

**Public Comments:** Chairman Marbach opened the meeting for public comment.

A member of the public asked about the changes to the zoning ordinances and the Master Plan. She was interested in the public's opportunity for comment, The Chairman explained that the process and noted that the public had several opportunities for review and comment. Seanor explained the review process, public hearings, Planning Commission, Cass County Planning Commission then to the Ontwa Township Board of Trustees.

A member of the public asked about the process and Seanor explained. Marbach noted that the changes being considered will provide clarity for all developments and similar language in the Master Plan.

Chairman noted that in general the Zoning Review Committee meets once to twice a year.

**Announcements:** Roseanne Marchetti reported on grants to develop Farmland Preservation Plans. She suggested making the Township Planner aware of Farmland Preservation.

Chairman Marbach had one more announcement for the group that was remonstrating regarding Eddie's Market wanted the Planning Commission to receive some additional information that he passed out to the Commission, from Jerry Duck.

**Adjournment:** Hearing no additional questions Chairman Marbach adjourned the meeting.

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**Subject:** FW: Ontwa - Conditional Rezoning [IMAN-MJ\_DMS.FID2778774]

**Importance:** High

**From:** Moore, Andrew <Moore@williams-works.com>  
**Sent:** Tuesday, May 2, 2023 15:27  
**To:** 'Chris Marbach' <chris.marbach@sam.biz>  
**Cc:** John Hanson <Zoning@ontwatwp.org>; Cathy Obren <Secretary@ontwatwp.org>  
**Subject:** FW: Ontwa - Conditional Rezoning [IMAN-MJ\_DMS.FID2778774]  
**Importance:** High

Chris,

See below. Ms. Palacios represents Brian Shier regarding the Eddies Market Park project.

Emily and I spoke on the phone last week and she is requesting that any action on this project be postponed indefinitely to allow them to address the requirements of the Planning Commission back in February (traffic / market study). I asked Catherine Kaufman about this and she indicated that this was okay, except that she would not recommend letting be postponed forever. Rather, the Planning Commission could postpone until the applicant returns, but not more than six months. After the expiration of 6 months, the applicant must either proceed forward or address the PC as to why their request should not proceed forward.

Thus, it is my recommendation that the Planning Commission accept Ms. Palacios's request and postpone any action on this item indefinitely, but not to exceed six months. After the expiration of 6 months, the application must either proceed forward or address the PC as to why another extension is warranted.

Feel free to share this with the rest of the Planning Commission.

Thank you,

**Andy Moore, AICP**  
Executive + Planner

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**From:** Palacios, Emily C. [<mailto:palaclose@millerjohnson.com>]  
**Sent:** Tuesday, May 02, 2023 11:13 AM  
**To:** Moore, Andrew <Moore@williams-works.com>  
**Subject:** Ontwa - Conditional Rezoning [IMAN-MJ\_DMS.FID2778774]  
**Importance:** High

Good morning, Andy.

Per our call last week, my client would like to have the Planning Commission postpone action on its conditional rezoning request to allow time for us to respond to the Planning Commission's information requests.

Given the Memorial Day holiday at the end of the month, I don't think we will be ready for the June meeting. Instead of postponing on a month-by-month basis, I had suggested a motion postponing until such time as the applicant gives notice that he is ready to have his application taken up again. The advantage to this is that the public would have some certainty as to when the item would be coming back up and wouldn't need to attend unnecessary meetings. However the PC choses to handle the postponement will be fine on this side

Is requesting the postponement through you sufficient or is there someone at the township I would send the request to? I won't be able to attend tonight's meeting as I have COVID.

Emily

**Emily C. Palacios** (she/her)

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