

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

**MINUTES FOR PLANNING COMMISSION HELD ON
WEDNESDAY
August 3, 2022 @ 7:00 PM**

Members in Attendance: Chris Marbach, Sandra Seanor, Dick Gates, Don Delong, Mike Mroczek, Dawn Bolock, Shane Szalai

Members Absent: Bob Thompson, William Mahaney

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 approve the agenda. Motion by Dawn Bolock, second by Gates. Motion carried with all in favor. None opposed.

Chairman Marbach recognized Jerry Marchetti who wanted to announce the new Building Inspector. He introduced Richard Yoder, who replaces Wayne Hardin. All welcomed him.

Approval of Past Minutes: Chairman Marbach called for approval of the minutes from the Planning Commission meeting of 7/6/2022. He asked for a clarification regarding who made the motion regarding Eagle Ridge. Sandra Seanor said she would reflect that she made the motion as a point of clarification. Dawn Bolock made the motion to approve, seconded by Don Delong. 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 noted that there is no New Business and moved on to Old Business.

Old Business: Rezoning Kent – US12 and Adamsville Rd, 14-090-050-011-01: Chairman Marbach indicated that the applicant is unable to attend as he is out of town in Ormand Beach Florida. He noted that the rezoning is a public hearing, and the applicant has requested that the Zoning Administrator provide his information to the Planning Commission. Chairman Marbach explained the process, noting that the Planning Commission is just making a recommendation to the Township Board.

Marbach turned the floor over to Leroy Krempec the Zoning Administrator who made the presentation for the applicant. He noted that the applicant felt that he was unable to sell as a commercial building. The Zoning Administrator noted that he recommended approval.

Discussion ensued regarding the fact that there are two homes on one lot, which is prohibited by the Ontwa Zoning Ordinance. Dawn Bolock noted that the property had been listed for 23 days in the MLS as two homes on one lot. Chairman Marbach asked if this met the Accessory Dwelling Unit standards, which would not allow the owner to rent second home on the property as an ADU. Chairman Marbach noted that if we rezone the property to R1 it can only be classified a single-family home. It was further noted that if the second building was as an ADU it could not be rented and could only be used as a mother-in-law suite (for a family member).

Chairman Marbach called for a motion on the matter. Dick Gates made a motion to approve the rezoning to R1 contingent upon the applicant being notified that the property rezoning is only for a single-family dwelling and cannot be used as multi-family. The motion was seconded by Don Delong. The Chairman asked for all in favor 6 ayes and Dawn Bolock opposing with a no vote. The motion passed.

The Chairman asked if there was anyone from the public wishing to speak on the matter. Mr. Art Leineu noted that he owns the property across the street from the applicant's property. He expressed concern that this would be a multi-family use with no garage. Chair Marbach reiterated that it could only be a single-family residence. The Chairman thanked Mr. Leineu for his comments.

Old Business/Eagle Ridge: The Chair addressed the Planning Commission indicating that the applicant was present. He noted that not much changed regarding the applicant's submission and noted that he had forwarded the test results from the water sampling. He then invited the applicant's attorney to make his presentation.

The applicant's attorney, Mr. Steven Studer, 4101 Edison Lakes Parkway, in Mishawaka In 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. Questions regarding the detention/retention areas were asked with the applicant's attorney noting that these were not going to be included in any lot area. Additionally, he noted that they would agree to remove Lots 1 and 2 from the plan.

Chairman Marbach noted that the Planning Commission is only approving that Phase 1 of the applicant's plan. He further noted that the Planning Commission can only address the requirements of the site condominium ordinance and without a specific requirement for greenspace cannot impose such a requirement.

A discussion regarding the measurement of the lot depths (required to be 125') ensued regarding the Planner's notation that the measurement must be from the right of way line and not the street centerline. Chairman Marbach called on Burne Miller, who is also representing the applicant. He testified that the lots were originally measured from the street centerline but after discussion with the Planner he had adjusted the lot lines to be measured from the right of way line as required by the

ordinance. He said that all of the lots now meet the 125' depth. Chairman Marbach suggested that this could be a condition for approval. He asked that the applicant explain the materials dropped off before the meeting. Burne Miller said he provided the private road documents, information to the Road Commission on the street names, there are still additional documents that need to be submitted.

Mike Mroczek questioned the water test in well three which had a 9.3ml reading for nitrates and a 0 reading for iron. Mr. Miller stated that he found them unusual too but is awaiting the Health Department Review.

Chairman Marbach asked if there were any other questions for the applicant. Hearing none he asked if there were any members of the audience wishing to speak. Polly Mitchell spoke up. She is at 23633 So Shore Dr. and asked about where the private road is located. The Chairman responded that all of the roads in the development would be private roads.

Dorothy Derringer. A resident on South Shore commented that she wasn't in favor of the project. Additional discussion of the water testing ensued. Chairman Marbach asked for any other comments and hearing none turned to the applicant for any additional comments and then asked for a motion to close the public hearing. Dick Gates made the motion to close the public hearing and return to the Plan Commission meeting, seconded by Don Delong. Motion carried with all in favor. None opposed.

The Chairman reviewed the approval process, noting the Planner's June 17, 2022 memorandum and then asked for a motion regarding the application.

Sandra Seanor said she would make a motion. The motion is as follows:

*Lots must be measured from the right of way line not the street centerline and must meet the 125' depth requirements of the ordinance for private lots.

*No lot shall have any portion of their private lot area included within any portion of a retention or detention area.

*Lots 1 and 2 shall be removed.

*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 of the Master Deed by the Township Attorney shall be required prior to Step 2 approval by the Township Board.

*A Performance Guarantee is required (in the form of a corporate surety bond) in an amount

proposed by the Township Planner, Engineer, and Attorney to guarantee the proper performance of required improvements or materials to meet the provisions and intent of this Ordinance, prior to final approval by Township.

*The applicant must submit a detailed US12 drainage plan for review and approval by the Township Engineer.

*The applicant shall update its maps to reflect all of the changes and corrections required in this motion including, postal location and parking areas 30 days prior to the Township Board meeting.

*This motion for approval, is only for Phase one of the Eagle Ridge Development, as reviewed by the Ontwa Planner's second memo dated June 17, 2022 for the Township Board consideration.

Dawn Bolock seconded the motion. The Chairman called for any discussion hearing none he asked for a roll call. Chris Marbach - Yes, Shane Szalai – Yes, Richard Gates – Yes, Don Delong – No, Mike Mroczek – Yes, Dawn Bolock – Yes, Sandra Seanor – Yes.

Chairman Marbach stated the motion passes with 6 Yes and 1 No. He noted that the Township Board would review the application at its September meeting.

Committee Reports: The Chairman asked for Committee reports.

Sandra Seanor gave the Zoning Review Committee report noting that the following items were discussed and assigned to our Planner, including an updated for all applications for consistency. Once completed John Hansen will work with Tina to upload to the website. The Noise Ordinance information has been sent to the attorney. The discussion for the August 9th meeting will include Solar. After Solar we will be working on the Master Plan.

Public Comment: The Chair asked for any other public comments. Polly Mitchell asked how to file a complaint on the Short-Term Rental across the street from her home. She was encouraged to file a complaint with the Zoning Office.

Chairman asked if anyone else wished to speak hearing none, he adjourned the meeting.