

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

**MINUTES FOR PLANNING COMMISSION HELD
ON WEDNESDAY
APRIL 5, 2023 @ 7:00 PM**

Chairman Marbach called the meeting of the Ontwa Township Planning Commission to order at 7:04 pm

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

Chairman Marbach welcomed everyone, stating that there was a quorum present. He recognized the public attending and asked that those wishing to speak sign in with their name and address for the minutes record. Chair Marbach noted that Mr. Shier notified him that he will not be in attendance this evening and asked that his information be postponed until next month. He noted that there would be no formal action on his proposal, but stated that anyone wishing to speak could do so under public comment.

Agenda: Chairman Marbach asked if there were any changes, corrections or additions to the agenda as presented excluding Mr. Shier's presentation. He asked for a motion to approve the agenda, removing Mr. Shier's presentation as noted and moving it to the May meeting. Motion made by Don DeLong and seconded by Bill Mahaney. He called for a vote, and all were in favor.

Minutes: Approval of March 1, 2023, Minutes: Sandra Seanor presented technical corrections in red. She asked for additional questions...there were none. Bill Mahaney moved to approve, seconded by Don DeLong. Chairman Marbach asked that the Rezoning Checklist from Mr. Shier be added to the Minutes.

Land Divisions: There were no Land Divisions.

New Business: There was no new business.

Old Business

Eddies Market Park – 27398 US 12 – Proposed Amendment – Conditional Rezoning
Although Mr. Shier had scheduled the review of his conditional rezoning letter, he later contacted Chairman Marbach and noted that he would not be on attendance.

Update to Zoning Ordinance Amendments – The Board of Trustees during their March 13th, 2023 asked that Planning Commission change the prohibition of shipping containers as accessory buildings in all residential districts allow them only on a parcel that exceeds 2.5 or more acres. Additionally, minor changes to the wording on Section 20.04 were approved. Wording for both changes are attached to these minutes. Motion to approve the changes and send them back to the Board of Trustees for April 10th, 2023, approval was made by Dawn Bolock, who noted she was interested in the shipping containers language to provided synergy between the Village and Township Zoning Ordinances.

Committee Reports

Zoning Ordinance Review Committee Report: Seanor explained the Zoning Ordinance Review met to review the various site condo/subdivision and general provision changes the Planning Commission had discussed for both the Zoning Ordinance and Master Plan update. Seanor passed out the red highlighted pages for draft changes to the Commission. Bill Mahaney asked that a requirement to identify the postal location for developments be included.

A discussion of the proposal to require a minimum of 2 ingress and egress locations in developments with 25 (also considering 40) dwelling units ensued. Mr. Duck had questions about how far apart such locations should be. Chair Marbach noted that ingress/egress access were the responsibility of the Cass County Road Commission and regarding state roads, MDOT's permitting process. He further noted that the changes being reviewed include updates to the Site Condo, Subdivision Ordinances, the General Provision sections of the Zoning Ordinance and where applicable to the Master Plan, which is currently being updated. Marbach noted that the changes being considered will provide clarity for all developments and similar language in the Master Plan.

Public Comments: Chairman Marbach opened the meeting for public comment and asked for anyone speaking to add their name and address to the Attending Citizen list at the podium.

Neil Bowman 22030 Twilight, Edwardsburg, MI rose to address the Commission and asked that the Zoning Review Committee consider changing the Keeping of Animals section of the Zoning Ordinance to allow for the keeping of a small number of chickens (no roosters), rabbits for participation in 4H (not looking for large animals pigs etc.) He noted that his research noted that 8-10 chickens would cost a child participating about \$300 including, feed bedding etc. Mr. Bowman said that in his practice as a Nurse Practitioner he sees the positive benefits of 4H participation as it teaches children responsibility. He said that the animals must start as of May 1st and the 4H Fair is the 1st week in August. Seanor noted it would be put on the agenda for the Zoning Review Committee meeting. Betsy Carls 29360 stepped up to say she supported the request made by Mr. Bowman.

Cass County Commissioner Roseanne Marchetti rose to say that she supported Mr. Bowman's request and noted that several Townships participated in the 4H program.

Mr. Jerry Duck noted that he had a group of constituents that had prepared a statement (attached to the minutes) each of the citizens listed below read from portions of the attached statement.

Brenda Beadenkopf – 60874 Beebe Rd, Niles, Michigan

Will Beadenkopf - 60874 Beebe Rd, Niles, Michigan

Betsy Carls - 29360 US 12, Niles, Michigan

Julie Roberts no information

Lisa Smith – 69483 Conrad Rd., Edwardsburg, Michigan

Lorenna Millihin – 70212 Conrad Road, Niles, Michigan spoke about the loss of farmland and the importance of farmers continuing to produce food for the nation. She noted that 50 years ago Granger, Indiana was all farmlands. She noted that she hoped that Edwardsburg farmland would not go the same route. She opposes the 200 dwelling units proposed by the developer. She asked that the Planning Commission not allow the Market Park to move forward.

Unable to determine name – Concerned about solar going into farmland and does not approve of the Market Park development.

Tracy Konopka – 66748 Conrad Rd, Edwardsburg, Michigan – does not approve of the commercial, or 200 dwelling units. She is concerned about safety.

Lynn Schantz – 29353 Pokagan Hwy, Dowiagiac, Michigan opposes the Market Park development.

Chairman Marbach was asked by the group if they should attend next month. He responded that this was up to the group.

Marbach asked for further comment. Some additional questions were asked including “what is a conditional zoning”. Marbach noted this could mean that the developer might suggest that he could volunteer to place certain conditions on his zoning request to get the zoning that he wants. These would be subject to the Planning Commission approving the conditional rezoning proposal.

Jerry Duck asked if there was a time limit to the rezoning request. Chair Marbach said that down the line the Planning Commission if it determined that the applicant had not been timely the Planning Committee could deny the request.

Chairman Marbach noted that the Planning Commission has required the applicant to provide a traffic impact study and a housing marketing analysis. Additional discussion ensued. Bill Mahaney had additional questions. Chair Marbach suggested that Mr. Shier bring facts to support his project.

Announcements: Supervisor Marchetti invited everyone to take advantage of the Clean Up Day on Saturday, April 15, 2023.

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

April 5, 2023

Opposers of the proposed Market Park questions and concerns:

Per the Ontwa Twp Planning Commission Meeting from February 1, 2023, 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.

1. It appears that again this year Brian Shier's request for rezoning of the property located at 27398 US 12 for his proposed Market Park is not supported by documented facts why it would be to the advantage of Ontwa to change the property from a current agricultural property to commercial.
2. We have been informed he has requested a conditional rezoning. We are requesting a copy of the original application for rezoning and the application for conditional rezoning and would like to know the status.
3. During Mr. Shier's presentation, he discussed the "Master Plan."

He noted that the Multi-Family Residential (MFR) rezoning request did not meet the "Master Plan" at this time. What is his plan of commercial development? What are the proposed structures he plans on building on the land? What are the phases of his intended project and the timelines to complete them with a final completion date?

4. How does Mr. Shier intend to finance a project of this magnitude?

Does Mr. Shier have a bank loan approval letter to provide to the Planning Commission with a letter of approved financing?

Will Mr. Shier be receiving tax credits and/or abatements?

Is there a commitment to finish the Market Park project with projected dates? His past history from our research suggests he has previously started multiple LLC businesses that ended up being dissolved.

5. Mr. Shier stated that he's had discussions with the school, church, and sports complex. He provided three letters of support from The First Pentecostal Church (Robert Geans) who owns Robert Geans Corp. A concrete business that could profit from the venture. Edwardsburg Public Schools (Jim Knolls, Ed.S) who is leaving June 1st, and Market Van Buren with (no signature), which holds no validity.

Only two signed letters of support? No attendance of supporters at the PC meeting?

Does Mr. Shier have the support of the new Superintendent of EPS in support of the Market Park project?

Where are the other supporters of his business venture "he" feels is wanted and needed by the community?
Where is his research data?

Who has Brian Shier contacted that is opposed of the Market Park project?

We are aware of an individual that posted an opposing comment on his Facebook page he has since blocked.

Ed Patzer, Executive Director of the Edwardsburg Sports Complex ESC, is viably concerned about the security of the Sports Complex. Mr. Patzer did his due diligence in working with Mr. Shier of asking Mr. Shier to construct a fence between the sports complex and the applicant's property. He said Mr. Shier said no. Mr. Shier would like for the not-for-profit to put up a fence at "their" expense to prevent the residents from "his"

facility to not enter the private complex. That is definitely a way of giving back to the community isn't it? Mr. Patzer went on to say that the Sports Complex is "not" a park. It is a private non-profit property.

Bob Runkle, who lives across the street, mentioned he thought that single family residential would be a better fit than apartments. Mrs. Shier would not entertain.

It doesn't appear to us that Mr. Shier is willing to work with the individuals representing the properties next to and across from his property.

Skip Kaspersak, President of the ESC said the ESC welcomes the community, but it is not a public park and not supported by tax dollars. She said that when the Board of the ESC met with Mr. Shier they had a lot of reservations with valid points. The major concern is the traffic impact, which we are all very concerned about. Even the ESC events cause traffic problems the complex continues to work to improve upon.

It is concerning to us Mr. Shier wants to build and he wants the other property owners to make concessions for him with him not making any concessions for them. The unwillingness of this individual to work with the community is beyond concerning and the project hasn't even began.

We are all very concerned what the adding of a complex of this size in this location with 200 tenants would create of major traffic issues on a US Highway with a bottleneck of congested traffic.

Todd Haber asked "who absorbs the risk for the project? We would also like to know the answer to that? He noted that the applicant doesn't want to invest in the studies, but he doesn't want the risk, so that puts the risk on us the township. We are very concerned about this, especially since researching Mr. Shier's history with his past businesses. He questioned why the township would want to take that risk? We agree!

Mike Mroczek asked Mr. Shier if he would be willing to have the rezoning request broken into 2 of 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 zoning.

It doesn't appear to us that Mr. Shier is willing to work "with" the community on what the "community" would like "only" what he wants, when he has mentioned this project is for the community. It definitely raises questions and concerns for us with his "unwillingness" to work with the other property owners and individuals from the community.

Can Mr. Shier provide us with references that don't have the possibility of financially benefiting from the Market Park project? Lacking public support from our community is very concerning. It is raising big red flags on the project.

6. Mr. Shier mentions Edwardsburg Schools' needs as "he" perceives it additional housing. He noted that "he" believed that the addition of housing units would support the commercial development he is planning.

Has Mr. Shier presented the Real Estate market data to support this so-called housing need?

What information, or facts, does Mr. Shier have that support his opinion that our area requires additional housing?

Can our current economy afford such a massive facility? Isn't there currently a high level of foreclosures?

7. Mr. Shier is requesting a C2, which allows for drive-thru commercial activities. Mr. Shier 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.

We were under the impression this was to be a walkable community. If it is a walkable community, then why does he need the C2 for a drive-through?

How many drive-thru companies will be on the property? If there will be fast food "restaurants," they would again be adding to an already highly congested area. It sounds like a traffic gridlock.

8. Mr. Shier stated that he thinks that the MFR is needed to support the proposed commercial property.

How many commercial buildings / apartments, etc will be on the property?

What types of buildings will they be, single-level, duplex, business high-rise?

Will housing units be above commercial property?

9. Mr. Shier stated that his plan prioritizes a safe walkable community between complementary land uses.

The sports complex is not a park. It is a private non-profit property.

What complementary land is Mr. Shier referring to?

Who is Mr. Shier to say it will be a safe community?

There are non-safe issues on college campuses. With higher population, which with that many people living in a small contained area, typically increases safety issues.

Does the village of Edwardsburg/Ontwa Township have the police force to handle the dramatic increase in residents? Aren't there already police staffing shortages?

There are statistics of the increase in domestic abuse cases as a result of COVID with people being confined to small areas.

10. When does Mr. Shier plan on submitting to the PC the MDOT traffic study?

The area already has major traffic issues with the school and sports complex. The new Library being constructed in the same area will add additional traffic to an already taxed road system.

How does Mr. Shier plan on students being transported from the purposed walkable community to the school by an EPS bus or walking? That would be quite a walk to school through Michigan winter weather and heavy traffic. That would definitely be a safety concern and require traffic individuals.

What are Mr. Shier's plans for water and sewer? Does he plan on connecting to the Sports Complex?

12. Dawn Bolock asked about his address, which is different from the one listed in the application. Mr. 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.

With the impact, Mr. Shier's proposed complex would have on the community we would like more information about his established businesses, their failures, and their success. We don't want another large project like the church not to be completed for years and become an eyesore to the community.

Are Mr. Shier's business(s) registered with the BBB (Better Business Bureau)?

We would like complete disclosure of all Brian Shier, Danica Shier, and Susan Sakara businesses. Brian Shier has a non-profit business, what is that used for?

When we researched all of the businesses associated with Mr. Shier and how many of them have been established and dissolved is very alarming.

We contacted the Michigan licensing for contractors 517-241-9316 and Michigan businesses 517-241-6470. We were told an LLC goes into dissolution and is considered not in good standing if annual reports are not filed. Mr. Shier appears to have a lot of these types of businesses listed under his name. Can Mr. Shier explain why?

Research Link: <https://www.bizapedia.com/>

Person Name Title Company Name Entity Type Address Locations

Brian Shier, Agent, Black Oak Barn L.L.C., Michigan Domestic Limited-Liability Company, Niles, MI
Brian Shier, Agent, Chair Share Salon LLC, Michigan Domestic Limited-Liability Company, Niles, MI
Brian Shier, Agent, Simplicity Building Systems LLC Michigan Domestic Limited-Liability Company Niles, MI
Brian Shier, Agent, Naacp LLC, Michigan Domestic Limited-Liability Company Niles, MI
Brian Shier, Agent, Eddies Market Park LLC. Michigan Domestic Limited-Liability Company Niles, MI
Brian Shier, Agent, Crumbs 2u, Michigan Assumed Name Niles, MI
Brian Shier, Agent, The Shier Signature Home, Michigan Assumed Name Niles, MI
Brian Shier, Agent, Community Management Firm, Michigan Domestic Non-Profit Corporation Niles, MI
Brian Shier, Agent, Ottshier Homes, LLC, Michigan Domestic Limited-Liability Company Berrien Springs, MI
Brian Shier, Agent, All Seasons Construction And Property Maintenance, Inc., Michigan Domestic Profit Corporation Niles, MI
Brian Shier, Agent, Retexchange LLC
Indiana Domestic Limited-Liability Company, Mishawaka, IN and Niles, MI
Brian Shier, Agent, The Shier Signature Home LLC Michigan Domestic Limited-Liability Company, Niles, MI
Brian Shier, Agent, Net.Works LLC, Michigan Domestic Limited-Liability Company, Niles, MI
Brian Shier, Agent, 68790 Cass St. LLC, Michigan Domestic Limited-Liability Company Niles, MI
Brian Shier, Agent, Green Structure Supply LLC. Michigan Domestic Limited-Liability Company, Niles, MI
Brian Shier, Agent, Ur Home LLC, Michigan Domestic Limited-Liability Company, Niles, MI

Why so many LLC companies?

13. Sandra Seanor inquired about Mr. Shier's proposed 200 multifamily units. Mr. Shier stated 'they' didn't have a good handle on it.

Who's 'They'?

Who is Mr. Shier Market Park's partner(s), and who's going to operate Market Park long-term?

Who is helping fund the Market Park?

With the number of businesses that Brian Shier owns, and is obligated to, is Mr. Shier reasonably able to take on such an enormous project?

Where's the funding coming from?

Mr. Shier posted on fb his Market Park will help fund the school. That all depends on what type of housing as to how much more tax revenue it would bring in for the schools.

Will Mr. Shier be receiving any government grants?

Will there be parking garages for Market Park's residents?

Will there be power charging stations for electric cars?

14. 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 MDOT's 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?"

When Mr. Shier doesn't want to spend the intended money needed for the feasibility of his proposed project, what gives us confidence the project will be completed?

15. 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.

Does Mr. Shier have professionals, articles, or facts that can corroborate what he perceives the school system to be?

16. Dawn Bolock asked about affordability and price point. Mr. Shier said they have researched 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.

Mr. Shier should be required to provide his research findings.

Mr. Shier is the President of the company Sakara & Shier Development Group that's located at 404 E. Niles, MI.

According to our research, Mr. Shier offers a 560 sq ft rental @ \$985 "which he" obviously considers affordable. How is this affordable to individuals with low income?

Brian Shier's Sakara & Shier Development Group business
link: <https://propertymanage.biz/u19428/rentals/listings>

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

It appears to us based on emergency fire requirements for a complex of this size must provide a minimum of 2 driveways for emergencies: fire, volunteers, and ambulance.

Where does Mr. Shier plan on locating additional driveways?

What if there's a wreck in front of the Market Park complex? How would people enter and exit with one driveway?

We have a small volunteer fire department. How would they be able to handle a facility of this size should there be a fire? They don't have the staffing or equipment set up to handle something of this magnitude. This would put a major strain on our resources creating an issue with our public services.

18. Chairman Marbach asked for public comments in favor of the project. Hearing 'none', he requested comments opposing the project.

No public comments in favor of the project?

It appears Edwardsburg may want growth, but maybe not Mr. Shier's idea of growth.

19. Further questions concerning Mr. Shier and his businesses

Why aren't Brian Shier's businesses registered with the BBB, especially Shier Signature Homes or UR Home?

The Porch website has been designed for connecting contractors, Mr. Shier's website goes to a porn site (<https://porch.com/niles-mi/general-contractors/the-shier-signature-home-llc--36338679/pp>). Porch website statement, since 2013 connecting homeowners with high-quality home improvement professionals. We started out as a home services marketplace, delivering project requests to pros across the country who make up part of the \$500 billion home improvement market. Mr. Shier's Signature Homes website goes to a Chinese porn site (<http://www.shierhome.com/index.php>), and we find that concerning.

Most of Brian Shier's web links go nowhere. For example, Brian Shier, Shier Signature Homes LinkedIn account website (<https://www.linkedin.com/in/brianshier/>) 403 Forbidden. Brian Shier's FB page (<https://www.facebook.com/brian.shier.7>) [shierhomes.com](http://www.shierhomes.com) (<http://www.shierhomes.com/>) leads to 403 Forbidden error messages. Brian's intro, owner at Shier Signature Home link leads to that Facebook page. Once again, [shierhomes.com](http://www.shierhomes.com/) (<http://www.shierhomes.com/>) leads to a 403 Forbidden error message. 404 Main Street Facebook page, same setup, [404mainst.com](https://www.facebook.com/404MainStreet) (<https://www.facebook.com/404MainStreet>) link to nowhere.

If Shier Signature Home, LLC. is an award-winning builder in southwest Michigan and northwest Indiana, where are all his homes? Shier Signature Homes have been in business for over 15 years, but yet, Shier Signature Homes' Facebook page only has 8 photo albums with 10 or fewer pictures in each album and a dead-end construction website link. Where are the reviews? Where are his business websites?

PPP loans went to two of Brian Shier's construction companies, UR Home (\$10,000) and The Shier Signature Home company (\$20,879) for \$30,879. Each company claimed 4 employees. Shier Homes Loan #8823957005 UR Home Loan #8838087007

Research links:

https://opencorporates.com/companies/us_in/202301181655586

<https://bsd.sos.in.gov/PublicBusinessSearch>

<https://cofs.lara.state.mi.us/SearchApi/Search/Search>

<https://www.federalpay.org/paycheck-protection-program>

<https://www.bizapedia.com/people/brian-shier.html>

<https://www.bizapedia.com/>

Our conclusion from our research about Mr. Shier and his proposed Market Park at the location requested would require an entire revamping of our roads and infrastructure, thus creating more costs to the taxpayer to put profits in Mr. Shier's pocket at our expense. In addition, based on our research about Mr. Shier's previous business ventures we are very concerned he will not complete & properly maintain the complex.

We would like these notes added to the minutes.

Lisa Smith
69483 Conrad Road
Edwardsburg, MI 49112

Betsy Carls
29360 US Hwy 12

Niles, MI 49120

Jerry Duck
23691 Southshore Dr.
Edwardsburg, MI 49112

Julie Roberts
3378 Tiara Trails
Edwardsburg, MI 49112

Steve & Sue Smith
29316 US Hwy12
Niles, MI 49120

Lynn Schantz
29353 Pokagon Hwy
Dowagiac, MI

Rose & Kevin Kelsheimer

<https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>

<https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf>

<https://www.weforum.org/>

<https://www.un.org/sustainabledevelopment/progress-report/>

<https://www.un.org/sustainabledevelopment/cities/>

<https://www.un.org/sustainabledevelopment/development-agenda/>

<https://internationalman.com/articles/doug-casey-on-15-minute-cities-and-penning-you-in-for-the-next-lockdown/>

<https://thebreakaway.wordpress.com/2016/01/13/nyc-officials-overseeing-expansion-of-micro-apartment-development-as-agenda-21-pushes-americans-into-population-dense-urban-centers/>

<https://smart.columbus.gov/>

<https://movcac.com/first-ohio-town-to-reject-agenda-21/>

<https://www.eutimes.net/2023/02/wef-orders-world-governments-to-begin-severely-rationing-meat-and-fuel/>

<https://www.eutimes.net/2023/03/wef-says-us-must-implement-one-child-policy-for-white-families/>

<https://www.eutimes.net/2022/08/wef-declares-we-just-dont-need-the-vast-majority-of-you/>

<https://shiftfrequency.com/agenda-21-population-forced-to-move-into-cities/>