

**PLANNING COMMISSION FINAL MINUTES
WEDNESDAY DECEMBER 6TH, 2023 @ 7:00 PM**

Members in Attendance: Chris Marbach, Sandra Seanor, Don DeLong, Meryl Christensen, William Mahaney, Todd Haberland. Mike Mroczek, Shane Szalai

Members Absent: Richard Gates

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

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

Chairman Marbach welcomed everyone, stating that there was a quorum present.

Agenda: Chairman Marbach asked if there were any changes, corrections or additions to the agenda as presented. Motion to approve – Mike Mroczek and Todd Haberland seconded. All were in favor, and the motion carried.

Approval of October 11, 2023, Minutes: Chairman Marbach asked for questions or corrections. He made a change to the 2nd page third paragraph adding to words “be a” after the word might. Hearing no other changes, he asked for a motion to approve. Todd Haberland made the motion to approve and William Mahaney seconded. All were in favor, and the motion carried.

Land Divisions: There were no Land Divisions

New Business: There was no new business.

Old Business: Eddies Market Rezoning: Chairman Marbach noted that this meeting was a continuation of the past applicant’s presentation. He explained that the applicant and representatives would have an opportunity to address the Commission and the public. Chairman Marbach said he would open a public hearing opportunity to accept public comments.

Attorney Palacios representing Eddies Market rose to address the Planning Commission. She noted that they had provided the traffic and housing data and representatives from the reports were in attendance to answer the Commissions questions.

Sam Jablonowski, Abonmarche Consultants addressed the group and asked for questions. Questions were asked regarding the impact of traffic on the existing roads and highways. One member asked if the consultant had done actual traffic counts on the corridor or used MDOT or MACOG traffic data to generate the traffic estimates. Mr. Jablonowski said they had not completed counts and did not use the MDOT or MACOG count sites.

Seanor noted that the current traffic count data (annual average daily traffic - AADT) from MACOG and MDOT websites indicated that traffic presently ranged from 7524-8603 AADT for that location (2020 and 2022). The Abonmarche traffic projections for phase one of the proposed project, estimates an addition of 7349 daily trips. She noted that the phase one project would increase the daily traffic to more than 14,800 AADT and at the projects completion traffic could reach 18,000 AADT. Further, high traffic volumes are typical of 4-lane roads and would have a substantial impact on the area's road system. More discussion ensued with Mr. Jablonowski answering questions regarding the potential for traffic lights, turn lanes and a future requirement for a traffic impact analysis. Chris Marbach noted that MDOT would be responsible to develop traffic management of is roadway.

Attorney Palacios took the podium and introduced the representative from CIB Consultants, the author of the Housing opinion letter regarding the area's need for additional housing. Questions regarding the consultant's use of ACS (American Community Survey) data sited in his report showed an error rate of +/- 4.5% rendering his estimates moot in determining renter need for additional rental housing (Wm and Works memo 12/1/2023 p4 p1). Further, the consultant noted in his opinion letter that the State of Michigan's "Statewide Housing Plan" indicates that "3,000 for lease units" are needed in "the township, Edwardsburg and Dowagiac" within the next five years.

Seanor noted that she reviewed the State's Housing Plan and there is no mention of 3000 or any number of - lease housing units being needed for the township, Edwardsburg and Dowagiac area. (This is also confirmed in the Wm and Works Memo 12/1/23). The opinion letter's author when asked, confirmed that the numbers did not actually exist in the report. It was also discussed that Michigan's need for additional housing was in the southwest and upper peninsula areas of Michigan. Mike Mroczek asked about the Michigan Housing study which was published in 2022.

Chairman Marbach asked for a motion to open the public portion of the meeting, moved by Don Delong and seconded by Todd Haberland. All were in favor, motion past.

Opposing the Conditional Rezoning effort:

Mr. Charlie Fish: Noted he wants to preserve the small community, and any apartments/commercial development should be in the Village.

Loretta Miliken: Responded to a comment made by Attorney Palacios, that the agricultural parcels in question were not viable and difficult to farm. She noted that they successfully farm a variety of parcels sizes with many structures and impediments.

Brenda Beadenkopf: Expressed her views on 15 Minute Cities.

Jerry Duck: Said he has lived in Edwardsburg for 80 years. He said the petitioner has shown little in the way of real plans. He contends that the applicant has never done a complicated project and has had many unsuccessful LLCs.

Lynn Schantz: Is a farmer and believes farmland is dwindling away. She noted the Governor has signed a solar zoning prohibition she is concerned with. She also opposes the project and rezoning.

Ed Patzer: Executive Director of the Edwardsburg Sports Complex, expressed his chagrin in that the applicant has been unwilling to cooperate with surrounding property owners. He recommends voting no to the applicant's request.

Lisa Smith: Stated her opposition to the rezoning and noted that in her opinion no one supports the applicant's project.

Betsy Callahan: Has had exchange students and expressed concern over the traffic levels in an already congested area and for safety reasons. Further she is a farmer and does not support the rezoning.

Supporting the Conditional Rezoning effort:

Nick Yoder: Supports more development, bike and pedestrian walkways, the Elkhart Trail projects, more commercial and affordable housing opportunities. He noted that he supports the new library.

Mr. Brian Shier: Rose to note that the new Edwardsburg School's Superintendent had sent a letter supporting the project. He stated that the additional 200 family units proposed would help the school system get votes to pass a millage, which is highly desired by the School Corporation and thus would improve Edwardsburg schools.

Chairman Marbach asked for a motion to close public hearing comment. Motion to close was made by Mike Mroczek and seconded by Todd Haberland. Motion passed.

Planning Commission discussion ensued. It was noted that the Commission was in the middle of its Master Plan and Future Land Use Map update. It was reiterated that the two southern most parcels are currently proposed in the Master Plan for commercial rezoning. However, the northern most parcel (applicant proposing for multifamily residential) remains as an AR zone.

Attorney Palacios noted that in her opinion the Ontwa Township Master Plan could still allow the MFR rezoning even though it is not included in the Master Plan. Questions were asked regarding a PUD. Chairman Marbach noted that the only question before the Commission was whether to accept the conditional rezoning as proposed by the applicant, or to deny the conditional rezoning.

Chairman Marbach addressed the Commission members and the noted there were several reasons to consider the project for approval, including that it is a prime spot for development in that there is access to sewer, that there are few Multi-Family Residential areas in the Future Land Use Plan, the projects its proximity to the school and a state road. He cited additional reasons for a positive consideration.

Commissioner Seanor asked to make a motion. She motioned to deny the conditional zoning request as proposed for all three parcels.

Attorney Palacios stepped in and said she believed that conditional request was for each individual parcel. Chairman Marbach however, ruled that the conditional rezoning request was on the entire 3 parcels.

Seanor continued noting that the reasons under Section 22.04 a-e included but were not limited to: MFR not included in the current Master Plan, and that the community is in the middle of developing its update, the land is currently zoned for farming and is used as such, a move to multifamily is not consistent with of the surrounding parcels, traffic projects for the proposed project will have a substantially, negative impact on highway traffic. Finally, that given the community is in the middle of updating its Master Plan and Future Land Use Plan and that other MFR areas are currently available while other MFR zones may be identified through the Master Plan update process.

Seanor restated her motion, at the Chairs request: She said that the motion is to deny the conditional rezoning request as proposed for all three parcels. Bill Mahaney seconded the motion.

Chairman Marbach called for a roll call vote: William Mahaney: Yes - deny conditional rezoning, Don DeLong: No not to deny conditional rezoning, Meryl Christianson: No not to deny conditional rezoning, Mike Mroczek - Yes - deny conditional rezoning, Todd Haberland - Yes - deny conditional rezoning, Sandra Seanor - Yes - deny conditional rezoning, Shane Szalai - Yes – deny conditional rezoning, Chris Marbach - No not to deny conditional rezoning. The motion to deny the applicant’s conditional rezoning request is denied 5 yes to 3 no.

Zoning Ordinance Review Committee Report: There was no meeting of the Zoning Review Committee in November. Sandra Seanor provided the Commission members with a proposed schedule of meetings and information on an upcoming review update of the Ontwa Zoning Ordinance in April 2024.

Commission members should forward their concerns or questions to the Zoning Administrator, Dawn Bolock.

Master Plan Update: The Master Plan update finalization and the Future Land Use map are listed on the Zoning Review Committee schedule provided. Seanor again encouraged all Commission members to review the Future Land Use map and make suggestions for changes. She noted that these should be sent to the Zoning Administrator, Dawn Bolock.

Dawn Bolock provided copies of the Chapter 7 of the proposed Goals and Objectives section of the Master Plan. She asked that all review and provide comments. Additionally, the Community Engagement Report was previously provided. Documents will be included in the attachments to the 12/6/2023 minutes for the public to review.

Chairman Marbach noted that the Brady Road project had received its EGLE permits allowing it to move forward.

Adjourn Meeting: Chairman Marbach adjourned the meeting 9:18pm.