

PLANNING COMMISSION

DRAFT

TOWNSHIP OF ONTWA – COUNTY OF CASS

JANUARY 6, 2016

MEMBERS PRESENT: Chris Marbach, Dawn Bolock, Sandra Seanor, Bill Mahaney, Robert Thompson, Teri McNaughton, Shane Szalai and Marilyn Cobb.

MEMBERS ABSENT: Don DeLong and Richard Gates.

OTHERS PRESENT: Brigid Forlenza, Paul Sniadecki, Roseanne Marchetti, Jerry Marchetti and Kathy Barber and Leroy Krempec.

The meeting was called to order by Chairman Marbach, followed by the Pledge of Allegiance. Minutes of the December 2, 2015 meeting were approved with corrections, on motion by Robert Thompson, supported by Teri McNaughton. All in favor. Motion carried.

LAND DIVISIONS: None.

NEW BUSINESS

HOME OCCUPATION APPLICATION

- A. Home Occupation –Kathy Barber beauty salon, 70092 Beach Drive. Zoning Administrator Krempec presented the case to the Planning Commission, stating that he had reviewed all aspects of the request. Mr. Krempec said that he could find no negative comments and advised that all requirements have been met according to the application . The Zoning Administrator recommended approval of the application. After discussion, Sandra Seanor made the motion to accept the Zoning Administrator's recommendation to approve the application. On motion by Sandra, supported by Bill that Home Occupancy application be approved. All in favor. Motion carried.

DRAFT 2015 ANNUAL REPORT

- b. Chairman Marbach resented the Annual Report for 2015, which he completed and provided to the Planning Commission for review and comment. Some discussion ensued and several members thanked Chris for his work. On motion by Sandra Seanor, supported by Bill Mahaney that Annual Report be accepted. All in favor. Motion carried.

WATERFRONT OVERLAY DISTRICT

- c. The Waterfront Overlay District (Draft 11-30-15) review will be continued on January 25, 2016 at a meeting with Williams and Works. Planning Commission member Bob Thompson asked that there a clear and definitive language in the zoning verbiage indication that the Waterfront Overlay District only applies in industrial and commercial districts and does not apply in residential districts. Discussion continued and Chairman Marbach asked that the Planning Commission members should

contact Chris before the meeting date scheduled with Williams and Works if they have any new ideas.

DRAFT

Zoning Administrator Leroy Krempec presented his recommendation, that the committee reviewing the Zoning Ordinances should also consider rezoning South Beach from a Residential district to Lake Residential zoning. He elaborated on the reasons for the change and asked that it be considered with the Zoning Ordinance update.

ELECTION OF OFFICERS: On motion by Dawn that we nominate Chris Marbach, Chairman, Shane Szalai, Vice Chairman and Sandra Seanor, Secretary. A unanimous ballot is cast. All in favor. Motion carried.

Chairman Marbach noted that after nearly 15 years of professional service to the Ontwa Township Planning Commission its Recording Secretary, Marilyn Cobb was resigning her position. Marilyn received thanks and round of applause and well wishes from the Planning Commission and those in attendance.

OLD BUSINESS: None.

COMMITTEE REPORTS: Sandra said that the Township Forms Committee has completed its work and turned over the forms to Mr. Krempec, the Zoning Administrator. Sandra discussed the Zoning Ordinance update. She identified that Jeff Brown, Chris Marbach, Leroy Krempec, Sandra Seanor and Williams and Works representative Andywill meet at the end of January to proceed with its work.

TRAILS COMMITTEE: Chairman Delong was not in attendance. No action was taken.

MASTER PLAN GOALS COMMITTEE: Dawn said the Master Plan Goals Committee is on going.

COMMENTS: Nothing on Oak Springs.

ANNOUNCEMENTS: None.

Chairman adjourned the meeting.

Respectfully submitted,


Marilyn H. Cobb,

Recording Secretary

CC: Planning Commission members. ZAB Adm., and Ontwa Twp. Clerk.

**Planning Commission of
Ontwa Township, Cass County, Michigan**

*** DRAFT *
MINUTES**

Wednesday, February 3, 2016
7:00 PM (EST)

Ontwa Township Hall
26225 US 12, Edwardsburg, MI

Members Present: Dawn Block, Bill Mahoney, Chris Marbach, Teri McNaughton, Sandra Seanor, Shane Szalai, Robert Thompson

Members Absent: Don Delong, Richard Gates

Others Present: John Bossler, Carla Keirnan, Susan Klemm, LeRoy Krempec, Mike Mroczek

The meeting was called to order by Chairman Marbach, followed by the Pledge of Allegiance.

Minutes of January 6, 2016

Mr. Marbach confirmed the members of the Planning Commission received and reviewed the corrected draft of the minutes from the January meeting and requested their approval.

A motion was made by Robert Thompson and seconded by Sandra Seanor to approve the January 6, 2016, meeting minutes as corrected.

There being no further comments or discussion, Mr. Marbach called for a voice vote. All in favor, the motion passed.

Old Business

Mr. Marbach stated last month the Planning Commission discussed making sure that all meeting agendas be posted along with corresponding materials on the Ontwa Township website prior to the meetings. Mrs. McNaughton said that this was now her responsibility. Some members said they were still unable to get the agenda from the website. Going forward, Mrs. McNaughton will follow up and continue to post the agendas, materials, and minutes on the website.

New Business / Public Hearing

Mr. Marbach introduced an application for a final Site Plan review for a new, 5,000 square foot storage building proposed by Christianson, Inc. He noted the applicant was present.

Property Owner Present: Susan Klemm (Christianson, Inc.)

Property involved: 1/2 Parcel 14-090-300-004-00 and 1/2 parcel 14-090-300-005-00

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located at 27328 May St. and 27310 May St. Each parcel has a separate address and are side by side.

Mr. Marbach requested a staff report and comments from the Zoning Administrator, LeRoy Krempec.

Mr. Krempec detailed all the pertinent project information regarding the application to the Planning Commission. He noted that he had sent a notice of publication for the Hearing on January 19, 2016. Mr. Krempec presented a visual representation of the Site Plan and offered verbal description as noted above.

Mr. Marbach asked about drainage on the site. LeRoy Krempec stated drainage is on site as it is currently. He further noted that all ordinances and requirements are met and the application is complete. He stated that the deed is in the master file.

Mr. Krempec noted that the staff recommendation was for approval of the land use application.

Mr. Marbach asked if the asphalt area would be replaced or remain as is in the back. The owner stated there is no asphalt in the back of the property. They have used ground up asphalt as gravel. Mr. Marbach asked if the applicants owned lot 5 (adjoining lot) as well. The owners responded they did and concurred that any water drainage would be on their property.

Chairman Marbach asked for additional questions or comments. There being none, he asked the Planning Commission for a motion to approve the application.

A motion was made by Robert Thompson and seconded by Sandra Seanor to approve the final Site Plan to build a storage building at Christiansons Inc. located at 27328 May Street.

There being no further comments of discussion, Mr. Marbach called for a voice vote. All in favor, the motion passed.

Old Business

There was no additional old business.

Committee Reports

Township Forms Updates

Sandra Seanor stated the forms have been turned over to the Zoning Administrator, LeRoy Krempec. She noted that the Zoning Ordinance update had grown out of the forms process.

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Sandra Seanor, Chris Marbach, LeRoy Krempec, Jeff Brown, and John Bossler serve on the Zoning Ordinance Update Committee. She noted that they had met and provide information to the planner (Andy Moore) from William and Works who has provided a cost and timeframe for the update with an anticipated completion date of April 2016.

Mr. Krempec noted that he had sent a copy of a renter's agreement and the home occupation and other update documents to Andy Moore.

Mrs. Seanor stated that once it receives the updates outlined the committee will meet again for review. Mrs. Seanor further indicated to Andy Moore that all legal questions need to be addressed through Mr. Marbach or Mr. Krempec. She further noted that the Water Overlay District proposal would be part of the Zoning Ordinance Update process.

Mrs. Seanor stated that the goal is to complete the updates and changes by April 2016. She noted that the purpose of the revisions is to clarify the Zoning Board of Appeals (ZBA) ordinances. Mr. Krempec added that he suggested to Mr. Moore that the ordinances need to be written keeping the Ontwa Township population in mind.

Master Plan Goals Update

Dawn Block stated there was no report.

Announcements

Chris Marbach indicated there is a second grade teacher at Eagle Lake School who would like someone from the Planning Commission to make a one-time presentation to her class regarding the upcoming trails project. Bob Thompson agreed to contact the teacher and make the presentation.

Mr. Marbach announced the Planning Commission had prepared a certificate for Marilyn Cobb in appreciation for 15 plus years of service to the Planning Commission as a Recording Secretary. The Commission will personally deliver the certificate to her.

Mr. Marbach introduced the new Recording Secretary, Carla Keirnan.

Board Trustee, Mike Mroczek reported the draft Parks and Recreation Master Plan update had been posted on the website and was available for public comment for 30 days. A resolution to adopt the plan will be presented to the Ontwa Township Board on Monday, February 8, 2016, at 7:00 PM. Trustee McNaughton will post an updated draft, including public comment modifications, to the website.

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Adjournment

Hearing no additional announcements or comments, Mr. Marbach adjourned the meeting.

Chris Marbach, Chairman

**Planning Commission of
Ontwa Township, Cass County, Michigan**

*** Draft *
MINUTES**

Wednesday, April 6, 2016
7:00 PM (EST)

Ontwa Township Hall
26225 US 12, Edwardsburg, MI

Members Present: Dawn Bolock, Don Delong, Richard Gates, Chris Marbach, Sandra Seanor, Shane Szalai

Members Absent: Bill Mahaney, Teri McNaughton, Robert Thompson

Others Present: Carl Bentzer, John Bossler, Jerry Duck, Carla Keirnan, LeRoy Krempec, Roseann Marchetti, Paul Sniadecki, Diane Stephenson, Tom Stephenson, Jeff Tolbert, Brigid Forlenza, James Forlenza,

The meeting was called to order by Chairman Marbach, followed by the Pledge of Allegiance.

Minutes of February 3, 2016

Chairman Marbach confirmed the members of the Planning Commission (PC) received and reviewed the minutes from the February meeting and requested their approval.

A motion was made by Sandra Seanor and seconded by Richard Gates to approve the February 3, 2016, meeting minutes. There being no further comments or discussion, Mr. Marbach called for a voice vote. All in favor, the motion passed.

Land Divisions

Tolbert - Elkhart Road

Mr. Marbach introduced an application for a Land Division and Lot Line Adjustments. He disclosed his conflict of interest to the Planning Commission as he is the surveyor of record on the property. The members agreed to continue with the application.

Property Owner Present: Jeff Tolbert
Property involved: Parcel 14-090-009-27-21 and 14-090-009-27-03
Located at 69667 Elkhart Road

Mr. Marbach explained a lot line is being moved and 4 new parcels are being created. All the lots meet the zoning requirement and have been approved by the Zoning Administrator.

Don Delong asked the property owner to consider putting in public sidewalks on the property.

Chairman Marbach asked for additional questions or comments, there being none, he for a motion.

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A motion was made by Sandra Seanor and seconded by Don Delong to approve the land division and lot line adjustment at 69667 Elkhart Road. There being no further comments of discussion, Mr. Marbach called for a voice vote. All in favor, the motion passed.

New Business

Final Site Plan Review - Bentzer, Inc.

Property Owner Present: Carl Bentzer
Property Involved: Parcel 14-090-000-015-00
Located at 69953 Section Street

LeRoy Krempec, the Zoning Administrator, indicated that the property owner petitioned the Zoning Board of Appeals (ZBA) for the setback requirements needed to construct an addition to an existing building. The ZBA voted to allow the setback at a public hearing on January 26, 2016. Mr. Krempec stated the zoning requirements are met and recommended the construction be allowed.

Mr. Delong asked what, was the purpose of the addition. Mr. Bentzer responded they are adding warehouse space to accommodate for an increase in business. Additionally, it will eliminate the temporary container storage and bring the entire structure up to code.

A motion was made by Sandra Seanor and seconded by Don Delong to approve the final site plan review at 69953 Section Street. There being no additional comments or discussion, Chairman Marbach called for a voice vote. All in favor, the motion carried.

Old Business

Oak Springs Crossing Site Condo - Revisions to previous approvals

Property Owner: Mr. Tyler Ross
Property Involved: Oak Springs Crossing

Chris Marbach introduced the Oak Springs Crossing Site Condominium plan revisions. The owner agrees to install public sidewalks after building the units, there will be no street light installation, and no additional landscaping. The applicant proposes to provide either single family homes or accessory building use as allowed in a lake residential (LR) zoning across the street from the residential property.

The Master Deed has existing deed restrictions on the property that only allows development of single family homes. The applicant is requesting approval of the site condo proposal. The applicants representative noted that if the current deed restrictions were lifted, the owner would,

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at that time, allow and sell lots for the construction of accessory buildings across the street from the residential structures.

Tom Stephenson a representative for the property owner concurred with Mr. Marbach's explanation of their request.

Mr. Delong expressed concern over the lack of street lighting for the property area. He clarified that there will be a homeowners association but there will be no common facilities maintained.

Dawn Bolock asked if the owners are asking for approval to build garages (only) if they can get the deed restrictions lifted. Mr. Marbach responded that is what the owners are requesting. Ms. Bolock stated that request has been previously denied.

Any changes made to lot lines need to be approved by the Planning Commission.

Don Delong asked what the overall vision is for the property development. The representative was unable to respond on behalf of the owner.

Jerry Duck a member of the audience, asked if the proposal would come before the Township Board for final approval. Chris Marbach stated that proposals go before the Township Board at least twice after they have been in front of the Planning Commission.

Paul Sniadecki, a member of the audience, requested that if the PC recommends approval of the plan revision, a condition be set that requires an escrow account be set up to ensure that sidewalks are constructed in the future.

Dawn Bolock reminded the Planning Commission that previously, when a public hearing was held, some of the neighbors were in favor and some were opposed to the garages being built across the street from the residence.

Jerry Duck, stated he has been against the project from the beginning. The plan is contrary to the intent of the original sale of the property. He requested the Township Attorney attend the next meeting before any approval is given by the PC.

Chairman Marbach responded, saying that in the approval process the Planning Commission gives preliminary approval of a project; then it goes to the Township Board (TB) for step one preliminary approval and then again to the TB for final approval after all conditions are met. The process will allow the Township Attorney the opportunity to review the project plan.

Chairman Marbach indicated the application fits the zoning ordinance. If the application fits the condominium ordinance, and is in compliance, the PC had to find a good reason to deny the application.

Diane Stephenson, a representative of the applicant stated the intent is build single family homes if the deed restrictions are removed; single family homes and garages.

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LeRoy Krempec questioned why the owner is pursuing site condominiums rather than residential housing. He expressed concern of garage parcels and residential parcels not being legally connected and having the ability to be sold individually. Mr. Krempec stated that he thinks it comes down to whether or not anything other than single family dwellings can be built on the property.

Mr. Marbach stated that based on the deed restrictions there can be single family dwellings on the property but at this point in time, there cannot be accessory structures (garages

Mr. Krempec stated that as the Zoning Administrator, he would like there to be a decision on the accessory buildings first before there is any further planning.

Dawn Bolock stated that Article 4 “leaves the door open” for the development of accessory buildings if the restrictions are lifted.

Mr. Marbach cautioned the PC about denying an application for property use that is allowed by zoning requirements.

Sandra Seanor asked if the PC can require the applicant to provide a deed restriction that ensures the lot on the lake side and the lot across the street not be sold individually and that they are sold under the same property tax ID number.

Chairman Marbach indicated that Article 4 of the master deed requires the residential lot owner to also own the lot across the street. He stated that if the concern is tying the lots together, the PC can ensure the Township Attorney be aware of the concern and tie the lots together in the final master deed.

Don Delong asked what the Planning Commissions options are for action on this application.

Chris Marbach indicated the PC can make no motions, motion to accept the offer as is with sidewalks, no lights or landscaping and lake residential accessory use if they get the restrictions released, or accept the offer with provisions.

Jerry Duck asked who was able to lift the deed restrictions. Mr. Marbach responded they could be lifted by the person or the family who originally sold the property.

Roscann Marchetti, a member of the audience, clarified that the property that fronts Oak Springs is going to be built as site condominiums with no garages, as currently restricted.

Jerry Duck indicated his concerns stem from how the project has been handled from the beginning as opposed to the original plan and approval.

Richard Gates remarked that when this project first started in 2006, it was only for single family residential homes and did not include the accessory buildings being built across the road.

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The Chairman stated that in any Michigan development, once land division splits are use up, the next step is development of site condominiums or a traditional subdivision application. It is the next legal step that is allowed by Michigan law. If site condominium meets the zoning ordinance of the township, it is difficult to deny the application.

Mr. Delong stated he believes there would be better understanding of intent if the property owners were present as there are too many unanswered questions.

A motion was made by Don Delong and seconded by Richard Gates to table the Oak Springs Crossing Site Condominium application until the property owner can be present to answer the PC questions and provide an explanation of their long term development intent.

LeRoy Krempec asked why this application was not placed on the November agenda. Mr. Marbach stated the PC and Township Attorney were provided with the deed that showed the restrictions on the property. There was not sufficient time to review the restrictions at the meeting. Since that time, the attorney has reviewed the deed and determined the property is restricted to single family home development. The property owner, Mr. Ross, is aware of the restrictions.

Chairman Marbach called for a voice vote to table the application.
Marbach was opposed, All others in favor, the motion carried.

Update to Zoning Ordinance Revisions (Set Public Hearing Date)

Chris Marbach reported the committee received the last draft from Williams and Works and they will discuss the revisions. Sandra Seanor will have the draft reviewed by the Township Attorney, then provide the draft to the PC, ZBA, and BOT for review. Public notice will be made in the Argus Newspaper for the 15 day public comment period. A public meeting will be scheduled.

Committee Reports

Township Forms Committee

Sandra Seanor stated that LeRoy Krempec has taken over the task of making the revisions and is making good progress.
Would be affected.

Master Plan Goals Committee

Dawn Bolock reported that Margie Allan will be back for the next PC meeting. The waterfront overlay will be covered in the revisions to the Zoning Ordinance update. There was discussion about the Water Overlay District. The overlay district does not current apply to residential construction as it was originally written. Only projects requiring site plan review apply.

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Announcements

Mr. Marbach indicated that three Planning Commission members have terms that will expire in 2016; Don DeLong, Bill Mahaney and Bob Thompson. The Chairman will forward a request to the Township Board for the members to remain on the PC for another term of service.

A "Thank you" card was received by the former PC Recording Secretary, Marilyn Cobb.

In February, Bob Thompson gave a presentation to the 2nd grade students at Eagle Lake Elementary regarding the bike trails. The student wrote persuasive letters in support of the trails and sent them to the Township. Sandra Seanor agreed to respond to the students with thank you notes.

A clean up date will be held on April 29th and 30th

Adjournment

Hearing no additional announcements or comments, Mr. Marbach adjourned the meeting.

Sandra Seanor, Secretary

**Planning Commission of
Ontwa Township, Cass County, Michigan**

*** DRAFT *
MINUTES**

Wednesday, May 4, 2016
7:00 PM (EST)

Ontwa Township Hall
26225 US 12, Edwardsburg, MI

Members Present: Dawn Bolock, Don Delong, Bill Mahaney, Chris Marbach, Teri McNaughton, Sandra Seanor, Shane Szalai, Robert Thompson

Members Absent: Richard Gates

Others Present: John Bossler, John Colip, Jerry Duck, Carla Keirnan, LeRoy Krempec, Norm Krupp, Kay Mais, Roseann Marchetti, Jerry Marchetti, Cindy Ross, Tyler Ross

The meeting was called to order by Chairman Marbach, followed by the Pledge of Allegiance.

Minutes of April 6, 2016

Chairman Marbach confirmed the members of the Planning Commission (PC) received and reviewed the minutes from the April meeting and requested their approval.

A motion was made by Dawn Bolock and seconded by Bill Mahaney to approve the April 6, 2016, meeting minutes. There being no further comments or discussion, Mr. Marbach called for a voice vote. All in favor, the motion passed.

Land Divisions

Edwardsburg Snowmobile Club - Redfield Road

Mr. Marbach introduced an application for a Lot Line Adjustment. He disclosed his conflict of interest to the Planning Commission as he is the surveyor of record on the property. The members agreed to continue with the application.

Property Owner Present: Edwardsburg Snowmobile Club (ESC)
Property Involved: Parcel 14-090-020-016-10
Located on Redfield Road

Mr. Marbach invited Norm Krupp, President of the ESC, to provide a brief explanation of the Clubs reason for the lot line adjustment request. Mr. Krupp explained the neighboring property owner would like to purchase the northwest, adjoining corner of the parcel.

Chairman Marbach stated that the Zoning Administrator and the Assessor have approved the lot line adjustment. LeRoy Krempec, Zoning Administrator, concurred with the Chairman and

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noted the adjustment was in order with current zoning ordinances.

There being no additional questions or comments, the following action was taken:

A motion was made by Bill Mahaney and seconded by Don Delong to approve the lot line adjustment on Redfield Road. Mr. Marbach called for a voice vote; Marbach abstained, all other in favor, the motion carried.

Kay Mais - Sherman Road

Chairman Marbach invited Kay Mais to discuss the reason for the lot line adjustment request. Kay Mais explained she desires to sell the property. Two parties would like to purchase lots. The adjustment would create two separate lots.

Mr. Krempec stated there are no exceptions to the frontage on the road and the request meets the zoning ordinance.

Property Owner Present: Kay L. Mais
D.J.K. Real Estate Holdings, LLC
Property Involved: Parcel 14-090-017-078-01
Located at 70590 Sherman Road

A motion was made by Robert Thompson and seconded by Bill Mahaney to approve the lot line adjustment at 70590 Sherman Road. Mr. Marbach called for a voice vote; all in favor, the motion carried.

Old Business / Public Hearing

Oak Springs Crossing Site Condo - Revisions to previous approvals

Property Owner: Mr. Tyler Ross
Property Involved: Oak Springs Crossing

Chairman Marbach opened the discussion on the Oak Spring Crossing property. The item was tabled at the April meeting to allow the property owner to be present in order, Tyler Ross, to respond to questions from members of the PC. Marbach offered Mr. Ross an opportunity to address the PC and respond to questions. Mr. Ross gave the discussion over to his attorney, John Colip.

Mr. Colip commented that he had reviewed the minutes from the April 6, 2016, Planning Commission meeting, and stated he felt the Commission understood the project. Mr. Colip stated that he, nor Mr. Ross, had any information to add.

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Don Delong indicated that it was his understanding that the covenants restricted the development to single family dwellings. He understood from previous meetings that there is a desire to build garages and accessory buildings. Mr. Delong indicated he would like to understand the intent for future development; the “bigger picture”.

John Colip noted the first presentation of the proposed development indicated a desire for single family dwellings within the condominium development. Following the meeting, Mr. Ross explained to Mr. Colip that he would like to have the flexibility for accessory buildings or single family dwellings. In the most recent version of the master deed there are provisions that say, if the restrictions of the master deed are lifted, and accessory use is allowed, Mr. Ross would provide either single family dwellings or accessory buildings.

Tyler and Cindy Ross would like the flexibility in the future to provide what the market demands.

Don Delong asked Tyler Ross what his plans for the future are for the parcels behind and around the property currently being discussed. Mr. Ross stated there were no current plans for future development. He considers the wooded area to be the family farm; Cindy Ross agreed.

Sandra Seanor clarified with LeRoy Krempec that the property is zoned Lake Residential. Also, that the PC does not enforce deed restrictions or covenants but that the current deed restrictions allow for single family units only.

Chris Marbach clarified that accessory buildings can only be built if the deed restrictions are lifted.

A motion was made by Sandra Seanor and seconded by Robert Thompson to close the public hearing. All in favor, the motion carried.

A motion was made by Sandra Seanor and seconded by Robert Thompson to approve Oak Springs Crossing Site Condo preliminary request with a Recommendation to include public sidewalks and additional lighting. All in favor, the motion carried.

Update to Zoning Ordinance Revisions (Set Public Hearing Date)

A draft copy of the ordinance to amend the Ontwa Township Zoning Ordinance; and to amend various sections of the Ontwa Township Zoning Ordinance was distributed to the PC members. A special Planning Commission meeting and Public Hearing for the Zoning Ordinance Amendment will be held on Monday, May 23, 2016, at 7:00 PM.

Notice of the Public Hearing will be published in the Edwardsburg Argos as well as on the Ontwa Township website. The public will be able to view the document on-line at: www.ontwatwp.org

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Sandra Seanor explained the only **completely** new item is the Waterfront Overlay District. The remaining items are for clarifications and corrections to the current zoning ordinances.

Committee Reports

Township Forms Committee - There was no report.

Master Plan Goals Committee - There was no report.

Announcements

The Cass County Planning Commission will review the Oak Springs Crossing Site Condo request on May 25, 2016.

Adjournment

Hearing no additional announcements or comments, Mr. Marbach adjourned the meeting.

Sandra Seanor, Secretary

**Planning Commission of
Ontwa Township, Cass County, Michigan
Special Meeting**

*** DRAFT *
MINUTES**

Wednesday, May 23, 2016
7:00 PM (EST)

Ontwa Township Hall
26225 US 12, Edwardsburg, MI

Members Present: Dawn Bolock, Don Delong, Richard Gates, Bill Mahaney, Chris Marbach, Teri McNaughton, Sandra Seanor

Members Absent: Robert Thompson, Shane Szalai

Others Present: Margie Allan, John Bossler, Bruce Cassady, Marilyn Cobb, Jerry Duck, Brigid Forlenza, Carla Keirnan, LeRoy Krempec, Roseann Marchetti, Jerry Marchetti, Andy Moore, Lori Mroczek, Glen Neely, Diana Nita, Paul Sniadecki, Dan Stutsman, Randy Szalia

The meeting was called to order by Chairman Chris Marbach, followed by the Pledge of Allegiance.

PUBLIC HEARING: Proposed Ontwa Township Zoning Ordinance Changes

The Chairman explained the purpose of the changes to the Zoning Ordinance is make it more understandable, simplify some of the requirements and provide for updates. He indicated the meeting was being held to provide public input to the Zoning Ordinance amendment. Mr. Marbach noted that the public comments should only be regarding the amendment. All persons wishing to comment will be given an opportunity to speak. He further noted that each person wishing to speak must state their name and address, make all of their comments directly to the Planning Commission, and reference the section number they are discussing. Each person would be allowed 3 minutes to state their comments.

Chairman Marbach also noted that although in the amendment online is correct as is the highlighted version of the amendment the highlighted version did not highlight the change in the number of domestic animals allowed per residence. The number 5 should have been highlighted. In the Zoning Ordinance amendment the number of domestic animals allowed has changed from 3-5, which will now mirror the County Animal Ordinance. Mr. Krempec noted that he had a conversation with the Ontwa Attorney regarding this matter and she suggested that following the County's domestic animal limit was appropriate.

With that Chairman opened the public hearing:

PUBLIC COMMENT:

Chairman Marbach stated he received two email comments and was asked to read them into the record. The comments were identical and sent by Ms. Lori Mroczek 68331 Park Shore Dr.

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Edwardsburg, MI 49112 and Mr. Tom Beres 68305 Park Shore Dr. Edwardsburg, MI 49112.

They are as follows:

Section 10. Amendment of Section 2.36 - Definition of PARK

Please add the following text before the sentence beginning with, "A boat launch"

- 1) A public or private park shall include restroom facilities, if a public sewer is within 300' of the proposed park, it shall connect to the public sewer system at the owner's expense.*
- 2) Public parks must be open to all persons in the general public without restriction.*
- 3) The owner of a public park shall be financially responsible for all cost incurred for regularly scheduled maintenance, trash clean up, and all policing requirements as a result of the park's operation requiring township of county personnel services.*

Mr. Don Delong commented that none of the parks in the township currently have restrooms. Does this mean that we should begin to put restrooms at all of the parks? Sandra Seanor indicated the zoning ordinance update change would apply only to future parks. Andrew Moore Wm. and Works Planner, responded that this would not apply to private parks and he does not think the Township can mandate what amenities should be in a park. He recommended language that if restrooms are proposed and within 300' of the sewer, then they must connect to the public sewer.

Chairman Marbach reading from the sign in sheet noted that two individuals had indicated a desire to speak. Chairman Marbach called on Ms. Margie Allan.

Ms. Allan stated her name; Ms. Allan of 68870 South Shore Drive, Edwardsburg, MI 49112

**Section 55. Amendment to include a new Article XIII-A - WATERFRONT
OVERLAY DISTRICT**

Ms. Allan explained that she is hoping the Planning Commission will consider expanding the Waterfront Overlay District to include all residential districts.

Ms. Allan submitted her written comments, which were distributed to all Planning Commission members and read the following written statement:

The benefit of a Waterfront Overlay is significantly diminished if residential districts are not included. Most development in waterfront areas are going to be in residential districts.

Today unless a residential waterfront property is designated Lake Residential (L-R), restrictions on setbacks and storm water runoff do not apply. By including residential districts within the Waterfront Overlay District using the same provisions of L-R, reasonable ordinances can be reasonably applied in environmentally sensitive areas.

The intent was not to put onerous or burdensome restrictions on residential development but to

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provide a consistent and established set of ordinances to all waterfront properties.

The Planning Commission discussed the statement with Ms. Allan to clarify and understand the intent of her request.

Ms. Allan explained that L-R ordinances would not change but other residential lake properties, on or near the waterfront, would have the protection of the Waterfront Overlay.

Sandra Seanor pointed out the update gives the Zoning Administrator the authority to request additional stormwater and soil erosion plans.

The Zoning Administrator, LeRoy Krempec, stated an applicant would have to provide necessary information and documentation if stormwater or erosion were issues.

Ms. Allan clarified with the Planning Commission that the existing restrictions, as far as L-R setbacks and stormwater runoff are covered in the amendments. Ms. Seanor and Mr. Krempec concurred. Ms. Allan asked Andrew Moore if there was a way to incorporate the restrictions of Lake Residential within the framework of the Waterfront Overlay District.

Andrew Moore responded that the Waterfront Overlay District is not particularly onerous and the primary intent of it is to have applicants submit additional information to the PC when they come in for a site plan review. Site Plan reviews do not cover single family residential properties. The Overlay district as presented covers those projects requiring site plan review.

Chairman Marbach indicated that if property is on the waterfront, regardless of the zoning district, certain restrictions apply. This covers some of what Ms. Allan's concerns are. It was further clarified that the Waterfront Overlay District applies to every property, regardless of what it is zoned. It doesn't only apply to L-R property.

Ms. Allan thanked the commission for its consideration and returned to her seat.

Chairman Marbach again reading from the sign in sheet which listed persons wishing to speak called on Mr. Paul Sniadecki. Mr. Sniadecki approached the podium and provided the Planning Commission members with copies of his written comments:

**Section 3. Amendment of Article II to include the following new Section 2.11 -
BOAT LAUNCH**

Mr. Sniadecki stated that the definition of boat launch is overly broad. The definition of facility is not defined in the ordinance. It needs some additional work and should be tied to the anti-funneling and anti-keyholing provision which is in the general objectives. He provided a copy of an ordinance from Lake Isabella (Attachment A) that clarifies a person launching their boat from their property is not a boat launch. Paul believes it should be a special use and should be tied to the caring capacity factor.

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**Section 8. Amendment of Article II to include a new Section 2.30A -
LANDSCAPING**

Mr. Sniadecki stated the Master Plan talks about natural vegetation; the language “natural vegetation” should be added.

Section 10. Amendment to Section 2.36 - PARK

Mr. Sniadecki suggested that there should be a percentage factor used in the statement regarding a boat launch not being the sole amenity of a park.

Section 15. Amendment to Section 2.48 - STRUCTURE

Mr. Sniadecki stated it should be amended because parking lots should not be excluded from the definition of Structure.

**Section 18. Amendment to Section 3.04 - RESTORATION OF UNSAFE
BUILDINGS**

Mr. Sniadecki asked how twenty-five percent of the equalized value would be determined. He supports it but thinks it needs clarification.

Section 20. Amendment of Section 3.13(c) - FENCING

Mr. Sniadecki commented that there should be no fencing on the lake side of a property that is more than fifty percent opaque and thinks the existing ordinance should be changed.

Section 22. Amendment to Section 3.17 - KEEPING OF ANIMALS

Mr. Sniadecki commented that the keeping of livestock should be prohibited in L-R and “no commercial farming” should be added.

**Section 24. Amendment of Section 3.21 - ACCESSORY BUILDINGS
AND STRUCTURES**

Mr. Sniadecki commented that the Section 3.21(c) should be stricken from the ordinance.

**Section 55. Amendment to include a new Article XIII-A - WATERFRONT
OVERLAY DISTRICT**

Mr. Sniadecki states that the Waterfront Overlay District should be extended to all residential properties.

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Section 66. Amendment of Section 20.03 - FEES AND APPLICATION ESCROWS

Mr. Sniadecki commented that there should be a specific fee to cover the cost of the Zoning Administrator. He would like to see language in the ordinance identifying a fee.

Section 69. Amendment to Section 21.08 - VARIANCES PROHIBITED

Mr. Sniadecki proposed clarification to this section and provided a handout with the zoning ordinance language from Alpena, Michigan, that uses most of the language already used in 21.08. (Attachment B) He would like to change the Ontwa Township item 4 to match item 4 on the Alpena handout and add the Alpena item 5 to the Ontwa Township ordinance.

Mr. Sniadecki thanked the Planning Commission for their time.

Chairman Marbach asked if there were any addition public comments.

Ms. Allen complimented the work of the Planning Commission and the Zoning Ordinance Committee and indicated her appreciation.

CLOSE OF PUBLIC HEARING

Hearing no additional comments or questions, the Chairman asked for a motion to close the Public Hearing.

A motion was made by Sandra Seanor and seconded by Richard Gates to close the Public Hearing. All in favor, the motion carried.

REVIEW OF COMMENTS/DISCUSSION OF PLANNING COMMISSION

Chairman Marbach explained the next step was for the PC to review and discuss the public comments and determine what edits should be made to the proposed amendments of the Ontwa Township Zoning Ordinance.

It was determine that each section commented on would be discussed and a show of hands by the Planning Commission members would determine the changes to be made after each section discussion. This would allow full discussion of each public comment.

All agreed by a show of hands

Section 3. (Attachment A) Definition of Boat Launch

It was discussed that this is a definition of BOAT LAUNCH and is not a rule determining what a boat launch has to include. The Chairman asked for a vote by a show of hands to leave the

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definition as written. Gates, Mahaney, McNaughton, Seanor, Bolock, Marbach in favor, Delong opposed. The definition will remain as written.

Section 8. Definition of Landscaping

All agreed by a show of hands to add the words “natural vegetation” to the definition of LANDSCAPING after the word “rock”.

Dawn Bolock asked Chairman Marbach to indicate who worked on the Zoning Ordinance Changes; in other words who was on the committee that has worked on the document for over one year.

Chairman Marbach said that the Zoning Administrator, LeRoy Krempec, Jeff Brown on the Zoning Board of Appeals, Sandra Seanor a member of the Zoning Board of Appeals and the Planning Commission, Chairman Marbach, himself and Andrew Moore from Williams and Works, Planner

Section 10. Definition of Park

The Planning Commission reviewed the comments three (3) comments submitted in writing by Ms. Lori Mroczek and Mr. Tom Beres, and agreed to accept the recommendations in the definition of a park, with the rewording of item 1 by Andrew Moore, Wm and Works to include a phrasing that if restroom facilities are included, then...

A public or private park shall include restroom facilities, if a public sewer is within 300' of the proposed park, it shall connect to the public sewer system at the owner's expense.

Public parks must be open to all persons in the general public without restriction.

The owner of a public park shall be financially responsible for all cost incurred for regularly scheduled maintenance, trash clean up, and all policing requirements as a result of the park's operation requiring township of county personnel services.

Discussion was had regarding the comment that a percentage factor for parking area as suggested was not included as change.

All agreed by a show of hands

Section 15. Definition of Structure

Discussion among the Planning Commission regarding the comment to remove parking lots from the definition of structure, indicated that a structure is tied to the setback lines and setback lines do not apply to parking lots. Therefore, it was agreed that the definition of “STRUCTURE” would remain as written.

All agreed by a show of hands

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Section 18. Restoration of Unsafe Buildings

Andrew Moore, Wm. Works Planner indicated that typically the Assessor of the Building Inspector makes the official call on state equalized value. LeRoy Krempec stated if there is a conflict, an outside party would be brought in and he does not think there needs to be a change to the amendment. All of the Planning Commission members indicated their agreement.

Section 20. Fences

Sandra Seanor indicated the Committee discussed this issue at great length and the amendment should remain as written. The added text, allowing the Zoning Administrator to act on a written complaint should be sufficient to address any issues. Bill Mahaney agreed and stated the amendment is okay as written.

The Planning Commission members indicated their agreement to leave the amendment as is by a show of hands.

Section 22. Keeping of Animals

Dawn Bolock asked why the ordinance was changed from 3 to 5 animals. Chairman Marbach stated it was to match the Cass County ordinance. Sandra stated it was also to reduce confusion over the County versus the Township ordinance. Mr. Krempec noted that he had a conversation with the Ontwa Attorney regarding this matter and she suggested that following the County's domestic animal limit was appropriate. Teri McNaughton asked if there was any consideration for foster care of animals. Ms. Seanor responded that based on the ordinance, anyone keeping domestic animals should not have any more than five animals at a time, unless they have a kennel license.

The Chairman Marbach asked the members how they wanted to handle the number of animals. The members of the Planning Commission agreed with a show of hands to leave the ordinance as to leave the ordinance at 5, as written.

The Planning Commission further discussed the keeping of livestock and commercial farming as it relates to L-R. Andrew Moore stated that commercial farming is not permitted in L-R and the keeping of livestock is prohibited unless allowed as a Special Land Use by the Planning Commission. He also indicated that there is language in place that defines domesticated pets.

The members of the Planning Commission agreed with a show of hands to leave the ordinance as written.

Section 24. Accessory Buildings and Structures

A member of the public spoke out from the audience and asked the Chairman Marbach what the

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issue was?

Chairman Marbach explained the potential issue is the ability of a property owner to sell the garage separate from the Lake Residential home as they are separate parcels. The changes ensure the two lots cannot be sold or transferred separately. Chairman Marbach stated the change in the ordinance locks the parcels together and the request is to remove item (c) completely.

Bill Mahaney stated the parcels need to be locked together.

All the Planning Commission members indicated their agreement for the ordinance to remain as written.

Section 55. Waterfront Overlay District

The Chairman Marbach introduced a discussion regarding the request to add single family residential properties into the WATERFRONT OVERLAY DISTRICT. Discussion included how this change would be enforced and whether it would require the Zoning Administrator ensure the restrictions are followed in a single family home permits it will for other development purposes.

Ms. McNaughton asked the Chairman Marbach to clarify the restrictions to single-family home owners. Discussion among the members continued regarding the potential change to single family residential properties.

Chairman Marbach explained that as written only projects requiring a site plan would have to meet the same performance criteria as special land uses, subdivisions, and site condominiums, not single family residences.

Dawn Bolock asked how Section 13A.02, item (a) excludes residential. Andrew Moore, Planner stated in the previous paragraph, Section 13A.02 APPLICABILITY, it explains the ordinance applies to all uses requiring site plan review and excludes single-family residential uses and accessory buildings. Discussion among the members regarding the need for the water overlay district to include single family residential and how that might even be enforced effectively.

Sandra Seanor suggested that the Waterfront Overlay District be accepted as written with the intention of reviewing it again at a later date to address the single family residential issue.

All the members indicated their agreement by hand.

Chairman Marbach asked the Planning Commission members if the Water Overlay should include 300' or 500', when considering properties to include in the Overlay District and distributed a copy of the Overlay Map with a 300 and 500 foot buffer around the lakes and creeks listed in the ordinance.

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A show of hands was taken. Four members indicated a preference for 500 feet, two members indicated 300 feet. It was decided 500 feet would be used to determine the Waterfront Overlay District.

Section 66. Zoning Compliance Certificate

Zoning Administrator, LeRoy Krempec stated the Township charges a \$25 fee for a Zoning Compliance Certificate. Therefore the PC agreed a fee is already being charged and no action of further discussion is necessary.

A show of hands from the Planning Commission members indicating that no change should be made to this section as it is already covered.

Section 68. Fees and Applicant Escrows

Andrew Moore suggested keeping the language consistent in Sections 66 and 68 and using "Certificate of Zoning Compliance."

By a show of hands all of the Planning Commission members agreed.

Section 69. (Attachment B) Variances Prohibited

The proposed changes to the amendment of Section 21.08 VARIANCES PROHIBITED were discussed.

Chairman Marbach explained that this is the section for the ZBA to make a decision on a variance request. The four criteria written in the amendment have already been reviewed by the Township Attorney. LeRoy Krempec stated the 5th criteria on the proposed change was not reviewed in a training class provided by the Township Attorney.

Sandra Seanor indicated her agreement with changing the 4th criteria to read as suggested in the Alpena document but not adding the 5th criteria as it appeared too ambiguous. Teri McNaughton stated there could be too much misinterpretation in the 5th criteria.

Andrew Moore, Wm. and Works Planner, stated he does have an issue with the proposed Alpena number 4 as it may deny someone for something that was created a long time ago and he thinks number 5 is covered in what is already written in number 1.

Based on the comments offered by Andrew Moore, and further discussion among the board the Planning Commission decided to leave the amendment as originally written.

All the members of the Planning Commission indicated their agreement by show of hands.

Chairman Marbach indicated the discussion on the public comments was concluded.

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Andrew Moore, Planner stated the Amendments would be presented for approval at the Cass County Planning Commission (CCPC) on Wednesday, May 25, 2016. The CCPC requested the Ontwa Township Plan Commission approve a motion to send it to them.

A motion was made by Dawn Bolock and seconded by Bill Mahaney to send the Ontwa Township Zoning Ordinance Amendments to The Cass County Planning Commission and the Ontwa Township Board of Trustees with the changes agreed to by the Planning Commission.

Hearing no further discussion or questions a roll call vote was taken:

Bill Mahaney - Yes
Dawn Bolock - Yes
Don Delong - No
Sandra Seanor - Yes
Richard Gates - Yes
Teri McNaughton - Yes
Chris Marbach - Yes

Six in favor, one opposed. The Motion Carried.

Adjournment

Chairman Marbach adjourned the meeting.

Sandra Seanor, Secretary

Comment #1
Marge Allen

SECTION XV ADDITION OF NEW ARTICLE XIII-A WATERFRONT OVERLAY DISTRICT

The benefit of a Waterfront Overlay is significantly diminished if residential districts are not included. Most development in waterfront areas are going to be in residential districts.

Today unless a residential waterfront property is designated Lake Residential (L-R), restrictions on setbacks and storm water runoff do not apply. By including residential districts within the Waterfront Overlay District using the same provisions of L-R, reasonable ordinances can be reasonably applied in environmentally sensitive areas.

The intent was not to put onerous or burdensome restrictions on residential development but to provide a consistent and established set of ordinances to all waterfront properties.

Chapter 1252 – Waterfront-Shoreland Overlay District (WS)

2. At no point may the beach area have a grade change of more than 3 feet of increase from the ordinary high water mark.
3. The total water frontage of any improved beach (including sanding) for a given lot or parcel is allowed only as follows:

<u>Amount of Frontage for the Parcel or Lot Involved</u>	<u>Permitted Improved Beach Frontage</u>
0 to 99 feet	20 feet
100 to 149 feet	25 feet
150 to 199 feet	30 feet
Over 200 feet	35 feet

- B. In the Open Space Recreational zoning district, beaches shall be regulated as follows: No single parcel shall have more than 40% of its total water frontage used as a beach area unless the parcel is part of a larger network of commonly owned parcels all zoned “Open Space Recreational,” in which case the following applies:
 1. The percentage of water frontage devoted to beaches shall be calculated as a total of the adjoining parcels under common ownership.
 2. This regulation is to be applied concurrently with the regulations of Chapter 1252.09 which regulate dock spaces in areas zoned open space recreational.
- C. Seawalls in the Village of Lake Isabella shall be regulated by the Michigan Department of Environmental Quality, except that wood seawalls constructed in a horizontal pattern shall be prohibited.
- D. In the Residential zones within the Waterfront-Shoreland Overlay District, no fencing of any kind shall be located within 35 feet of the ordinary high water mark in any residential zoning district.

1252.09 DOCKS & BOAT LAUNCHES

1. No boat ramp, boat launch, or similar facilities may be constructed, improved, or utilized in any residential zoning district (LR-1, LR-2, MFR, AR) for the launching of boats. Nevertheless, areas of natural grade for boat launching may be used in their natural state as long as they remain in their natural slope and vegetative state, and are used only for the owner of the particular lot or parcel involved.
2. Boat ramps, boat launches, or similar facilities for the launching of boats are permitted only in the Open Space Recreational district. For each 5,000 feet of frontage in the Open Space Recreational district that is in common ownership by any single individual, organization, or association, one (1) launching site may be

ALPENA

DIMENSIONAL VARIANCE STANDARDS

:

The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship;
2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
4. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort.

PUBLIC HEARING SIGN-IN SHEET

Ontwa
Township

May 23, 2016

Planning
Commission

Zoning Ordinance
Update

PLEASE PRINT - THANK YOU!

CHECK THIS BOX

Name		Address		E-Mail/Phone	If you want to speak X
TERRY DUCK	✓	23641 S. SHORE DR			
JILL Bond	✓	25414 Jolly CT			
Rebecca Havelle	✓	68332 Chestnutwood			
Brynn Handley	✓	68222 CHAUNCEY RD			
GLEN NEELY	✓	68397 SHELBY LK BL			
DAN STUTSMAN	✓	24483 MAY ST.			
Andy Moore	✓	549 Ottawa Ave G & MT			
Theresa Kell	✓	24191 E. Shore Dr. Eden		699-5969.	—
ANNA NITA	✓	70231 Beach Drive			
MARGIE ALLAN	✓	68870 S. SHORE			X
- PAUL J SNYDER	✓	23949 N. Shore Dr		psnickel@yahoo.com	X

PUBLIC HEARING SIGN-IN SHEET

Ontwa
Township

May 23, 2016

Planning
Commission

Zoning Ordinance
Update

PLEASE PRINT - THANK YOU!

CHECK THIS BOX

Name

Address

E-Mail/Phone

If you want to speak X

BRUCE CASSADY

✓ 23371 LAKEVIEW

cassady@spind.com

KORI MKOZEK

✓ 68331 Port Shore Dr

PUBLIC HEARING SIGN-IN SHEET

Ontwa

Township

Planning

Commission

May 23, 2016

Zoning Ordinance
Update

PLEASE PRINT - THANK YOU!

CHECK THIS BOX

Name

Address

E-Mail/Phone

If you want to speak X

RANDY SZALIA

✓

**Planning Commission of
Ontwa Township, Cass County, Michigan**

*** DRAFT *
MINUTES**

Wednesday, August 3, 2016
7:00 PM (EST)

Ontwa Township Hall
26225 US 12, Edwardsburg, MI

Members Present: Dawn Bolock, Don Delong, Chris Marbach, Sandra Seanor, Jerry Marachetti, Shane Szalai

Members Absent: Richard Gates, Robert Thompson, Bill Mahaney

Others Present: John Bossler, Jerry Duck, Carla Keirman, LeRoy Krempec, Roseanne Marchetti, Mr. Sotebeer, Brigid Forlenza, James Forlenza, Paul Pfiel

The meeting was called to order by Chairman Marbach, followed by the Pledge of Allegiance.

Minutes of May 4th, and May 23rd, 2016

Chairman Marbach confirmed the members of the Planning Commission (PC) received and reviewed the minutes from both May meetings and requested their approval.

A motion was made by Dawn Bolock and seconded by Don DeLong to approve the May 4th meeting and the May 23, 2016 public hearing minutes. There being no further comments or discussion, Mr. Marbach called for a voice vote. All in favor of the motion passed.

Land Division

No Land Divisions proposals were listed for the August 3rd, 2016 agenda.

Chairman Marbach indicated that a pending application for a land division (Ferndale) for a 20 acre plot off 8th Street and South Shore had not been submitted within the required time frame and would be discussed at the next meeting.

Paul Pfiel, a consultant representing Eagle Lake South Incorporated (Harold Platt) was present at the meeting. He explained that he was trying to determine the allowed uses and stated that upon the advice of the title company the properties would be sold without any promise of lake access and that he has been directed to sell the property. Mr. Pfiel noted that he would be preparing a Land Division request for the September meeting.

New Business

Chairman Marbach introduced the CFB – Final Site Plan, which was before the Planning Committee for consideration. Zoning Administrator Leroy Krempec detailed the Final Site Plan for the construction of a warehouse storage building in the Industrial Park. Mr. Krempec noted

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Ontwa Township, Cass County, Michigan**

that it meets the requirements of the Zoning Ordinance. Mr. Krempec recommended the CBF Plan for approval.

Questions regarding the plans were entertained and a brief discussion ensued. Mr. Sotebeer, contractor for the project spoke briefly. Staff recommendation was to approve.

A motion was made by Dawn Bolock and seconded by Don DeLong to approve the Final Site Plan for CFB. There being no further comments or discussion, Chairman Marback called for a voice vote. All in favor of the motion passed.

Committee Reports

Township Forms Committee – There was no report.

Master Plan Goals Committee - There was no report.

Announcements

Adjournment

Hearing no additional announcements or comments, Mr. Marbach adjourned the meeting.

Sandra Seanor, Secretary

**Planning Commission of
Ontwa Township, Cass County, Michigan**

*** DRAFT *
MINUTES**

Wednesday, September 7, 2016
7:00 PM (EST)

Ontwa Township Hall
26225 US 12, Edwardsburg, MI

Members Present: Dawn Bolock, Don DeLong, Chris Marbach, Sandra Seanor, Richard Gates, Bill Mahaney, Terry Mc Naughton

Members Absent: Robert Thompson, Shane Szalai

Others Present: John Bossler, Jerry Duck, LeRoy Krempec, Roseanne Marchetti, Jerry Marchetti, Paul File, Jody Davis, Norm Krupp, Greg Crowel, Karen Crelling, Jen Sibbey, Nick Sibbey, Robert Gueritact, Paul Sniadecki, Vicki Ander, Robert Donnelly, John Lalonde, Kaye Lalonde, Mary Jo Thurston, Bob Thurston, Randy Szalai.

The meeting was called to order by Chairman Marbach, followed by the Pledge of Allegiance.

Minutes of August 3rd, 2016

Chairman Marbach confirmed the members of the Planning Commission (PC) received and reviewed the minutes from the August 3rd meeting and requested their approval.

A motion was made by Dawn Bolock and seconded by Don DeLong to approve the August 3rd meeting minutes.
There being no further comments or discussion, Mr. Marbach called for a voice vote.
All were in favor of the motion, and the motion passed.

Land Division

**a. Harold Platt Jr. - South Shore Drive
Representation - Paul File**

Chairman Marbach, briefly introduced the Land Division request and property location. The request before the Planning Commission application is for a land division (Ferndale) for a 20 acre plot off 8th Street and South Shore.

Chairman Marbach asked for the Zoning Administrator's staff recommendation and comments. LeRoy Krempec, Zoning Administrator addressed the Commission and stated that he had received all of the required application materials excluding an accurate legal description and the survey, which is necessary to be received by the Township if the land division is approved by the Commission. Mr. Krempec stated that he had originally had questions identifying the appropriate property owner, which has since been resolved with a correct warranty deed for the property. He proceeded to outline application for the division, which includes 5 land splits on the 20 acre parcel. He stated that he was informed that there are 3 pending sales out of the 5 proposed splits. Mr. Krempec expressed that his original concern was that each proposed parcel have the R1 frontage, ingress and egress as required by the Zoning Ordinance. Mr. Krempec

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addressed a question from Sandra Seanor and noted that if the petitioner was granted the 5 land splits requested there could be no additional land divisions for a period of 10 years. He also restated that the property is zoned R1.

Mr. Marbach asked that the property representative address the Commission and answer Mr. Krempec's additional questions. Mr. File addressed the Zoning Administrator and the Commission's. Several questions were asked and answered.

Several members from the audience asked to speak. Chairman Marbach agreed to entertain questions of Mr. File. Several questions not pertaining to the actual land division regarding the use of the land, environmental questions, barns and lake access were of local concern. Chairman Marbach re-directed the audience to the business before the Commission, which was the determination of the request for the land division calling for discussion among the Planning Commission. Some additional questions were asked and answered. It is suggested that any additional questions regarding what is or is not allowed in R1 should be addressed to the Zoning Administrator. Chairman Marbach asked for additional questions or any motions.

A motion was made by Sandra Seanor and seconded by Bill Mahaney to approve the 5 land division splits in the residential 1 zone as requested by the applicant, subject to delivery to the Zoning Administrator of a complete and accurate legal description and professional survey within 60 days of the Planning Commission approval. There being no further comments or discussion, Chairman Marbach called for a voice vote. All were in favor, and the motion passed.

New Business

**a. Edwardsburg Snowmobile Club - Final Site Plan
Petitioner - Norm Krupp**

Chairman Marbach noted that his surveying company was involved with the Snowmobile Club proposal now before the Planning Commission. He excused himself from the meeting, leaving the immediate area.

Sandra Seanor, Secretary of the Commission further directed the meeting asking that Mr. Krempec the Zoning Administrator, provide a review and recommendation of the Final Site Plan for the Commission's consideration. Zoning Administrator Leroy Krempec reviewed the non-profit Club's (since 1979) proposal and noted that he, had received all required application materials. The Zoning Administrator said that in his view the site plan proposal met the requirements of the Zoning Ordinance, but noted he had received a written comment from a resident. Mr. Krempec reviewed the comment letter from Paul Sniadecki line by line, concurring that the non-profit Snowmobile Club Final Site Plan proposal for the facility construction of a meeting and storage building. He noted that under item of Mr. Sniadecki's written comment he the writer noted that "snowmobile club is not specifically called out. Mr. Krempec noted that not

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Ontwa Township, Cass County, Michigan**

every type of club could be specifically called out in the Zoning Ordinance, and that Section 3.28 provides discretion on the part of the Zoning Administrator clearly using the term "may" further he noted that the petitioner meets the requirements of the Zoning Ordinance. Mr. Krempec recommended the Site Plan for approval.

Sandra Seanor asked that Mr. Krupp provide additional information. He addressed the Planning Commission and spoke at some length regarding the Club's past, its grant relationship, and future plans. Questions were asked by Don Delong and Dick Gates and answered by Mr. Krupp.

Sandra Seanor asked for any comment from the audience. Hearing that there were none, she called for a motion from the floor

A motion was made by Bill Mahaney and seconded by Dick Gates to approve the Final Site Plan for the Snowmobile Club as presented. There being no further comments or discussion, Secretary Seanor called for a voice vote. All were in favor and the motion passed.

Mr. Marbach returned to the meeting.

Committee Reports

Township Forms Committee – There was no report.

Leroy Krempec, asked that a meeting of the Zoning Update group be convened to begin addressing some minor Zoning Ordinance conflicts and the Zoning Map Update. Sandra Seanor noted that she would begin the process of scheduling the meetings.

Master Plan Goals Committee - There was no report.

Announcements

Adjournment

Hearing no additional announcements or comments, Mr. Marbach adjourned the meeting.

Sandra Seanor, Secretary

September 7, 2016

Ontwa Planning Commission Meeting

Please print and sign in:

Name	Address
John Bush	7 Daly Ct.
Tody Davis	GRANGER IN
Norm Krupp	Redfield Rd. Edw
Breg Crowel	68795 8th St
Karen Crelling	24087 S. Shore Dr Edw.
Roseann Marchetti	68222 Christiana Dr.
Jerry Marchetti	" "
Jent Wick & Alky Sibley	24039 S. Shore Dr
Robert Guentert	
PAUL SNIADOCK	23949 N. Shore Dr
RAUDY SZALAI	US 12
Vicki Richman	68860 8th
DONNELLY	70624 DUKART Rd
PAUL D File	57800 - M-62
John Lalonde	24029 S Shore Dr
Kaye Lalonde	"
Mary Jo & Bob Thurston	28994 - 854