

**Ontwa Township Planning Commission
Cass County, MI
MINUTES**

Wednesday, January 2, 2019
7:00 PM

Ontwa Township Hall
26225 US 12, Edwardsburg MI

All Members Present: Chris Marbach-Chairman, Dawn Bolock, Richard Gates, Mike Mroczek, Sandra Seanor, Bob Thompson

Member Absent: Don DeLong, Bill Mahaney, and Shane Szalai

Staff Present: Leroy Krempec, Zoning Administrator

Minutes Recorded by: Brigid Forlenza

The meeting was called to order by Chairman Marbach at 7:00PM.

1. Pledge of Allegiance

Chairman Marbach request to amend agenda for New Business in include Election of Officers for 2019. Motion made by Sandra Seanor, supported by Bob Thompson. All in favor, motion passes.

2. a. Minutes from December 5, 2018. Motion made by Richard Gates supported by Dawn Bolock to approve minutes with a change from "Township" to Board of Trustees.

Discussion – Chairman Marbach stated we cannot amend minutes to others preference.

All in favor as presented and adjusted. Motion carried unanimously.

b. October 3, 2018 attachments posted on website.

Dawn Bolock requests clerk to post "draft" to minutes on website until they are approved.

3. Land Divisions – None

4. New Business – Election of Officers for 2019

Dawn Bolock nominates Chris Marbach for Chairman, Shane Szalai for Vice Chairman, Sandra Seanor for Secretary, Bob Thompson supports. Bob Thompson closed the polls, Dawn Bolock supports. Motion carries unanimously.

5. Old Business – None

6. Committee Reports

Zoning Administrator, Leroy Krempec, related he will present the home occupancy permit applications at next meeting. Further he is drafting a form regarding “complaints for ordinances.” A complainant will be required to complete and sign complaint. He will continue to report violations when he observes them and complete the same form.

Zoning Administrator, Leroy Krempec, has a question for engineering in relation to Dockside Landings. Do core samples need to be completed? He related he conferred with Attorney Kaufman and he can request board to ensure core samples be completed. He will confer with Engineer Marks.

Chairman Marbach advised that Zoning Administrator Krempec to present that to Board of Trustees.

Mike Mroczek related that Wightman Engineer, Kevin Marks, had not been notified of prior meetings regarding Dockside Landings. We need to ensure he is notified.

Richard Gates related his job is to help developers, help community to grow. Review packets and welcome developers to our Township. It will help us grow. He believes we need to make the process simpler and better. We do not need to surprise developers in this area. Going forward we need to attract new business.

7. Public Comments – None
8. Announcements – None
9. Hearing nothing further Chairman Marbach adjourned the meeting at 7:25 PM.

Respectfully Submitted,

Brigid Forlenza
Recording Secretary

**PLANNING COMMISSION
TOWNSHIP OF ONTWA – COUNTY OF CASS
AGENDA FOR PLANNING COMMISSION HELD ON
WEDNESDAY
APRIL 3, 2019 @ 7:00 PM**

Members Attending: Chris Marbach, Sandra Seanor, Don Delong, Richard Gates, Bob Thompson, Mike Mroczek

Members Absent: Shane Szalai, Bill Mahaney, Dawn Bolock

Call to Order:

Chairman Marbach called the April Planning Commission Meeting to order and opened with the Pledge of Allegiance

Minutes:

Chairman Marbach requested approval of the regular Planning Commission meeting minutes for 1-2-2019. Don Delong motioned to approve the minutes and Dawn Bolock seconded the motion.

Chairman Marbach called discussion, hearing none asked for the voice vote.

Yay_6__ Nay_0__

Land Divisions:

This item was moved to Public Comment item a. Paul File Land Division

New Business:

a. Home Occupation

Zoning Administrator Krempec detailed the Home Occupation applications for Aven Kenneth- Drivers Education and Nathan Blair IT Consulting noting that both requests had met the requirements and the Zoning Administrator recommended approval.

a. Home-Based Business

The list of seven previous Home-Based Business applications. Mr. Krempec noted that 1. Robert Blahnik – Lumber had no violations over the past year, completed and submitted his application. 2. John Foreman – Bait and Tackle had no reported violation or complaints, completed and submitted his application 3. Barbara Howe – Day Care had no reported violation or complaints, completed and submitted his application, 4. Jeff Miller – Crystal and Guns – fire arms sold on line. Mr. Krempec contacted ATF and has identified that selling arms rather than manufacturing arms does not require a state of Michigan license. The Home-Based-Business had no reported violation or complaints, completed and submitted his application. 5. Randolph Szalai – Counter Top Manufacturing, Due to the nature of the business wood shaving, glue, provide a safety concern. The Zoning Administrator recommends that any approval for this Home-Based Business should only be made “subject to the Edwardsburg Fire Chief’s inspection and

recommendation. 6. Scott Krupp – Vehicle Repair has been contacted repeatedly and has not renewed is application and therefore cannot be approved at this time. 7. Vicki Doan – was Crafts – now Photography has been contacted repeatedly and has not renewed is application and therefore cannot be approved at this time.

There was discussion among the Board and Chairman Marbach called for a motion. Bob Thompson made a motion to approve Home Occupations 1 and 2 as reported by the Zoning Administrator and Home-Based Business applications 1 through 4. Noting that Home Based Business 5, Randolph Szalai – Counter top Manufacturing’s approval was subject to the review and fire safety approval of the Edwardsburg Fire Chief. Items 6 and 7 Scott Krupp and Vicki Doan are set aside until and if they re-apply for this Board’s Home Based Business application approval. Seconded by Don DeLong. Yay__6__ Nay __0__

Annual Report

The Annual Report was presented to the Planning Commission for its endorsement. Chairman Marbach was thank for his commitment to the Planning Commission in annually developing the report. Sandra Seanor made the motion to accept the document and Don DeLong seconded the motion Yay__6__ Nay __0__

Old Business:

There was no old business

Committee Reports

Chairman Marbach called for Committee Reports and hearing none, moved to public comment.

Public Comments

- a. Paul File Land Split – The petitioner requested that the Planning Commission review and amend its stand-alone Land Division Ordinance to comply with the less restrictive state land division ordinance. The Chair noted that he had reviewed the request with Andrew Moore the Township Planner noting that if approved it would require that the BOT then take up the change. The Chair agreed that he would request that the Township Planner make the amendment correction to be reviewed and voted forward by the Board of Trustees.

There was discussion among the Board particularly regarding easements and whether the Township needed the current more restrictive ordinance language. Hearing no further discussion Chairman Marbach asked for any motions. Don DeLong motioned to accept the change in the Land Division Ordinance to reflect the more state Land Division Ordinance language. Richard Gates seconded. Yay__6__ Nay __0__

Announcements

There were no announcements.

Adjourn Meeting

Chairman Marbach hearing no other business adjourned the meeting.

2018

Annual Report

Of the

Ontwa Township Planning Commission

Edwardsburg, Michigan



Planning Commission

Chris Marbach, Chairperson

Shane Szalai, Vice Chair

Sandra Seanor, Secretary

Brigid Forlenza, Recording Secretary

Dawn Bolock (Twp. Board Rep.)

Mike Mroczek

Don Delong

Robert Thompson

Bill Mahaney

Richard Gates

Prepared February 2019

Planning Commission Approved April 3, 2019

INTRODUCTION

The Planning Commission of Ontwa Township is governed by the Michigan Planning Enabling Act, State of Michigan Public Act 33 of 2008, and by the Ontwa Township Zoning Ordinance.

The 2018 Planning Commission was staffed by the Ontwa Township Zoning Administrator; this position was held by Leroy Krempec.

Williams & Works, a consulting firm, was also selected by the Township Board to assist the Township in zoning, planning and land use matters.

Under the Planning Enabling Act, the Planning Commission must provide an annual report to the Ontwa Township Board, as the legislative body of the Township. This report discusses:

1. Activities of the Commission during the past year
2. The status of any on-going planning activities
3. Recommendations to the legislative body related to planning and development

PLANNING COMMISSION ACTIVITIES

The Planning Commission was scheduled to meet the first Wednesday of each month in 2018. The January, March, April, June, July and September meetings were cancelled for lack of business items.

One of the duties of the Planning Commission is the review of all Land Division and Lot Line Adjustment applications. In 2018 the Planning Commission reviewed two applications and they were approved.

The Planning Commission approved zero applications for a Home Business in 2018.

In 2018 the Planning Commission approved a final site plan application for a building expansion in the Edwardsburg Industrial Park and a final site plan application for a commercial building expansion on US 12.

On November 7th, the Planning Commission held a public hearing to review the “Proposed Ontwa Township Zoning Ordinance Changes”. The purpose of the changes were to make it more understandable, simplify some of the requirements and update the accessory building requirements. The Township Board approved the amendments to the Zoning Ordinance on December 10, 2018.

The Planning Commission held a Pre-Site Condominium discussion on October 3, 2018 and then approved a Preliminary Site Condo application for Dockside Landings on December 5th, 2018.

Other activities by the Planning Commission in 2018 included the following:

1. Applications and forms have been updated and reviewed by Williams & Works and are now posted on the Ontwa Township website.
2. A Bike & Pedestrian Committee was chaired by Mike Mroczek. The committee will carefully develop a plan and identify potential projects. This will be done with the assistance of MACOG, Niles-Buchanan-Cass Area Transportation Study (NATS) and the Southwest Michigan Planning Commission (SWMPC).

Ontwa Township, partnering with the Edwardsburg Sports Complex (ESC), supports the ESC Connector Path bike and pedestrian project, funded in part by a federal Congestion Mitigation and Air Quality Improvement Program (CMAQ) grant. It is anticipated that this project will be constructed in the spring of fiscal year 2019.

In addition, Ontwa Township, in coordination with the Cass County Road Commission, submitted and was awarded Transportation Alternatives Program (TAP) funding (2018-2020 funding) for a HAWK Signal and bike/pedestrian extension connecting to the ESC phase 1 project. The termini for phase 2 is Claire St at US12 and Claire St. East to Section St. Construction estimated in fiscal year 2019-20.

In 2019 the Plan Commission will work toward a comprehensive Bike & Pedestrian Plan.

ONGOING PLANNING ACTIVITIES

As a result of the Township Master Plan, the Planning Commission will continue to work on updating the Zoning Ordinance in 2019 as the primary implementation mechanism to achieve the Master Plan goals.

Williams & Works will continue to assist us in updating our Zoning Ordinance. Andy Moore, AICP was assigned to assist us.

RECOMMENDATIONS TO THE TOWNSHIP BOARD

As a result of the Planning Enabling Act, the Planning Commission is requesting that the Township Board exempt the Planning Commission from having to prepare a Capital Improvement Plan. This can be accomplished by means of the Township Board creating an ordinance that delegates this task to the Supervisor or to a non- elected administrative official.

Ontwa Township Planning Commission

Chris Marbach, Chairman

Ontwa Township Planning Commission

Cass County, MI

May 1, 2019
6:00PM

Ontwa Township Hall
26225 US 12
Edwardsburg, MI 49112

Members Present: Chris Marbach-Chair, Dawn Bolock, Sandra Seanor - Secretary, Mike Mroczek, Bob Thompson, Chris Marbach, Richard Gates, Don DeLong

Members Absent: Shane Szalai — Vice Chair

Minutes recorded by: Brigid Forlenza

Chairman Marbach called the meeting to order at 7:00PM.

Pledge of Allegiance

Reading and Approval of past minutes April 3, 2019, motion made by Bob Thompson, seconded by Don DeLong. Chairman Marbach called for discussion. Chairman Marbach related that response from Attorney regarding change in the land division ordinance was not received in a timely manner. Therefore, the amendment to the land division ordinance will be on the Ontwa Township Board of Trustees agenda for their approval May 13, 2019. Chairman Marbach asked for the voice vote — All in favor, motion carried.

Land Division:

- a. Howe — Elkhart Road, Chairman Marbach recused himself as he was surveyor of property. Vice Chair Shane Szalai absent, Secretary Sandra Seanor chaired. Discussion held. Zoning Administrator Leroy Krempec related he walked through the property. The Howes had a land split not too long ago. The land is zoned AR and there are no ordinance infractions. The survey was completed by a competent firm. He sees no reason not to approve as it is not in violation of splits. Sandra Seanor related it is under the ten allowed.

Motion made by Dawn Bolock to approve the Howe land division, seconded by Don Delong. Acting Chairman Sandra Seanor called for voice vote. All in favor, motion carried.

Ontwa Township Planning Commission
Minutes: May 1, 2019
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New Business — none

Old Business

- b. Home Occupation Review — Zoning Administrator Leroy Krempec related he has three pending.
 - 1. He has sent the form to another party to complete
 - 2. They are not renewing
 - 3. This one is in abeyance as he is waiting for the State Fire Marshall to inspect the property prior to issuance.

Committee Reports:

- c. Ordinance review Committee — Sandra Seanor said they reviewed proposed examples for weeds, blight, litter and junk vehicles, submitted by Dawn Bolock. The committee reviewed construction code regarding fences. Leroy Krempec related they will be reviewing the ordinance for accessory buildings. The committee will be discussing off road race tracks, modular home ordinances and stake survey to be required for compliance.

The committee consists of Dawn Bolock, Jeff Brown, Chris Marbach, Sandra Seanor and Leroy Krempec. They will meet every other week.

Mike Mroczek queried issues with the site condominium ordinance and Planning Commission by laws.

Sandra Seanor advised him to submit his suggestions and recommendations to the committee.

- b. Sandra Seanor updated the commission as to the progress of the Bike and Pedestrian Pathway Project. There will be a grand opening upon completion.

Public Comments: There was an inquiry of a businessman regarding rezoning of property at M62 and May Street from Commercial to Industrial.

Chairman Marbach responded that from a planning standpoint and the Master Plan it is not good to move industrial next to residential. The future land use map was referenced to explain the extension of industrial land to west and south. It was suggested that he look at area contingent to the existing industrial park.

Ontwa Township Planning Commission

Chairman Marbach presented board an action alert from the MTA regarding a bill that preempts local Zoning Authority on rentals.

Hearing no further announcement or comments, Chairman Marbach adjourned the meeting at 7:30 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brigid Forlenza", is written over a light blue rectangular background.

Brigid Forlenza

Brigid Forlenza

Recording Secretary

Ontwa Township Planning Commission

Cass County, MI

DRAFT Minutes

Thursday, July 11, 2019
7:00 p.m.

Ontwa Township Hall
26225 US 12
Edwardsburg, MI 49112

Members Present: Chris Marbach-Chair, Shane Szailai-Vice Chair, Dawn Bolock, Sandra Seanor-Secretary, Mike Mroczek, Bill Mahaney, Don DeLong.

Members Absent: Robert Thompson and Richard Gates

Minutes Recorded by: Brigid Forlenza

Chairman Marbach called the meeting to order at 7:00 P.M.

1. Pledge of Allegiance

2. Agenda Approval: Motion made by Dawn Bolock and seconded by Sandra Seanor to approve agenda. All in favor, motion passes.

3. Reading and Approval of past minutes: May 1, 2019; Motion made by Dawn Bolock, seconded by Sandra Seanor. All in favor, motion passes.

4. Land Division:

- a. File Kay Mais-Sherman Road-Driftwood Drive North.
Parcel #'s 14-090-017-081-00 & 14-090-017-078-03.
Two new parcels-one is 12.75 acres and the second is 28.74 acres.
Surveys have been completed.
Zoning Administrator, Leroy Krempec related that two land divisions are required. He explained entrances and cul de sac are on surveys. Lines on survey shows parcel in the middle will remain the same. There were lot line adjustments that have been completed. Basically, there were 2 lot line adjustments and two splits and a purchase from the road commission. All of the documents are complete. Mr. Krempec sees nothing wrong with what has been presented and submitted.
Chairman Marbach-Approve 2 splits-Tract 1 has required frontage and Tract 2 has a cul de sac which meets the frontage requirement.
The purchase of the other property ensures that the remaining is not landlocked.

Sandra Seanor-Are all deeds correct? Mr. Krempec responds that it has all been done. All deeds are correct.

Chairman Marbach asks if there are any other questions or comments. Hearing none, he asks for a motion.

Sandra Seanor makes a motion which is seconded by Bill Mahaney to approve the two requested splits as defined by the zoning administrator. Chairman Marbach calls for a voice vote. All in favor-motion passes.

5. New Business: None

6. Old Business: None

7. Committee Reports: Sandra Seanor related the zoning ordinance working group has been meeting since May 14, 2019.

International Property Management Code has gone to the B.O.T. to be passed by resolution. Chairman Marbach related this has been recommended by the Township attorney.

The construction code is leaving fences at 6 feet.

Burning in ditches is a road commission issue.

Modular Homes-Zoning Administrator can ask for stake surveys.

Racetracks-Township has no authority over dirt tracks.

A change to the Land Division Act, an addition to the current ordinance, needs approval to move forward to the Board of Trustees:

5. For proposed land divisions involving existing buildings, structures, or other conditions that would be made nonconforming by the proposed division, the Township may require a performance bond or impose other conditions of approval on a proposed division to eliminate the nonconformity and to ensure compliance with all applicable Township Ordinances.

Member Mroczek asked that an example be submitted to the Board of Trustees.

Motion made by Don DeLong and seconded by Dawn Bolock, that the board accepts item # 5 for the land division act.

Chairman Marbach called for a voice vote, all in favor, motion passes.

The new language for bylaws was reviewed.

Mr. Mroczek will contact planner Andy Moore for key language that was missing.

8. Public Comments: None

9. Announcements: Don DeLong spoke regarding art work in communities that could be added to the master plan. Art drives economic development. Livable communities workshop.

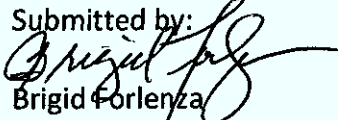
Josh Lapp-presenter.

Chairman Marbach presented a pamphlet to the board regarding upcoming MTA seminars, "Hot topics in Planning and Zoning", should any member wish to attend.

Member Seanor announced that the Bike and Pedestrian pathway is near completion. The project stalled waiting for Frontier to move their utilities. Moving forward, studies will be completed by MDOT and Hawk signal funding will be sought.

10. Hearing no further announcements or comments, Chairman Marbach adjourned the meeting at 7:40 P.M.

Submitted by:


Brigid Forlenza

Recording Secretary

**Ontwa Township Planning Commission
Cass County Michigan**

Wednesday, October 2, 2019
7:00 PM

Ontwa Township Hall
26225 US 12
Edwardsburg, MI 49112

Members Present: Shane Szalai – Vice Chair, Dawn Bolock, Sandra Seanor-Secretary, Mike Mroczek, Bill Mahaney, Richard Gates, Robert Thompson, and Don Delong.

Member Absent: Chris Marbach – Chairman

Minutes Recorded by: Brigid Forlenza

Vice Chair Shane Szalai called the meeting to order at 7:00PM.

1. **Pledge of Allegiance**
2. **Agenda Approval:** Motion made by Richard Gates and seconded by Don Delong to approve agenda as amended adding 5c Structures that are noted as “blight” as well as dangerous “attractive nuisances” to new business. All in favor motion passes.
3. **Reading and approval of past minutes:** July 11, 2019; motion made by Dawn Bolock and seconded by Don Delong. All in favor motion passes.
4. **Land Divisions:** Barry Eye, 70004 Oakleaf Drive, Property #14-090-009-074-01. Owner requesting to split lot and sell. Zoning Administrator Leroy Krempec related frontage and setbacks meet requirements. Private Road, Oakleaf Drive, is in compliance. This is the fourth time attempting to split. Permits to remove sheds issued. Mike Mroczek visited site and related there are sheds on the property, and a well needs to be moved. He requests contingencies be placed on the approval. Further “buyer beware,” as there is a structure on the property line that can lead to a potential boundary dispute.

Vice Chair Szalai requested motion. Robert Thompson made a motion to approve seconded by Sandra Seanor. Contingencies – sheds come down and well is moved. In favor: Robert Thompson, Dawn Bolock, Sandra Seanor, Shane Szalai, Bill Mahaney, Don Delong, and Richard Gates. Opposed: Mike Mroczek. Motion passes.

5a. Duo Form Site Plan Review: Sean Frederick – Architect requests site plan approval to erect two small metal buildings: 25 x 40 and 20 x 32. Sandra Seanor asked Zoning Administrator Krempec for survey and if this proposal meets side setbacks. Zoning Administrator Leroy Krempec related there is plenty of open space.

Richard Gates queried as to location of lot lines. Sean Frederick – Architect related they have the room they need, and he has a site plan which he submitted at that point to the Planning Commission to review.

Sandra Seanor, upon review of application, related that it is not complete. William Mahaney queried if the plan submitted to board tonight was submitted prior to this meeting. Zoning Administrator Krempec replied it was not submitted.

Sandra Seanor related, once again, that the site plan was incomplete. Further, the plan was not submitted to the Zoning Administrator.

Architect Frederick responded the site plan was submitted to Zoning Administrator and Building Inspector. We imposed scaled drawings, and this meets setbacks and will not change erosion control.

Dawn Bolock reiterated the site plan is incomplete.

Sandra Seanor – This requires a survey so members of board can review it and reiterated the application is not complete. This is what delays projects.

Duo Form Architect Frederick related there are no utilities, no heat, and it is simplistic. They are looking for a favorable opinion tonight.

Richard Gates related this should not have occurred.

Vice Chair Szalai doesn't know if this meets requirements as the package is incomplete.

Mike Mroczek explained they should complete application and survey for the November meeting.

Dawn Bolock stated they must be consistent with requirements.

Sandra Seanor echoed if the required information had been submitted, they would move forward. There is no proof setbacks are correct. They need to submit an updated survey. This all needs accomplished. The site plan review check list needs to be completed also.

Motion made by Sandra Seanor seconded by William Mahaney to set aside the application until it is complete. Vice Chair Szalai called for a vote. All in favor motion passes. Opposed: None

5b. Private Road Application – Four Lakes Development, LLC. Recused: Mike Mroczek, Robert Thompson, and Sandra Seanor.

JPR – Kenneth Jones Jr. on behalf of Developer Dale Snow requested approval of private road to facilitate Step 2 approval. The project is down to four required permits, this being one of them.

He related that private road was already reviewed and approved by Planning Commission, reading Ontwa Township Private Road Ordinance Section 3 for record. Ordinance No 11-96-3 Section 1.03C "The provisions of this Ordinance shall not apply to access roads internal to any individual lot or parcel of land which has direct public street frontage access and is under the control of one person, firm; corporation, or association, provided that the access road does not provide access to any abutting lot or parcel of land. Which are otherwise subject to site plan

review and approval under the provisions of the Ontwa Township Zoning Ordinance.” Mr. Jones related this private road was already approved.

Private road has been addressed in By-Laws and Master Deeds. The name “Dockside Court” is unique per letter submitted from Cass County Road Commission. Addresses for homes will be complete when permit obtained for building as project moves on.

Dawn Bolock related private road agreements along with maintenance agreements are necessary for Lenders and Title Insurance.

William Mahaney queried if the issue of water puddling on east side of Eagle Lake Road had been addressed. A positive response was given by Ken Jones, Jr. P.S.

Dawn Bolock asked Zoning Administrator Krempec if all documents were provided for the private road approval. Zoning Administrator Krempec said there was confusion regarding Site Condo and Subdivision by the Township Planner Andy Moore and Township Attorney Kaufman. They both suggested this approval was required. Williams and Works submitted conditions formalizing maintenance.

Motion made by Dawn Bolock seconded by Richard Gates to approve private road permit with the conditions of Williams and Works. All in favor motion passes.

5c. Structures that are noted as “blight” as well as dangerous “attractive nuisances”: Richard Gates spoke to the issue of dangerous buildings and why they have not been removed. When will this happen?

Zoning Administrator Krempec related there are three structures, and he knows what they are. The buildings have been like this for years. Out of respect for Mr. Szalai, he has been dealing with him for three years. He has blight on US 12 and Garver Lake Road. He related the Szalais were in his office and agreed to demolish. Subsequently, they rescinded this agreement. He has sent another certified letter which they have five days to respond to upon receipt. If the Szalais do not respond in that time frame, this will go to court via Township Attorney. There is another property on Garver Lake with another owner that he is pursuing.

Zoning Administrator Krempec addressed the need for the Board of Trustees to pass I.P.M.C. to give him authority to enter properties. He has yet to receive approval from B.O.T.

Don Delong related we need to address this. Richard Gates related we need to handle enforcement a different way. We need to act accordingly: cite him, go to Township Attorney, and go to court. Zoning Administrator Krempec needs IPMC approved by the Board of Trustees.

Sandra Seanor asked if this was approved by the Village and if so, we need to mirror their dates. Mike Mroczek agreed, stating residents are looking for change and these issues should not take so long.

6. Old Business – None

7. **Committee Reports:** Sandra Seanor informed board Ad-Hoc committee has not met as of late. Mr. Mroczek to submit information to Ad-Hoc committee for review.
8. **Public Comments:** Dirt bikes and motorcycles on private property. Zoning Administrator Krempec said there is no violation of noise. They are restricted to cease by 8:00 PM. The owner says he has not been approached by neighbors complaining. The owner can do what he wants as he owns five acres of agricultural-residential property. He has no authority regarding this.
9. **Announcements** - None
10. **Adjournment** - Hearing no further comments Vice Chair Szalai adjourned meeting at 8:25PM.

Respectfully Submitted:

Brigid Forlenza
Recording Secretary

williams&works

engineers | surveyors | planners

MEMORANDUM

To: Ontwa Township Planning Commission
Date: October 1, 2019
From: Andy Moore, AICP
RE: **4 Lakes Development / Dockside Landings Site Condominium – Private Road Review**

Four Lakes Development, LLC has submitted an application for private road approval for a private road called "Dockside Court" that would serve the previously-approved Dockside Landings project located at 68687 Eagle Lake Road. The applicant has received Step 1 site condominium approval from the Township Board. Step 2 approval by the Township Board requires that all other applicable permits be secured from appropriate agencies, such as EGLE, the County Road Commission, County Drain Commission, etc. The Road Commission has previously approved the location and intersection of the private road.

The Planning Commission has not explicitly granted approval of the private road, although it is the opinion of some that such approval was implicit with the Planning Commission's recommendation of approval for the overall project, which was given in November 2018. Our opinion suggests a more conservative approach that will ensure that the applicant secures explicit approval to construct the private road. The purpose of this memorandum is to evaluate the applicant's request pursuant to the Ontwa Township Private Road Ordinance.

Background. The subject property is located at 68687 Eagle Lake Road, on the east side of Eagle Lake Road. The applicant is seeking approval for development of the property as a site condominium in the Lake Residential (L-R) zoning district. The proposed development consists of 12 lots (or units) served by a new private street called Dockside Court.

Private Road 'Dockside Court'. Private Roads are reviewed and permitted pursuant to the Ontwa Township Private Road Ordinance, as we indicated in our previous memoranda to the Planning Commission on November 2, 2018 and to the Township Board on January 11, 2019. This ordinance requires that an applicant that desires to construct a private road must submit an application to the Township Planning Commission for its review and approval. This Ordinance also requires that the applicant submit a road maintenance agreement or similar instrument that contains the provisions outlined Section 1.05:

- a. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
- b. A workable method of apportioning the costs of maintenance and improvements, including the potential of future paving, if the road is extended to serve six (6) or more lots.

- c. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in Section 1.04 and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of 5% of the total cost of the improvements.
- d. A notice that no public funds of the Township of Ontwa are to be used to build, repair, or maintain the private road.
- e. Easements to the public for purposes of utilities, emergency and other public vehicles for whatever public services are necessary.
- f. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the road.

The Dockside Landings Master Deed states that the private road will be considered a limited common element and that "the Association shall maintain the private road known as Dockside Court and the shared driveway proceeding from the cul-de-sac of Dockside Court, and the costs of maintenance, repair and replacement will be shared among the Co-owners to which these improvements are appurtenant," which would be units 5-12. Other items listed above do not appear to be addressed. The Master Deed should be amended to specifically include the provisions listed above.

The Township's Engineer, Kevin Marks of Wightman, indicates that he "has reviewed the proposed roadway alignment and the proposed cross-sections on the drawing set dated 9/24/2019. We take no exceptions to the proposed alignment or the proposed roadway cross-section and recommend approval pending the receipt of all other required permits."

Recommendation. At the October 2 Planning Commission meeting, the Commission should review the information received and discuss any potential issues with the applicant. The Commission's review should be limited to the private road only and not include other aspects of the proposed condominium project (units, docks, etc.) Subject to those comments, we recommend that the Planning Commission approve the proposed private road, subject to the following conditions, along with any others deemed appropriate:

1. The Master Deed and/or Bylaws shall be amended to include all applicable provisions from Section 1.05 of the Private Road Ordinance to the satisfaction of the Township Attorney:
 - a. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
 - b. A workable method of apportioning the costs of maintenance and improvements, including the potential of future paving, if the road is extended to serve six (6) or more lots.

- c. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in Section 1.04 and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of 5% of the total cost of the improvements.
 - d. A notice that no public funds of the Township of Ontwa are to be used to build, repair, or maintain the private road.
 - e. Easements to the public for purposes of utilities, emergency and other public vehicles for whatever public services are necessary.
 - f. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, and others bound to or returning from any of the properties having a right to use the road.
- 2. The applicant shall provide a letter from the Cass County Road Commission indicating there is no known duplication of the proposed private road name.
 - 3. The applicant shall indemnify and save and hold the Township harmless from all claims for personal injury and/or property damage arising out of the failure to properly construct, maintain, repair, and replace the private road.

As always, feel free to contact me with any questions.

- c: Jerry Marchetti, Ontwa Township Supervisor
LeRoy Krempec, Ontwa Township Zoning Administrator
Catherine Kaufman, Ontwa Township Attorney
Kevin Marks, P.E., Ontwa Township Engineer

**Ontwa Township Planning Commission
Cass County Michigan**

Wednesday, November 6, 2019
7:00 PM

Ontwa Township Hall
26225 US 12
Edwardsburg, MI 49112

Members Present: Chris Marbach – Chairman, Shane Szalai – Vice Chair, Dawn Bolock, Sandra Seanor-Secretary, Richard Gates, and Don Delong.

Member Absent: Bill Mahaney, Mike Mroczek, and Robert Thompson.

Minutes Recorded by: Brigid Forlenza

Chair Marbach called the meeting to order at 7:00PM.

1. Pledge of Allegiance

2. **Agenda Approval:** Motion made by Richard Gates and seconded by Don Delong to approve agenda as amended adding to old business: “Structures that are noted as blight as well as nuisances”. All in favor motion passes.
3. **Reading and approval of past minutes:** October 2, 2019; Motion made by Dawn Bolock to approve minutes adding the conditions drafted by Williams and Works. Seconded by Sandra Seanor. All in favor motion passes.
4. **Land Divisions:** William and Margaret Noll, 70604 M 62, Edwardsburg, MI.
ID#14-090-018-030-05 – Owner requesting to parcel off home and property. Remaining 13.7 acres for a new home to be built next year.

Chair Marbach informed owners they need to get a certificate from Cass County that is required to prove taxes are current. The certificate is to be given to Zoning Administrator Krempec.

Richard Gates made a motion to approve land division subject to obtaining certificate from Cass County, seconded by Don Delong. All in favor motion passes.

4b. Tylor Ross – 68563 West Banks, Edwardsburg MI. Parcel ID#14-090-003-072-14

Chair Marbach requested Tylor Ross to address his request. Tylor Ross responded he is looking for three splits and he intends to sell all when approved. Zoning Administrator conferred with Assessor Bill Gibert who agreed there are splits left. Zoning Administrator Krempec said it is okay to move forward.

Chair Marbach addressed the Land Division Act 288 of 1967, The road issue for the splits is not clear in state law.

Zoning Administrator Krempec it should be allowed if board agrees. Further a lot across from a lake residence cannot be used for an accessory building. There is a barn on the principal property. The amendment for barns on splits was addressed.

Chair Marbach – for land division you can put conditions on the split.

Sandra Seanor requested a time frame on making the barn a residence.

Chair Marbach requested a time line from Applicant Ross who related it will be completed by spring.

Dawn Bolock the split does not make it non-conforming as the barn is already non-conforming.

Chair Marbach related that Andrew Moore from Williams and Works says we can't hang our hat on the law as it is vague. The Chair has found no lawsuit on the road issue.

Sandra Seanor asked Applicant Ross when will the barn project be completed?

Tylor Ross responded he plans on making barn a residence and has been working on project for a year and is progressing.

Sandra Seanor stated he has twelve months to complete.

Dawn Bolock asked about the driveway to the barn. Tylor Ross responded he has a permit from Cass County Road Commission for the driveway.

Sandra Seanor made a motion to table the application until we study the splits and their validity seconded by Richard Gates.

Discussion: Dawn Bolock said it should be placed on December agenda. Don Delong – investigate barn that is still not in compliance. Sandra Seanor – permit needs reviewed.

Zoning Administrator Krempec – related they should hold this off until we investigate permits.

Chair Marbach – All in favor motion carries.

5. New Business: North American Site Plan Review

Chair Marbach stepped off on this as he prepared documents for North American, recusing himself.

Vice Chair Shane Szalai stepped in.

Tim Bontrager – Vice President, North American Forest Products addressed the commission. They are looking to build a new building. The RV market is going well, and the building will be

utilized to shift production. The property is owned by North American Associates. They will build. North American Forest Products will rent.

Sandra Seanor related 27263 May Street is address to Corporate Office. Parcel ID is incorrect, and the address is incorrect.

Don Delong – addressed a proposal from them years back, is this the same? We had a proposal to build and grow the facilities.

Mr. Bontrager replied this was before a corporate buyout by Patrick Industries and that never happened. However, this is the same thought process.

Sandra Seanor reiterated they correct the parcel identification numbers.

Mr. Bontrager related North American Associates is constructing the building.

Dawn Bolock escrow is required per ordinance. They need to meet with County to extend the road. Contractor, Bo Mitchell addressed sewers will be in right-of-way of new street. They will put in lift station.

Zoning Administrator Krempec related they should hold off until they get corrected information regarding road and sewer.

Acting Chair Szalai asked for a motion.

Sandra Seanor moved to approve subject to Road Commission approval of road extension, approval of sewers, escrow, and corrected property ID numbers, supported by Dawn Bolock.

All in favor motion passes.

6. Old Business: Duo Form – 2nd hearing

Chair Marbach addressed two small buildings as presented at October 2nd meeting. Surveys for additions submitted.

Architect Sean Frederick spoke relating the request for two small additions to existing buildings. Zoning Administrator Krempec they need to correct ID# to 14-090-300-002-00.

Richard Gates inquired if it meets side setbacks. Both additions are in the required side setbacks as indicated on site plan.

Richard Gates made a motion to approve seconded by Don Delong.

Chair Marbach asked for further discussion – none heard.

All in favor motion passes.

6b. Structures noted as blight as well as dangerous nuisances.

Richard Gates addressed IPMC going to Board of Trustees on November 11, 2019 that will address these issues.

Don Delong requested a copy.

Zoning Administrator Krempec will present to Board of Trustees with amendments. They will create an ordinance and it will be published. The adoption process should be completed by late winter.

7. Committee Reports:

Sandra Seanor informed commission they have not met.

8. Public Comments:

Sandra Seanor related the ribbon cutting for the connector pathway was well attended by the public on November 6, 2019.

9. Announcements:

Cookie walk December 5, 2019
Christmas Tree Lighting – November 30, 2019 @ 5:30 PM

10. Adjournment:

Hearing no further comments Chair Marbach adjourned meeting at 8:10 PM.

Respectfully Submitted:

Brigid Forlenza
Recording Secretary

**Ontwa Township Planning Commission
Cass County Michigan
Draft Minutes**

Wednesday, December 4, 2019
7:00 PM

Ontwa Township Hall
26225 US 12
Edwardsburg, MI 49112

Members Present: Chris Marbach – Chairman, Shane Szalai – Vice Chair, Dawn Bolock, Sandra Seanor-Secretary, Richard Gates, Mike Mroczek, William Mahaney and Don Delong.

Member Absent: Robert Thompson.

Minutes Recorded by: Brigid Forlenza

Chair Marbach called the meeting to order at 7:00PM.

1. **Pledge of Allegiance**
2. **Agenda Approval:** Motion made by Dawn Bolock to approve agenda, seconded by Don Delong. All in favor motion passes.
3. **Reading and approval of past minutes:** November 6, 2019; Motion made by Dawn Bolock seconded by Don Delong to approve minutes as presented. All in favor motion passes.
4. **Land Divisions:** Parcel ID #14-090-018-005-02. North American Associates – M62. Chair Marbach steps off as he is surveyor of record for this split. Vice Chair Shane Szalai steps in. Debra Hughes: Senior Professional Engineer – Marbach, Brady & Weaver presented information regarding this land division.

Applicant/Buyer: Krupp's Power Sports Inc., Mike Reichanadter
Property Owner: North American Associates, Brett E Lamont – Secretary/Treasurer

Application to split parcel 22.614 acres. Parcel One: 12.418 acres – Krupp's Power Sports Inc.
Parcel remaining: 10.196 acres – North American Associates, Inc.

Ms. Hughes stated this meets requirements of the Land Division Act. Ms. Hughes related she has presentation for second part of this request regarding changing zoning map amendment.

Zoning Map Amendment Petition: Krupp – 12.4 acres requesting C-2 from I-2, 2,100 feet from intersection. Site Plan has been submitted building and parking for thirty-two vehicles, fenced enclosure, display area in front and access to M 62 which will need MDOT approval.

Burgers sold this property to North American and rezoned I-2. The plan was to extend April Street and build buildings. However, North American subsequently sold to Patrick Industries so plan never happened.

North American found buyer who needs C-2 zoning. North American wants remaining parcel to remain I-2.

Brett Lamont spoke saying there are no plans to change zoning on remaining parcel. It remains I-2.

Mike Mroczek related we are running out of C-2 space and maybe both parcels should be zoned C-2. Brett Lamont responded he does not support this at this time.

Sandra Seanor related there is a document regarding this from the Zoning Administrator, that will be part of the hearing after this.

Zoning Administrator has document to protect the Township.

Mike Mroczek questioned what happens if this sale does not take place? What is the time frame for the sale to happen?

Dawn Bolock related sixty days at least as commercial things take time.

Brett Lamont uttered he would consent to six months.

Sandra Seanor made a motion to approved land division seconded by Richard Gates. All in favor motion passes.

4b. Land Division - Tylor Ross – 68568 West Banks, Edwardsburg MI. Parcel ID#14-090-003-072-14

Continuation of last months discussion regarding three splits. Dawn Bolock questioned access from tract to North Shore being prohibited in Master Deed.

Sandra Seanor asked if there was a sale for this property?

Zoning Administrator Krempec replied there is a tentative sale. Township Inspectors met with potential buyer of property, however sale is unknown.

Tylor Ross: If it splits it will sell. Barn is in Agriculture.

Don Delong ensured parcel I.D.'s were corrected.

Mike Mroczek queried the two driveways to barn being authorized.

Tylor Ross responded the driveway permit is for West Banks.

Zoning Administrator Leroy Krempec related the driveway off Oak Springs Road is not authorized. Applicant had a permit to work in the Right-of-Way.

Chair Marbach – Land split – three splits – Tract 1, 2, and 3. It has been ten years is the restriction valid or not valid regarding access to public street as the law is vague.

Dawn Bolock stated there should be no access off North Shore Drive.

Zoning Administrator Krempec stated they would need driveway permits from the Cass County Road Commission.

Chair Marbach replied we have not asked for permits in other splits.

Sandra Seanor explained there is an undecided issue which is not clear in land division act.

Chair Marbach asked for a motion to approve or deny splits per application.

Zoning Administrator Krempec – you can split after ten years, this becomes policy.

Mike Mroczek replied this is like a new beginning a clean sheet of paper.

Don Delong made a motion to approved splits seconded by Sandra Seanor.

Chair Marbach hearing no further discussion asked for a roll call vote. Don Delong – yes, Shane Szalai – yes, William Mahaney – yes, Mike Mroczek – yes, Sandra Seanor – yes, Dawn Bolock – yes, Richard Gates – yes, Chair Marbach – No. Motion carried – splits approved.

Chair Marbach stepped away.

5. Public Hearing Rezoning – North American / Krupp's

Vice Chair Szalai – asked for motion to open public hearing.

Don Delong made a motion to open public hearing seconded by Sandra Seanor.

Vice Chair Shane Szalai asked for public comments for the rezoning.

Norman Krupp – 27082 Redfield Drive spoke for the rezoning stating the business to move there is growing and is a benefit to the community. It had been his business for thirty-five years and the new owner's business is prospering.

Brett Lamont – 21821 Howell Drive related this started with Bob Wiley who has been dealing with them (Krupp's) for a while.

Vice Chair Shane Szalai asked for comments against, none heard.

Zoning Administrator Krempec asked if snowmobiles are decibel rated so as not to disturb neighbors. The machines are all under the 78 decibel limits.

Sandra Seanor spoke saying the Zoning Ordinance group will review this when they meet in January.

Don DeLong asked if they could create a turn lane for entrance and exit to property, as that would be beneficial to traffic flow.

Dawn Bolock related M62 and May Street are on an MDOT list to be improved in 2020.

Sandra Seanor made a motion seconded by Richard Gates to rezone property to Commercial with the property to be deeded and closed within six months. All in favor motion passes.

See Attachment #1 & #2.

"Pursuant to Section 22.01(f) of the Zoning Ordinance, the proposed rezoning is referred and recommended to the Township Board for adoption of an ordinance to rezone the property for I-2 to C-2 and to the County Planning Commission for the County Planning Commission's review and comment."

Public hearing closed.

Chair Marbach returned.

6. Structures noted as blight as well as nuisance:

Chair Marbach Related the IMPC will be on the Board of Trustees meeting agenda to be held Monday, December 9, 2019.

7. Zoning Ordinance Review Committee Report: Meeting to be held in January.

8. Public Comments: None

9. Announcements:

Sandra Seanor spoke regarding the upcoming 2020 census and the importance of all people being counted. She attended a meeting with representatives from many local agencies regarding the census hosted by the Census Bureau. It is very important to our area to count all residents as this equates to \$1,800.00 per person for federal funding for schools, roads, health care, etc.... Sandra asked all board members to pass the word.

10. Adjournment:

Hearing no further comments Chair Marbach adjourned meeting at 7:58 PM.

Respectfully Submitted:



Brigid Forlenza
Recording Secretary

ATTACHMENT #1

Memorandum



To: File

From: Debra S. Hughes, P.E., Project Civil Engineer

Date: December 4, 2019

Re: Zone Map Amendment Petition for Krupp Power Sports, Inc.

Presentation – Land Division

1. Introductions
 - a. Agent: Debra Hughes, Marbach, Brady & Weaver, Project Civil Engineer
 - b. Petitioner: NAA-Brett Lamont, Agent, Bob Wiley, Owner
2. Land division meets all requirements for minimum parcel area, frontage and width and minimum road frontage of TZO.
3. Land division meets all requirements of State Land Division Act and TZO.
4. Ratio of depth to width does not exceed 4:1. Actual 0.95
5. Parcel created would have adequate accessibility for public utilities. Parcel created would have adequate accessibility to M62 for emergency and other vehicles.

**Marbach, Brady
& Weaver, Inc.**

3220 Southview Dr.

Elkhart, IN 46514

574.266.1010

Fax 574.262.3040

info@marbach.us

Presentation – Zone Map Amendment

1. Introductions
 - a. Agent: Debra Hughes, Marbach, Brady & Weaver, Project Civil Engineer
 - b. Petitioner: NAA-Brett Lamont, Agent, Bob Wiley, Owner
 - c. Prospective Buyer: Krupp Power Sports, Inc.
 - i. Norm Krupp, Former Owner
 - ii. Mike Reichenadter, Owner
 - iii. Shane Stepnic, Owner
2. This ZMA petition is by NAA. NAA wants to sell south 12.4 acres to Krupp's Powersports, Inc. NAA requests commercial C-2 zoning for this 12.4-acre property.
3. Krupp's ownership wants to construct a new building and site for their business. The proposed location will be 2100 feet from the nearest intersection, which will provide safer customer, employee and truck access to the business.
4. Krupp Motor Sports currently operates from a 1 ac. Site at the northwest corner of M-62 and Redfield Road. They have outgrown the building and property there and need a larger building and property.
5. The proposed site will allow more room for outdoor stock storage and a larger showroom in an attractive new building. This will draw in customers to the new building for purchase of new sports equipment and service of their equipment. This will bring people to the area and will boost other nearby businesses with additional customers.
6. Property History:
 - a. Formerly owned by Carl Burger. Mr. Burger wanted to sell to NAA. NAA needed I-2 zoning for property instead of C-2 zoning in place. NAA was and is the landowner for businesses that included NAFP on adjoining property to the west.
 - b. Township Master Plan at that time included a commercial corridor from May St. for a distance of 2700 ft. south on both sides of M-62.
 - c. Carl Burger filed ZMA Petition for C-2 to I-2. Site Plan showed proposed expansion of NAFP and extension of April Street to east to a new intersection with M-62 through this property.
 - d. ZMA approved from C-2 to I-2 to allow the I-2 use.
 - e. Property sold to NAA.
 - f. NAA sold NAFP business to Patrick Industries. Patrick Industries abandoned plan for expansion into this property with proposed extension of April Street to M-62.
 - g. NAA owns this property and it is for sale.
 - h. The south 12.4 acres would be sold to Krupp Motor Sports for their business operations. They need a C-2 zone. Request is to return to previous C-2 zone.
 - i. The north part of the property is not part of this petition and would remain I-2 zone.

Site Plan Information

1. Site Plan shows the following
 - a. New 80'x125' building, with a parking lot for 32 vehicles.
 - b. Outdoor storage inside a fenced enclosure for merchandise crates and for uncrated merchandise for sale or service.
 - c. Outdoor storage outside the fenced enclosure facing M-62 for merchandise for sale.
2. Access to M-62 would be reviewed and approved by MDOT. One access is proposed, 2100 ft. south of May St. and 3200' north of Redfield Road.
3. Sanitary Sewer may be provided through an on-site septic system. This would be approved by the County Health Dept. Another option is to determine a route to connect a new sanitary sewer to the Township Sanitary Sewer system in April St.
4. Water supply would be provided through a new on-site well. This would be approved by the County Health Dept.

ATTACHMENT #2

ONTWA

TOWNSHIP

Office of Zoning and Code Administration

P.O. Box 209 - Edwardsburg, MI. 49112

Phone: (269) 663-2347 ** Fax: (269) 663-0072)

www.Ontwatwp.org

December 4, 2019

To all Ontwa Township Planning Commission Members

R/E: North American Forrest Associates Land Division
Krupp's Powersports Inc. Re-zoning request of divided parcel

This transaction, if approved, will be allowing Krupp's to request re-zoning of a parcel divided by North American Forrest Associates, without a Deed of Sale. Under the advice of the Township's Planner, it should be agreed and understood, by signature, that if the Land Division is approved, and then the request for rezoning is approved, if the sale of this parcel to Krupp's Powersports Inc., fails to go through as planned, the property rezoned from Industrial to Commercial would revert back to Industrial. The divided parcel would not be allowed to stay rezoned Commercial.

For North American Associates:

Print Name: Brett E. Lamont
Signature: Brett E. Lamont Sec/Treas
Date: 12/4/19

For Krupp's Powersports Inc.

Print Name: Syane A. Stepnic
Signature: [Signature]
Date: 12/4/19

LeRoy R. Krempec

LeRoy R. Krempec
Zoning and Code Administrator
Ontwa Township
Hours: Mondays, Tuesdays, Wednesdays
9:00 a.m. to 2:00 p.m.
Phone: 269-663-2347
Cell: 574-292-0820
Email: zoningandcodeadm@gmail.com

CC: Tina VanBelle - Clerk