



CASS COUNTY PLANNING COMMISSION

*Dan Stutsman • David Kring • Jayne Bailey • Richard Palmisano • Annie File
Roseann Marchetti • Samuel Barrera • Dianna McGrew • Tyler Augst • Michael Bowman*

Wednesday, June 26 at 4:00 PM

Cass County Building

120 N. Broadway

Conference Room 210

Cassopolis, MI 49031

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes — May 22, 2024
5. Public Comment
6. New Business
 - a) Silver Creek Township — Farmland Termination Request
 - b) Howard Township — Rezoning Request
 - c) Ontwa Township — Trinity Bible Church Rezoning
 - d) Ontwa Township — Eddies Market Rezoning
7. Old Business
 - a) Master Plan
8. Other Business
9. Adjournment

CASS COUNTY PLANNING COMMISSION
May 22, 2024

The regular meeting of the Cass County Planning Commission was called to order by chairman, Dan Stutsman at 4:00. In addition to Stutsman, all commissioners were present when roll call was taken: Tyler Augst, Jayne Bailey, Sam Barrera, Annie File, Dave Kring, Roseann Marchetti, Dianna McGrew and Richard Palmisano.

Guests present were: Julie Roberts of Howard Township, Lynn Schantz of Pokagon Township and Eileen Glick, who was available for questions, from Milton Township.

Augst made the MOTION to accept the agenda with additional line item under New Business. "Clarification of time allowed for submissions before regular meetings." Palmisano seconded the motion and it passed.

MOTION was made by Palmisano to approve April 24, 2024 minutes as presented, support was given by McGrew. Motion carried.

A MOTION was put forth by Palmisano to delay approval by one month of La Grange Township's Short-term Rental Document Wording. File seconded the motion. During discussion, recommendations were made for more specific wording about insurance, both liability and property and enforcement. Motion passed after discussion. It was also noted that Ontwa Township's Short-term Rental Document includes these items.

MOTION was made by McGrew, with support from Marchetti to approve Milton Township's submission for rezoning of three parcels (14-070-023-011-05, 14-070-023-011-50, 14-070-023-012-00), located at 71138 Brush Road, Niles, MI, from Agricultural to Rural Residential. Motion passed.

There was discussion on Silver Creek Township's submission of application for relinquishment of Farmland Development Rights. While there was a MOTION in favor of this relinquishment and support, the submission cover letter states: "The effect of this Notice is to grant the state land use agency sole authority to grant or deny the application as provided in Section 36111a."

It was deemed that the time allowed for submission of new information to the Planning Commission is seven business days before the next meeting, according to the Cass County Planning Commission's by-laws.

Each question of the draft survey for the new Master Plan was gone over and discussed. After discussion, it was stated that much progress was made. Thanks were extended to Marchetti for all of her work in this part of the process. Bailey will deliver feedback to Rebecca Harvey of McKenna.

In order to give ample time for survey results and public notice, the Open House has been moved one month out from June 26 to July 24. It will be held at the Road Commission Building. The regular meeting of the Planning Commission will meet there at 4:00 followed by the Open House from 6:00 - 8:00.

Bailey mentioned that Friends of the Cass County Parks and Recreation have established a new way to donate to the county parks through the use of a QR code and Pay Pal online.

File made the MOTION to close the meeting. It was seconded by Augst and the meeting adjourned at 5:35.

Jayne K. Bailey

SILVER CREEK TOWNSHIP

P.O. BOX 464

DOWAGIAC, MICHIGAN 49047

PHONE (269) 424-3025 FAX (269) 424-3858

MICK BRAMAN, SUPERVISOR
JESSICA HONN, CLERK
LORRI BEHNKE, TREASURER

MIKE GLYNN, TRUSTEE
GLYN FIERICK, TRUSTEE

Farmland and Open Space Preservation Program
Michigan Department of Agriculture & Rural Development
Environmental Stewardship Division
PO Box 30449
Lansing, Michigan 489019
MDARD-PA116@michigan.gov

Dear Farmland and Open Space Preservation Program Manager:

Silver Creek Township, Cass County, Michigan received the attached application for relinquishment of Farmland Development Rights and mailed a copy of the same to the following required agencies on June 4th, 2024.

- Cass County Conservation District at 1127 E. State Street, Cassopolis, Michigan 49031; and
- Cass County Planning Commission at 120 N. Broadway, Cassopolis, MI 49031.

Please accept this letter as Notice pursuant to MCL 324.36111a(5) that Silver Creek Township, a local governing body, hereby waives its right to make a relinquishment determination under Subsection (1)(a) or (b) of the Statute. The effect of this notice is to grant the state land use agency sole authority to grant or deny the application as provided in Section 36111a.

Sincerely,

Silver Creek Township

A handwritten signature in blue ink that reads "Jessica Honn". The signature is written in a cursive, flowing style.

Jessica Honn, Clerk



**FARMLAND DEVELOPMENT RIGHTS
PARTIAL TERMINATION REQUEST**

Please complete and return with all required documentation to:
 EMAIL: MDARD-PA116@Michigan.gov Fax: 517-335-3131
 MAIL: MDARD-FARMLAND, P.O. BOX 30449, LANSING, MI 48909
 Office: 517-284-5663
 Additional information can be found on the web at Michigan.gov/Farmland.

All items must be completed and submitted with the **REQUIRED DOCUMENTATION**.

| | | |
|--|------------------|----------------------------|
| NAME OF PERSON MAKING REQUEST: <i>William R. Sprague</i> | | |
| MAILING ADDRESS: <i>33120 Middle Crossing Rd</i> | | |
| CITY: <i>Dowagiac</i> | STATE: <i>MI</i> | ZIP CODE: <i>49047</i> |
| E-MAIL ADDRESS: <i>sprorchard@aol.com</i> | | PHONE: <i>269-462-2602</i> |

REQUIRED DOCUMENTATION:

1. The **Agreement number** or a copy of the Agreement.
2. **Legal description** of 2 acres (maximum) to be terminated.
3. **Survey** of parcel for justification if more than 2 acres is requested to be terminated.
4. **A Resolution** of approval from the local government based upon the reason for termination; indicating that at least one structure predates the original enrollment date of the Agreement; Employee Essential to the Farm; Public Interest.
5. **Taxable Values** for the past seven years for the 2-acre parcel to be terminated from the local Tax Assessor on official letterhead. Include copy of latest property tax bills.
6. A request for someone **Essential to the Farm** – submit documents (W-2, Schedule F, or payroll records) showing the person to whom the lot is being terminated for meets the requirements for someone essential to the farm.
7. For **Death or Disability**, a copy of the death certificate or a signed statement from a physician stating the type and severity of the disability and the condition represents a total and permanent disability.

| |
|--|
| Agreement Number: <i>14 - 4866 - 1231 25</i> |
| You may obtain a copy of the Agreement from the register of deeds office of the county the land is located. It is a three-part number normally located on the bottom corner. |
| Parcel Number(s): <i>Tax ID number located on tax bill</i> <i>14-130-019-013-00</i> |

Name(s) as shown on current Agreement

List all grantor names on recorded agreement.

| | |
|-------------------------------|----|
| 1. <i>Rosemary J. Sprague</i> | 2. |
| 3. | 4. |

Entity Name (Partnership, LLC, Corp, Trust): *Rosemary J. Sprague revocable living trust*

List all Partners/Members/Officers/Trustees. Indicate title after name.

| | |
|--|---------------------------------------|
| 1. <i>William R Sprague co-trustee</i> | 2. <i>Debbie L Sprague co-trustee</i> |
| 3. | 4. |

Farmland Development Rights Agreement Partial Termination Checklist

Find the type of release that best fits your situation, gather the documentation required and submit all documents along with the completed Partial Termination Request form to the Farmland Preservation Program Office.

Request for Release of PART OF AN AGREEMENT Prior to Expiration

- Releasing a parcel up to two acres with at least one structure that was present prior to the original execution date of the Agreement.**
Include items 1, 4, 7, 9 from the list below. Also include item 8 if request is for more than 2 acres.
(cannot exceed 5 acres if additional land area is needed to encompass all buildings)
- Releasing a parcel up to two acres with Existing Buildings - Due to Death of Named Person on the Agreement**
Include items 1, 2, 7, 9, 10 from the list below. Also include item 8 if request is for more than 2 acres.
(cannot exceed 5 acres if additional land area is needed to encompass all buildings)
- Releasing a parcel up to two acres with Existing Buildings - Due to Disability of Named Person on the Agreement**
Include items 1, 3, 7, 9, 10 from the list below. Also include item 8 if request is for more than 2 acres.
(cannot exceed 5 acres if additional land area is needed to encompass all buildings)
- Releasing a parcel up to two acres for Someone Essential to the Farm**
Include items 1, 5, 7, 9 from the list below.
- Releasing a parcel - public interest is served by the release**
Include items 1, 6, 7, 9 from the list below.

LIST OF ITEMS THAT MAY BE REQUIRED WITH REQUEST

- ✓ 1. The Farmland Development Rights Agreement number or a copy of the Agreement.
- ✓ 2. Copy of the death certificate. Request must be within 3 years of date of death.
- 3. Signed statement from a physician stating the type and severity of the disability and the condition represents a total and permanent disability.
- 4. A resolution of approval from the zoning authority (usually the township board) indicating at least one structure on the parcel to be removed predates the original execution date of the Farmland Agreement.
- 5. A resolution of approval from the zoning authority (usually the township board) indicating the release is for someone essential to the farm according to the definition in the law governing the program.
- 6. A resolution of approval from the zoning authority (usually the township board) indicating the release is for Public Interest and meets one or more conditions of 36111a.(1)(b) of Part 361 of the Natural Resources and Environmental Protection Act. [Sample resolutions may be found here.](#)
- ✓ 7. Legal description of the parcel to be released.
- 8. Survey documentation identifying type and location of buildings requiring more than 2 acres of land (if additional land area is needed to encompass all of the buildings located on the parcel).
- 9. A listing of the taxable value of the parcel to be released, including all buildings, for the past seven years on official letterhead, signed by the tax assessor.
- 10. Signed statement from the tax assessor indicating at least one structure on the parcel to be removed predates the original execution date of the Farmland Agreement.
- 11. Documentation of public interest.

Return completed request to the Farmland Preservation Office:

EMAIL: MDARD-PA116@Michigan.gov
Fax: 517-335-3131
MAIL: MDARD – Farmland, P.O. Box 30449, Lansing, MI 48909

Land Division Tax Payment Certification Form

CASS COUNTY TREASURER
120 N BROADWAY SUITE 113
CASSOPOLIS, MI 49031

Monday-Friday 8:00AM - 4:30PM
269-445-4468

Property Number: 14-130-019-013-00
SILVER CREEK TOWNSHIP

Property Address: 33085 MIDDLE CROSSING RD
DOWAGIAC MI 49047

TAX HISTORY

Current year taxes are not turned over to the county until March 1 of the following year. You may need to contact the local unit treasurer for current year tax payment information.

Table with 7 columns: TAX YEAR, TAX. VALUE, BASE TAX, BASE TAX DUE, INTEREST/FEES DUE, TOTAL DUE, LAST PMT. Rows for years 2019-2023.

DESCRIPTION OF PROPERTY:

262-587 274 5S-16W N 30 A OF E 110 A SE QTR SEC 19. 30 A.

[] CERTIFICATION DENIED

The CASS County Treasurer's Office has found delinquent taxes on the parcel listed above and cannot issue a certification of tax payment.

TOTAL DUE AS OF: 05/13/2024 0.00
PRE Denial Amt: 0.00

[X] CERTIFICATION APPROVED

Pursuant to House Bill 4055, the CASS County Treasurer's Office certifies that all property taxes and special assessments due on the above parcel subject to the proposed division for the five years preceding the date of the application have been paid. This certification does not include taxes, if any, now in the process of collection by the City or Township Treasurer.

Certified by: [Signature] Date Certified: 5/13/2024

PROPERTY OWNER: SPRAGUE ROSEMARY J TRUST EMAIL ADDRESS: sprorchard@aol.com
33085 MIDDLE CROSSING RD
DOWAGIAC MI 49047

Certification Fee of \$5 collected: Check _____ Cash [X] Other _____

SILVER CREEK TOWNSHIP
Summer 2023

Parcel #: 14-130-019-013-00
 Property Assessed To:
 SPRAGUE ROSEMARY J TRUST
 33085 MIDDLE CROSSING RD
 DOWAGIAC, MI 49047

Property Address:
 33085 MIDDLE CROSSING RD
 DOWAGIAC MI 49047

Property Class: 101 AGRICULTURAL-IMPRC
 School District: 14020 DOWAGIAC UNION SCH

1 mill equals \$1,000 per \$1000 of Taxable Value.

TAX BASE VALUES

| | |
|-------------------------|----------|
| Taxable Value: | 88,789 |
| State Equalized Value: | 176,900 |
| Assessed Value: | 176,900 |
| Qualified Ag Exemption: | 88,789 |
| % Declared Exempt: | 100.0000 |

OPERATING FISCAL YEARS

| | |
|------------------|--------------------------|
| County: | OCTOBER 1 - SEPTEMBER 30 |
| Twn/Civ/Village: | APRIL 1 - MARCH 31 |
| School: | JULY 1 - JUNE 30 |
| State: | OCTOBER 1 - SEPTEMBER 30 |

Does NOT affect when the tax is due or its amount

PLEASE MAKE CHECKS PAYABLE TO:
 SILVER CREEK TOWNSHIP
 PO BOX 464
 DOWAGIAC, MI 49047
 PLEASE INCLUDE YOUR PARCEL NUMBER.

| TAX DESCRIPTION | MILLAGE | AMOUNT |
|------------------|---------|--------|
| COUNTY ALLOCATED | 4.67020 | 406.78 |
| S.E.T. | 6.00000 | 532.73 |

Total Mills/Tax 10.67020 938.51
 Administration Fee 9.38

TOTAL AMOUNT DUE \$947.89

Description of Lands or Personal Property: lengthy descriptions subject to space limitations
 262-687 274 6S-16W N 30 A OF E 110 A SE CTR SEC 18, 30 A.

TAXES DUE JULY 1, 2023 THRU SEPTEMBER 14, 2023 TO BE INTEREST FREE.

IN PERSON COLLECTION DATES:
 TUESDAY & THURSDAY 10:00 AM - 4:00 PM
 SEPTEMBER 14, 2023 9:00 AM - 5:00 PM

****TREASURER IS NOT RESPONSIBLE FOR PAYMENTS MADE ON THE WRONG PROPERTY DESCRIPTION****

SILVER CREEK TOWNSHIP

Winter 2023

Parcel #: 14-130-019-013-00

Property Assessed To:

SPRAGUE ROSEMARY J TRUST
33085 MIDDLE CROSSING RD
DOWAGIAC, MI 49047

Property Address:

33085 MIDDLE CROSSING RD
DOWAGIAC MI 49047

Property Class: 101 AGRICULTURAL-IMPRC
School District: 14020 DOWAGIAC UNION SCH

YOUR PREQUALIFIED AG EXEMPTION HAS REDUCED THIS BILL BY: \$1598.20

1 mill equals \$1.00 per \$1000 of Taxable Value.

TAX BASE VALUES

Taxable Value: 88,789
State Equalized Value: 176,900
Assessed Value: 176,900
Qualified Ag Exemption: 88,789
% Declared Exempt: 100.0000

OPERATING FISCAL YEARS

County: OCTOBER 1 - SEPTEMBER 30
Twn/Cty/Village: APRIL 1 - MARCH 31
School: JULY 1 - JUNE 30
State: OCTOBER 1 - SEPTEMBER 30

Does NOT affect when the tax is due or its amount

CHECKS ARE PAYABLE TO: SILVER CREEK TOWNSHIP

PLEASE INCLUDE A PARCEL #, A CURRENT PH # ALONG WITH THE TOP PORTION OF YOUR BILL. PAY BY 5 PM FEBRUARY 29, 2024 TO BE INTEREST/PENALTY FREE!

| TAX DESCRIPTION | MILLAGE | AMOUNT |
|------------------|----------|--------|
| E911 | 0.20000 | 17.75 |
| COA | 0.98580 | 87.52 |
| DOWAGIAC LIBRARY | 0.69450 | 61.66 |
| DRUG ENFORCE | 0.17510 | 15.54 |
| DOW LIBR IMPR | 0.98280 | 87.24 |
| SIL CRK ALLOC | 0.66950 | 59.44 |
| FIRE/POLICE | 0.97820 | 86.58 |
| DOWAG SCH DEBT | 6.10000 | 482.82 |
| SMC-OPERATING | 2.39360 | 212.62 |
| HERITAGE SW OPER | 0.19990 | 17.74 |
| HERITAGE SCH TAX | 2.00280 | 177.82 |
| DOWAG SCH TAX | 18.00000 | EXEMPT |
| MEDICAL CARE FAC | 0.49440 | 43.89 |

Rosemary J Sprague

Total Mills/Tax Administration Fee

32.87340

1,320.52

13.20

TOTAL AMOUNT DUE

\$1,333.72

Description of Lands or Personal Property: lengthy descriptions subject to space limitations
262-587 274 69-16W N 30 A OF E 110 A SE QTR SEC 19, 30 A.

PAY IN PERSON: T & TH 10 AM - 4 PM
OR MAIL TO: SILVER CREEK TOWNSHIP, ATTN TAXES
PO BOX 464, DOWAGIAC MI 49047.
OR USE OUR WEBSITE TO PAY BY CREDIT CARD.
SEE BACK OF TAX BILL FOR IMPORTANT TAX PAYMENT INFO & HOW TO PAY ONLINE.

| LEGAL DESCRIPTION OF PARCEL TO BE REMOVED (Attach sheet if necessary): |
|--|
| attached |

*A survey is required for justification if more than 2 acres is needed to encompass the buildings.

Signature: William R. Sprague - trustee Date: 5/11/24
Landowner/Representative

If this is signed by a Representative, please attach legal document granting authority.

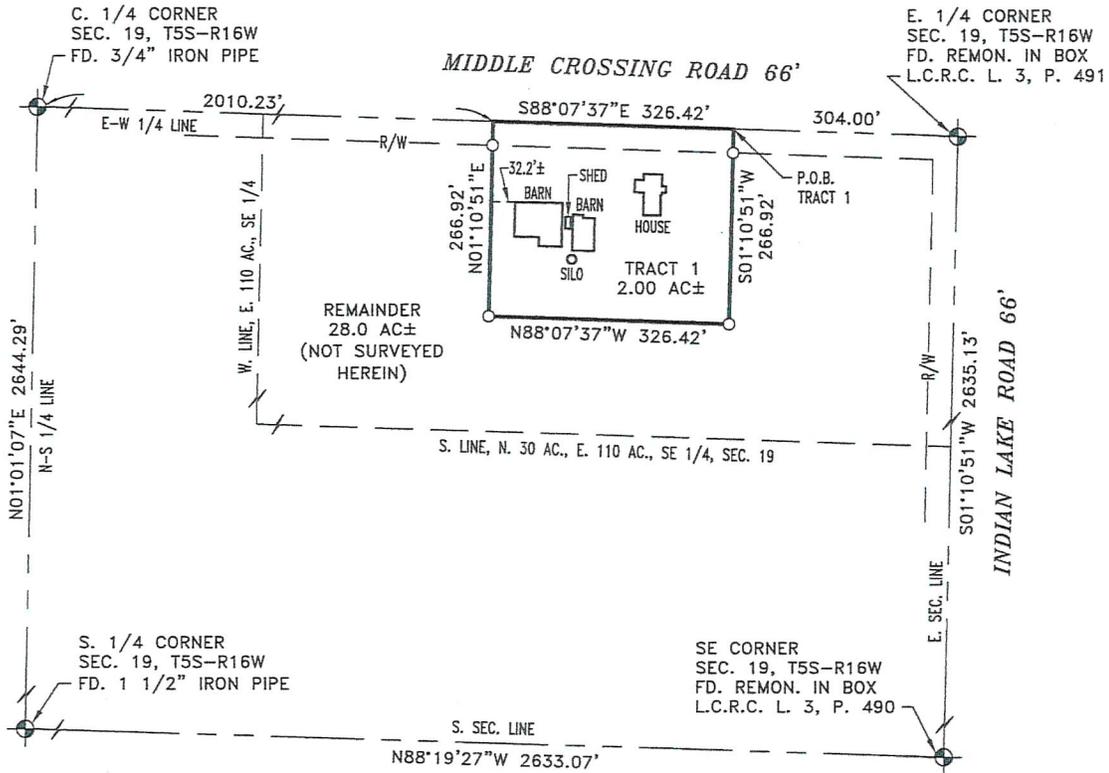
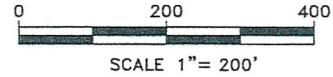
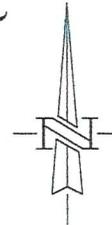
Return completed request to the Farmland Preservation Office:

EMAIL: MDARD-PA116@Michigan.gov
Fax: 517-335-3131
MAIL: MDARD – Farmland, P.O. Box 30449, Lansing, MI 48909

CERTIFICATE OF SURVEY:~

PARENT PARCEL DESCRIPTION PROVIDED:
 LAND SITUATED IN THE TOWNSHIP OF SILVER CREEK, COUNTY OF CASS, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

N 30 ACRES OF THE E 110 ACRES OF THE SE 1/4 OF SECTION 19, T5S, R16W,
 SILVER CREEK TOWNSHIP, CASS COUNTY, MICHIGAN.



LEGEND

THE BEARING BASIS IS MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, PER MDOT CORS NETWORK.

- IRON PIN SET
- R/W RIGHT-OF-WAY LINE

ACT 591 OF MICHIGAN PUBLIC ACTS OF 1997 SHOULD BE CHECKED TO SEE THAT ANY PROPERTY CONVEYANCE DOES NOT VIOLATE THIS ACT.

REFERENCE SURVEY USED:
 SLS #22096 DATED 3/28/2022

THIS SURVEY COMPLIES WITH PUBLIC ACT 132 OF 1970 AS AMENDED.

THE RATIO OF CLOSURE OF THE UNADJUSTED FIELD OBSERVATIONS IS NO GREATER THAN 1:5000.

ADDRESS: 33085 MIDDLE CROSSING ROAD
 DATE: 5/3/2024
 SCALE: 1" = 200'
 DRAWN BY: LB
 TC: NONE

NOTE: THIS SURVEY MADE FROM DESCRIPTION FURNISHED.

TO: WILLIAM & DEBBIE SPRAGUE

I, THOMAS A. STEPHENSON, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION.


 THOMAS A. STEPHENSON, PS #4001046689



SHEET 1 OF 2 SHEETS
 24221



www.stephensonls.com
 email: sls@stephensonls.com

CERTIFICATE OF SURVEY:~

TRACT 1:
LAND SITUATED IN THE TOWNSHIP OF SILVER CREEK, COUNTY OF CASS, STATE OF MICHIGAN,
AND IS DESCRIBED AS FOLLOWS:

FROM THE EAST QUARTER CORNER OF SECTION 19, TOWN 5 SOUTH, RANGE 16 WEST, MEASURE N88°07'37"W, ALONG THE EAST AND WEST QUARTER LINE, 304.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE S01°10'51"W, PARALLEL WITH THE EAST SECTION LINE, 266.92 FEET; THENCE N88°07'37"W, PARALLEL WITH THE EAST AND WEST QUARTER LINE, 326.42 FEET; THENCE N01°10'51"E, PARALLEL WITH THE EAST SECTION LINE, 266.92 FEET TO THE EAST AND WEST QUARTER LINE; THENCE S88°07'37"E, ALONG SAID LINE, 326.42 FEET TO THE POINT OF BEGINNING. CONTAINING 2.00 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION ALONG THE NORTH SIDE THEREOF AS BEING USED FOR HIGHWAY PURPOSES. ALSO SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD. ALSO SUBJECT TO LAND DIVISION APPROVAL.

REMAINDER: (NOT SURVEYED HEREIN)
LAND SITUATED IN THE TOWNSHIP OF SILVER CREEK, COUNTY OF CASS, STATE OF MICHIGAN,
AND IS DESCRIBED AS FOLLOWS:

N 30 ACRES OF THE E 110 ACRES OF THE SE 1/4 OF SECTION 19, T5S, R16W, SILVER CREEK TOWNSHIP, CASS COUNTY, MICHIGAN. EXCEPT, FROM THE EAST QUARTER CORNER OF SECTION 19, TOWN 5 SOUTH, RANGE 16 WEST, MEASURE N88°07'37"W, ALONG THE EAST AND WEST QUARTER LINE, 304.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE S01°10'51"W, PARALLEL WITH THE EAST SECTION LINE, 266.92 FEET; THENCE N88°07'37"W, PARALLEL WITH THE EAST AND WEST QUARTER LINE, 326.42 FEET; THENCE N01°10'51"E, PARALLEL WITH THE EAST SECTION LINE, 266.92 FEET TO THE EAST AND WEST QUARTER LINE; THENCE S88°07'37"E, ALONG SAID LINE, 326.42 FEET TO THE POINT OF BEGINNING.

CONTAINING 28.0 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION ALONG THE NORTH AND EAST SIDES THEREOF AS BEING USED FOR HIGHWAY PURPOSES. ALSO SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD. ALSO SUBJECT TO SURVEY AND LAND DIVISION APPROVAL.

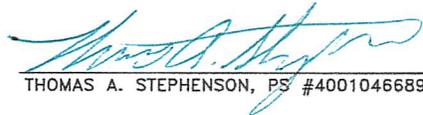
SHEET 2 OF 2 SHEETS
24221

ADDRESS: 33085 MIDDLE CROSSING STREET
DATE: 5/3/2024
SCALE: 1" = 200'
DRAWN BY: LB
TC: NONE

NOTE: THIS SURVEY MADE FROM DESCRIPTION FURNISHED.

TO: WILLIAM & DEBBIE SPRAGUE

I, THOMAS A. STEPHENSON, A PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN
HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT
SUPERVISION.


THOMAS A. STEPHENSON, PS #4001046689



www.stephensonls.com
email: sls@stephensonls.com

STATE OF MICHIGAN)
COUNTY OF BERRIEN) SS

I, SHARON J. TYLER, Clerk of the County of Berrien, Clerk of the Circuit Court of said County, the same being a Court of Record and having a seal, do hereby certify

that I have compared the below copy with the record thereof now remaining in my office and have found it to be a true copy.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the Seal of said Circuit Court at St. Joseph, this 1st day of APRIL, A.D. 2024.

SHARON J. TYLER
COUNTY CLERK

Lauren Jackson
DEPUTY CLERK

LF _____
CF 470



STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
CERTIFICATE OF DEATH

024727

STATE FILE NUMBER

| | | | | | | | | | | |
|---|---|---|-----------------------------------|--|---|--|---|---|---------------------------------------|--|
| DECEDENT | 1. DECEDENT'S NAME (First, Middle, Last) Rosemary Jane Sprague | | 2. DATE OF BIRTH June 18, 1928 | | 3. SEX Female | | 4. DATE OF DEATH March 21, 2024 | | | |
| | 5. NAME AT BIRTH OR OTHER NAME USED FOR PERSONAL BUSINESS Rosemary Jane Trowbridge | | | | 6a. AGE- Last Birthday (Years) 95 | | 6b. UNDER 1 YEAR MONTHS DAYS | | 6c. UNDER 1 DAY HOURS MINUTES | |
| | 7a. LOCATION OF DEATH Corewell Health Niles Hospital | | | 7b. CITY, VILLAGE OR TOWNSHIP OF DEATH Niles | | | 7c. COUNTY OF DEATH Berrien | | | |
| | 8a. CURRENT RESIDENCE - STATE Michigan | | 8b. COUNTY Cass | | 8c. LOCALITY Silver Creek Twp | | 8d. STREET AND NUMBER 33085 Middle Crossing Road | | | |
| 8e. ZIP CODE 49047 | | 9. BIRTH PLACE Dowagiac, Michigan | | 10. SOCIAL SECURITY NUMBER 385-44-1404 | | 11. DECEDENT'S EDUCATION Bachelor's degree | | | | |
| 12. RACE White | | | 13a. ANCESTRY English | | | 13b. HISPANIC ORIGIN No | | 14. EVER IN THE U.S. ARMED FORCES? No | | |
| 15. USUAL OCCUPATION Music Teacher | | 16. KIND OF BUSINESS OR INDUSTRY Public Education | | 17. MARITAL STATUS Widowed | | 18. NAME OF SURVIVING SPOUSE (if wife, give name before first married) | | | | |
| 19. FATHER'S NAME (First, Middle, Last) William W. Trowbridge | | | | 20. MOTHER'S NAME BEFORE FIRST MARRIED (First, Middle, Last) Hazel Moore | | | | | | |
| 21a. INFORMANT'S NAME William Sprague | | 21b. RELATIONSHIP TO DECEDENT Son | | 21c. MAILING ADDRESS 33120 Middle Crossing Rd., Dowagiac, Michigan 49047 | | | | | | |
| 22. METHOD OF DISPOSITION Cremation | | 23a. PLACE OF DISPOSITION Cremation Services of Southwest Michigan | | | 23b. LOCATION - City or Village, State Benton Harbor, Michigan | | | | | |
| 24. SIGNATURE OF MORTUARY SCIENCE LICENSEE Jason S. Olivarez | | 25. LICENSE NUMBER 4501007035 | | 26. NAME AND ADDRESS OF FUNERAL FACILITY Starks Family Funeral Homes - Clark Chapel, 405 Center St., Dowagiac, Michigan 49047 | | | | | | |
| 27a. CERTIFIER <input checked="" type="checkbox"/> Certifying Physician - To the best of my knowledge, death occurred due to the (cause) and manner stated. <input type="checkbox"/> Medical Examiner - On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated. Jordan R. Sall, DO Signature and Title | | 28a. ACTUAL OR PRESUMED TIME OF DEATH 10:35 AM | | 28b. PRONOUNCED DEAD ON March 21, 2024 | | 28c. TIME PRONOUNCED DEAD 10:35 AM | | | | |
| 29. MEDICAL EXAMINER CONTACTED No | | 30. PLACE OF DEATH Hospital | | 31. IF HOSPITAL Inpatient | | | | | | |
| 27b. DATE SIGNED March 22, 2024 | | 27c. LICENSE NUMBER 5101019819 | | 32. MEDICAL EXAMINER'S CASE NUMBER | | 33. NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER | | | | |
| 34. NAME AND ADDRESS OF CERTIFYING PHYSICIAN Jordan R. Sall, DO, 4025 Health Park Lane, St. Joseph, Michigan 49085 | | | | | | 35a. REGISTRAR'S SIGNATURE <i>Sharon J. Tyler</i> | | 35b. DATE FILED April 01, 2024 | | |
| 36. PART I. ENTER the chain of events - diseases, injuries or complications - that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest or ventricular fibrillation without showing the etiology. Enter only one cause on line. If <u>diabete</u> was an underlying or contributing cause of death be sure to record diabetes in either Part I or Part II of the cause of death section, as a. Sepsis DUE TO (OR AS A CONSEQUENCE OF) b. MSSA Bacteremia IMMEDIATE CAUSE (Final disease or condition resulting in death) DUE TO (OR AS A CONSEQUENCE OF) Sequentially list IF ANY, leading to the listed on line a. Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting LAST c. d. | | | | | | | | Approximate Interval Between Onset and Death Days | | |
| PART II. OTHER SIGNIFICANT CONDITIONS contributing to death but not resulting in the underlying cause given in Part I Aspiration, Anemia, Afib, Myelodysplasia | | | | | | 37. DID TOBACCO USE CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown | | 38. IF FEMALE <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Unknown if pregnant within the past year <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death | | |
| 39. MANNER OF DEATH Natural | | 40a. WAS AN AUTOPSY PERFORMED? No | | 40b. WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? Not Applicable | | | | | | |
| 41a. DATE OF INJURY | | 41b. TIME OF INJURY | | 41c. DESCRIBE HOW INJURY OCCURRED | | | | | | |
| 41d. INJURY AT WORK | | 41e. PLACE OF INJURY | | 41f. IF TRANSPORTATION INJURY | | 41g. LOCATION | | | | |

MEDICAL EXAMINER



CASS COUNTY PLANNING COMMISSION

CHECKLIST ✓

Dear Local Government Official:

When you send the Cass County Planning Commission material for their review, please use the attached checklist, and include it with the other documents that you submit. Thank you.

Signed cover letter requesting review and summarizing the process which has already occurred.

Copy of the public hearing minutes. + *DECISION FORM + INFO TO CONSIDER*

Copy of section of Township Land Use Plan that applies to/supports action.

Copy of section of zoning ordinance, including amendments or supplements, which apply to/support action.

NA For an initial zoning ordinance: 8 copies on loan with map(s).

NA For text changes (amendments or supplements): those portions affected or a comprehensive summary of the changes and, if affected, the map.

For petitions for rezoning, a copy of the petition with the map(s) showing zoning of adjoining properties within 300 ft. for which action was taken and the parcel(s) of consideration and roads need to be clearly identified and labeled. If not included on the petition, the cover letter should indicate acreage, existing zoning, requested zoning, existing use and proposed use.

yes/na Does the action taken by the Township concur with the Township Ordinance, Zoning Map and/or Land Use Master Plan for that property? If not, is the request eligible for Zoning Board of Appeals action?

NA If any provision of public services is or will be involved, include correspondence from the affected unit expressing its awareness.

IT IS RECOMMENDED THAT A MEMBER OF THE PLANNING COMMISSION ATTEND THE COUNTY PLANNING COMMISSION MEETING TO FURTHER EXPLAIN THE REQUEST AND TO ANSWER QUESTIONS.

Date: 6/5/2024

Signed: *[Signature]*
ZONING ADMINISTRATOR

Howard Charter Township

1345 Barron Lake Road, Niles, MI 49120

Ph: 269-684-0072

Fax: 269-684-6181

June 5, 2024

Planning Commission, Cass County
120 N. Broadway
Cassopolis, MI 49031

Re: Zoning Ordinance #192 Rezone Request

Cass County Planning Commission:

For review by the Cass County Planning Commission, you will find attached information in regard to an amendment for a rezone to Howard Charter Township Zoning Ordinance #192. This application was denied at our Planning Commission meeting held on May 22, 2024.

I have attached the following:

HCT Planning Commission meeting minutes from May 22, 2024, along with the decision form and an information sheet on what to consider for a rezone

HCT future land use map

HCT chapter 4 (currently zoned) and chapter 8 (proposed zoning)

Application request for rezone along with the current zoning map and enlarged section of the zoning map with acreage indicated

I am requesting that this item be added to the agenda for your June 26, 2024 meeting and would like confirmation. I will be attending the County Planning Commission meeting. Contact me with any questions.

Thank you.

Respectfully,
Linda J McGregor
Zoning Administrator
Howard Charter Township
ph: (269) 684-0072, option 3
email: zoning@howardtwp.org

attachments

Subject: Online Form Submittal: Planning Commission Submissions
Date: Thursday, June 6, 2024 at 12:16:04 PM Eastern Daylight Time
From: noreply@civicplus.com
To: Ambrosia Neldon

Planning Commission Submissions

When submitting material to the Cass County Planning Commission for review, please use the form below in order to ensure all documents necessary for review are submitted.

REMINDER: *Per the Cass County Planning Commission Bylaws, all submissions are **due by the third Wednesday of the month** so the commission has ample time to review the documents before its meeting on the fourth Wednesday. Submissions submitted after the third Wednesday of the month will be reviewed the following month.*

| | |
|---|--|
| Township Name | Howard Charter Township |
| First and last name of person submitting material for review | Linda McGregor |
| Email address of submitter | zoning@howardtwp.org |
| Phone number of submitter | 2696840072 |
| Is the submission: | A petition of rezoning |
| Petition for Rezoning | Application-Maps.pdf |
| Signed cover letter | Checklist-Cover.pdf |
| Public hearing minutes | Minutes-Decision-Info.pdf |
| Township Land Use Plan | Future Land Use Map.pdf |
| Zoning Ordinance | AR-Mixed Use chapters.pdf |
| Does the action taken by the Township concur with the Township Ordinance, Zoning Map and/or Land Use Master Plan for that property? | Yes |
| Will any provision of public services be involved? | No |
| Meeting attendance | I acknowledge that the Cass County Planning Commission |

encourages a member of the local planning commission to attend the county planning commission meeting to further explain the request and answer questions. CCPC meetings are held the fourth Wednesday of each month at 4 p.m. at the Cass County Administration Building.

Email not displaying correctly? [View it in your browser.](#)

HOWARD CHARTER TOWNSHIP

Planning Commission – Special Meeting Minutes

May 22, 2024 7:00 p.m.

Call to Order/Pledge/Roll Call

Chairman Scott Miller called the special meeting of the Howard Charter Township Planning Commission to order at 7:00 p.m. The meeting was held at the Howard Charter Township Office. Pledge to the Flag was given. Scott Miller, Phil Hurlbutt, Debbie Johnson, Tom Hable and Dawn Stanage answered roll call. Zoning Administrator, Linda McGregor, was also present.

Agenda

A motion was made by T. Hable, supported by P. Hurlbutt to approve the Meeting Agenda, carried.

Minutes

A motion was made by D. Johnson, supported by P. Hurlbutt to approve the May 1, 2024, regular meeting minutes as written, carried.

Old Business

None

New Business

S. Miller opened the public hearing at 7:02 p.m. S. Miller read a brief description of proposed rezoning request made by Shelley Pillado of Mannix St. Holding, LLC, to change 2740 Mannix St, Niles MI 49120 from AR Agricultural Residential District to Mixed Use District. He also read Public Hearing Procedures/Guidelines. No board members have a conflict. Shelley Pillado, 64180 Brick, Cassopolis, MI 49031 talked to the board about buying the property a year ago and would like to remodel the existing building to accommodate a large Adult Foster Care Center. She would like more than the 12 rooms she can have as currently zoned. Future plans include the addition of one small Adult Care Facility and independent living duplexes with community green spaces, pickle ball and shuffleboard court, dog park and a community garden. She would like to utilize community resources.

John LaMore, 53479 Gearhardt Road, Marcellus, MI 49067, spoke for the proposed rezoning stating the need for a 55 and older community. He would be contracted to work on this project, replacing the façade on the old school and modernizing the space. We currently have nothing in this direct community. He thinks we would be happy to see an updated space with a manicured lawn.

Ed Lenaway, 2755 Mannix, Niles, MI 49120, spoke of the need for housing but as it is now with Howard School being on Mannix, there are 2 hours every day that nobody can get down the street. Emergency vehicles would not be able to get through for emergencies.

Rena Matthews, 2759 Mannix, Niles, MI 49120, read a letter she had drafted stating that the plans look like a small subdivision. She is concerned about parking areas and sewer. There is already a school with traffic issues. She moved here to be in a rural setting, not in the city. This could cause more problems than there are now along with safety issues. The neighborhood will be changed. She counted the number of cars that travel the road during drop off and pickup at the school and it came to 375 cars in a 2-hour period. This does not count school staff.

Ed Lenaway added that a study of the traffic was done and it was suggested the speed limit be raised to 40 MPH.

Annette Stull, 2751 Mannix, Niles, MI 49120, stated she moved here from the Detroit area over 40 years ago and liked it so well she has stayed. She likes her neighbors. People currently use Mannix to cut through from Leet Road to get to Barron Lake Road. She called to complain about this and was told the speed limit should be raised to 40 MPH. with proposed plans, there will be a lot more traffic and noise in this residential area. There is already a lot going on and this will create more hustle and bustle.

Ed Lenaway also mentioned that cars line up an hour early and sit to wait for school to be let out causing traffic issues.

Michael Holt, 2747 Mannix, Niles, MI 49120, stated he has been here for 35 years, before the schools were built and before Horton Court was here. He loves the schools and was distraught when Ellis School was sold. He thought something good was going to take its place. He loves kids and the baseball field, but the property is run down and was just recently mowed. He feels their proposal has value in the right area, but not in a residential area. He has concerns about utilities being supported.

John Martin, 1264 Leet, Niles, MI 49120. He is not against the Adult Care Facility plan, but Niles does not have the resources to support it. He believes the baseball field is out of control with kids and adults coming into his yard that wouldn't leave until he called the police. If Niles cannot take care of a baseball field, how will they handle a new facility?

Bridget Holt, 2747 Mannix, Niles, MI 49120, wonders how the security is going to be. Will there be dementia patients? She would not want to have a patient wander away and get lost.

Shelley Pillado spoke about security with 14 to 16 residents in assisted living. They would not be violent and there would not be the need to call police. She has had a facility in Elkhart for 55+ residents for 3 years so they can live in their own community and has never had to call the police. Background checks would be performed. They will go through the licensing procedures.

S. Miller closed the public hearing at 7:28.

Board Deliberations:

D. Johnson brought up the question of visitors and alarms, following building guidelines and 24/7 care.

P. Hurlbutt questions the additional traffic of family members visiting and the staff. Unlikely that members of the ACF would drive. The duplexes for independent living will not require workers but residents would be able to drive, most likely coming and going when it is less busy in the area.

D. Johnson brought up the fact that there may be people with mental disabilities, Alzheimer's or dementia. Patients on any level of the spectrum.

S. Miller stated he is taking into consideration what has been said and the current zoning. He believes what would be allowed if the zoning changed is not suitable to the current Master Plan as anything could go on the property if it is rezoned.

T. Hable stated that years down the road it could change to something undesirable.

D. Jonson stated that there is a need for ACFs but this is not the best area for them. We have to look at the surrounding area and how it fits years down the road. The septic would not handle a facility of this size.

L. McGregor stated that this location has a high water table because of Mud Lake.

S. Miller stated that the proposed duplexes fall into PUD and there is not enough space here for that.

Shelley stated that she looked into PUD or multi-use. She called the township Supervisor and received no information. Linda stated she was not aware of that and apologized for the lack of communication. Shelley asked if a clause could be put in that if things did not work out as planned, it would revert back to current zoning. She was told that was not possible.

T. Hable stated that we have to think about the Master Plan.

D. Johnson said that there have been surveys of what people want and the current zoning for now is sufficient.

A motion to deny the rezoning request was made by D. Johnson, seconded by P. Hurlbutt. D. Stanage read the motion for the record. A vote was taken with all members of the board voting Aye to deny the proposed rezoning.

Public Comments not pertaining to the Public Hearing rezone request

John Martin asked how to get help with people vandalizing his property. Linda stated that this Board does not handle those situations and referred him to the township Supervisor. Ed Lenaway called about a noise complaint and was told there was nobody to enforce it. By August, the Sherrif Department should be fully staffed.

Michael Holt let the board know he appreciates our time and thanked us for listening to all the comments tonight.

Adjournment

A motion was made by D. Johnson, supported by T. Hable to adjourn the meeting at 7:55 p.m., carried.

Submitted by:

Dawn Stanage, PC Secretary

Howard Charter Township, Cass County
1345 Barron Lake Road, Niles, MI 49120 Ph: 269-684-0072 Fax: 269-262-0326
Decision of the Howard Charter Township Planning Commission

An appeal from a rezone decision of the Planning Commission and final decision from the Howard Charter Township Board shall be filed with the Cass County courts within whichever of the following deadline comes first: a) within thirty (30) days of the date of the written and signed decision; or b) within twenty-one (21) days after the approval of the minutes of the decision.

Date of Meeting: May 22, 2024

Parcel Number: 14-020-021-058-10

Applicant Name: Mannix St Holding LLC/Shelley Pillado

Parcel Address: 2740 Mannix St, Niles MI 49120

Applicant Address: 64180 Brick Church Rd, Cassopolis MI 49031

Applicant Phone Number: 574-360-8132

For the record, the motion is to be read back before a vote is taken (read motion)

A motion to _____ approve X deny a rezoning request, submitted by Mannix St Holding LLC/Shelley Pillado, from AR Agricultural Residential to Mixed Use to accommodate a larger Adult Foster Care facility with future plans to have a Senior Living Community, which would include an additional smaller Adult Foster Care and independent living duplexes with community green spaces, pickle ball and shuffleboard court, a dog park, and a community garden.

The above motion was made by Deb Johnson, support by Phil Huelbutt

| PC Member vote: | <u>AYE</u> | <u>NAY</u> |
|-----------------|------------|------------|
| Debbie Johnson | <u>✓</u> | _____ |
| Tom Hable | <u>✓</u> | _____ |
| Phil Hurlbutt | <u>✓</u> | _____ |
| Dawn Stange | <u>✓</u> | _____ |
| Scott Miller | <u>✓</u> | _____ |

Those members absent None
(if none; enter none)

Those members abstaining None
(if none; enter none)

The undersigned, as the duly elected Secretary of the Township Planning Commission, hereby attests to the above decision made by the Township Planning Commission at a Special Meeting of said Board, at which a quorum was present, held on May 22, 2024.

Signature Dawn Stange
Dawn Stange, Secretary

Date 5/22/24

Howard Charter Township

1345 Barron Lake Road, Niles, MI 49120

Phone: (269) 684-0072

Fax: (269) 684-6181

Information to consider for a rezone request

Zoning Ordinance #192 Section 21.06 B 6 – Standards for Consideration of a Rezone:

In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board include, but are not limited to, the following:

- a. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan.

Additional information: The MZEA requires that zoning be in compliance with a Master Plan. Moreover, zoning that is in conformance with a Master Plan is considered reasonable by the courts. Most notably, while all the criteria for considering a rezoning request are important, Michigan case law supports the notion that the most important criteria is compliance with the Master Plan.

- b. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.

Additional information: The Township should consider all permitted and special land uses for the proposed zoning district. Consider all of the potential uses of the property available in the Mixed Use District. A rezoning applicant cannot be restricted to one particular proposed use, unless the applicant is submitting a conditional zoning request. MCL 125.3405 The proposed rezoning must be considered on its own merits and should not be tied to a particular land use, particular building design, particular tenant or any other specific condition. All Mixed Use uses are considered as a possibility.

- c. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning.

Additional information: One of the purposes of zoning is to facilitate an adequate system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements. Potentially courts could uphold denial of rezoning requests if there is evidence that adequate public facilities are not available and cannot be made reasonably available. However, courts could also invalidate rezoning decisions that have used inadequacy of public services as a method to slow or limit growth, versus providing the adequate public services.

- d. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

Additional information: Look at the zoning pattern in the immediate vicinity of a proposed rezoning request when determining reasonableness of the request. Also, look to see if the proposed rezoning would allow uses that would be compatible and consistent with the existing development in the area.

Additional information for consideration:

Traffic: *Look at the issue of traffic as a factor in rezoning consideration.*²

Reasonable use under the current zoning district: *The current ability to use the property as zoned is a factor to consider when reviewing a rezone request. Consider whether the current zoning has rendered the property entirely without value.*

Identifiable public need: *Consider whether there is a public need for a certain zoned type of land. This would apply in any instance where there is a need for a particular use in the municipality and there is no land (or not enough land) zoned to accommodate such use.*

Citizen opposition: *Citizen input may be considered by a legislative body, but that the legislative body should not be held hostage by such input. While you should listen to the public, always remember that your ultimate decision must be based on the other factors, not public interest alone.*

*Except in cases of a conditional zoning application, **the merits of the rezoning request should be considered independent of any proposed use.** In the absence of a conditional rezoning application, the municipal legislative body should not attempt to require a particular land use, particular building type or design or other specific conditions in the context of a rezoning request. Such requirement would be without authority and would likely be found to be arbitrary and capricious.*

Chapter 4 AR Agricultural Residential District

Section 4.01 Description and Purpose

This zoning district is intended to accommodate land currently under cultivation, wetlands, woodlands, and other lands in an undisturbed state. Farming, crop cultivation, dairy and livestock operations, and rural estate single family dwellings are suitable uses in this district. Parcels within the AR District are restricted to a minimum of one (1) acre in size.

Section 4.02 Permitted Uses

Land, buildings and structures permitted in this Zoning District may be used for the following purposes only:

- A. Farms, together with farm dwellings, buildings and other installations necessary to such farms including temporary housing for migratory workers housing and its sanitary facilities, provided that such activities are in conformance with all requirements of the Cass County Health Department, the State of Michigan Right to Farm Act, MDEQ and/or any other Federal, State and/or local regulating agency having jurisdiction.
- B. Greenhouses, nurseries, orchards, vineyards, and apiaries.
- C. Private stables, in accordance with Section 15.12
- D. Single family dwelling.
- E. Publicly owned and operated parks, parkways, and recreational facilities.
- F. Family day care homes.
- G. Adult Foster Care family home.
- H. Adult Foster Care small group home.
- I. Home occupations, in accordance with Section 15.16.
- J. Keeping of livestock, in accordance with Section 15.12
- K. Two family dwelling.
- L. Medical Marihuana, in accordance with Section 15.28
- M. Wind Energy Conversion System (non-commercial), in accordance with Section 15.27
- N. Solar Energy Systems (small and medium), in accordance with Section 15.30 *(added 10/26/2019)*
- O. Accessory structures and uses customarily incidental to the above permitted uses, in accordance with Section 15.25

Section 4.03 Special Land Uses

The following uses may be permitted by the Planning Commission subject to the conditions specified for each use in Chapter 18; review and approval of the Planning Commission and the imposition of special conditions which, in the opinion of the Planning Commission, are necessary to fulfill the purposes of this Ordinance.

- A. Removal and/or processing of topsoil, organic material, sand, gravel or other such minerals.
- B. Kennels and Public Stables.
- C. Municipal, county, regional and state-owned buildings and service facilities (not including open storage) when in character with the surrounding residential and agricultural area.
- D. Private recreation areas, uses, and facilities including country clubs, golf courses, and swimming pools but not to include automobile and motorcycle raceways, race tracks, drag strips and related activities.
- E. Cemeteries and Crematories.
- F. Religious institutions and buildings customarily incidental thereto.
- G. Bed and Breakfast.
- H. Group day care home.
- I. Telecommunications towers and facilities.
- J. Planned Unit Development.
- K. Open Space Preservation Development.
- L. Site Condominium Development
- M. Shooting or Archery Range: Indoor/Outdoor
- N. Hunting Preserve
- O. Wind Energy Conversion System (commercial)
- P. Solar Energy Systems (large)
- Q. Pop-Up Retail (*added 8/29/2023*)

Section 4.04 Development Standards

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following requirements:

- A. **Height:** No residential building or structure shall exceed thirty-five (35) feet in height. Agricultural structures such as storage silos, barns, grain elevators and similar structures are exempt from the maximum height requirements of this Ordinance.

- B. **Front Yard Setback:** There shall be a front yard setback of not less than forty (40) feet.
- C. **Side Yard Setback:** There shall be a side yard setback of not less than ten (10) feet.
- D. **Rear Yard Setback:** There shall be a rear yard setback of not less than fifty (50) feet.
- E. **Lot Area:** The minimum lot area, unless specified elsewhere, shall be one (1) acre.
- F. **Lot Width:** The minimum lot width, unless specified elsewhere, shall be one hundred fifty (150) feet. The lot width shall be measured at the front (address side) property line.
- G. **Frontage:** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the lot width of one hundred fifty (150) feet.
- H. **Floor Area:** Each dwelling unit, unless specified elsewhere, shall have a minimum of nine hundred sixty (960) square feet of livable floor area on the main floor.
- I. **Site Plan Review:** Site Plan Review and approval is required in accordance with Chapter 17 of this Ordinance.

Chapter 8 C1 Mixed Use District

Section 8.01 Description and Purpose

This zoning district is intended to provide for meaningful and realistic commercial utilization of appropriate portions of the settlements of Howard Township while preserving the small town architectural character, mixture of uses and compact layout. Mixed Use District is intended to achieve the following objectives:

- A. Implement recommendations of the Master Plan.
- B. Encourage development which is consistent with the density and design of existing traditional settlement development.
- C. Provide a land use transition between the settlement areas and the more rural areas of the Township.
- D. Establish a complementary and integrated mixture of employment, shopping, entertainment and civic uses.
- E. Create district community centers and focal points in the Township.
- F. Integrate public gathering places.
- G. Promote long term viability in the established settlement areas.

Section 8.02 Permitted Uses

Land, buildings and structures permitted in this Zoning District may be used for the following purposes only:

- A. Single family dwelling.
- B. Family day care home.
- C. Adult foster care family home.
- D. Adult foster care small group home.
- E. Adult foster care large group home.
- F. Retail stores for the sale of such products as, but not limited to, art/office supplies, computer equipment, hardware appliances, sporting goods, clothing, drugs, notions, gifts, books, and home entertainment supplies and rental.
- G. Food and beverage stores for the sale of groceries, fruit, meat, baked goods, dairy products, beverages, and liquor.
- H. Food and beverage service establishments such as, but not limited to, restaurants, dairy bars, and taverns; including outdoor cafes.
- I. Personal service establishments such as, but not limited to, barber shops, beauty salons, and laundromat.
- J. Banking and financial institutions.

- K. Repair shops for bicycles, appliance, shoes, jewelry, small motors, and other such items but not motor vehicles.
- L. Music/dance studios and technical or vocational training facilities.
- M. Business and professional offices such as, but not limited to, administrative, legal, architecture, engineering, financial insurance, real estate, accounting, medical, dental, governmental and other similar offices with a maximum of three thousand (3,000) square feet of gross floor area.
- N. Public buildings, post offices, libraries, fire stations, community centers, and maintenance buildings without outdoor storage.
- O. Home occupations in accordance with Section 15.16.
- P. Medical Marihuana, residential parcels only, in accordance with Section 15.28.
- Q. Wind Energy System (non-commercial), residential parcels only, in accordance with Section 15.27.
- R. Warehouse, Miniature or Self Storage.
- S. Child Care Center or Day Care Center *(added 1/3/2018)*
- T. Solar Energy Systems (small and medium), in accordance with Section 15.30 *(added 10/26/2019)*
- U. Accessory structures and uses customarily incidental to the above permitted uses, in accordance with Section 15.25.

Section 8.03 Special Land Uses

The following uses may be permitted by the Planning Commission subject to the conditions specified for each use in Chapter 18; review and approval of the Planning Commission and the imposition of special conditions which, in the opinion of the Planning Commission, are necessary to fulfill the purposes of this Ordinance.

- A. Two family dwelling.
- B. Multiple family dwelling.
- C. Bed and Breakfast.
- D. Business and professional offices, which contain more than three thousand (3,000) but less than five thousand (5,000) square feet of gross floor area.
- E. Group day care home.
- F. Private Recreation areas, uses, and facilities including country clubs, golf courses and swimming pools.
- G. Automobile filling station.
- H. Automobile repair.

- I. Religious institutions and buildings customarily incidental thereto.
- J. Planned Unit Development.
- K. Site Condominium Development.
- L. Fast Food, Drive In, and Drive Through Restaurant.

Section 8.04 Overall Development Requirements

- A. Mixed Use District is permitted to have a mix of the above uses.
- B. Notwithstanding any other requirements in the Chapter, a single lot may be permitted to have both residential and commercial uses upon the same lot, provided that the non residential use is located upon the ground floor and does not exceed three thousand (3,000) square feet in gross floor area. Residential uses shall be attached.

Section 8.05 Development Standards for Residential Use

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following requirements:

- A. **Height:** No residential building or structure shall exceed thirty five (35) feet in height.
- B. **Front Yard Setback:** There shall be a front yard setback of not less than twenty five (25) feet.
- C. **Side Yard Setback:** There shall be side yard setback as follows:
 - 1. For single and two (2) family dwellings: the side yard setback shall be not less than ten (10) feet.
 - 2. For multiple family dwellings and all other permitted residential uses: side yard setback shall be not less than twenty five (25) feet, except that when a principal structure exceeds twenty five (25) feet in height, it shall be set back a distance equal to the overall height of the building.
- D. **Rear Yard Setback:** There shall be a rear yard setback of not less than twenty five (25) feet. Multiple family structures and all other permitted residential uses over the height of twenty five (25) feet shall have a rear yard equal to the total height of the proposed structure.
- E. **Lot Area:** The minimum lot area for residential use, unless specified elsewhere, shall be twenty thousand (20,000) square feet.
- F. **Lot Width:** The minimum lot width for residential use, unless specified elsewhere, shall be one hundred (100) feet. The lot width shall be measured at the front (address side) property line.
- G. **Frontage:** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the lot width of one hundred (100) feet.
- H. **Floor Area:**
Single family dwelling shall have a minimum of nine hundred sixty (960) square feet of livable floor area on the main floor.

Two family dwelling shall have a minimum of nine hundred sixty (960) square feet per unit of livable floor area.

Multiple family dwelling shall have minimum livable floor area (on the main floor in the case of a townhouse) as follows:

One bedroom unit, six hundred fifty (650) square feet per unit

Two bedroom unit, seven hundred fifty (750) square feet per unit

Three bedroom unit, nine hundred sixty (960) square feet per unit

Additional bedroom units shall require an additional one hundred (100) square feet of livable floor area for each additional bedroom.

- I. **Site Plan Review:** Site Plan Review and approval is required in accordance with Chapter 17 of this Ordinance.

Section 8.06 Development Standards for Commercial Use

- A. **Height:** No building or structure shall exceed thirty five (35) feet.
- B. **Front Yard Setback:** There shall be a front yard setback of not less than twenty (20) feet.
- C. **Side Yard Setback:** Where the side yard abuts a residential zoned district, the side yard setback shall not be less than twenty five (25) feet. In all other cases, the side yard setback shall not be less than ten (10) feet.
- D. **Rear Yard Setback:** Where a rear yard abuts a residential zoned district, the rear yard setback shall not be less than twenty five (25) feet. In all other cases, the rear yard setback shall not be less than fifteen (15) feet.
- E. **Lot Area:** The minimum lot area for commercial development, unless specified elsewhere, shall be twenty thousand (20,000) square feet.
- F. **Lot Width:** The minimum lot width for commercial development, unless specified elsewhere, shall be one hundred (100) feet. The lot width shall be measured at the front (address side) property line.
- G. **Frontage:** The minimum public street or private road frontage, unless specified elsewhere, shall be the same as the lot width of one hundred (100) feet.
- H. **Floor Area:** Containing not more than three thousand (3,000) square feet of gross floor area with a minimum of nine hundred sixty (960) square feet of usable floor area on the main floor.
- I. **Accessory Buildings:** Requirements will be in accordance with the provisions of Section 15.25 of this Ordinance.
- J. **Site Plan Review:** Site Plan Review and approval is required in accordance with Chapter 17 of this Ordinance.

Description of Proposed Use or Request:

Multi Use Zoning to accommodate a Senior Living Community

The existing building to be used as a large AFC

The remaining land to be used for one small AFC and independent living duplexes with community green spaces, pickle ball and shuffleboard court, dog park and a community garden.

We are working with an engineering team for the current building remodel into an AFC.

We currently own a home with services establishment in Indiana that has been operating for two years. We are in the process of obtaining a loan for the current project and have a five-year plan to initiate the building of the duplexes.

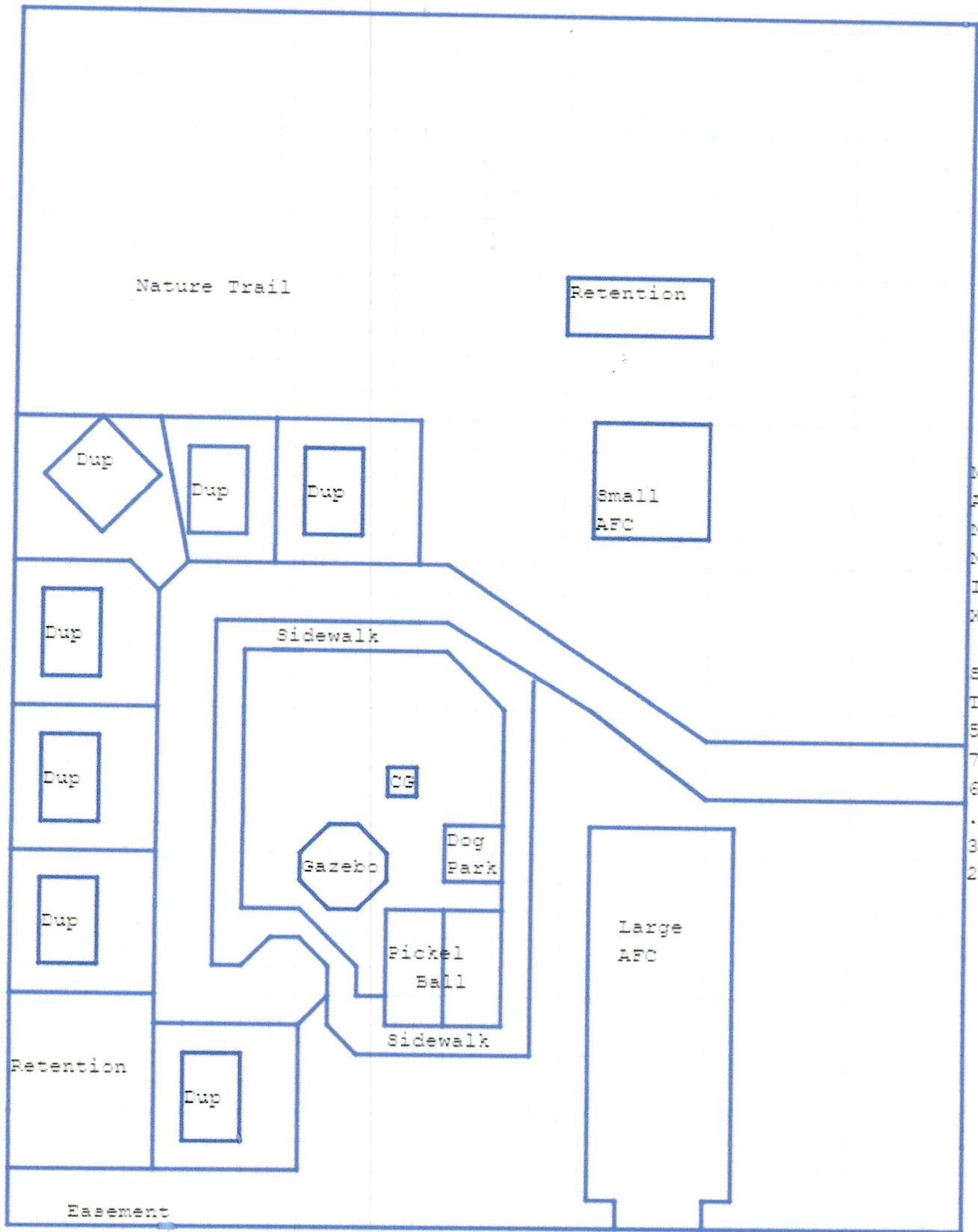
HolistiCare Homes

Mission

Create a safe environment, with community partnerships, outreach and educational measures, that feels like home for elderly residents in need of compassionate, holistic and individualized around the clock care.

Vision

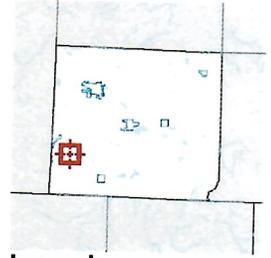
“To provide compassionate care that exceeds our residents, caregivers and family member’s expectations in a supportive, uplifting, home setting focusing on individuality and strengths to maximize potential and independence.



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Overview



Legend

-  Municipalities
-  Townships
- Roads**
-  CITY/VILLAGE LOCAL
-  CITY/VILLAGE MAJOR
-  COUNTY LOCAL
-  COUNTY PRIMARY
-  FEDERAL TRUNKLINE
-  STATE TRUNKLINE
-  <all other values>
-  Parcels
-  Parcel Numbers

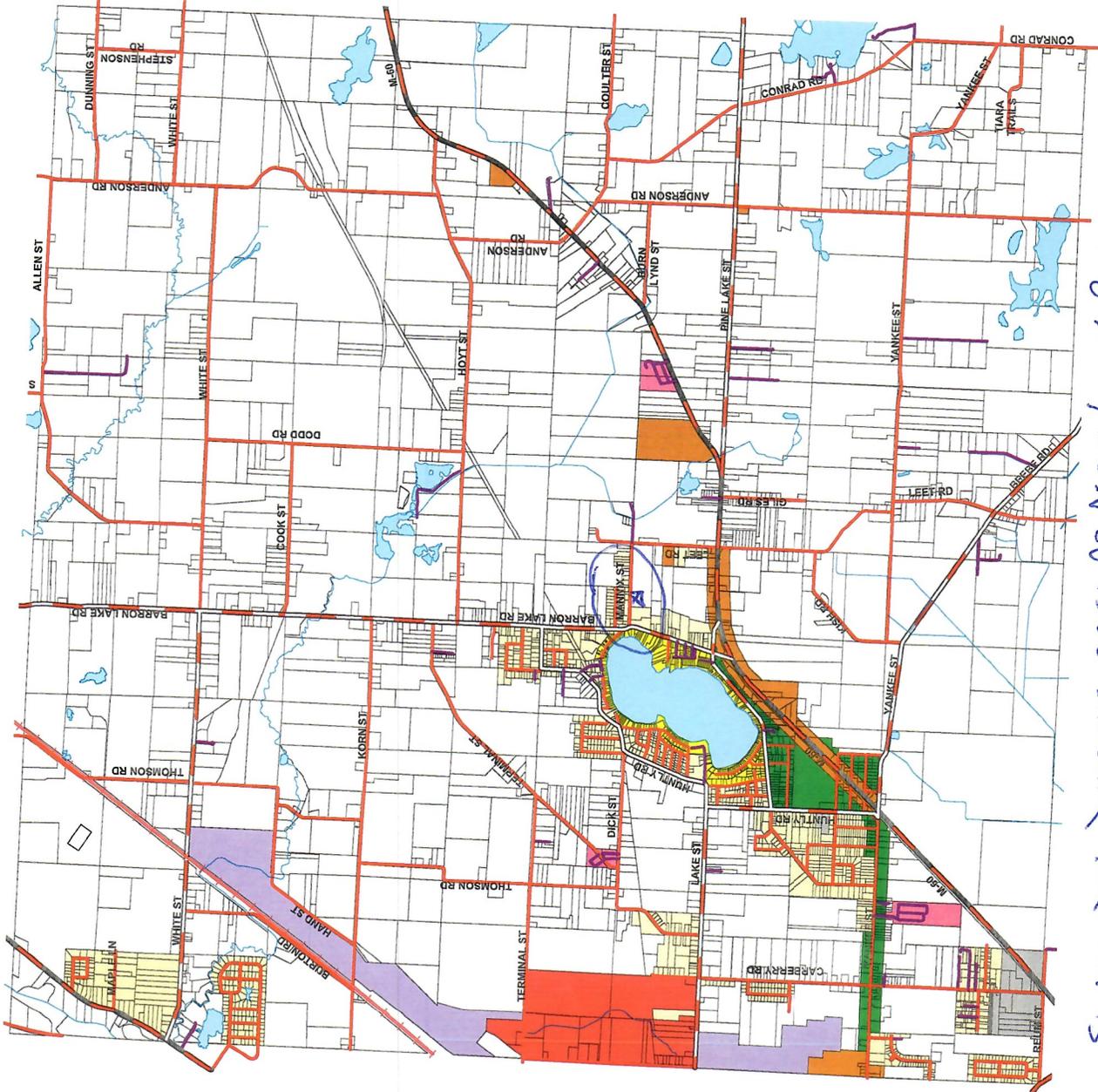
| | | | | | |
|------------------------------|---|---------------------|----------------------------|----------------------|-----------------------|
| Parcel ID | 14-020-021-058-10 | Alternate ID | n/a | Owner Address | MANNIX ST HOLDING LLC |
| Sec/Twp/Rng | -- | Class | 401 - RESIDENTIAL-IMPROVED | | 64180 BRICK CHURCH RD |
| Property Address | 2740 MANNIX ST NILES | Acreage | 6.02 | | CASSOPOLIS, MI 49031 |
| District | 11300 NILES COMMUNITY SCHOOL DIST | | | | |
| Brief Tax Description | .300A-1 SEC 21 T7S R16W COM S 89 DEG 45'32"W 1345.85 FT FRM E 1/4 COR SEC 21, TH S 0 DEG 33'18"W 455 FT, S 89 DEG 45'32"W 576.32 FT, N 0 DEG 33'18"E 455 FT, N 89 DEG 45'32"E 576.32 FT TO PT OF BEG. 6.02A. M/L SUBJECT TO EASEMENT PROPERTY SPLIT 7.12.17 PARENT: 14-020-021-058-00 CHILDREN: 14-020-021-058-01 AND 14-020-021-058-10 | | | | |
| | (Note: Not to be used on legal documents) | | | | |

Date created: 3/20/2024
 Last Data Uploaded: 3/20/2024 11:59:31 AM

Developed by  **Schneider**
 GEOSPATIAL

Parcel is marked with AN X + circled

CURRENT
HOWARD TOWNSHIP
ZONING MAP



Zoning Legend

| | |
|--------------------|---|
| [Orange Box] | AR - Agricultural Residential District |
| [Yellow Box] | C2 - General Commercial District |
| [Light Blue Box] | R4 - Lake Residential District |
| [Light Green Box] | L1 - Light Industrial District |
| [Light Purple Box] | R1 - Low Density Residential District |
| [Light Orange Box] | R3 - Manufactured Housing Park District |
| [Light Yellow Box] | M - Manufacturing District |
| [Light Green Box] | C1 - Mixed Use District |
| [Light Purple Box] | City of Niles |

Information contained herein is provided for reference purposes only and should be confirmed with the appropriate local agency. Cass County assumes no responsibility for errors and/or omissions.

I, _____, Clerk of Howard Township, do hereby certify that this map is a true copy of the map adopted by the Howard Township Board of Trustees on _____.

I, _____, Supervisor of Howard Township, do hereby certify that this map is a true copy of the map adopted by the Howard Township Board of Trustees on _____.



Scale: 1 inch equals 3,300 feet

Road/Rail Legend

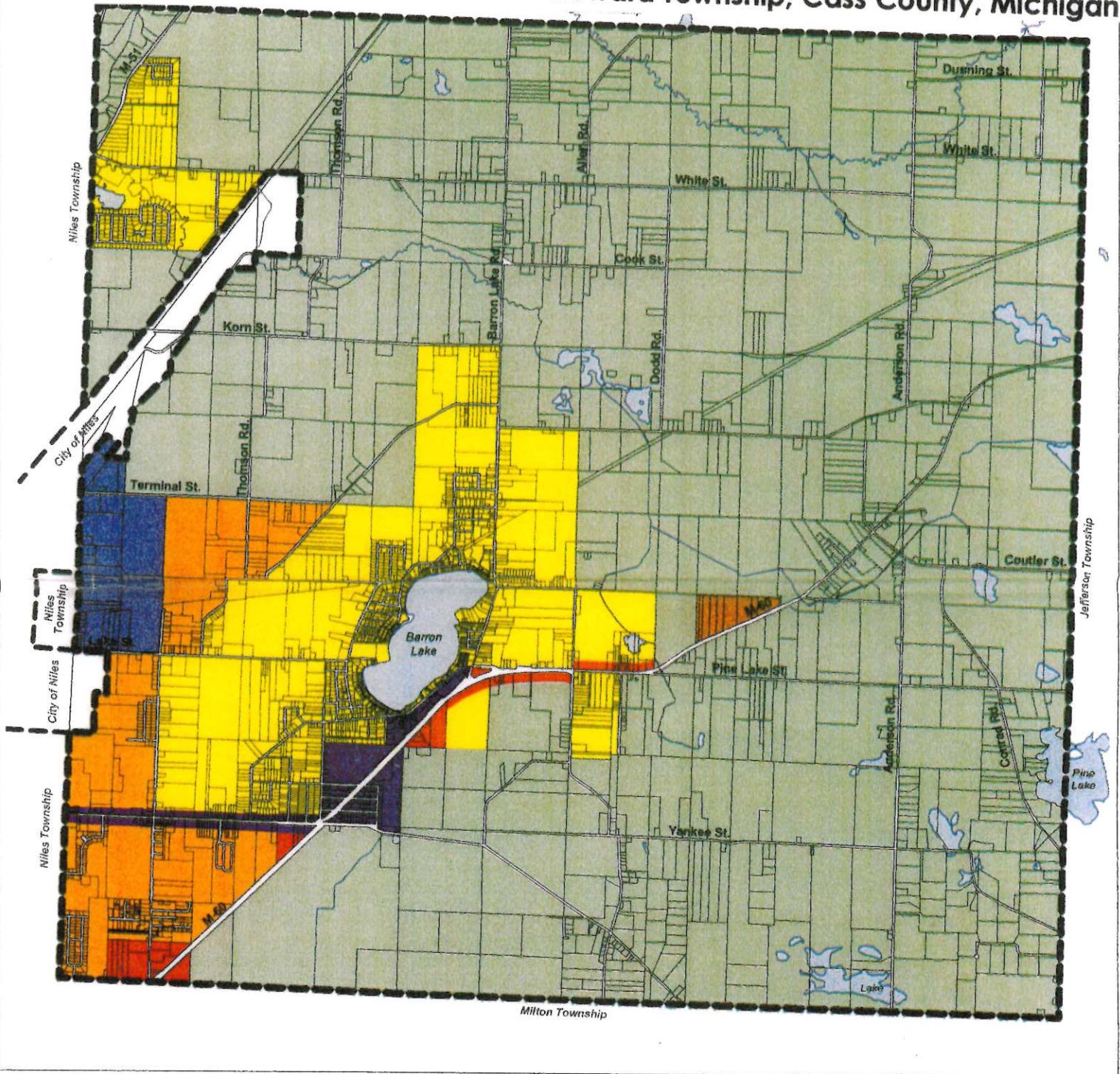
| | |
|---------------------------|--------------------------|
| [Thick Red Line] | U.S. Highways |
| [Thick Orange Line] | State Highways |
| [Thick Yellow Line] | County Primary Roads |
| [Thick Light Blue Line] | County Local Roads |
| [Thick Light Green Line] | City/Village Major Roads |
| [Thick Light Purple Line] | City/Village Local Roads |
| [Thin Red Line] | Not Defined |
| [Thin Orange Line] | Railroads |

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Cass County
Information Systems
 Kerry Collins, Director
 (269) 445-4488

Surrounding Districts are: AR Agricultural Residential R1 Low Density Residential R4 Lake Residential

Howard Township, Cass County, Michigan



Future Land Use Categories

| | |
|--|---|
|  Agricultural/Residential |  Mixed Use |
|  Low Density Residential |  Industrial |
|  Medium Density Residential |  Rivers |
|  Manufactured Home Park |  Lakes |
|  Commercial |  Municipal Boundary |

Map 8 - Future Land Use





TRINITY BIBLE CHURCH

CASS COUNTY PLANNING COMMISSION

CHECKLIST ✓

Dear Local Government Official:

When you send the Cass County Planning Commission material for their review, please use the attached checklist, and include it with the other documents that you submit. Thank you.

- Signed cover letter requesting review and summarizing the process which has already occurred.
- Copy of the public hearing minutes.
- Copy of section of Township Land Use Plan that applies to/supports action.
- Copy of section of zoning ordinance, including amendments or supplements, which apply to/support action.
- For an initial zoning ordinance: 8 copies on loan with map(s).
- For text changes (amendments or supplements): those portions affected or a comprehensive summary of the changes and, if affected, the map.
- For petitions for rezoning, a copy of the petition with the map(s) showing zoning of adjoining properties within 300 ft. for which action was taken and the parcel(s) of consideration and roads need to be clearly identified and labeled. If not included on the petition, the cover letter should indicate acreage, existing zoning, requested zoning, existing use and proposed use.
- Does the action taken by the ~~Township~~ ^{PLAN COMMISSION} concur with the Township Ordinance, Zoning Map and/or Land Use Master Plan for that property? If not, is the request eligible for Zoning Board of Appeals action?
- If any provision of public services is or will be involved, include correspondence from the affected unit expressing its awareness. *NONE PROVIDED BY APPLICANT*

IT IS RECOMMENDED THAT A MEMBER OF THE PLANNING COMMISSION ATTEND THE COUNTY PLANNING COMMISSION MEETING TO FURTHER EXPLAIN THE REQUEST AND TO ANSWER QUESTIONS.

Date: 6/17/24

Signed: _____

ONTWA

TOWNSHIP Ontwa Township Cass County Michigan

www.ontwatwp.org • 26225 U.S. 12 • P. O. Box 209 • Edwardsburg, MI 49112 • Fax: (269) 663-0072 • Phone: (269) 663-2347

June 17, 2024

To: Cass County Planning Commission

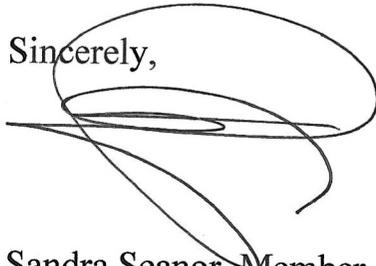
From: Ontwa Township Planning Commission

Re: Rezoning Request – Trinity Bible Church

Please review the attached action of the Ontwa Township Planning Commission regarding the rezoning request from the attached applicant. I have attached the checklist of requirements for your information.

If additional information is required, please feel free to call me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sandra Seanor', with a large, loopy flourish extending from the end of the signature.

Sandra Seanor, Member
Ontwa Township Planning Commission

Cc: Dawn Bolock, Zoning Administrator
Ontwa Township

PLANNING COMMISSION DRAFT MINUTES
WEDNESDAY June 5th, 2024 @ 7:50 PM

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

Members Absent: None

Chairman Marbach called the meeting of the Ontwa Township Planning Commission to order at 7:50pm

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

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

Agenda: Chairman Marbach asked if there were any changes, corrections or additions to the agenda as presented. Motion to approve agenda by Don DeLong, second by Todd Haberland. All in favor, motion carried.

Approval of April 3, 2024 Minutes: Chairman Marbach asked for questions or corrections. Sandra Seanor made motion to approve minutes, Second by Meryl Christensen. All in favor. Motion carried.

Land Divisions: No land divisions.

New Business:

- a. **Trinity Church of Edwardsburg** – Chairman Marbach asked for additional comments. After further discussion, Sandra Seanor said, based on my review of the Williams & Works Planner’s written review and my review of section 14.03 (a through c) in the Ontwa Township Zoning Ordinance, I make a motion to approve the applicants special land use request contingent upon the Planning Commission’s approval of a final site plan, second by Don DeLong. On a roll call vote, the motion was approved. 9 ayes, Shane Szalai, Sandra Seanor, Richard Gates, Todd Haberland, Bill Mahaney, Don DeLong, Mike Mroczek, Meryl Christensen and Christ Marbach. 0 nays

- b. **Eddie’s Market Rezoning** – Chairman Marbach asked for additional comments. After much discussion, Todd Haberland made a motion to table and review, second by Mike Mroczek. Before a call for the vote, a withdrawal of the motion and a new motion replaced motion. Discussion about the unlimited time frame being the most prevalent, Ms. Palacios had a discussion with her client Mr. Shier and came back with a 10-year time frame to complete. A motion was made by Richard Gates to recommend approving C-2 rezone based on section 22.04 from Williams & Works and the revised provisions from attorney Ms. Emily Palacios from Miller Johnson. Second by Bill Mahaney. On a roll call vote, the motion was approved. 5 ayes, Chris Marbach, Richard Gates, Todd Haberland, Bill Mahaney, Mike Mroczek. 4 nays, Shane Szalai, Sandra Seanor, Don DeLong, Meryl Christensen.

Old Business: No Old Business

Committee Reports: Sandra Seanor stated the Zoning Ordinance Review Committee will be meeting to go over consistency in terminology of Ordinances around June 25th.

Building Report – Building Permit Reports were passed for April and May of 2024.

Master Plan Update: A Master Plan Update will be given in July.

Public Comment: Jason Gast addressed the board about roosters being prohibited and asked about a change in the ordinance to allow him to have a rooster. Kevin Bailey addressed the board about a zoning variance that was denied and asked about a special use permit. Cheryl White addressed the board about a property variance, talked to the board about a letter she received from the township. Jeff VanBelle talked about the County Stormwater standards, talked about rezoning and the fact that there needs to be a buffer towards back of the project.

Announcements: None

Adjourn Meeting: Chairman Marbach made a motion to adjourn the meeting, second by Todd Haberland, meeting adjourned at 9:12pm.

Respectfully submitted:

Tina VanBelle,
Recording Secretary

**ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN
NOTICE OF PUBLIC HEARING**

Please take notice that the Ontwa Township Planning Commission will hold a public hearing on Wednesday, June 5, 2024, at 6:30 pm., at the Ontwa Township Hall located at 26225 US 12, Edwardsburg, MI 49112, to consider a proposed special land use.

The request is summarized as follows:

Trinity Bible Church has submitted an application for special land use approval and preliminary site plan review for the establishment of a 6,600 square foot church and related improvements located on two unaddressed parcels on the east side of M-62, south of May Street, totaling 4.9 acres (Parcel IDs 14-090-017-035-15 and 14-090-017-035-20). The properties are within the C-1 Commercial/Service District, where churches are permitted subject to special land use approval by the Planning Commission.

Copies of the application, the zoning ordinance, and the zoning map are available for public viewing during regular business hours at the Township Hall, 26225 US 12, Edwardsburg, MI 49112, or on the Township website: www.ontwatwp.org.

Written comments will be received from any interested persons by the Ontwa Township Clerk at the Ontwa Township Hall during regular business hours and may be further received by the Planning Commission during the public hearing. Oral comments will be taken during the hearing.

If you are planning to attend this hearing and are handicapped requiring any special assistance, please notify the Township Clerk by calling (269) 663-2347 as soon as possible.

Tina VanBelle,
Ontwa Township Clerk

Request Number: _____

Filing Fee _____

APPLICATION FOR SITE PLAN REVIEW

- All drawings must professionally prepared and sealed by a licensed professional architect, landscape architect, engineer, or surveyor, unless waived by the Zoning Administrator or Planning Commission.
- 15 copies of a complete application and plans (and a PDF) must be submitted to the Township Clerk's office **not less than thirty days** before the Planning Commission meeting to allow adequate staff review.
- Preliminary plans may be present for Planning Commission comment, but no final approvals are given until all required conditions are met.
- Incomplete applications will be returned to the applicant by the Zoning Administrator.
- If approved, all other required township, county, state, and federal permits must be secured before construction may commence.
- It shall be unlawful to excavate, construct, enlarge, alter or permit the use or occupancy of a building or structure or change the use of a building until a Certificate of Zoning Compliance has been issued by the Zoning Administrator.
- No excavation shall be initiated, no construction may begin, no building shall be erected, altered, moved, razed and no structural alterations (including but not limited to porches, deck, patios, terraces) shall be initiated until a Certificate of Zoning Compliance has been issued by the Zoning Administrator and where required, a Building Permit has been issued by the Building Inspector. A building permit shall not be issued until a Zoning Compliance permit has been issued pursuant to this Ordinance.

1. Street Address and/or Location of Request: Vacant Land on M62 near May St.

2. Parcel Identification Number (Tax I.D. No.): # 1409001703520

3. Applicant's Name: Trinity Bible Church of Edwardsburg Phone Number 2694457820

Address: 69950 M 62 Edwardsburg MI 49112
Street City State Zip

Fax Number _____ Email Address Homesbyparrish@gmail.com

4. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder

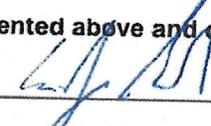
5. Applicant is being represented by: E. James Parrish Phone Number 2694457820

Address: 70825 Adamsville rd Edwardsburg MI 49112

6. Present Zoning of Parcel C1 Parcel Size 3.3 acres and 1.6 acres

7. Description of proposed development (attach additional materials if needed):
church facility

The facts presented above and on the following page(s) are true and correct to the best of my knowledge.

Signature:  Date: 5/3/2024

Type or Print Your Name Here: E. James Parrish

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. I further agree to permit members of the Planning Commission, Township Board, and other authorized Township officials to enter the above-mentioned property.

Owner

Date

TRINITY CHURCH PRELIMINARY

-Final Site Plan Review Checklist. Pursuant to Section 16.06 of the Ontwa Township Zoning Ordinance, the following items are required for final site plan approval, unless waived by the Zoning Administrator or Planning Commission. Please go over this checklist with the Zoning Administrator before presenting to the Planning Commission.

Site Data.

- ✓ Legal description of the property. - SEE ATTACHED DEED
- ✓ Small scale sketch of properties, streets and use of land within one half (1/2) mile of the area. - SEE ATTACHED ZONING FIGURE
- A map at a scale not to exceed one inch equals two hundred feet (1" = 200'). The following items shall be shown on the map:
 - ✓ Date site plan was prepared.
 - ✓ Name and address of the preparer.
 - ✓ The topography of the site and its relationship to adjoining land. GIS LIDAR CONTOURS
 - Existing man-made features.
 - ✓ Dimensions of setbacks, locations, heights and size of buildings and structures.
 - Street rights-of-ways, indicating proposed access routes, internal circulation, and relationship to existing rights-of-ways.
 - Proposed grading.
 - Location and type of drainage, sanitary sewers, storm sewers, detention or retention ponds, and other utilities.
 - ✓ Location and type of fences, landscaping, buffer strips, and screening.
 - Location and type of signs and on-site lighting.
 - ✓ Proposed parking areas and drives. Parking areas shall be designed by lines showing individual spaces and shall conform with the provisions of this Ordinance.
 - Easements, if any.
 - Dimensions and number of proposed lots.

INITIAL

RH

RH

RH

RH

RH

RH

RH

RH

NA

RH

RH

NA

RH

Narrative Descriptions.

- ✓ The overall objectives of the proposed development.
- ✓ Number of acres or square feet allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
- Dwelling unit densities by type.
- Proposed method of providing sewer and water service, as well as other public and private utilities.
- ✓ Proposed method of providing storm drainage and to prevent soil erosion. The Zoning Administrator may require a professional stormwater, drainage or soil erosion prevention plan to be completed.

I certify that, as to the lands herein described, neither the state nor any person holds a tax title or lien, and that all taxes levied for the five calendar years preceding the date of this instrument have been paid, except that if attached hereon this certificate does not cover taxes for the most recent year because the delinquent tax roll for same is not available.

Libr 00846 Page 2391

Ledger A. Krupp 3-10-03
CASS COUNTY TREASURER Dated

STATE OF MICHIGAN
COUNTY OF CASS
Recorded

03-11-2003 08:00:22

Ann L. Simmons
REGISTER OF DEEDS



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT: the Grantor(s), Ledger A. Krupp and Christy L. Krupp, husband and wife, whose address is 69370 Conrad Road, Edwardsburg, MI 49112, convey(s) and warrant(s) to the Grantee(s), John Barnard, whose address is P. O. Box 1141, Orland Park, IL 60462, the following described premises situated in the Township of Ontwa, Cass County, Michigan:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWN 8 SOUTH, RANGE 15 WEST; THENCE EAST 11 3/7 RODS; THENCE SOUTH 140 RODS; THENCE WEST 11 3/7 RODS; THENCE NORTH 140 RODS TO THE PLACE OF BEGINNING. ALSO, THE NORTH 70 ACRES OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWN 8 SOUTH, RANGE 15 WEST, EXCEPTING THEREFROM, THE WEST 75 FEET OF THE NORTH 70 ACRES OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWN 8 SOUTH, RANGE 15 WEST. ALSO EXCEPTING THEREFROM, BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 17; THENCE EAST ALONG THE NORTH LINE OF SECTION 17, A DISTANCE OF 200.00 FEET; THENCE SOUTH 32 DEGREES 59 MINUTES 14 SECONDS WEST, 360.96 FEET TO THE WEST LINE OF SECTION 17; THENCE NORTH 0 DEGREE 39 MINUTES 35 SECONDS WEST, 300.00 FEET TO THE POINT OF BEGINNING.

Parcel Number: 14-090-017-035-00 JN

Commonly Known As: V/L May Street, Edwardsburg, Michigan 49112

for One Million Two Hundred Thousand and 00/100 Dollars \$1,200,000.00 herein received, subject to the following matters, if any: None.

This premises may be located within the vicinity of farmland or a farm operation. Generally accepted agriculture and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

The grantor grants to the grantee the right to make (all) division(s) under section 108 of the land division act, Act. No. 288 of the Public Acts of 1967. ALL AVAILABLE

Dated: March 10, 2003

Signed by
Ledger A. Krupp
Ledger A. Krupp
Christy L. Krupp
Christy L. Krupp

STATE OF Michigan

COUNTY OF Cass

I, JAN A. CUMMINGS, a Notary Public of the County and State first above written, do hereby certify that Ledger A. Krupp and Christy L. Krupp, husband and wife personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

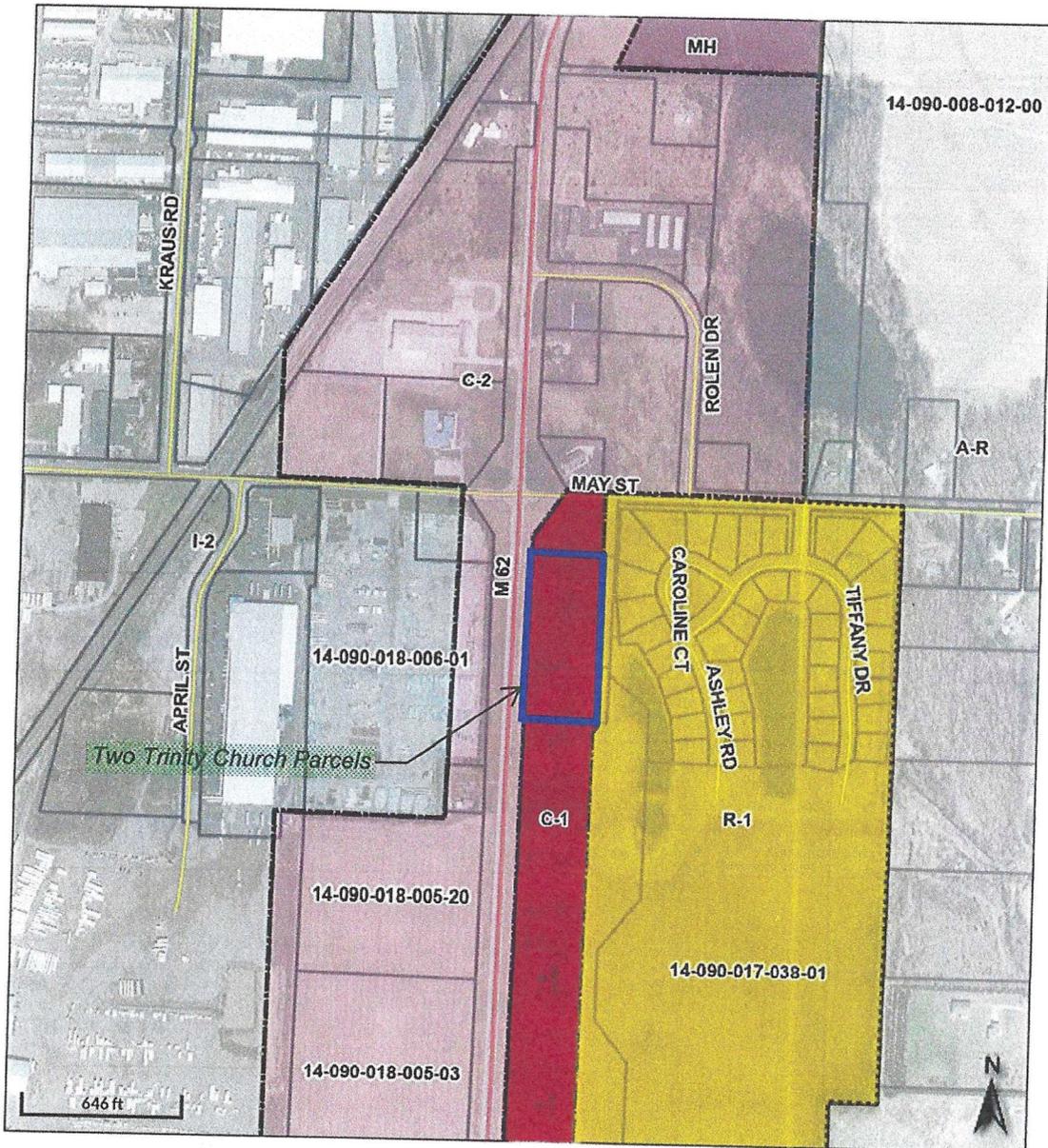
Witness my hand and official seal, this the 10th day of March, 2003.

Jan A. Cummings
Notary Public JAN A. CUMMINGS

My Commission Expires: 07/14/03

(SEAL)

JAN A. CUMMINGS
Notary Public, Cass County, MI
My Commission Expires July 14, 2003



Overview



Legend

- Ontwa Zoning 2010**
- A-R: Agricultural Residential
 - R-1A: Residential
 - R-1: Residential
 - LR: Lake Residential
 - R-2: Residential
 - MH: Park
 - MFR: Multi-Family Residential
 - C-1: Commercial
 - C-2: Commercial
 - I-1: Light Industrial
 - I-2: Heavy Industrial
 - Municipalities
 - Townships
- Roads**
- CITY/VILLAGE LOCAL
 - CITY/VILLAGE MAJOR
 - COUNTY LOCAL
 - COUNTY PRIMARY
 - FEDERAL TRUNKLINE
 - STATE TRUNKLINE
 - <all other values>
- Parcels
- Parcel Numbers**

Date created: 5/1/2024
 Last Data Uploaded: 5/1/2024 7:47:50 AM

Untitled Map

Write a description for your map.

Edwardsburg Fitness Co

Legend

-  Center for Animal Health
-  Edwardsburg Fitness Co
-  North American Forest Products
-  Untitled Path

Center for Animal Health

May St

Google Earth

62



1000 ft



Request Number: _____

Filing Fee _____

APPLICATION FOR SPECIAL LAND USE

- **Special land use applications must be accompanied by an application for site plan review and a complete site plan.**
- Special land use applications must be submitted to the Township Hall office **not less than thirty days before** the next Planning Commission meeting to allow adequate staff review.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- Incomplete applications will be returned to the applicant by the Zoning Administrator.
- If approved, all other required township, county, state, and federal permits must be secured before construction may commence.
- It shall be unlawful to excavate, construct, enlarge, alter, or permit the use or occupancy of a building or structure or change the use of a building until a Certificate of Zoning Compliance has been issued by the Zoning Administrator.
- No excavation shall be initiated, no construction may begin, no building shall be erected, altered, moved, razed and no structural alterations (including but not limited to porches, deck, patios, terraces) shall be initiated until a Certificate of Zoning Compliance has been issued by the Zoning Administrator and where required, a Building Permit has been issued by the Building Inspector. A building permit shall not be issued until a Zoning Compliance permit has been issued pursuant to this Ordinance.

1. Street Address and/or Location of Request: m62 vacant land close to May St.

2. Parcel Identification Number (Tax I.D. No.): # 1409001703520, 1409001703515

3. Applicant's Name: Trinity Bible Church of Edwardsburg Phone Number 269-445-7820

Address: 69950 M 62 Edwardsburg MI 49112
Street City State Zip

Fax Number _____ Email Address homesbyparrish@gmail.com

4. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder

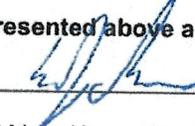
5. Applicant is being represented by: James Parrish Phone Number 269-4457820

Address: 70825 Adamsville Rd Edwardsburg MI 49112

6. Present Zoning of Parcel C1 Parcel Size 3.3 acres and 1.6 acres

7. Description of proposed development (attach additional materials if needed):
we desire to build a church building

The facts presented above and on the following page(s) are true and correct to the best of my knowledge.

Signature:  Date: 05/08/2024

Type or Print Your Name Here: James Parrish

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. I further agree to permit members of the Planning Commission, Township Board, and other authorized Township officials to enter the above-mentioned property.

Owner

Date

Section 14.03 of the Ontwa Township Zoning Ordinance specifies that to approve a special land use, the Planning Commission must find that the request meets the following standards, as well as applicable standards established elsewhere in the Zoning Ordinance. Please describe how the proposed project would meet each standard.

GENERAL STANDARDS

A. The special land use requested is permitted as a special land use in the zoning district in which the property is located. As per the guidelines provided on page 5 article XI of the Descriptions and purposes of Ontwa Township

Ordinances regarding land.

B. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

We have contracted Jones Petrie Rafinski (JPR) an Architectual firm to help provide us with a building plan as well as a civil engineering platform that will provide a quality infostructure and landscaping plan

within the guidelines and permits provided by the township.

C. The special land use shall not change the essential character of the surrounding area.

We believe that the building once constructed will only enhance the main cooridor of both Ontwa Township as well as the Edwardsburg community.

D. The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, odors or glare.

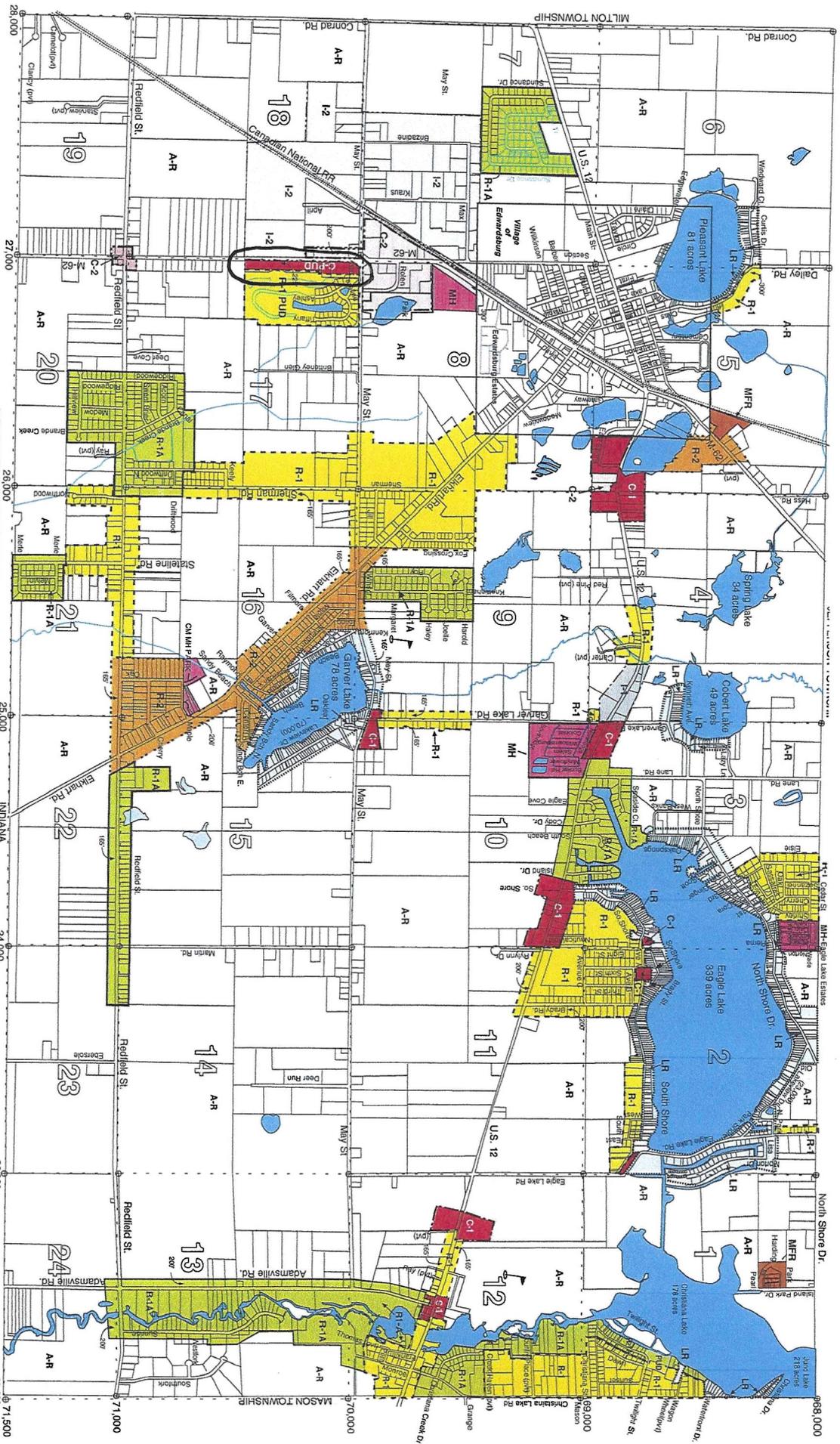
All usages of the building will meet the guidelinees of the township, and State as far as all safety regulations and permitted activities and events.

E. The special land use shall not place demands on public services and facilities in excess of current capacity. As per the fire marshall regulations we will not exceed any and all capacities or requirements.

ZONING MAP
ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN
 ADOPTED DECEMBER 1986
 LAST REVISED: AUGUST 2017

| Minimum | Agricultural A-R | Residential R-1A | Residential R-1 | Residential LR | Residential R-2 | MH MH | Multi-Family Residential MFR | Commercial C-1 | Commercial C-2 | Light Industrial I-1 | Heavy Industrial I-2 |
|------------|---------------------|---------------------|--------------------|-------------------|--------------------|----------|------------------------------------|-------------------|-------------------|----------------------------|----------------------------|
| Lot Area | 60,000 | 20,000 | 15,000 | 12,000 | 12,000 | - | 43,560 | 80 | 80 | 21,780 | 21,780 |
| Lot Width | 200 | 125 | 100 | 80 | 80 | - | 125 | 80 | 80 | 150 | 150 |
| (Sewer) | (48,000) | (16,000) | (12,000) | (9,600) | (9,600) | - | (35,000) | 150 | 150 | (18,000) | (18,000) |
| Front Yard | 35 | 35 | 35 | 30 | 30 | - | 35 | 75 | 75 | 35 | 35 |
| Side Yard | 20 | 20 | 13 | 10 | 10 | - | 20 | 25 | 25 | 20 | 20 |
| Rear Yard | 30 | 30 | 30 | 30 | 30 | - | 30 | 20 | 20 | 25 | 25 |
| Floor Area | 1000 | 1500 | 1200 | 1000 | 1000 | - | - | - | - | - | - |

MAA\MI\INT\PT_COVERAGE_1_2562



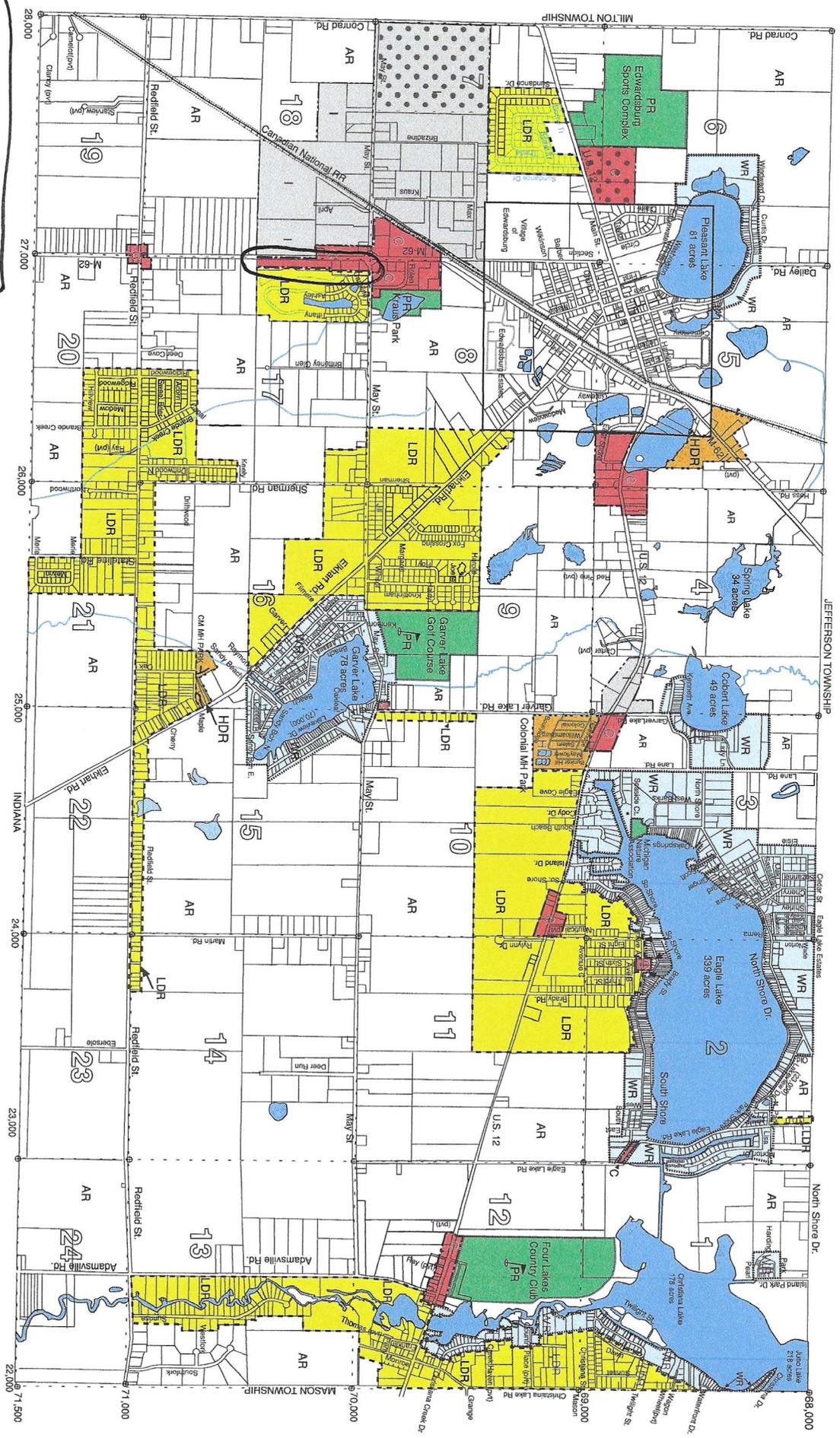
ONTWA
TOWNSHIP

**FUTURE LAND USE PLAN
ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN**

DRAFT (MAY 2017)
LAST REVISED: MAY 2017

-  Agricultural Residential (AR)
-  Low-Density Residential (LDR)
-  High-Density Residential (HDR)
-  Waterfront Residential (WR)
-  Commercial (C)
-  Parks and Recreation (PR)

-  Industrial (I)



ONTWA

TOWNSHIP Ontwa Township Cass County Michigan

www.ontwatwp.org • 26225 U.S. 12 • P. O. Box 209 • Edwardsburg, MI 49112 • Fax: (269) 663-0072 • Phone: (269) 663-2347

June 17, 2024

To: Cass County Planning Commission

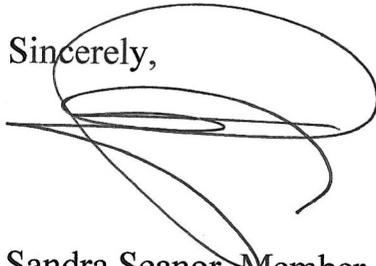
From: Ontwa Township Planning Commission

Re: Rezoning Request – Trinity Bible Church

Please review the attached action of the Ontwa Township Planning Commission regarding the rezoning request from the attached applicant. I have attached the checklist of requirements for your information.

If additional information is required, please feel free to call me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sandra Seanor', with a large, loopy flourish extending from the end of the signature.

Sandra Seanor, Member
Ontwa Township Planning Commission

Cc: Dawn Bolock, Zoning Administrator
Ontwa Township



TRINITY BIBLE CHURCH

CASS COUNTY PLANNING COMMISSION

CHECKLIST ✓

Dear Local Government Official:

When you send the Cass County Planning Commission material for their review, please use the attached checklist, and include it with the other documents that you submit. Thank you.

- Signed cover letter requesting review and summarizing the process which has already occurred.
- Copy of the public hearing minutes.
- Copy of section of Township Land Use Plan that applies to/supports action.
- Copy of section of zoning ordinance, including amendments or supplements, which apply to/support action.
- For an initial zoning ordinance: 8 copies on loan with map(s).
- For text changes (amendments or supplements): those portions affected or a comprehensive summary of the changes and, if affected, the map.
- For petitions for rezoning, a copy of the petition with the map(s) showing zoning of adjoining properties within 300 ft. for which action was taken and the parcel(s) of consideration and roads need to be clearly identified and labeled. If not included on the petition, the cover letter should indicate acreage, existing zoning, requested zoning, existing use and proposed use.
- Does the action taken by the ~~Township~~ ^{PLAN COMMISSION} concur with the Township Ordinance, Zoning Map and/or Land Use Master Plan for that property? If not, is the request eligible for Zoning Board of Appeals action?
- If any provision of public services is or will be involved, include correspondence from the affected unit expressing its awareness. *NONE PROVIDED BY APPLICANT*

IT IS RECOMMENDED THAT A MEMBER OF THE PLANNING COMMISSION ATTEND THE COUNTY PLANNING COMMISSION MEETING TO FURTHER EXPLAIN THE REQUEST AND TO ANSWER QUESTIONS.

Date: 6/17/24

Signed: _____

**PLANNING COMMISSION
TOWNSHIP OF ONTWA – COUNTY OF CASS
PUBLIC HEARING 6:30 PM
1. Trinity Church
2. Eddie Market**

**AGENDA FOR PLANNING COMMISSION HELD ON
WEDNESDAY
June 5, 2024 @ 7:00 PM**

1. Pledge of Allegiance
2. Agenda Approval
3. Reading Approval of Past Minutes
 - a. Regular Meeting 04-03-2024
4. Land Divisions
5. New Business
 - a. Trinity Church of Edwardsburg
 - b. Eddie Market re zoning
6. Old Business
7. Committee Reports
 - a. Zoning Ordinance Review Committee Report
 - b. Master Plan Update
8. Public Comments
9. Announcements
10. Adjourn Meeting

Cc: Dawn Bolock – Zoning Administrator, Ontwa Township Planning Commission members

**ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN
NOTICE OF PUBLIC HEARING**

Please take notice that the Ontwa Township Planning Commission will hold a public hearing on Wednesday, June 5, 2024, at 6:30 pm., at the Ontwa Township Hall located at 26225 US 12, Edwardsburg, MI 49112, to consider a proposed special land use.

The request is summarized as follows:

Trinity Bible Church has submitted an application for special land use approval and preliminary site plan review for the establishment of a 6,600 square foot church and related improvements located on two unaddressed parcels on the east side of M-62, south of May Street, totaling 4.9 acres (Parcel IDs 14-090-017-035-15 and 14-090-017-035-20). The properties are within the C-1 Commercial/Service District, where churches are permitted subject to special land use approval by the Planning Commission.

Copies of the application, the zoning ordinance, and the zoning map are available for public viewing during regular business hours at the Township Hall, 26225 US 12, Edwardsburg, MI 49112, or on the Township website: www.ontwatwp.org.

Written comments will be received from any interested persons by the Ontwa Township Clerk at the Ontwa Township Hall during regular business hours and may be further received by the Planning Commission during the public hearing. Oral comments will be taken during the hearing.

If you are planning to attend this hearing and are handicapped requiring any special assistance, please notify the Township Clerk by calling (269) 663-2347 as soon as possible.

Tina VanBelle,
Ontwa Township Clerk

Request Number: _____

Filing Fee _____

APPLICATION FOR SITE PLAN REVIEW

- All drawings must professionally prepared and sealed by a licensed professional architect, landscape architect, engineer, or surveyor, unless waived by the Zoning Administrator or Planning Commission.
- 15 copies of a complete application and plans (and a PDF) must be submitted to the Township Clerk's office **not less than thirty days** before the Planning Commission meeting to allow adequate staff review.
- Preliminary plans may be present for Planning Commission comment, but no final approvals are given until all required conditions are met.
- Incomplete applications will be returned to the applicant by the Zoning Administrator.
- If approved, all other required township, county, state, and federal permits must be secured before construction may commence.
- It shall be unlawful to excavate, construct, enlarge, alter or permit the use or occupancy of a building or structure or change the use of a building until a Certificate of Zoning Compliance has been issued by the Zoning Administrator.
- No excavation shall be initiated, no construction may begin, no building shall be erected, altered, moved, razed and no structural alterations (including but not limited to porches, deck, patios, terraces) shall be initiated until a Certificate of Zoning Compliance has been issued by the Zoning Administrator and where required, a Building Permit has been issued by the Building Inspector. A building permit shall not be issued until a Zoning Compliance permit has been issued pursuant to this Ordinance.

1. Street Address and/or Location of Request: Vacant Land on M62 near May St.

2. Parcel Identification Number (Tax I.D. No.): # 1409001703520

3. Applicant's Name: Trinity Bible Church of Edwardsburg Phone Number 2694457820

Address: 69950 M 62 Edwardsburg MI 49112
Street City State Zip

Fax Number _____ Email Address Homesbyparrish@gmail.com

4. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder

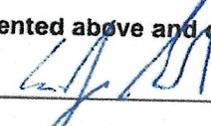
5. Applicant is being represented by: E. James Parrish Phone Number 2694457820

Address: 70825 Adamsville rd Edwardsburg MI 49112

6. Present Zoning of Parcel C1 Parcel Size 3.3 acres and 1.6 acres

7. Description of proposed development (attach additional materials if needed):
church facility

The facts presented above and on the following page(s) are true and correct to the best of my knowledge.

Signature:  Date: 5/3/2024

Type or Print Your Name Here: E. James Parrish

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. I further agree to permit members of the Planning Commission, Township Board, and other authorized Township officials to enter the above-mentioned property.

Owner

Date

TRINITY CHURCH PRELIMINARY

-Final Site Plan Review Checklist. Pursuant to Section 16.06 of the Ontwa Township Zoning Ordinance, the following items are required for final site plan approval, unless waived by the Zoning Administrator or Planning Commission. Please go over this checklist with the Zoning Administrator before presenting to the Planning Commission.

Site Data.

- ✓ Legal description of the property. - SEE ATTACHED DEED
- ✓ Small scale sketch of properties, streets and use of land within one half (1/2) mile of the area. - SEE ATTACHED ZONING FIGURE
- A map at a scale not to exceed one inch equals two hundred feet (1" = 200'). The following items shall be shown on the map:
 - ✓ Date site plan was prepared.
 - ✓ Name and address of the preparer.
 - ✓ The topography of the site and its relationship to adjoining land. GIS LIDAR CONTOURS
 - Existing man-made features.
 - ✓ Dimensions of setbacks, locations, heights and size of buildings and structures.
 - Street rights-of-ways, indicating proposed access routes, internal circulation, and relationship to existing rights-of-ways.
 - Proposed grading.
 - Location and type of drainage, sanitary sewers, storm sewers, detention or retention ponds, and other utilities.
 - ✓ Location and type of fences, landscaping, buffer strips, and screening.
 - Location and type of signs and on-site lighting.
 - ✓ Proposed parking areas and drives. Parking areas shall be designed by lines showing individual spaces and shall conform with the provisions of this Ordinance.
 - Easements, if any.
 - Dimensions and number of proposed lots.

INITIAL

RH

RH

RH

RH

RH

RH

RH

RH

NA

RH

RH

NA

RH

Narrative Descriptions.

- ✓ The overall objectives of the proposed development.
- ✓ Number of acres or square feet allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
- Dwelling unit densities by type.
- Proposed method of providing sewer and water service, as well as other public and private utilities.
- ✓ Proposed method of providing storm drainage and to prevent soil erosion. The Zoning Administrator may require a professional stormwater, drainage or soil erosion prevention plan to be completed.

I certify that, as to the lands herein described, neither the state nor any person holds a tax title or lien, and that all taxes levied for the five calendar years preceding the date of this instrument have been paid, except that if attached hereon this certificate does not cover taxes for the most recent year because the delinquent tax roll for same is not available.

Libr 00846 Page 2391

Ledger A. Krupp 3-10-03
CASS COUNTY TREASURER Dated

STATE OF MICHIGAN
COUNTY OF CASS
Recorded

03-11-2003 08:00:22

Ann L. Simmons
REGISTER OF DEEDS



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT: the Grantor(s), Ledger A. Krupp and Christy L. Krupp, husband and wife, whose address is 69370 Conrad Road, Edwardsburg, MI 49112, convey(s) and warrant(s) to the Grantee(s), John Barnard, whose address is P. O. Box 1141, Orland Park, IL 60462, the following described premises situated in the Township of Ontwa, Cass County, Michigan:

COMMENCING AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWN 8 SOUTH, RANGE 15 WEST; THENCE EAST 11 3/7 RODS; THENCE SOUTH 140 RODS; THENCE WEST 11 3/7 RODS; THENCE NORTH 140 RODS TO THE PLACE OF BEGINNING. ALSO, THE NORTH 70 ACRES OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWN 8 SOUTH, RANGE 15 WEST, EXCEPTING THEREFROM, THE WEST 75 FEET OF THE NORTH 70 ACRES OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 17, TOWN 8 SOUTH, RANGE 15 WEST. ALSO EXCEPTING THEREFROM, BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 17; THENCE EAST ALONG THE NORTH LINE OF SECTION 17, A DISTANCE OF 200.00 FEET; THENCE SOUTH 32 DEGREES 59 MINUTES 14 SECONDS WEST, 360.96 FEET TO THE WEST LINE OF SECTION 17; THENCE NORTH 0 DEGREE 39 MINUTES 35 SECONDS WEST, 300.00 FEET TO THE POINT OF BEGINNING.

Parcel Number: 14-090-017-035-00 JN

Commonly Known As: V/L May Street, Edwardsburg, Michigan 49112

for One Million Two Hundred Thousand and 00/100 Dollars \$1,200,000.00 herein received, subject to the following matters, if any: None.

This premises may be located within the vicinity of farmland or a farm operation. Generally accepted agriculture and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

The grantor grants to the grantee the right to make (all) division(s) under section 108 of the land division act, Act. No. 288 of the Public Acts of 1967. ALL AVAILABLE

Dated: March 10, 2003

Signed by
Ledger A. Krupp
Ledger A. Krupp
Christy L. Krupp
Christy L. Krupp

STATE OF Michigan

COUNTY OF Cass

I, JAN A. CUMMINGS, a Notary Public of the County and State first above written, do hereby certify that Ledger A. Krupp and Christy L. Krupp, husband and wife personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

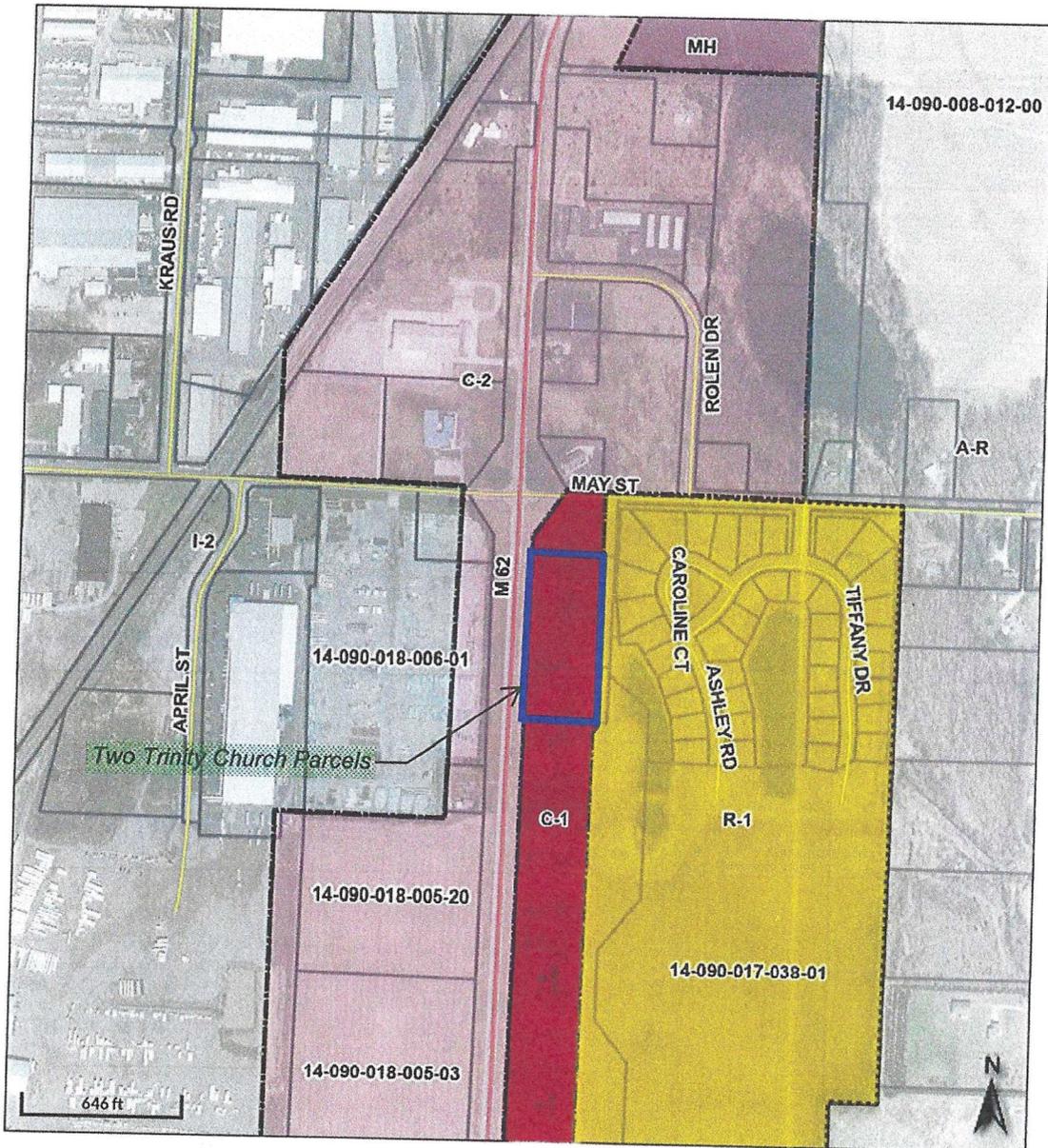
Witness my hand and official seal, this the 10th day of March, 2003.

Jan A. Cummings
Notary Public JAN A. CUMMINGS

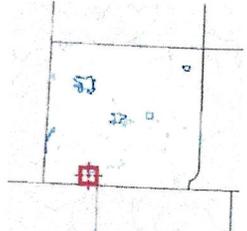
My Commission Expires: 07/14/03

(SEAL)

JAN A. CUMMINGS
Notary Public, Cass County, MI
My Commission Expires July 14, 2003



Overview



Legend

- Ontwa Zoning 2010**
- A-R: Agricultural Residential
 - R-1A: Residential
 - R-1: Residential
 - LR: Lake Residential
 - R-2: Residential
 - MH: Park
 - MFR: Multi-Family Residential
 - C-1: Commercial
 - C-2: Commercial
 - I-1: Light Industrial
 - I-2: Heavy Industrial
 - Municipalities
 - Townships
- Roads**
- CITY/VILLAGE LOCAL
 - CITY/VILLAGE MAJOR
 - COUNTY LOCAL
 - COUNTY PRIMARY
 - FEDERAL TRUNKLINE
 - STATE TRUNKLINE
 - <all other values>
- Parcels
- Parcel Numbers

Date created: 5/1/2024
 Last Data Uploaded: 5/1/2024 7:47:50 AM

Untitled Map

Write a description for your map.

Edwardsburg Fitness Co

Legend

-  Center for Animal Health
-  Edwardsburg Fitness Co
-  North American Forest Products
-  Untitled Path

Center for Animal Health

May St

Google Earth

62



1000 ft



Request Number: _____

Filing Fee _____

APPLICATION FOR SPECIAL LAND USE

- **Special land use applications must be accompanied by an application for site plan review and a complete site plan.**
- Special land use applications must be submitted to the Township Hall office **not less than thirty days before** the next Planning Commission meeting to allow adequate staff review.
- Preliminary plans may be presented for Planning Commission comment, but no final approval is given until all required conditions are met.
- Incomplete applications will be returned to the applicant by the Zoning Administrator.
- If approved, all other required township, county, state, and federal permits must be secured before construction may commence.
- It shall be unlawful to excavate, construct, enlarge, alter, or permit the use or occupancy of a building or structure or change the use of a building until a Certificate of Zoning Compliance has been issued by the Zoning Administrator.
- No excavation shall be initiated, no construction may begin, no building shall be erected, altered, moved, razed and no structural alterations (including but not limited to porches, deck, patios, terraces) shall be initiated until a Certificate of Zoning Compliance has been issued by the Zoning Administrator and where required, a Building Permit has been issued by the Building Inspector. A building permit shall not be issued until a Zoning Compliance permit has been issued pursuant to this Ordinance.

1. Street Address and/or Location of Request: m62 vacant land close to May St.

2. Parcel Identification Number (Tax I.D. No.): # 1409001703520, 1409001703515

3. Applicant's Name: Trinity Bible Church of Edwardsburg Phone Number 269-445-7820

Address: 69950 M 62 Edwardsburg MI 49112
Street City State Zip

Fax Number _____ Email Address homesbyparrish@gmail.com

4. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder

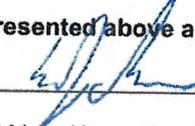
5. Applicant is being represented by: James Parrish Phone Number 269-4457820

Address: 70825 Adamsville Rd Edwardsburg MI 49112

6. Present Zoning of Parcel C1 Parcel Size 3.3 acres and 1.6 acres

7. Description of proposed development (attach additional materials if needed):
we desire to build a church building

The facts presented above and on the following page(s) are true and correct to the best of my knowledge.

Signature:  Date: 05/08/2024

Type or Print Your Name Here: James Parrish

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. I further agree to permit members of the Planning Commission, Township Board, and other authorized Township officials to enter the above-mentioned property.

Owner

Date

Section 14.03 of the Ontwa Township Zoning Ordinance specifies that to approve a special land use, the Planning Commission must find that the request meets the following standards, as well as applicable standards established elsewhere in the Zoning Ordinance. Please describe how the proposed project would meet each standard.

GENERAL STANDARDS

A. The special land use requested is permitted as a special land use in the zoning district in which the property is located. As per the guidelines provided on page 5 article XI of the Descriptions and purposes of Ontwa Township

Ordinances regarding land.

B. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

We have contracted Jones Petrie Rafinski (JPR) an Architectual firm to help provide us with a building plan as well as a civil engineering platform that will provide a quality infostructure and landscaping plan

within the guidelines and permits provided by the township.

C. The special land use shall not change the essential character of the surrounding area.

We believe that the building once constructed will only enhance the main cooridor of both Ontwa Township as well as the Edwardsburg community.

D. The special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, odors or glare.

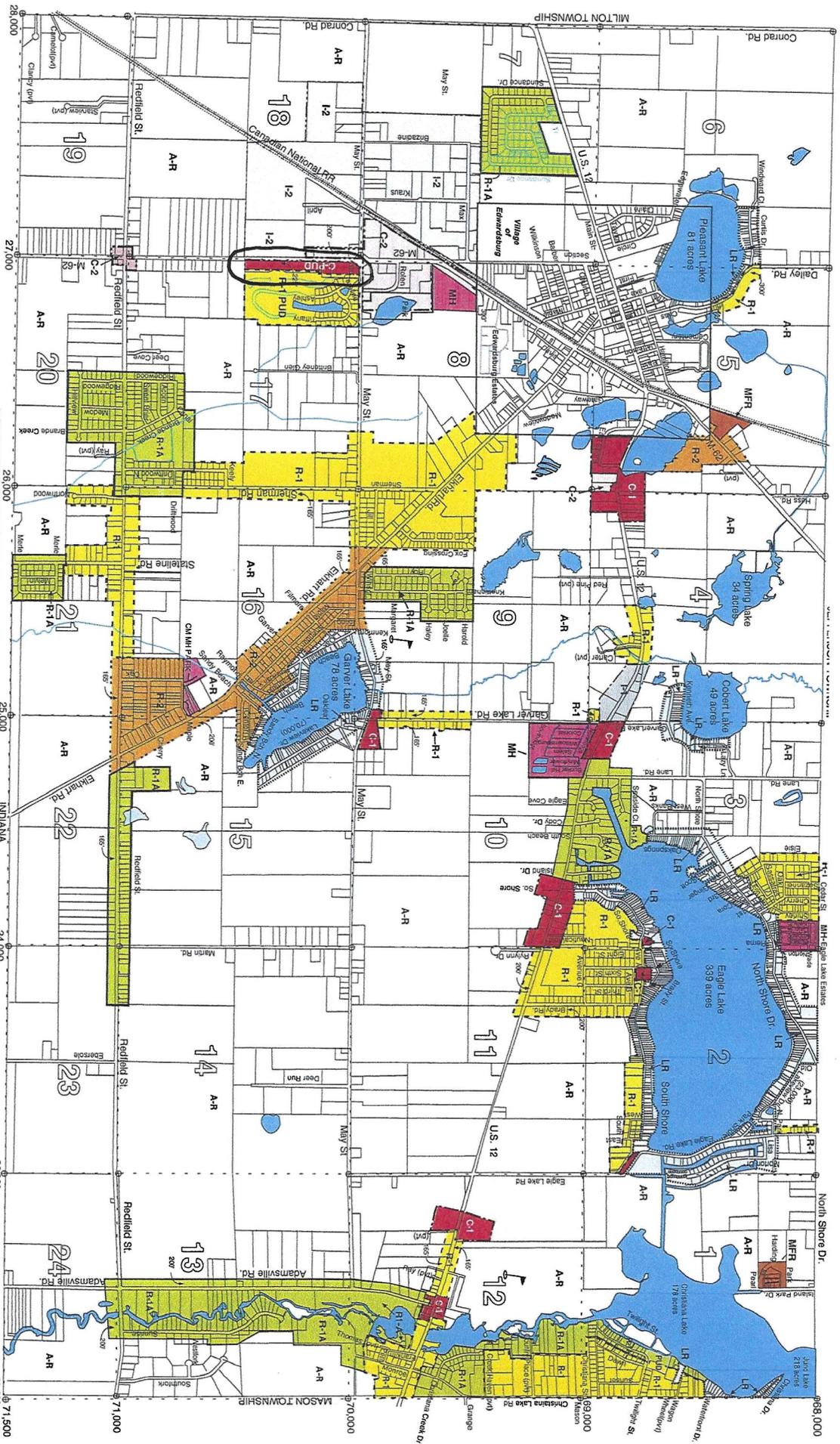
All usages of the building will meet the guidelinees of the township, and State as far as all safety regulations and permitted activities and events.

E. The special land use shall not place demands on public services and facilities in excess of current capacity. As per the fire marshall regulations we will not exceed any and all capacities or requirements.

ZONING MAP
ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN
 ADOPTED DECEMBER 1986
 LAST REVISED: AUGUST 2017

| Minimum | Agricultural A-R | Residential R-1A | Residential R-1 | Residential LR | Residential R-2 | MH MH | Multi-Family MFR | Commercial C-1 | Commercial C-2 | Light Industrial I-1 | Heavy Industrial I-2 |
|------------|---------------------|---------------------|--------------------|-------------------|--------------------|----------|---------------------|-------------------|-------------------|----------------------------|----------------------------|
| Lot Area | 60,000 | 20,000 | 15,000 | 12,000 | 12,000 | - | 43,560 | 80 | 80 | 21,780 | 21,780 |
| Lot Width | 200 | 125 | 100 | 80 | 80 | - | 125 | 80 | 80 | 150 | 150 |
| (Sewer) | (48,000) | (16,000) | (12,000) | (9,600) | (9,600) | - | (35,000) | 75 | 75 | 150 | 150 |
| Front Yard | 35 | 35 | 35 | 30 | 30 | - | 35 | 25 | 25 | 35 | 35 |
| Side Yard | 20 | 20 | 13 | 10 | 10 | - | 20 | 20 | 20 | 20 | 20 |
| Rear Yard | 30 | 30 | 30 | 30 | 30 | - | 30 | 20 | 20 | 25 | 25 |
| Floor Area | 1000 | 1500 | 1200 | 1000 | 1000 | - | - | - | - | - | - |

MAINTAINED BY TOWNSHIP ENGINEER - 5656



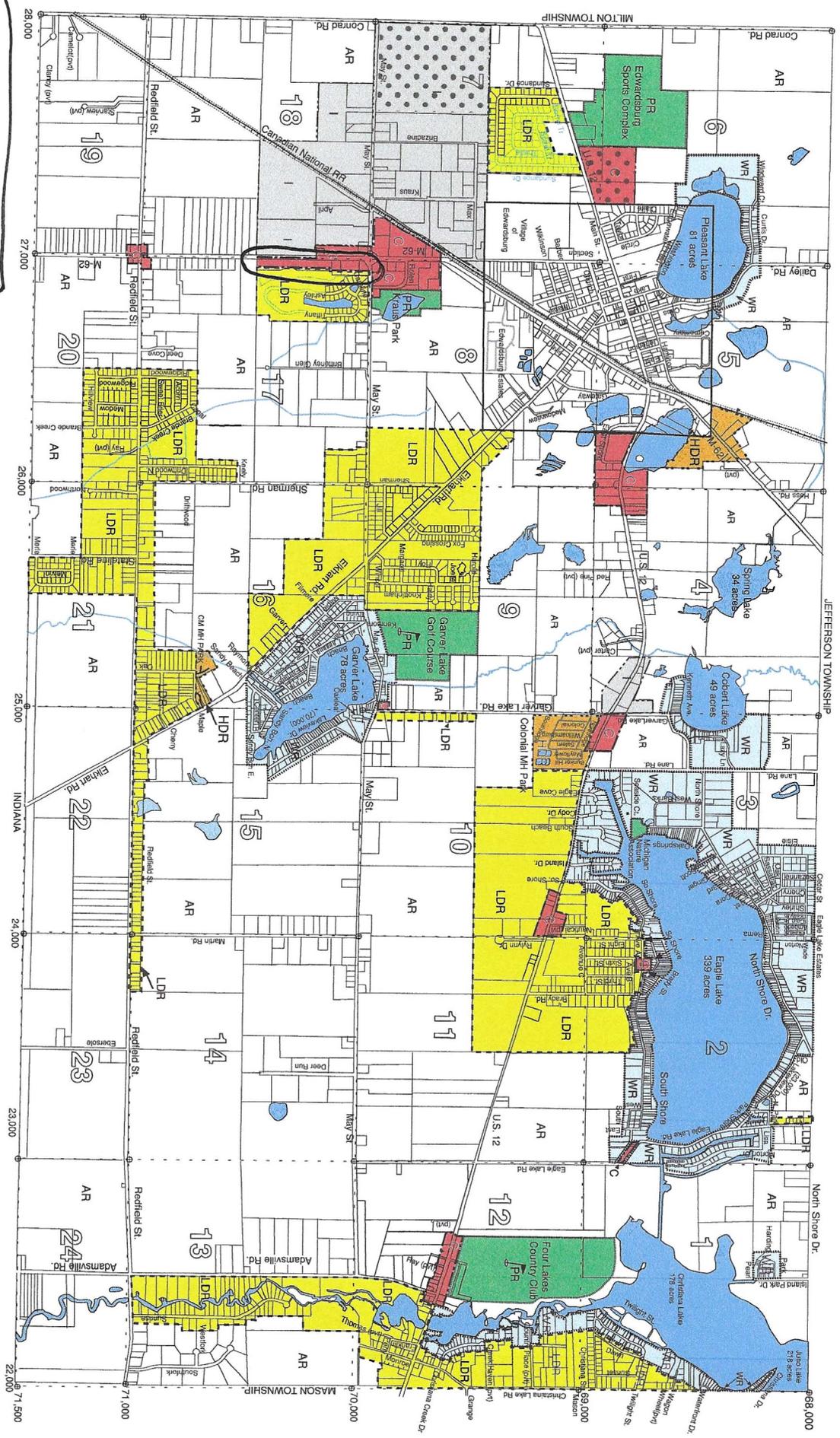
ONTWA
TOWNSHIP

**FUTURE LAND USE PLAN
ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN**

DRAFT (MAY 2017)
LAST REVISED: MAY 2017

-  Agricultural Residential (AR)
-  Low-Density Residential (LDR)
-  High-Density Residential (HDR)
-  Waterfront Residential (WR)
-  Commercial (C)
-  Parks and Recreation (PR)

-  Industrial (I)



MEMORANDUM

To: Ontwa Township Planning Commission
Date: May 29, 2024
From: Andy Moore, AICP
RE: **Trinity Bible Church – Special Land Use and Preliminary Site Plan Review**

Trinity Bible Church of Edwardsburg has submitted applications for special land use approval and preliminary site plan review for the development of a 6,600-square-foot church with associated improvements located on the east side of M-62 south of May Street. The purpose of this memorandum is to evaluate the requests pursuant to applicable provisions of the Ontwa Township Zoning Ordinance.

Background. The site consists of two parcels with a combined area of approximately 4.9 acres. The subject property appears to be zoned C-1 PUD. However, the Township was unable to locate any records of a PUD that was approved for the property in the past. Section 15.05(a)(10) specifically permits churches as a part of a PUD, and churches are permitted as a special land use in the C-1 district. Further, if the property were part of a commercial PUD, the PUD was never developed. Section 15.14(c) of the Zoning Ordinance provides the PUDs must be under construction within one year of approval. If no development has occurred and no extensions granted then the PUD is considered invalid and void.

While official records are unclear it appears that the site has likely been zoned as a PUD since the mid-2000s. Since no development has occurred on the site, it is our opinion that any PUD that was approved for this property is no longer valid. Thus, the Planning Commission may treat this property as one zoned C-1 and process the application in accordance with the applicable zoning requirements for properties zoned C-1. For future reference and to provide an abundance of clarity, the Planning Commission (or applicant) should consider initiating a zoning map amendment to zone the property C-1, and formally remove its PUD designation.

Process. The applicants are seeking special land use approval and *preliminary* site plan review at this time. It is our understanding that the applicants seek approval of the proposed land use (a church) prior to undertaking the extensive work (and expense) that is required to develop a fully engineered site plan. If the Planning Commission is agreeable to this, and if it finds that applicable special land use standards have been met, it may approve the special land use request contingent upon the Planning Commission's approval of a final site plan (and any other conditions deemed appropriate).

PRELIMINARY SITE PLAN COMMENTS

Section 16.04 of the Zoning Ordinance sets forth requirements for preliminary site plan review. The purpose of this preliminary review “is to allow discussion between the applicant and the Planning Commission to better inform the applicant of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.” The applicant submitted a site plan prepared by JPR which contains the information required for preliminary plans in Section 16.04(a-d). Our comments on the preliminary plan are as follows:

Layout and Dimensional Requirements. The subject property and building shown on the preliminary plans meet the dimensional requirements for the C-1 district. We are not sure of the proposed building height; the C-1 district limits building height to 35 feet. Further, churches are required to have all primary ingress and egress from churches directly onto a major thoroughfare.” This standard would be met.

Landscaping. A landscaping plan was not provided (nor was one required). The C-1 district standards do not contain landscaping requirements, but the C-2 district (see Section 11A05(e)) states that “wherever a commercial use abuts any R-1A, R-2, L-R, R-3 or M-H zoning district, an obscuring fence or greenbelt shall be provided and maintained according to the following guidelines.” While it is debatable whether this provision would apply to this site, the applicant is nevertheless encouraged to provide landscaping that is reasonably compatible with the standards of 11A.05(e).

Further, Section 17.03(c)(1) states that “Parking areas shall be effectively screened on any side which adjoins premises situated in a Residential Zone by a screening of evergreen hedge or other natural landscaping. If owners of adjacent residential properties have no objection, this screening may be a solid, uniformly painted fence or wall.” This will need to be addressed in the final site plan.

Site Lighting. Site lighting was not addressed (nor was it required to be). Parking lot and building lights should be limited in height to approximately 20 feet and be arranged to reflect the light away from any adjoining residential building, zone, or streets.

Parking. Parking space dimensions are required to be 180 square feet (typically 9’x20’ or 10”x18”). The Zoning Ordinance does not prescribe specific parking minimums. 103 spaces are proposed on the preliminary plan with an expansion along the southern boundary capable to adding another 20. Based on our review of the information and relevant technical manuals, it appears that the amount of parking provided is sufficient.

Driveways and Access. One driveway to the site from M-62 is proposed. An MDOR permit will be required. From a zoning perspective, we have no concerns with the proposed driveway

Signage. A sign has not been shown (nor was it required to be). Section 19.04(a) limits the overall sign area for the property to 100 square feet, which we interpret to mean the *cumulative* total of all freestanding signage and building-mounted signage (exclusive of incidental signs such as directional signage and the like). A ground sign is preferred here, but a taller freestanding sign could also be placed, provided it does not exceed 45 feet in height.

PRELIMINARY SITE PLAN CONSIDERATIONS

The Zoning Ordinance requires that the Planning Commission review the preliminary site plan and make recommendations to the applicant based on the purposes, objectives, and requirements of this Ordinance and, specifically, the following considerations when applicable. These should be discussed and any needed direction should be provided to the applicant.

- (a) Ingress and egress to property and proposed structures thereon, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow, and control and access in case of fire, catastrophe, or emergency.
- (b) Off-street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
- (c) Sewer, water, storm drainage, and soil erosion, with reference to location, availability, and compatibility. (amended 6/13/16)
- (d) Screening and buffering, with reference to type, dimensions, and character.
- (e) Signs, if any, and their proposed lighting, relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.
- (f) Required yards.
- (g) General compatibility with adjacent properties.
- (h) The general purposes and spirit of this Ordinance and the Goal Formulation Plan of the Township.

SPECIAL LAND USE REVIEW

Section 14.03 of the Zoning Ordinance requires that the Planning Commission shall review the particular circumstances of the special land use application under consideration in terms of the following standards and shall approve a special land use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.

1. The special land use requested is permitted as a special land use in the zoning district in which the property is located, or the Planning Commission has made a determination as provided in Section 3.28, Unclassified Uses, of this Ordinance.

Remarks: Churches are a special land use in the C-1 district under Section 11.02 of the Zoning Ordinance. This standard is met.

2. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

Remarks: The property is bounded by vacant land to the north, a small farmhouse to the south, a residential subdivision to the east, and an industrial operation (North American Forest Products) to the west across M-62. The entire project is located on the northerly of the two parcels and significant land use impacts seem unlikely. The Planning Commission may require screening to the east and south where there exists residential development.

3. The special land use shall not change the essential character of the surrounding area.

Remarks: The property is currently farmland. The elimination of this farmland to build a church will change the character of the land, but the property is zoned to accommodate commercial development. Further, land opposite the project is industrial, so the eventual development of additional land in this area of the community was bound to occur eventually. The Commission should discuss with the applicant the range of uses and activities that will be occurring in the church to better understand its impact. Churches sometimes include day care facilities, schools, parks, offices, and related uses, but not always. If there are concerns about the intensity of the uses proposed here, the Commission should discuss them with the applicant.

4. The special land use shall not be hazardous to adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, odors, or glare.

Remarks: Churches tend not to be hazardous to adjacent properties, although as discussed above, the range of uses envisioned for this property is unknown. This should be discussed. We do not expect that the use will be hazardous to adjacent property or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, odors, or glare.

5. The special land use shall not place demands on public services and facilities in excess of current capacity.

Remarks: Churches tend to be lower-intensity land uses that do not place a large demand on public facilities and services. While traffic and activity on the site will be occasionally very busy, most of the time activity on the site will be minimal.

CONCLUSION AND RECOMMENDATION

At the June 5 meeting, the Planning Commission should carefully consider the application and listen to comments from the applicant and the public. As noted above, the applicant is seeking special land use approval *without* final site plan approval. If the Planning Commission is

agreeable to this, and if it finds that applicable special land use standards have been met, it may approve the special land use request contingent upon the Planning Commission's approval of a final site plan (and any other conditions deemed appropriate).

In this scenario, the Planning Commission should make a motion to approve the special land use contingent upon the applicant obtaining final site plan approval, and subject to any further conditions deemed necessary.

A motion is not needed for the preliminary site plan, as this is more of an informal discussion that allows the Planning Commission to offer feedback to the applicant. However, the Planning Commission should ensure that its comments and/or concerns are clearly communicated to the applicant so they have adequate direction to proceed with a final site plan that can be acted upon at a subsequent meeting.

As always, feel free to contact me if there are any questions.



**CASS COUNTY
PLANNING COMMISSION**

EDDIE'S MARKET - REZONING

CHECKLIST ✓

Dear Local Government Official:

When you send the Cass County Planning Commission material for their review, please use the attached checklist, and include it with the other documents that you submit. Thank you.

- Signed cover letter requesting review and summarizing the process which has already occurred.
- Copy of the public hearing minutes.
- Copy of section of Township Land Use Plan that applies to/supports action.
- Copy of section of zoning ordinance, including amendments or supplements, which apply to/support action.
- For an initial zoning ordinance: 8 copies on loan with map(s).
- For text changes (amendments or supplements): those portions affected or a comprehensive summary of the changes and, if affected, the map.
- For petitions for rezoning, a copy of the petition with the map(s) showing zoning of adjoining properties within 300 ft. for which action was taken and the parcel(s) of consideration and roads need to be clearly identified and labeled. If not included on the petition, the cover letter should indicate acreage, existing zoning, requested zoning, existing use and proposed use. *TOTAL 35+ acres 3 parcels*
- Does the action taken by the ^{Plan Commission} Township concur with the Township Ordinance, Zoning Map and/or Land Use Master Plan for that property? If not, is the request eligible for Zoning Board of Appeals action?
- If any provision of public services is or will be involved, include correspondence from the affected unit expressing its awareness. *NONE PROVIDED BY APPLICANT.*

IT IS RECOMMENDED THAT A MEMBER OF THE PLANNING COMMISSION ATTEND THE COUNTY PLANNING COMMISSION MEETING TO FURTHER EXPLAIN THE REQUEST AND TO ANSWER QUESTIONS.

Date: June 17, 2024

Signed: [Signature]

ONTWA

TOWNSHIP Ontwa Township Cass County Michigan

www.ontwatwp.org • 26225 U.S. 12 • P. O. Box 209 • Edwardsburg, MI 49112 • Fax: (269) 663-0072 • Phone: (269) 663-2347

June 17, 2024

To: Cass County Planning Commission

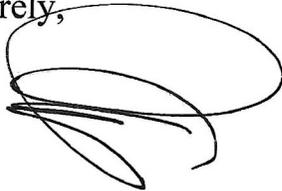
From: Ontwa Township Planning Commission

Re: Rezoning Request – Eddies’ Market Rezoning

Please review the attached action of the Ontwa Township Planning Commission regarding the rezoning request from the attached applicant. I have attached the checklist of requirements for your information.

If additional information is required, please feel free to call me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Seanor". The signature is written in a cursive style with a large loop at the top and a horizontal line across the middle.

Sandra Seanor, Member
Ontwa Township Planning Commission

Cc: Dawn Bolock, Zoning Administrator
Ontwa Township

PLANNING COMMISSION DRAFT MINUTES
WEDNESDAY June 5th, 2024 @ 7:50 PM

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

Members Absent: None

Chairman Marbach called the meeting of the Ontwa Township Planning Commission to order at 7:50pm

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

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

Agenda: Chairman Marbach asked if there were any changes, corrections or additions to the agenda as presented. Motion to approve agenda by Don DeLong, second by Todd Haberland. All in favor, motion carried.

Approval of April 3, 2024 Minutes: Chairman Marbach asked for questions or corrections. Sandra Seanor made motion to approve minutes, Second by Meryl Christensen. All in favor. Motion carried.

Land Divisions: No land divisions.

New Business:

- a. **Trinity Church of Edwardsburg** – Chairman Marbach asked for additional comments. After further discussion, Sandra Seanor said, based on my review of the Williams & Works Planner’s written review and my review of section 14.03 (a through c) in the Ontwa Township Zoning Ordinance, I make a motion to approve the applicants special land use request contingent upon the Planning Commission’s approval of a final site plan, second by Don DeLong. On a roll call vote, the motion was approved. 9 ayes, Shane Szalai, Sandra Seanor, Richard Gates, Todd Haberland, Bill Mahaney, Don DeLong, Mike Mroczek, Meryl Christensen and Christ Marbach. 0 nays

- b. **Eddie’s Market Rezoning** – Chairman Marbach asked for additional comments. After much discussion, Todd Haberland made a motion to table and review, second by Mike Mroczek. Before a call for the vote, a withdrawal of the motion and a new motion replaced motion. Discussion about the unlimited time frame being the most prevalent, Ms. Palacios had a discussion with her client Mr. Shier and came back with a 10-year time frame to complete. A motion was made by Richard Gates to recommend approving C-2 rezone based on section 22.04 from Williams & Works and the revised provisions from attorney Ms. Emily Palacios from Miller Johnson. Second by Bill Mahaney. On a roll call vote, the motion was approved. 5 ayes, Chris Marbach, Richard Gates, Todd Haberland, Bill Mahaney, Mike Mroczek. 4 nays, Shane Szalai, Sandra Seanor, Don DeLong, Meryl Christensen.

Old Business: No Old Business

Committee Reports: Sandra Seanor stated the Zoning Ordinance Review Committee will be meeting to go over consistency in terminology of Ordinances around June 25th.

Building Report – Building Permit Reports were passed for April and May of 2024.

Master Plan Update: A Master Plan Update will be given in July.

Public Comment: Jason Gast addressed the board about roosters being prohibited and asked about a change in the ordinance to allow him to have a rooster. Kevin Bailey addressed the board about a zoning variance that was denied and asked about a special use permit. Cheryl White addressed the board about a property variance, talked to the board about a letter she received from the township. Jeff VanBelle talked about the County Stormwater standards, talked about rezoning and the fact that there needs to be a buffer towards back of the project.

Announcements: None

Adjourn Meeting: Chairman Marbach made a motion to adjourn the meeting, second by Todd Haberland, meeting adjourned at 9:12pm.

Respectfully submitted:

Tina VanBelle,
Recording Secretary

SECTION I. Zoning Map Amendment

- 1. Street Address and/or Location of Request: 27398 US 12 W
- 2. Parcel Identification Number (Tax I.D. No.): # 14-090-007-001-01, 14-090-006-015-04, 14-090-006-015-05
- 3. Applicant's Name: Brian Shier/Eddies Market Park Phone Number (269) 259-9900
 Address: 27398 US 12 W. Edwardsburg Michigan 49112
Street City State Zip
 Fax Number: NA Email Address: brian@shierhomes.com
- 4. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder
- 5. Applicant is being represented by: Emily Palacios Phone Number 734-672-6934
 Address: 100 West Michigan Avenue, Suite 200, Kalamazoo, MI 49007-3960
- 6. Present Zoning of Parcel A-R Present Use of Parcel Single Family Residence & Vacant
- 7. Master Plan Future Land Use Designation: C, Commercial
- 8. Please use the lines below to state the request and the reason(s) for the request:
(attach additional materials if needed)
The applicant voluntarily proposes the following conditions of the rezoning:
1. Uses permitted on the property be limited to all uses permitted by right in the C-2 district with the exception of contractor's showrooms, technical or vocational schools, funeral homes, and indoor theaters, and all special land uses permitted in the C-2 district with the exception of churches, auto service or gas stations, new or used auto/truck/boat/RV sales, car washes, and adult entertainment businesses of any kind.
2. The rezoning to run with the land without being subject to reversion.

The facts presented above and on the following page(s) are true and correct to the best of my knowledge.

Signature: [Signature] Date: March 26, 2024

Type or Print Your Name Here: Brian Shier

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. I further agree to permit members of the Planning Commission, Township Board, and other authorized Township officials to enter the above-mentioned property.

[Signature] Owner Date: 3-26-2024

In accordance with Section 22.02 of the Ordinance, each petition for a map amendment must include the following:
(attach additional materials if needed)

A. A fully dimensioned map showing the land which would be affected by the proposed amendment, including the zoning district of all abutting lands, and all public and private rights-of-ways and easements bounding and intersecting the land to be rezoned.

B. The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.

The zoning of the property is not consistent with the Future Land Use Plan for Ontwa Township.

The Future Land Use Plan identifies commercial as the desired use for the property.

The specific desired uses contemplated by the plan includes retail, services, professional offices and restaurants

A conditional rezoning to C-2 would correct the inconsistency and allow for the uses contemplated by the plan.

C. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

By designating the property for commercial use, the Planning Commission has signaled that a change in zoning is necessary and desirable to promote the general welfare of township residents, including their need for local services, shopping, and dining.

D. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

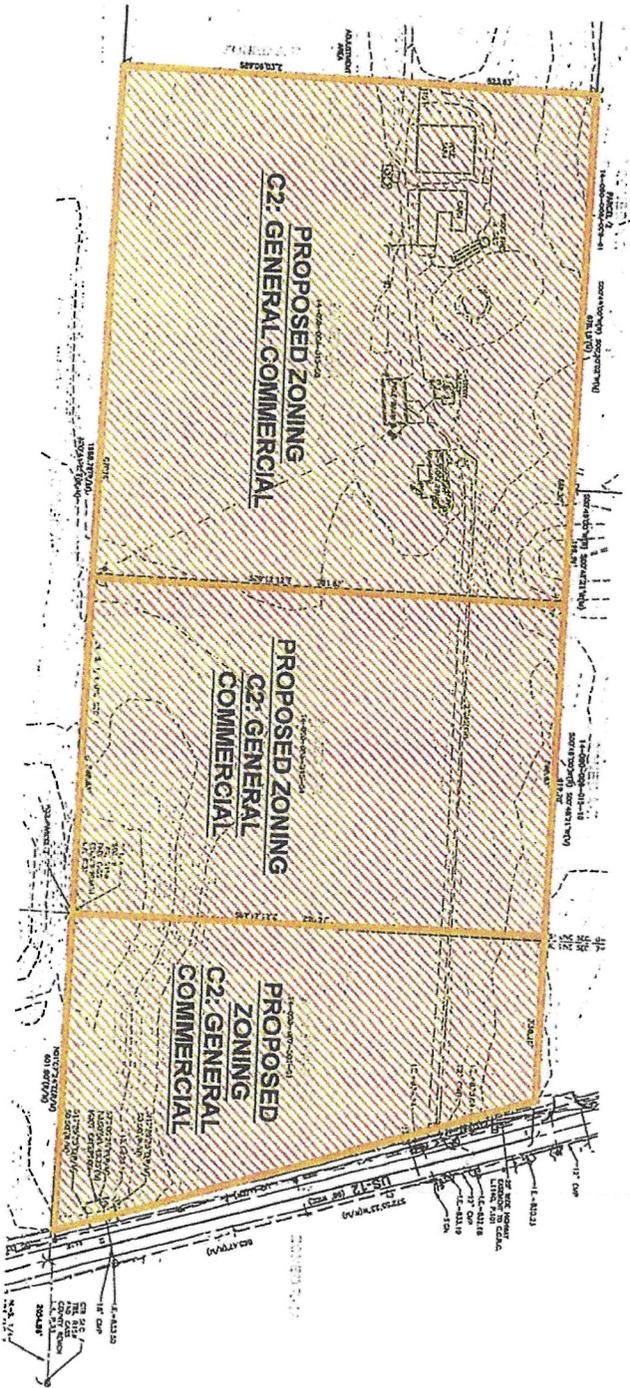
The Zoning Plan component of the Future Land Use Plan identifies as C-2 zoning district as a district that is compatible with the plan's commercial land use designation. The rezoning will not encroach residential or agricultural areas. The property is abutted to the west by a large sports complex that features multiple sports fields.

The sports complex regularly hosts tournaments that attract hundreds of participants and spectators and is the home field for many athletic leagues active in the region.

The property is abutted to the east by a large church facility. To the south is a large public school complex and a residential subdivision that is being built-out.

REZONING FIGURE

27398 US-12, ONTWA TOWNSHIP, CASS COUNTY, MICHIGAN





 2 WORKING DAYS BEFORE YOU DIG
 CALL MISS DIG
 1-800-487-3877

UTILITIES TO BE SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM RECORD DRAWINGS. THE EXACT LOCATION AND DEPTH OF UTILITIES IS NOT GUARANTEED. THE EXACT LOCATION AND DEPTH OF UTILITIES IS NOT GUARANTEED. THE EXACT LOCATION AND DEPTH OF UTILITIES IS NOT GUARANTEED.

| | | | | |
|------------------------------|--|---|--|------------------------|
| C2 REZONING FIGURE | PROJECT NUMBER 21-001 | EDDIES MARKET PARK LLC EDWARDSBURG, MI | REVISIONS | DATE |
| | SURVEYED BY ALB 12/21 DESIGNED BY DAC 12/21 DRAFTED BY JWS 11/20 CHECKED BY 11/20 | EDDIES MARKET PARK ONTWA TOWNSHIP, CASS COUNTY, MICHIGAN | NO. 1 ISSUED FOR L. PLANNING APPLICATION E. REVISED REZONING APPLICATION | 12/2/2021 4/25/2021 |


 2021 3115b-06.14W
 Webster, MI 48554
 Ph. 616-301-7660
 www.LREMI.com

ARTICLE XIA

GENERAL COMMERCIAL DISTRICT "C-2" (amended 8/14/17)

SECTION 11A.01. DESCRIPTION AND PURPOSE.

The intent of the C-2 General Commercial District is to provide suitable locations for a variety of retail, service, and office uses, including more intensive commercial uses not permitted in the C-1 District and which may be incompatible with pedestrian movement. The district is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire Township as well as areas beyond the Township limits.

It is the intent of this district to encourage the consolidation of permitted uses so as to avoid strip commercial development and lessen traffic congestion by reducing the number of commercial driveways opening onto major streets. Because of the variety of business types permitted in this district, attention must be focused on site layout, vehicular circulation, and coordination of site features between adjoining sites. The design of commercial facilities should be compatible with surrounding development. This district should be so located as not to encroach upon any residential, agricultural, or rural preserve areas.

SECTION 11A.02. USE REGULATIONS. In C-2 Districts, no uses shall be permitted except the following:

Permitted Land Uses

- Permitted Land Uses in Section 11.02
- Contractor's showrooms, subject to Section 11A.04(a).
- Technical or vocational schools
- Hotels/motels
- Funeral homes, subject to Section 11.03(b)
- Private clubs, lodges, banquet halls, and fraternal organizations
- Indoor theaters
- Indoor recreation, subject to Section 11A.04(c)
- Financial institutions with drive-thru
- Office supplies and service stores
- Professional studios
- Self-service storage facilities

Special Land Uses

- Special Land Uses in Section 11.02
- Gas stations, subject to Section 11A.04(d)
- Auto, truck, boat and RV sales, subject to Section 11A.04(e)
- Car washes, subject to Section 11A.04(f)
- Drive through restaurants, subject to Section 11.04A(g)
- Outdoor or open air businesses, subject to Section 11.04A(h)
- Outdoor recreation uses, subject to Section 11.04A(i)
- Educational or health related institutions, subject to Section 11A.04(j)
- Veterinary clinics, subject to Section 11A.04(k)
- Adult businesses, subject to Section 11A.04(l)

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

**MINUTES FOR PLANNING COMMISSION HELD ON
WEDNESDAY
November 2, 2022 @ 7:00 PM**

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

Members Absent: Shane Szalai, William Mahaney

The Planning Commission meeting was called to order by Chairman Marbach at 7:04pm.

Pledge of Allegiance: Chairman Marbach led the Pledge of Allegiance

Agenda approval: Chairman Marbach welcomed the members and audience. Dawn Bolock requested an addition to the agenda under item 6 b. Master Plan – Village. Chairman Marbach then asked for a motion to approve the agenda as amended. A motion was made by Mike Mroczek seconded by Don DeLong. Motion carried with all in favor. None opposed.

Approval of Past Minutes: Chairman Marbach called for approval of the minutes from the Planning Commission meeting of 10/05/2022. Motion made by Mike Mroczek to approve the seconded by Dawn Bolock. Motion carried with all in favor. None opposed.

Land Division/New Business: The Eddie's Market representative was not present. A discussion began and questions regarding whether the Assessor had signed off on the split or if staff had verified the number of splits available, and whether or not the paid tax receipts had been provided, further noting that non had been received according the the Zoning Administrator. It was noted that the applicant would be there to address the questions in 5-10 minutes.

Chairman Marbach asked to move to the Land Division until the Eddie's Markets representative arrives and therefore move on to Eagle Ridge. Note: correction to final

Land Division - Eagle Ridge: The Land Division has been adjusted so that the division no longer crosses a section line, which is not allowed by the County. The Land Division lines were moved to isolate the requested divisions south of the east-west section line per the County requirements. A motion was made by Mike Mroczek to approve the Land Division, seconded by Richard Gates. Motion carried with no opposed.

Committee Reports: The applicant for the Eddies Market Land Division was still not available so Chairman Marbach asked for a Zoning Review Committee Report. Sandra Seanor addressed the group noting that the 3 packets had been distributed to the Planning Commission. She noted that they should be marked Draft Not for Publication as they are not finalized. The Solar Ordinance has been completed after extensive review and input from several sources with the help of our Planner. Please send your questions to the Zoning Review Committee well in advance of our public meeting in December. Additionally, several changes to the Zoning Ordinance are listed in the second document for your review. This will also be submitted for public hearing at the December meeting.

Lastly, there is a two-page synopsis of comments regarding the need for clarifications to the Master Plan, Site Condo, Subdivision and PUD ordinances. These comments are a compilation of comments made previously from PC members and others. They are not in final form and are being researched by our Planner. We anticipate these recommendations to be reviewed during the first of 2023.

✿ **Land Division/New Business:** The Eddie's Market representative came into the meeting. Noted that he is increasing the commercial area based on this land division request. Some discussion occurred regarding that they are limited to only one US12 driveway access. Mr. Shier was not clear regarding the easement for the gravel road, when Chairman Marbach asked about easement usage.

Dawn Bolock made a motion to approve the land division request subject to the applicant providing the required paid property tax receipts, sign off from the Assessor, and verification that the land splits are available for this parcel, seconded by Don Delong. Motion carried with all in favor. None opposed.

Special Land Use: Chairman noted that this was posted as a public hearing but that no site plan had been requested or provided, which is required. That said, he noted that the Planning Commission could not grant a Special Land Use without a completed application and site plan. He noted that the PC could take comments from the public and petitioner but that the site plan had to be complete and could be reviewed and acted upon in the December meeting.

The applicant Dr. Christopher Payton DVM provided information about the Veterinary Clinic he is proposing on the land on M62. He described his services and noted his many service in the veterinary business. Seven constituents spoke in favor of the Dr. Payton's practice, ethics and competencies. They included Jim Parrish, Realtor with Coldwell Banker, Christine Colbert – 2665 Main St., Edwardsburg, Ryan Markel – 67013 Dailey Rd, Edwardsburg, John Anderstrom 79915 Driftwood Dr., Lori Mroczek, Park Shore, Edwardsburg, Dave Martin Niles, MI, Ryan Loving 2225 Portage Rd, Nile MI.

Applicant re addressed the Commission and summed up his presentation. Chairman Marbach again reiterated to the Zoning Administrator that the this would have to be re-noticed in the paper for the December meeting. Some discussion occurred and a motion to table the application until the following meeting was made by Secretary Seanor, seconded by Mike Mroczek All were in favor, no opposed. Motion past.

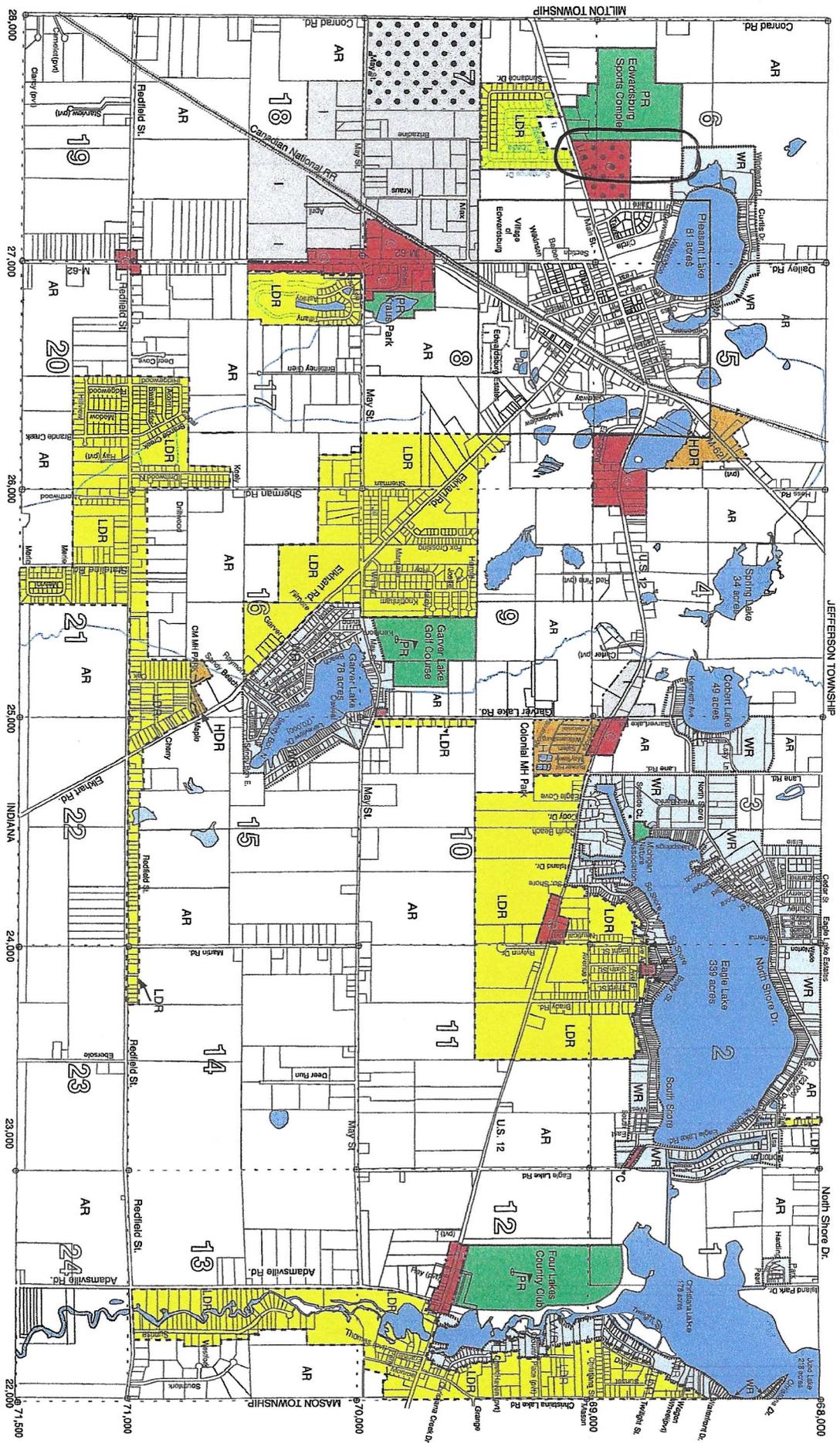
Old Business: Sec. Seanor provided the update regarding the Master Plan with Andy Moore and Wm and Works leading the effort. In addition, there will be a 4-pronged Public Information Open House Monday, November 14, 2022 from 4 pm to 6 pm. The Open House will offer information and answer questions regarding updates for the Elkhart Road Trail Project, The Master Plan Update, The Claire St/Section St connector path and traffic signal crossing at Section St., and an Update of activities from the Edwardsburg Sports Complex. Handouts are available to all. Refreshments will be available.

Dawn Bolock spoke regarding Edwardsburg Village's interest in being included as part of the Ontwa Township Master Plan Update. She asked for the Planning Commission's vote support for the Village joining in with the Township Master Plan effort. Dawn also noted that Dennis Peak had let her know that the Village wanted to go together with the Township. Dawn made the motion to include the Village of Edwardsburg (at Edwardsburg's expense) in the Township Master Plan Update, seconded by Richard Gates.

Chris Marbach asked if there was any public comment. Hearing none He adjourned the meeting.

FUTURE LAND USE PLAN
ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN
 DRAFT (MAY 2017)
 LAST REVISED: MAY 2017

-  Agricultural Residential (AR)
-  Low-Density Residential (LDR)
-  High-Density Residential (HDR)
-  Waterfront Residential (WR)
-  Commercial (C)
-  Industrial (I)
-  Parks and Recreation (PR)

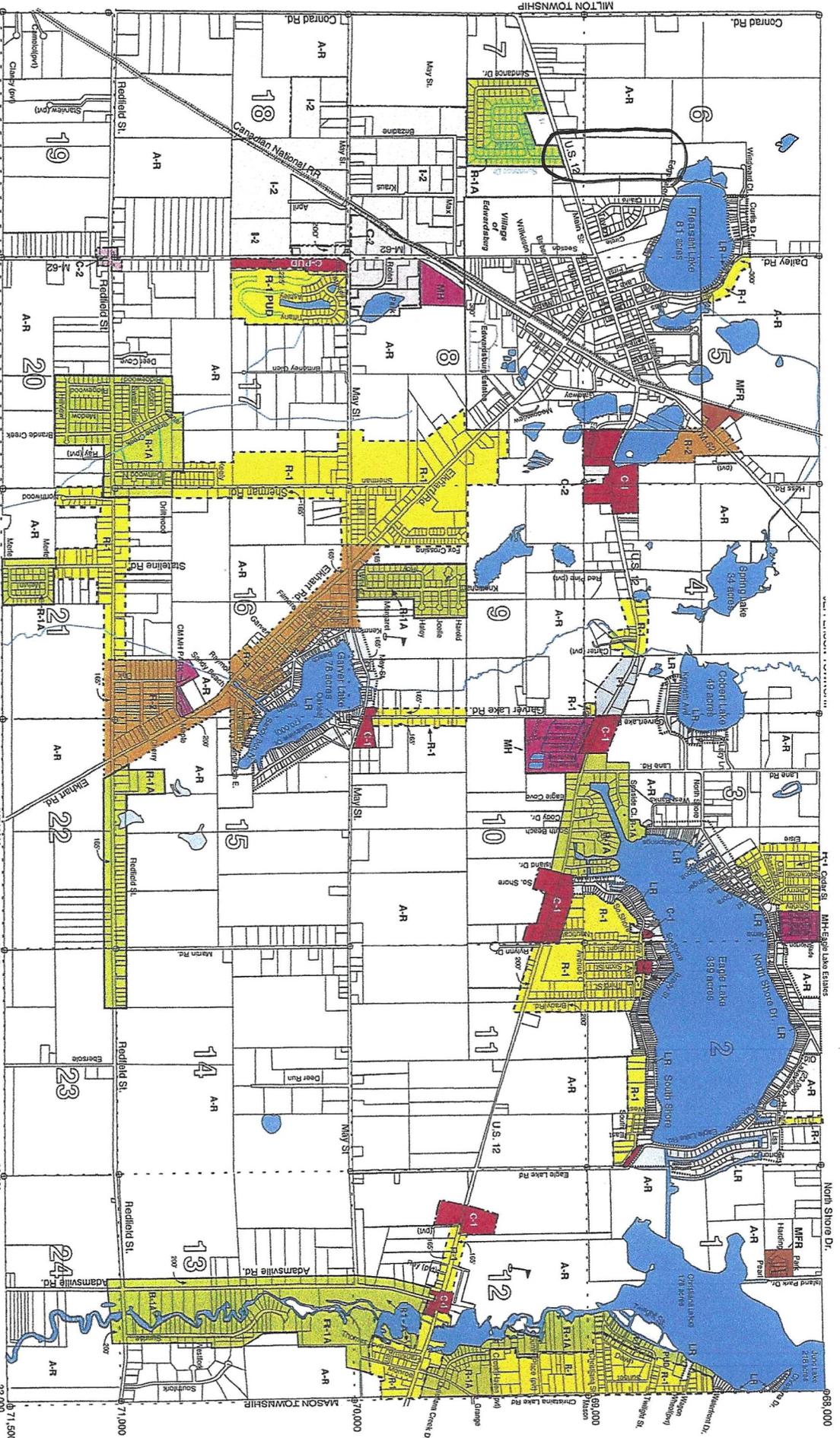


**ZONING MAP
ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN**

ADOPTED DECEMBER 1996
LAST REVISED: AUGUST 2017

| Minimum | 60,000 | 20,000 | 15,000 | 12,000 | 12,000 | 12,000 | 40,580 | 80 | 80 | 21,780 | 21,780 |
|--------------------|----------|----------|----------|---------|---------|---------|----------|----|----|----------|----------|
| Lot Area | 60,000 | 20,000 | 15,000 | 12,000 | 12,000 | 12,000 | 40,580 | 80 | 80 | 21,780 | 21,780 |
| Lot Width | 200 | 125 | 100 | 80 | 80 | 80 | 132,000 | 75 | 75 | 150 | 150 |
| Front Yard (sewer) | (48,000) | (16,000) | (12,000) | (9,600) | (9,600) | (9,600) | (32,000) | 35 | 35 | (19,000) | (18,000) |
| Front Yard | 25 | 25 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 35 | 35 |
| Side Yard | 20 | 20 | 20 | 10 | 10 | 10 | 20 | 20 | 20 | 20 | 20 |
| Rear Yard | 20 | 20 | 20 | 30 | 30 | 30 | 30 | 20 | 20 | 25 | 25 |
| Front Area | 1000 | 1500 | 1200 | 1000 | 1000 | 1000 | | | | | |

MAYNARD/CITY ENGINEER - 3626



**ONTWA
TOWNSHIP**

ONTWA

TOWNSHIP Ontwa Township Cass County Michigan

www.ontwatwp.org • 26225 U.S. 12 • P. O. Box 209 • Edwardsburg, MI 49112 • Fax: (269) 663-0072 • Phone: (269) 663-2347

June 17, 2024

To: Cass County Planning Commission

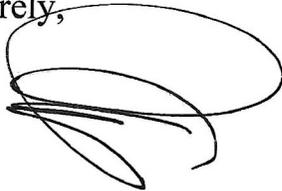
From: Ontwa Township Planning Commission

Re: Rezoning Request – Eddies’ Market Rezoning

Please review the attached action of the Ontwa Township Planning Commission regarding the rezoning request from the attached applicant. I have attached the checklist of requirements for your information.

If additional information is required, please feel free to call me at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to be "Sandra Seanor", written over a horizontal line.

Sandra Seanor, Member
Ontwa Township Planning Commission

Cc: Dawn Bolock, Zoning Administrator
Ontwa Township



**CASS COUNTY
PLANNING COMMISSION**

EDDIE'S MARKET - REZONING

CHECKLIST ✓

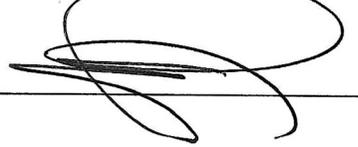
Dear Local Government Official:

When you send the Cass County Planning Commission material for their review, please use the attached checklist, and include it with the other documents that you submit. Thank you.

- Signed cover letter requesting review and summarizing the process which has already occurred.
- Copy of the public hearing minutes.
- Copy of section of Township Land Use Plan that applies to/supports action.
- Copy of section of zoning ordinance, including amendments or supplements, which apply to/support action.
- For an initial zoning ordinance: 8 copies on loan with map(s).
- For text changes (amendments or supplements): those portions affected or a comprehensive summary of the changes and, if affected, the map.
- For petitions for rezoning, a copy of the petition with the map(s) showing zoning of adjoining properties within 300 ft. for which action was taken and the parcel(s) of consideration and roads need to be clearly identified and labeled. If not included on the petition, the cover letter should indicate acreage, existing zoning, requested zoning, existing use and proposed use. *TOTAL 35+ acres 3 parcels*
- Does the action taken by the ^{Plan Commission} ~~Township~~ concur with the Township Ordinance, Zoning Map and/or Land Use Master Plan for that property? If not, is the request eligible for Zoning Board of Appeals action?
- If any provision of public services is or will be involved, include correspondence from the affected unit expressing its awareness. *NONE PROVIDED BY APPLICANT.*

IT IS RECOMMENDED THAT A MEMBER OF THE PLANNING COMMISSION ATTEND THE COUNTY PLANNING COMMISSION MEETING TO FURTHER EXPLAIN THE REQUEST AND TO ANSWER QUESTIONS.

Date: June 17, 2024

Signed: 

Office of Zoning and Code Administration

Dawn Bolock – Administrator

Date: April 23, 2024

Notice is hereby given that a meeting of the Ontwa Township Planning Commission, Cass County, Edwardsburg Michigan is being called for:

(Wednesday) June 5, 2024, at 6:30 PM

PLEASE TAKE NOTE

PURPOSE:

Please take notice that the Ontwa Township Planning Commission will hold A PUBLIC HEARING, for the below named Applicant/Property on June 5, 2024, at 6:30 pm, at the Ontwa Township Hall located at 26225 US 12, Edwardsburg, Michigan. Neighboring property owners and interested parties desiring to present their views on this matter, are given an opportunity to be heard at the above-mentioned time and date.

PROPERTY INVOLVED:

27398 US 12 parcel numbers 14-090-007-001-01, 14-090-006-015-04, 14-090-006-015-05

Eddie's Market Park LLC – Brian Shier

REASON FOR HEARING:

The applicant is requesting a conditional rezoning to C-2 Commercial

Written comments will be received from any interested persons by the Ontwa Township Clerk at the Ontwa Township Hall during regular business hours and may be further received by the Planning Commission during the public hearing. Oral comments will be taken during the hearing.

Ontwa Township will provide necessary and reasonable services to individuals with disabilities at the meeting upon seven (7) day notice to Ontwa Township by writing or calling. Please contact the Ontwa Township Hall at (269) 663-2347 or written requests can be sent to Ontwa Township P O Box 209 Edwardsburg, MI 49112.

Dawn Bolock
Zoning Administration
(269) 663-0072
zoning@ontwatwp.org

**PLANNING COMMISSION
TOWNSHIP OF ONTWA – COUNTY OF CASS
PUBLIC HEARING 6:30 PM
1. Trinity Church
2. Eddie Market**

**AGENDA FOR PLANNING COMMISSION HELD ON
WEDNESDAY
June 5, 2024 @ 7:00 PM**

1. Pledge of Allegiance
2. Agenda Approval
3. Reading Approval of Past Minutes
 - a. Regular Meeting 04-03-2024
4. Land Divisions
5. New Business
 - a. Trinity Church of Edwardsburg
 - b. Eddie Market re zoning
6. Old Business
7. Committee Reports
 - a. Zoning Ordinance Review Committee Report
 - b. Master Plan Update
8. Public Comments
9. Announcements
10. Adjourn Meeting

Cc: Dawn Bolock – Zoning Administrator, Ontwa Township Planning Commission members

PLANNING COMMISSION DRAFT MINUTES
WEDNESDAY June 5th, 2024 @ 7:50 PM

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

Members Absent: None

Chairman Marbach called the meeting of the Ontwa Township Planning Commission to order at 7:50pm

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

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

Agenda: Chairman Marbach asked if there were any changes, corrections or additions to the agenda as presented. Motion to approve agenda by Don DeLong, second by Todd Haberland. All in favor, motion carried.

Approval of April 3, 2024 Minutes: Chairman Marbach asked for questions or corrections. Sandra Seanor made motion to approve minutes, Second by Meryl Christensen. All in favor. Motion carried.

Land Divisions: No land divisions.

New Business:

- a. **Trinity Church of Edwardsburg** – Chairman Marbach asked for additional comments. After further discussion, Sandra Seanor said, based on my review of the Williams & Works Planner’s written review and my review of section 14.03 (a through c) in the Ontwa Township Zoning Ordinance, I make a motion to approve the applicants special land use request contingent upon the Planning Commission’s approval of a final site plan, second by Don DeLong. On a roll call vote, the motion was approved. 9 ayes, Shane Szalai, Sandra Seanor, Richard Gates, Todd Haberland, Bill Mahaney, Don DeLong, Mike Mroczek, Meryl Christensen and Christ Marbach. 0 nays

- b. **Eddie’s Market Rezoning** – Chairman Marbach asked for additional comments. After much discussion, Todd Haberland made a motion to table and review, second by Mike Mroczek. Before a call for the vote, a withdrawal of the motion and a new motion replaced motion. Discussion about the unlimited time frame being the most prevalent, Ms. Palacios had a discussion with her client Mr. Shier and came back with a 10-year time frame to complete. A motion was made by Richard Gates to recommend approving C-2 rezone based on section 22.04 from Williams & Works and the revised provisions from attorney Ms. Emily Palacios from Miller Johnson. Second by Bill Mahaney. On a roll call vote, the motion was approved. 5 ayes, Chris Marbach, Richard Gates, Todd Haberland, Bill Mahaney, Mike Mroczek. 4 nays, Shane Szalai, Sandra Seanor, Don DeLong, Meryl Christensen.

Old Business: No Old Business

Committee Reports: Sandra Seanor stated the Zoning Ordinance Review Committee will be meeting to go over consistency in terminology of Ordinances around June 25th.

Building Report – Building Permit Reports were passed for April and May of 2024.

Master Plan Update: A Master Plan Update will be given in July.

Public Comment: Jason Gast addressed the board about roosters being prohibited and asked about a change in the ordinance to allow him to have a rooster. Kevin Bailey addressed the board about a zoning variance that was denied and asked about a special use permit. Cheryl White addressed the board about a property variance, talked to the board about a letter she received from the township. Jeff VanBelle talked about the County Stormwater standards, talked about rezoning and the fact that there needs to be a buffer towards back of the project.

Announcements: None

Adjourn Meeting: Chairman Marbach made a motion to adjourn the meeting, second by Todd Haberland, meeting adjourned at 9:12pm.

Respectfully submitted:

Tina VanBelle,
Recording Secretary

SECTION I. Zoning Map Amendment

- 1. Street Address and/or Location of Request: 27398 US 12 W
- 2. Parcel Identification Number (Tax I.D. No.): # 14-090-007-001-01, 14-090-006-015-04, 14-090-006-015-05
- 3. Applicant's Name: Brian Shier/Eddies Market Park Phone Number (269) 259-9900
 Address: 27398 US 12 W. Edwardsburg Michigan 49112
Street City State Zip
 Fax Number: NA Email Address: brian@shierhomes.com
- 4. Are You: Property Owner Owner's Agent Contract Purchaser Option Holder
- 5. Applicant is being represented by: Emily Palacios Phone Number 734-672-6934
 Address: 100 West Michigan Avenue, Suite 200, Kalamazoo, MI 49007-3960
- 6. Present Zoning of Parcel A-R Present Use of Parcel Single Family Residence & Vacant
- 7. Master Plan Future Land Use Designation: C, Commercial
- 8. Please use the lines below to state the request and the reason(s) for the request:
(attach additional materials if needed)
The applicant voluntarily proposes the following conditions of the rezoning:
1. Uses permitted on the property be limited to all uses permitted by right in the C-2 district with the exception of contractor's showrooms, technical or vocational schools, funeral homes, and indoor theaters, and all special land uses permitted in the C-2 district with the exception of churches, auto service or gas stations, new or used auto/truck/boat/RV sales, car washes, and adult entertainment businesses of any kind.
2. The rezoning to run with the land without being subject to reversion.

The facts presented above and on the following page(s) are true and correct to the best of my knowledge.

Signature: [Signature] Date: March 26, 2024

Type or Print Your Name Here: Brian Shier

Property Owner Approval: As owner I hereby authorize the submittal of this application and agree to abide by any decision made in response to it. I further agree to permit members of the Planning Commission, Township Board, and other authorized Township officials to enter the above-mentioned property.

[Signature] Owner Date: 3-26-2024

In accordance with Section 22.02 of the Ordinance, each petition for a map amendment must include the following:
(attach additional materials if needed)

A. A fully dimensioned map showing the land which would be affected by the proposed amendment, including the zoning district of all abutting lands, and all public and private rights-of-ways and easements bounding and intersecting the land to be rezoned.

B. The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.

The zoning of the property is not consistent with the Future Land Use Plan for Ontwa Township.

The Future Land Use Plan identifies commercial as the desired use for the property.

The specific desired uses contemplated by the plan includes retail, services, professional offices and restaurants

A conditional rezoning to C-2 would correct the inconsistency and allow for the uses contemplated by the plan.

C. The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

By designating the property for commercial use, the Planning Commission has signaled that a change in zoning is necessary and desirable to promote the general welfare of township residents, including their need for local services, shopping, and dining.

D. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

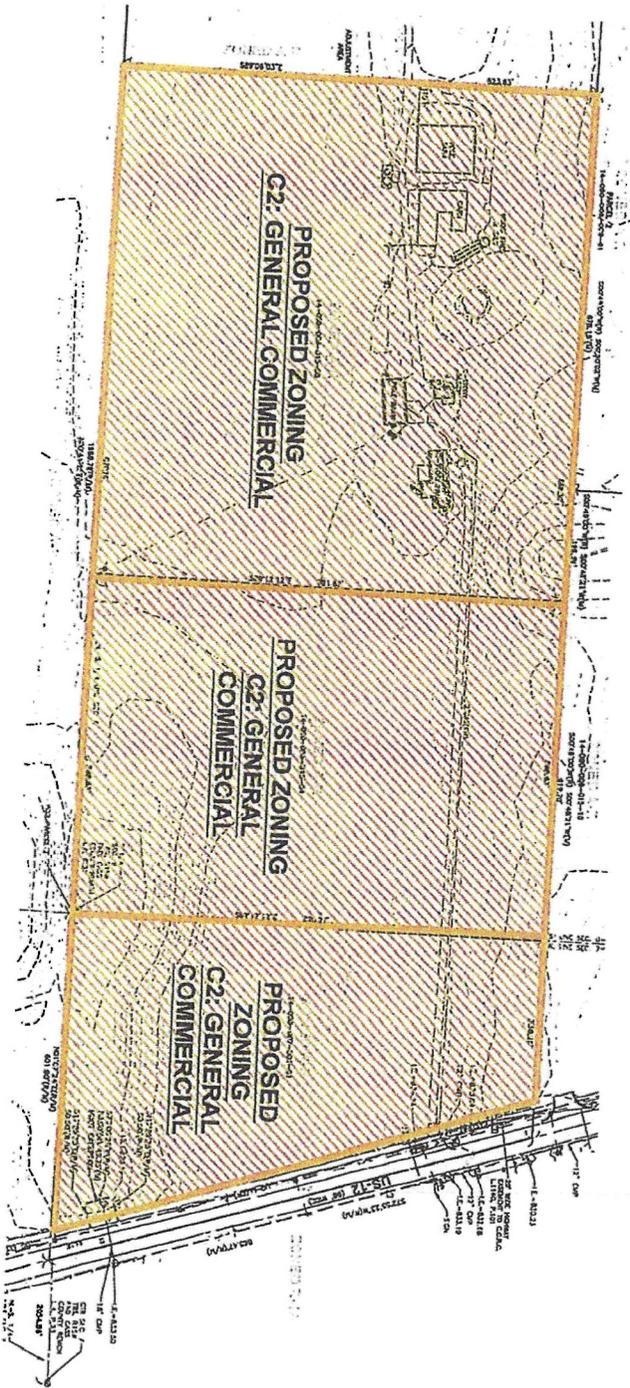
The Zoning Plan component of the Future Land Use Plan identifies as C-2 zoning district as a district that is compatible with the plan's commercial land use designation. The rezoning will not encroach residential or agricultural areas. The property is abutted to the west by a large sports complex that features multiple sports fields.

The sports complex regularly hosts tournaments that attract hundreds of participants and spectators and is the home field for many athletic leagues active in the region.

The property is abutted to the east by a large church facility. To the south is a large public school complex and a residential subdivision that is being built-out.

REZONING FIGURE

27398 US-12, ONTWA TOWNSHIP, CASS COUNTY, MICHIGAN









BEFORE YOU DIG
 CALL MISS DIG
 1-800-487-3877

| | | | | | | |
|-----------|-----------------|-----------------------|-----------------------|---|---------------------------------|------------|
| C2 | REZONING FIGURE | PROJECT NUMBER 21-001 | DATE | EDDIES MARKET PARK LLC EDWARDSBURG, MI | REVISIONS | DATE |
| | | SURVEYED BY ALB 12/21 | DESIGNED BY DAC 12/21 | EDDIES MARKET PARK ONTWA TOWNSHIP, CASS COUNTY, MICHIGAN | A. ISSUED FOR | 12/21/2021 |
| | | DRAWN BY JWS 11/20/21 | QC'D BY 11/20/21 | | B. REZONING APPLICATION | 4/22/24 |
| | | | | | C. REVISED REZONING APPLICATION | 4/22/24 |


LRE
 ENGINEERS & ARCHITECTS
 2121 S 115th Rd NW
 Webster, MI 48854
 Ph: 616-301-7660
 www.LREMI.com

ARTICLE XIA

GENERAL COMMERCIAL DISTRICT "C-2" (amended 8/14/17)

SECTION 11A.01. DESCRIPTION AND PURPOSE.

The intent of the C-2 General Commercial District is to provide suitable locations for a variety of retail, service, and office uses, including more intensive commercial uses not permitted in the C-1 District and which may be incompatible with pedestrian movement. The district is intended to permit commercial establishments that cater to the convenience and comparison shopping needs of the entire Township as well as areas beyond the Township limits.

It is the intent of this district to encourage the consolidation of permitted uses so as to avoid strip commercial development and lessen traffic congestion by reducing the number of commercial driveways opening onto major streets. Because of the variety of business types permitted in this district, attention must be focused on site layout, vehicular circulation, and coordination of site features between adjoining sites. The design of commercial facilities should be compatible with surrounding development. This district should be so located as not to encroach upon any residential, agricultural, or rural preserve areas.

SECTION 11A.02. USE REGULATIONS. In C-2 Districts, no uses shall be permitted except the following:

Permitted Land Uses

- Permitted Land Uses in Section 11.02
- Contractor's showrooms, subject to Section 11A.04(a).
- Technical or vocational schools
- Hotels/motels
- Funeral homes, subject to Section 11.03(b)
- Private clubs, lodges, banquet halls, and fraternal organizations
- Indoor theaters
- Indoor recreation, subject to Section 11A.04(c)
- Financial institutions with drive-thru
- Office supplies and service stores
- Professional studios
- Self-service storage facilities

Special Land Uses

- Special Land Uses in Section 11.02
- Gas stations, subject to Section 11A.04(d)
- Auto, truck, boat and RV sales, subject to Section 11A.04(e)
- Car washes, subject to Section 11A.04(f)
- Drive through restaurants, subject to Section 11.04A(g)
- Outdoor or open air businesses, subject to Section 11.04A(h)
- Outdoor recreation uses, subject to Section 11.04A(i)
- Educational or health related institutions, subject to Section 11A.04(j)
- Veterinary clinics, subject to Section 11A.04(k)
- Adult businesses, subject to Section 11A.04(l)

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

**MINUTES FOR PLANNING COMMISSION HELD ON
WEDNESDAY
November 2, 2022 @ 7:00 PM**

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

Members Absent: Shane Szalai, William Mahaney

The Planning Commission meeting was called to order by Chairman Marbach at 7:04pm.

Pledge of Allegiance: Chairman Marbach led the Pledge of Allegiance

Agenda approval: Chairman Marbach welcomed the members and audience. Dawn Bolock requested an addition to the agenda under item 6 b. Master Plan – Village. Chairman Marbach then asked for a motion to approve the agenda as amended. A motion was made by Mike Mroczek seconded by Don DeLong. Motion carried with all in favor. None opposed.

Approval of Past Minutes: Chairman Marbach called for approval of the minutes from the Planning Commission meeting of 10/05/2022. Motion made by Mike Mroczek to approve the seconded by Dawn Bolock. Motion carried with all in favor. None opposed.

Land Division/New Business: The Eddie's Market representative was not present. A discussion began and questions regarding whether the Assessor had signed off on the split or if staff had verified the number of splits available, and whether or not the paid tax receipts had been provided, further noting that non had been received according the the Zoning Administrator. It was noted that the applicant would be there to address the questions in 5-10 minutes.

Chairman Marbach asked to move to the Land Division until the Eddie's Markets representative arrives and therefore move on to Eagle Ridge. Note: correction to final

Land Division - Eagle Ridge: The Land Division has been adjusted so that the division no longer crosses a section line, which is not allowed by the County. The Land Division lines were moved to isolate the requested divisions south of the east-west section line per the County requirements. A motion was made by Mike Mroczek to approve the Land Division, seconded by Richard Gates. Motion carried with no opposed.

Committee Reports: The applicant for the Eddies Market Land Division was still not available so Chairman Marbach asked for a Zoning Review Committee Report. Sandra Seanor addressed the group noting that the 3 packets had been distributed to the Planning Commission. She noted that they should be marked Draft Not for Publication as they are not finalized. The Solar Ordinance has been completed after extensive review and input from several sources with the help of our Planner. Please send your questions to the Zoning Review Committee well in advance of our public meeting in December. Additionally, several changes to the Zoning Ordinance are listed in the second document for your review. This will also be submitted for public hearing at the December meeting.

Lastly, there is a two-page synopsis of comments regarding the need for clarifications to the Master Plan, Site Condo, Subdivision and PUD ordinances. These comments are a compilation of comments made previously from PC members and others. They are not in final form and are being researched by our Planner. We anticipate these recommendations to be reviewed during the first of 2023.

✿ **Land Division/New Business:** The Eddie's Market representative came into the meeting. Noted that he is increasing the commercial area based on this land division request. Some discussion occurred regarding that they are limited to only one US12 driveway access. Mr. Shier was not clear regarding the easement for the gravel road, when Chairman Marbach asked about easement usage.

Dawn Bolock made a motion to approve the land division request subject to the applicant providing the required paid property tax receipts, sign off from the Assessor, and verification that the land splits are available for this parcel, seconded by Don Delong. Motion carried with all in favor. None opposed.

Special Land Use: Chairman noted that this was posted as a public hearing but that no site plan had been requested or provided, which is required. That said, he noted that the Planning Commission could not grant a Special Land Use without a completed application and site plan. He noted that the PC could take comments from the public and petitioner but that the site plan had to be complete and could be reviewed and acted upon in the December meeting.

The applicant Dr. Christopher Payton DVM provided information about the Veterinary Clinic he is proposing on the land on M62. He described his services and noted his many service in the veterinary business. Seven constituents spoke in favor of the Dr. Payton's practice, ethics and competencies. They included Jim Parrish, Realtor with Coldwell Banker, Christine Colbert – 2665 Main St., Edwardsburg, Ryan Markel – 67013 Dailey Rd, Edwardsburg, John Anderstrom 79915 Driftwood Dr., Lori Mroczek, Park Shore, Edwardsburg, Dave Martin Niles, MI, Ryan Loving 2225 Portage Rd, Nile MI.

Applicant re addressed the Commission and summed up his presentation. Chairman Marbach again reiterated to the Zoning Administrator that the this would have to be re-noticed in the paper for the December meeting. Some discussion occurred and a motion to table the application until the following meeting was made by Secretary Seanor, seconded by Mike Mroczek All were in favor, no opposed. Motion past.

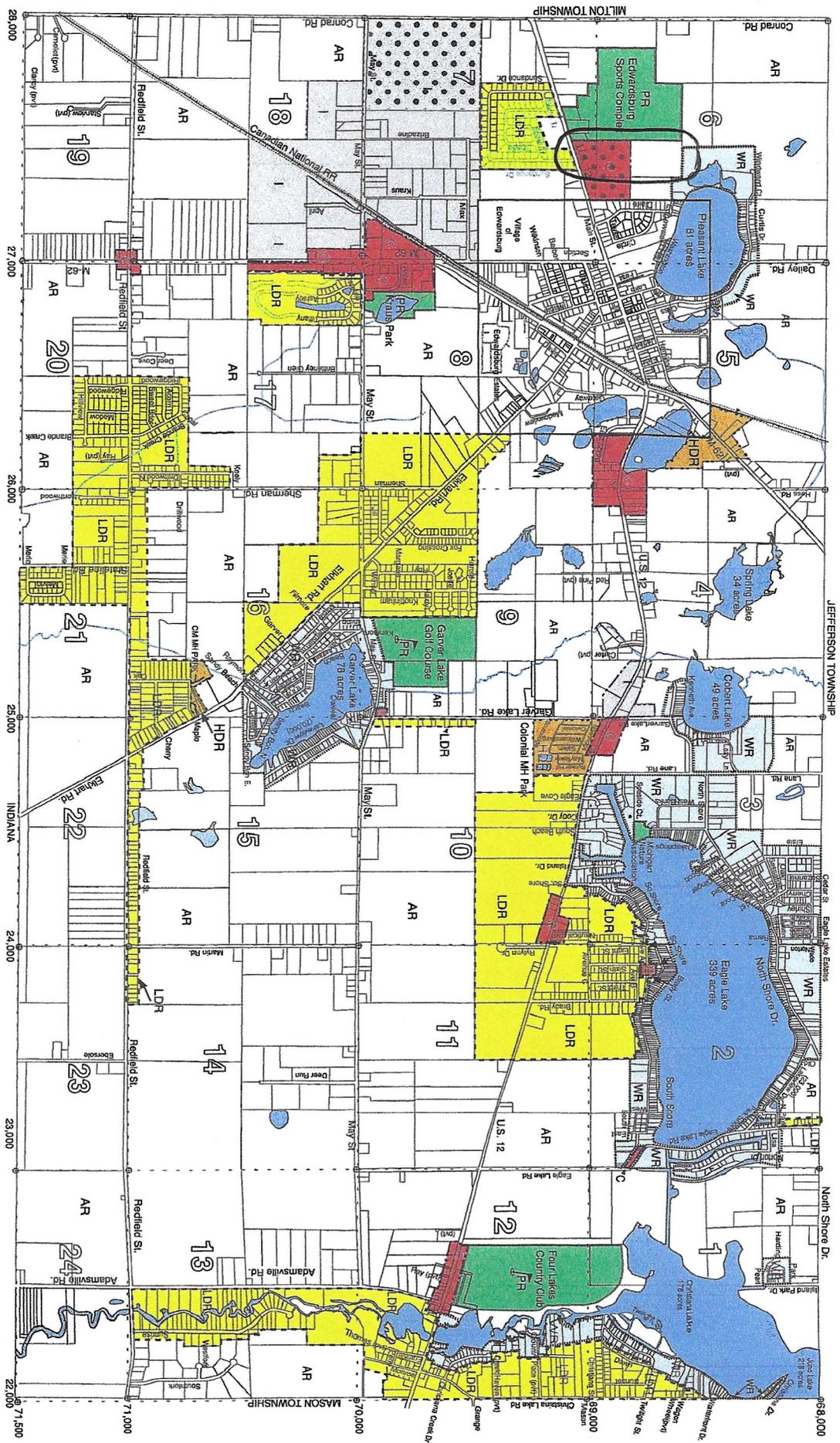
Old Business: Sec. Seanor provided the update regarding the Master Plan with Andy Moore and Wm and Works leading the effort. In addition, there will be a 4-pronged Public Information Open House Monday, November 14, 2022 from 4 pm to 6 pm. The Open House will offer information and answer questions regarding updates for the Elkhart Road Trail Project, The Master Plan Update, The Claire St/Section St connector path and traffic signal crossing at Section St., and an Update of activities from the Edwardsburg Sports Complex. Handouts are available to all. Refreshments will be available.

Dawn Bolock spoke regarding Edwardsburg Village's interest in being included as part of the Ontwa Township Master Plan Update. She asked for the Planning Commission's vote support for the Village joining in with the Township Master Plan effort. Dawn also noted that Dennis Peak had let her know that the Village wanted to go together with the Township. Dawn made the motion to include the Village of Edwardsburg (at Edwardsburg's expense) in the Township Master Plan Update, seconded by Richard Gates.

Chris Marbach asked if there was any public comment. Hearing none He adjourned the meeting.

FUTURE LAND USE PLAN
ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN
 DRAFT (MAY 2017)
 LAST REVISED: MAY 2017

-  Agricultural Residential (AR)
-  Low-Density Residential (LDR)
-  High-Density Residential (HDR)
-  Waterfront Residential (WR)
-  Commercial (C)
-  Industrial (I)
-  Parks and Recreation (PR)

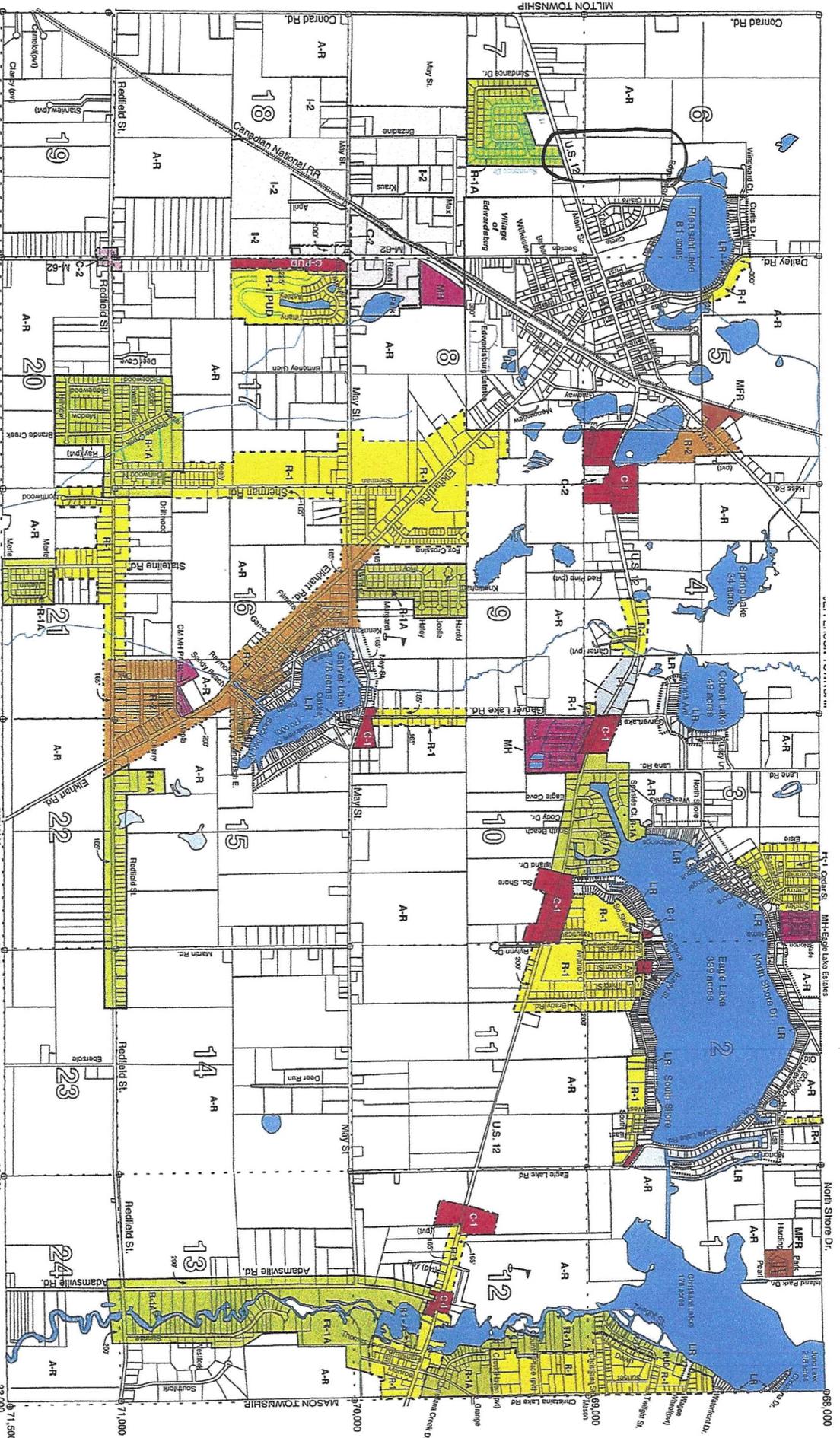


**ZONING MAP
ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN**

ADOPTED DECEMBER 1996
LAST REVISED: AUGUST 2017

| Minimum | 60,000 | 20,000 | 15,000 | 12,000 | 12,000 | 12,000 | 40,580 | 80 | 80 | 21,780 | 21,780 |
|------------|----------|----------|----------|---------|---------|---------|----------|----|----|----------|----------|
| Lot Area | 60,000 | 20,000 | 15,000 | 12,000 | 12,000 | 12,000 | 40,580 | 80 | 80 | 21,780 | 21,780 |
| Lot Width | 200 | 125 | 100 | 80 | 80 | 80 | 132,000 | 75 | 75 | 150 | 150 |
| Front Yard | (48,000) | (16,000) | (12,000) | (9,600) | (9,600) | (9,600) | (32,000) | 35 | 35 | (18,000) | (18,000) |
| Side Yard | 25 | 25 | 20 | 10 | 10 | 10 | 20 | 20 | 20 | 35 | 35 |
| Rear Yard | 20 | 20 | 20 | 30 | 30 | 30 | 30 | 20 | 20 | 25 | 25 |
| Front Area | 1000 | 1500 | 1200 | 1000 | 1000 | 1000 | | | | 25 | 25 |

MINIMUM LOT AREA - 36%



**ONTWA
TOWNSHIP**

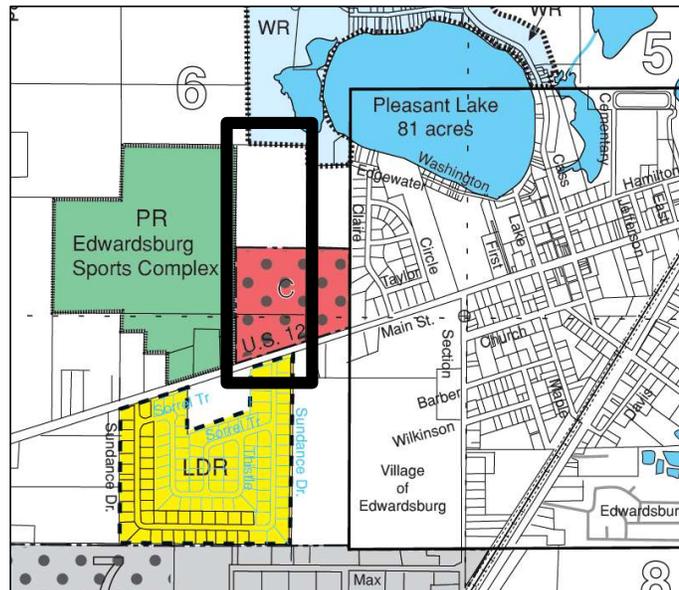
MEMORANDUM

To: Ontwa Township Planning Commission
Date: May 29, 2024
From: Andy Moore, AICP
RE: **Eddies Market Park Proposed Rezoning (A-R to C-2)**

Brian Shier on behalf of Eddies Market Park LLC has submitted a request to conditionally rezone land located generally at 27398 US-12 (PPN (14-090-007-001-01), (14-090-006-015-04), and (14-090-006-015-05)) from A-R Agricultural-Residential to C-2 General Commercial.

The purpose of this memorandum is to evaluate the applicant's request pursuant to the Ontwa Township Zoning Ordinance. This memorandum is not intended to serve as legal advice; input from the Township Attorney should be discussed when considering this application.

Background. The property is located on the north side of US-12 just west of the Village of Edwardsburg, adjacent to the Edwardsburg Sports Complex. The parcel's area is approximately 36 acres. The applicant sought PUD approval for this project in mid-2022 but withdrew the request because the PUD was not feasible with the underlying zoning as Agricultural-Residential (A-R). After that, the applicant sought to conditionally rezone the southerly two properties to C-2 and the northerly property to R-3, presumably to facilitate this PUD concept, but this request was denied by the Township Board in 2024.



Thus, the property remains in the A-R zoning district. The applicant now seeks to rezone all three properties to the C-2 district, and has offered the following conditions:

The applicant has offered the following conditions as a part of the rezoning to C-2:

1. *Uses permitted on the property be limited to all uses permitted by right in the C-2 district with the exception of contractor's show rooms, technical or vocational schools, funeral homes, and indoor theatres, and all special land uses permitted in the C-2 district with the exception of churches, auto service or gas stations, new or used auto/boat/truck/RV sales, car washes, and adult entertainment businesses of any kind.*

2. *The rezoning to run with the land without being subject to reversion.*

Analysis of Conditions. We have the following comments related to the proposed conditions:

1. When reviewing a rezoning request it is important to consider all of the potential uses for the property that could be permissible in the proposed zoning district. Through the offer of conditions, the applicant is seeking to limit the range of permissible uses as follows:

Potential Uses by Right: Retail Businesses, Personal Service Establishments, Offices, Restaurants, Financial Institutions, Governmental Buildings, Newspaper Offices and Printing shops, Photographer, Video Rental Establishments, Laundromats and Dry Cleaning Outlet, Commercial Roadside Market subject to Section 11.04(a), Hotels/Motels, Private Clubs, lodges, Banquet Halls, and Fraternal Organizations; Indoor recreation subject to Section 11A.04(c), Financial Institutions with Drive-Through, Office Supplies and Service Stores, Professional Studios, and Self-service Storage Facilities.

Presumably, the applicant would also be eligible for any uses added to this district or to the C-1 district in the future except for contractor's showrooms, technical or vocational schools, funeral homes, and indoor theatres.

Potential Special Land Uses: Outdoor cafes subject to 11.04(c), Drive through restaurants subject to Section 11.04A(g), Outdoor or open air businesses subject to Section 11.04A(h), Outdoor recreation uses subject to Section 11.04A(i), Educational or health related institutions subject to Section 11A.04(j), and Veterinary clinics subject to Section 11A.04(k).

Presumably, the applicant would also be eligible for any special land uses added to this district or to the C-1 district in the future except for churches, auto service or gas stations, new or used auto/boat/truck/RV sales, car washes, and adult entertainment businesses of any kind.

2. The second offered condition is that "the rezoning to run with the land without being subject to reversion." Under a conventional rezoning (without any conditions) there is no potential for reversion unless another rezoning to the previous district is initiated and adopted by the Township or by a new applicant. Because the applicant is proposing a conditional rezoning, the provisions of Section 405 of the Michigan Zoning Enabling Act (MZEA) apply. Section 405(2) of the MZEA states, "In approving the conditions under subsection (1), the local unit of government may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification." Thus it appears that the applicant is requesting that the Township not exercise its authority to establish a time period during which the conditions apply to the land. This condition is troubling to us for two reasons.

First, it is our understanding that conditional rezoning is intended to allow property owners to self-impose restrictions to alleviate concerns about the potential uses of property that are often unknown when considering a rezoning request. In this instance, however, this proposed condition does not impose any restriction on the applicant; it instead restricts *the Township* because the property would not revert to its previous zoning district if the conditions were unfulfilled within the time period set by the Township (assuming one is set). It seems like the applicant is seeking the benefits of a conditional rezoning while avoiding the risk.

Secondly, we question whether this is a valid condition in the first place. The relevant part of the Michigan Zoning Enabling Act (MCL 125.3405(1)) states that “An owner of land may voluntarily offer in writing, and the local unit of government may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.”

This second condition does not relate to “a use and development of the land.” Rather, it is preventing the Township from exercising its authority in MCL 125.3405(2), which seems outside of the authority granted by the Act.

Review Standards. Section 22.04 (a-e) of the Ontwa Township Zoning Ordinance provides the following criteria standards that must be evaluated by the Planning Commission when contemplating a proposed rezoning request. These criteria are below, along with our remarks on each.

- a. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township’s Master Land Use Plan;

Remarks: The Master Plan was last updated in 2017, and the Township has been working on an amendment throughout the past year. In the 2017 plan, the southern portions of the site that comprise the request are in the Commercial future land use designation. The northernmost portion of the property is in the Agriculture/Residential designation.

The commercial designation “represents the desire to reuse and enhance existing commercial properties, in areas that may currently be served with public utilities and that are experiencing relatively high traffic counts. The limited expansion of areas planned for new commercial development is premised on the policy that downtown Edwardsburg, in the Village, is the commercial center and heart of the community.”

Part of the request is generally consistent with the Master Plan’s future land use map. However, it should also be noted that the plan also indicates some concern about too much commercial development, as the Township does “not wish to provide excessive opportunities for competing suburban commercial developments; and rather, would like to support the redevelopment and improvement of downtown and existing Township commercial areas.” It should be noted that rezoning the area identified by the request

would add a significant amount of land (~35 acres) to the available commercially zoned property in the community and could impact development and redevelopment efforts in the Village. This should be considered.

The applicant observes that *“The [current] zoning of the property is not consistent with the Future Land Use Plan for Ontwa Township. The Future Land Use Plan identifies commercial as the desired use for the property. The specific desired uses contemplated by the plan include retail, services, professional offices and restaurants. A conditional rezoning to C-2 would correct the inconsistency and allow for the uses contemplated by the plan.”* We generally agree that the subject property does not seem like a viable long-term agricultural property and that commercial development could be appropriate at this site.

However, the Township has not undertaken any planning efforts as of this writing (other than its ongoing work on the Master Plan) that would explore alternative development options for agricultural lands that are likely to have non-farm development encroach upon them. The subject parcel could be one such parcel, but several factors could impact such a decision, including the amount of residential land needed for development, the availability of infrastructure to support development, and the Township’s assessment of the need to support agricultural activity against the need to accommodate additional development.

Notably, the rezoning of the northernmost parcel (14-090-006-015-05) is not supported by the 2017 Future Land Use map. The parcel is designated for agricultural uses.

A portion of the applicant’s request seems consistent with the Township Master Plan, subject to the above-noted concerns relative to the amount of commercial real estate needed in the community. While the applicant has presented information in his narrative that could support the rezoning, it also may be premature to decide on the remainder of the development until the updated Master Plan effort is completed.

- b. Whether the land can be used as currently zoned;

Remarks: The land is currently zoned for agricultural uses and could be used for agricultural purposes presently, but the A-R district limits the intensity and density of residential development. Given that the subject property is located between the Edwardsburg Sports Complex and First Pentecostal Church and is nearly adjacent to the Village, its eventual transition to a more intense land use seems likely, and the continued use of the land as agricultural does not seem like a viable long-term option if the community continues to add new residents and if the demand for commercial development increases.

- c. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;

Remarks: The property and its surroundings are all zoned Agricultural/Residential (A-R). Interestingly, the parcels to both the east and west are used for purposes permitted by right in A-R, but neither are agricultural in nature. In fact, both the church and the sports complex would be permitted in the C-2 district as a special land use. Thus, it is reasonable to infer that the rezoning of the subject property to C-2 would be reasonably compatible with other uses in the surrounding area. As noted above, the applicant is offering to restrict some of the uses on this property as a condition of the rezoning. This should also be considered here.

- d. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and

Remarks: The applicant is requesting the conditional rezoning with stipulations that the rezoning to C-2 only permit “all uses permitted by right in the C-2 district except contractor’s showrooms, technical or vocational schools, funeral homes, and indoor theatres, and all special land uses permitted in the C-2 district except churches, auto service or gas stations, new or used auto/boat/truck/RV sales, car washes, and adult entertainment businesses of any kind.”

Some of these permitted uses, such as hotels, indoor recreation facilities, and self-storage facilities may impact public services and facilities but many others would not likely have a significantly detrimental effect. The impact on public facilities and services such as traffic, water/sewer services, emergency services, and others is difficult to determine unless the business type, size, traffic generation, and other factors are known. The initial plan for the Eddies Market Park PUD included a narrative that anticipated “retail, office, and sandwich shops” in the commercial area along US-12, but we are unsure of the applicant’s specific plans for the property.

- e. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than the uses allowed under the current zoning of the land.

Remarks: The rezoning of the properties from A-R to C-2 would represent a significant change in terms of the intensity of development permitted on the site. The existing zoning district allows for limited use of the land and is primarily limited to farming and typical rural land uses. Given that the land is surrounded by developing properties and is nearly adjacent to the Village of Edwardsburg, the Planning Commission may find it appropriate to allow for more intense use of the land than is currently allowed.

Recommendation. At the June 5 meeting, the Planning Commission should listen carefully to comments from the applicant, public, and discuss the proposed conditions. The Planning Commission may request additional relevant information if needed. Based on the meeting, the applicant may modify their offer of conditions, but he is not required to. Please note that the Planning Commission may not alter the offered conditions unless the applicant voluntarily agrees to do so in writing.

After the public hearing and subject to any further discussion, the Planning Commission may recommend approval or denial of the proposed zoning amendment to the Township Board. In any event, the Commission should clearly state the reasoning for its recommendation with specific reference to the review standards of Section 22.04(a-e) of the Zoning Ordinance. The Commission may also incorporate the findings and analysis of this memorandum, in whole or in part, as part of its decision.

As always, feel free to contact us if there are further questions.

c: Catherine Kaufman, Township Attorney