



Cass County Planning Commission

*Ryan Laylin
Richard Palmisano
Edwin Johnson III*

*David Kring
Annie File
Char Hiemstra*

*Dan Stutsman
Dianna McGrew*

AGENDA

Wednesday, August 24, 2022 at 4:00 PM

**Cass County Building
120 N. Broadway
Kincheloe Room
Cassopolis, MI 49031**

Call to Order - 4:00 PM

Approval of Agenda

Approval of Minutes – June 22, 2022

Old Business:

New Business:

- 1. Resignation of Robert Thompson/Election of Chairperson**
- 2. Ontwa Township - Rezoning request**
- 3. Calvin Township – Rezoning request**
- 4. Master Plan – Discussion on RFP, costs, timeline**

Other Business:

Adjournment:

CASS COUNTY PLANNING COMMISSION

Minutes of June 22, 2022

The meeting was called to order by Robert Thompson at 4:05 p.m.

Members Presents: Robert Thompson, Dan Stutsman, Richard Palmisano, David Kring and Dianna McGrew.

Members Absent: Annie File, Char Hiemstra, Ryan Laylin and Edwin Johnson III.

Approval of Agenda: Motion made by David Kring to approve the agenda, seconded by Robert Thompson and motion carried.

Approval of Minutes: Motion made by Robert Thompson to approve the minutes, seconded by David Kring and motion carried.

New Business:

1. Pokagon Township – A motion was made by Dan Stutsman to approve the rezoning request from Kent Clark, seconded by Robert Thompson and motion carried.

2. Master Plan Update – Dan Stutsman will gather each townships Master Plan and work with all those plans to develop a plan. Robert Thompson will identify the common factors and definitions in each plan and develop those that are alike. Richard Palmisano will look at outside help. David Kring commented that the firm that is hired can do the legwork, some key areas may not need to be updated under same. Determine all the same with townships, determine General Rules, be more specific in some areas. There will be much more discussion on this and narrowing down of priorities.

Adjournment: Motion to adjourn meeting at 4:30 made by David Kring, seconded by Dan Stutsman and motion carried.

Respectfully submitted,

Dianna McGrew, Acting Secretary

August 8, 2022

Skip Dyes, Chair

Cass County Planning Commission

Chair Dyes,

After a lengthy discussion with myself, I have decided that the time has come for me to step down from the Planning Commission. I have enjoyed the experience and have met many quality County residents. I know the Commission is in good hands with the current members. Thank you for the opportunity to serve my community.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Thompson', written in a cursive style.

Robert Thompson

Calvin Township
Office of Zoning Administration
&
Code Compliance Officer

65656 Burg Rd

Sturgis, Mi. 49091

Douglas M. Kuhlman, Zoning Administrator/Code Compliance Officer

Tel: (269)-651-3130

Email: municipalzoning@gmail.com

July 30, 2022

Cass County Planning Commission

RE: Conditional Rezoning

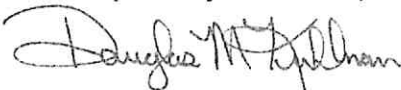
Jackie

Attached please find a copy of a proposed conditional rezoning to the Calvin Township Zoning Map. The public hearing was held on July 21, 2022. At the end of the review, and with no participation of the public other than the involved parties, a motion was made to forward these text amendments to the Calvin Township Board with a unanimous recommendation to approve the conditional rezoning.

I will await the 30 day requirement as required under Section 125.3307 of the Michigan Zoning Enabling Act (Act 110 of 2006) before forwarding the attached on to the Calvin Township Board for final approval. If the Cass County Planning Commission desires to waive such review, please let me know as well.

If you have any questions, feel free to contact me. If you would like me to attend this meeting, I would be willing to check my schedule for availability. If my attendance is requested, please advise me of the date and time of such meeting.

Respectfully Submitted,



Zoning Administrator

Calvin Township
Office of Zoning Administration

65656 Burg Road

Sturgis, Mi. 49091

Douglas M. Kuhlman, Zoning Administrator/Code Compliance Officer

Tel: (269)-651-3130

Email: municipalzoning@gmail.com

STAFF REPORT

Date: June 29, 2022

To: Calvin Township Planning Commission
C/O Kenneth Bradford
18727 Mt. Zion Rd
Cassopolis, Mi. 49031

Subject: Conditional Re-zone
Special Exception Use Permit

File # CAZA2206001

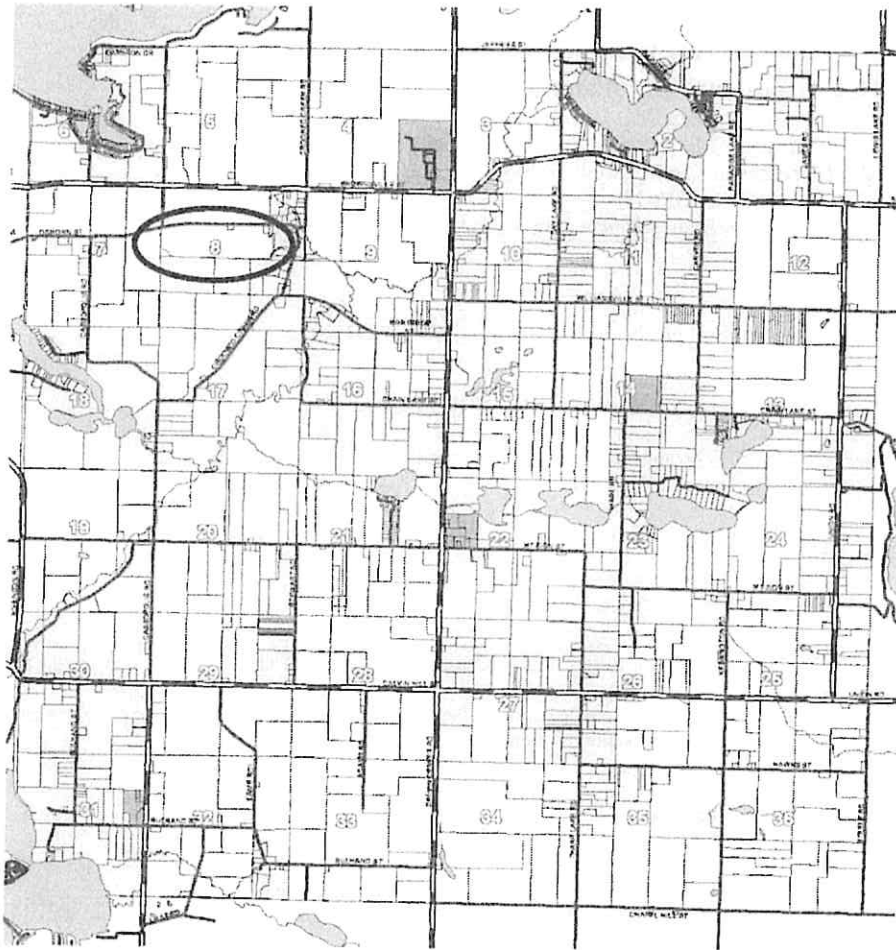
Applicant: Dennis Wooden
C/O 4100 Edison Lakes Parkway Suite 100
Mishawaka, In. 46545
Tel: 574-243-4100

Assisted by: May, Oberfell and Lorber
C/O 4100 Edison Lakes Parkway Suite 100
Mishawaka, In. 46545
Tel: 574-243-4100

Property Owner: Dennis and Carlie Wooden Trust
62417 Crooked Creek Rd
Cassopolis, Mi. 49031

Property Identification: # 14-010-008-132-01

Zoning District: A-1 Agricultural



**CALVIN TOWNSHIP
ZONING MAP**

Adopted: October 9, 2008

Zoning Legend

- ☐ A-1 Agricultural
- ☐ A-2 Agricultural
- ☐ Business
- ☐ Residential

Scale: 1 inch equals 4,850 feet

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.

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Cass County
Information Systems
Kerry Collins, Director
(269) 445-4432

Property Description: 132 COM AT SW COR SE 1/4 NE 1/4 TH E 97 LKS TH N 24.5 DEG E 4.46 CHS TH N 1-3 DEG E 10.87 CHS TH S 44 DEG W 4.11 CHS TO W LINE SE 1/4 NE 1/4 TH S ON 1-8 LINE TO BEG. ALSO THE W 3-4 OF N 1/2 OF SEC LYING S OF OSBORN ST. ALSO E 1/2 NE 1/4 SW 1/4 & W 1/2 NW 1/4 SE 1/4 EX N 1 1/2 A OF E 6 A OF SW 1/4 NE 1/4. ALSO EX 1 A IN SQ FORM FRM NE COR SE 1/4 NW 1/4. SEC 8. APPROX 157.75 A. (10-18-2021 Cass County Treasurer)

Parcel # 14-010-008-132-01: The parcel size is indicated to be approximately 157.75 acres. This equates to approximately 181,111,590.0 sq. ft. It contains approximately 3,614.93 feet of road frontage. The parcel is unique in shape.

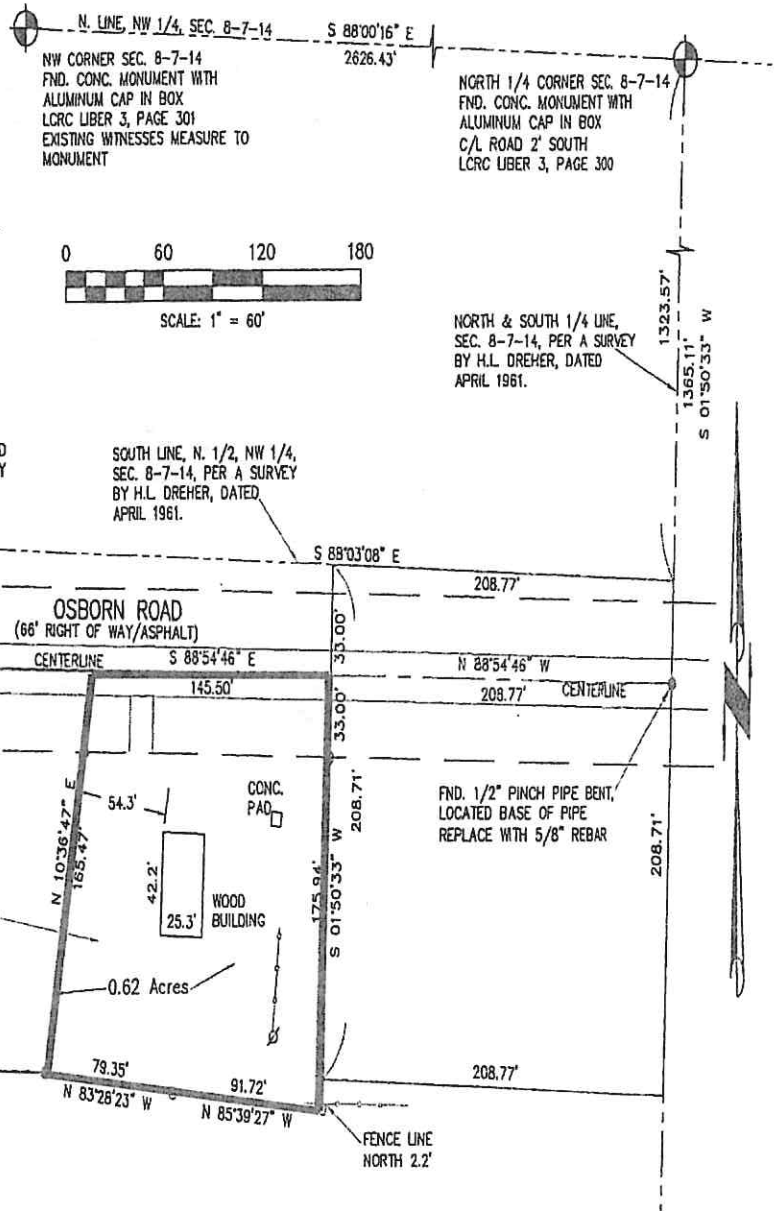
Survey: Attached is a survey that was included by the applicant.

CERTIFICATE OF SURVEY

SURVEY IN THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 7 SOUTH, RANGE 14 WEST, CALVIN TOWNSHIP, CASS COUNTY, MICHIGAN.

LEGEND
 O = SET 5/8" IRON ROD W/CAP
 ● = FOUND IRON
 ■ = FOUND CONCRETE MONUMENT
 (M) = MEASURED
 (R) = RECORD
 (P) = PLAT
 R/W = RIGHT OF WAY
 — = WIRE FENCE
 ⚡ = POWER POLE

FIELD DATE: 7-23-19
 DATE: 09-14-19
 UPDATED: 02-12-20 (2.0 AC.)
 JOB NO.: 18063
 CLIENT: URSCC
 ADDRESS: OSBORN ROAD, CASSOPOLIS, MI
 DRAWN BY: DALE KESLER
 SHEET 1 OF 2



KESLER LAND SURVEYING, LLC
 67191 CONRAD ROAD
 EDWARDSBURG, MI 49112
 269-699-2119

CONDITIONAL REZONE: The following is the reasoning and the Affidavit of Conditions for the Conditional Rezoning.

Richard Wooden
c/o 4100 Edison Lakes Parkway, Suite 100
Mishawaka, IN 46545

2) Landowner:

Richard Jay Wooden Trust u/t/a dated July 7, 2004, as amended and Carlie Jean Wooden Trust u/t/a July 7, 2004, as amended and Dennis K. Wooden and Della Sue Wooden as Trustees of the Dennis K. Wooden and Della Sue Wooden Joint Trust Dated December 3, 2014, and Richard J. Wooden and Carlie J. Wooden, Tenants in Common.

4) The current parcel number is associated with 40 acres of Ag1 land. We are requesting that two acres of that parcel be split from the 40 acres and rezoned as Ag2 and assigned a new parcel number. The remaining 38 acres will remain Ag1 and maintain the current parcel number. The Certificate of Survey is a survey of the 2.0 acres we wish to donate to the Underground Railroad Society of Cass County.

6A) We are requesting that the two acres be rezoned to an AG2 and split with its own parcel number in order for the parcel to be donated to the Underground Railroad Society of Cass County. This conditional rezoning is not for financial gain but merely to allow for the parcel to be donated to the Underground Railroad Society of Cass County.

6B) The donation of the parcel is for the preservation and restoration of American history by the Underground Railroad Society of Cass County to serve the school children of Cass County through education, outreach, and preservation of Cass County history. Once the donation takes place, the Underground Railroad Society of Cass County, Michigan will be able to fully restore, preserve, and illustrate the history of this schoolhouse to the citizens of Cass County much like they have with their other properties.

to allow for the Underground Railroad Society to preserve and restore said Underground Railroad School. Said two acres to be hereinafter referred to as "subject property."

5. That Richard J. Wooden voluntarily and pursuant to MCL 125.3405, as a condition of rezoning the property from the AG-1 Agricultural Zoning district as regulated by the Calvin Township Zoning Ordinance, to the AG-2 Agricultural Zoning district as regulated by the Calvin Township Zoning Ordinance, and any uses permitted in said zoning district regulated by the Calvin Township Zoning Ordinance on the subject property, Richard J. Wooden agrees that no other uses shall be permitted on the aforesaid property.

6. The Underground Railroad Society wishes to preserve and restore the Underground Railroad School. It will not be used for commercial development but intend to use the property to serve the school children of Cass County through education, outreach, and preservation of Cass County history much like they have with the other properties.

7. Further, said use shall be binding upon the parties and their successors and assigns with said use running with the property.

8. Richard J. Wooden acknowledges that neither Calvin Township nor any of its Commissioners, Board members, Officials, employees, attorneys, or contractors have required him or offered him any of these conditions or provisions as a requirement of the rezoning and state they are made voluntarily as his own free act and deed.

9. That the undersigned understands that in the event the property is developed in any manner inconsistent with the rezoning conditions or in the event the property is conveyed to any other person or entity and there is a failure to abide by all of the requirements of the Calvin Township Zoning Ordinance, then the said property shall automatically revert back to the AG-1 Agricultural Zoning district zoning classification and all use of the property from that date

exceeding the minimum lot size. The parcel shall have only one principal dwelling.

- B. Farming as defined in Article II of this Ordinance.
- C. Public or private conservation area.
- D. Accessory uses including:
 - 1. Barn, silos, sheds, equipment storage, and similar structures and uses customarily incidental to the permitted principal uses and structures.
 - 2. Temporary portable roadside stand for agricultural products produced or raised on the property during the period April 1 – November 1 of each calendar year.
 - 3. Home occupation.
- E. Concentrated Animal Feeding Operations (CAFO's) subject to the Generally Accepted Agricultural Management Practice Standards (GAAMPS) as promulgated by and under the direction of the Michigan Department of Agriculture.
- F. State licensed family home day care and foster care family home facilities.
- G. Essential services.
- H. Public facilities owned by Calvin Township including, but not limited to, township offices, fire stations, police offices and jails, cemeteries, and parks.
- I. Original principal farm residence split from agriculturally productive land in accordance with Section 305.5 of this Ordinance.

305.3 Uses Permitted by Special Land Use Permits: The following uses are permitted in this district subject to obtaining a special land use permit as provided for in Article V and provisions of Article IV.

- A. Agricultural service establishments.
- B. Extraction services.
- C. State licensed group home day care and foster care group home facilities.
- D. Veterinarian clinics.

- E. Maximum Height Requirements for Buildings and Structures:
1. For dwelling and non-farm structures, height shall not exceed thirty-five (35) feet.
 2. For general and specialized farm buildings and structures, building height shall not exceed one hundred (100) feet.
 3. Building Height is measured in accordance with Section 202.23 of this Ordinance.
- F. Minimum Building Floor Area: No residential dwelling unit shall have less than one thousand (1,000) square feet of floor area exclusive of garages or basements.
- G. Minimum Dwelling Size: Every one-family dwelling in this zoning district shall have a minimum continuous width or depth of fourteen (14) feet for at least twenty (20) feet of the length of the dwelling measured between the exterior part of the walls having the greatest length.

305.5 Split of Original Principal Farm Residence from Agriculturally Productive Land.

1. Procedure. Only the original and principal farm dwelling may be sold as a non-farm residence and separated from the original farmstead in accordance with this subsection. A property split or division obtained under this Section shall require the submission of an application to the Zoning Administrator and review by the Zoning Administrator establishing adherence to the criteria contained in subsection 2 below. The Zoning Administrator shall submit the application and his or her review for adherence thereto to the Township Board for final approval. The Township Board's approval shall be conditioned on the provision of a "notice of municipal conditions" to be recorded with the Cass County Register of Deeds. Proof of this recording shall be submitted to the Township Assessor prior to the Assessor's approval of the non-farm residence land division under the Township's Land Division Ordinance.
2. Standards for Approval of Split of Original Farm Residence from Agriculturally Productive Land. The following standards and conditions apply to this section.
 - A. Only the original farm residence may be split from agriculturally-productive land.

- H. If a condition or conditions cannot be met, the applicant shall be referred to the Zoning Board of Appeals for variance or interpretive relief.

SECTION 306

A-2 DISTRICT: AGRICULTURAL RESIDENTIAL DISTRICT-
(LOW DENSITY)

- 306.1 Purpose: It is the purpose of the Agricultural Residential-Low density District to preserve the rural, countryside atmosphere of Calvin Township and to provide for lower densities in an agricultural setting without substantially changing the essential character of these areas.
- 306.2 Uses Permitted by Right:
- A. Single family residential dwelling meeting the minimum dwelling size contained in Section 306.4G.
 - B. Home Occupations.
 - C. Accessory uses on same parcel with single family residential structures, such as garages, shed for yard tools, play houses, etc. Reference Section 202.3.
 - D. Duplex or two family residential dwelling on a building site or parcel having at least two (2) acres.
 - E. State licensed family home day care and foster care family home facilities.
 - F. Essential services.
 - G. Public facilities owned by Calvin Township including, but not limited to, township offices, fire stations, police offices and jails, cemeteries, and parks.
- 306.3 Uses Permitted by Special Land Use Permit: The following uses are permitted in this district subject to obtaining a special land use permit as provided in Article V and provisions of Article IV.
- A. Public facilities owned by other than Calvin Township not otherwise addressed in the uses permitted by right listed above.
 - B. Schools, churches, libraries, museums and other institutions and semi-public facilities not otherwise addressed above.
 - C. Utility substations, utility service yards, and similar uses.
 - D. Livestock on parcels of not less than five acres with main residential use. A maximum of two large farm animals (e.g.,

of-way line from county roads; and thirty (30) feet from the right-of-way line for private roads.

2. Side Setback: Twenty (20) feet except in case of a corner lot where the side yard on the street side shall not be less than the setback required for the front setbacks.
 3. Rear Setback: Thirty-five (35) feet.
 4. Animal Housing Facilities Setback: In any case, no permanent or temporary structure housing livestock, or for storage of feed or manure shall be located any closer than one hundred (100) feet to a building site or parcel line.
- E. Maximum Building Height Requirements: For dwellings and non-farm structures, building height shall not exceed thirty-five (35) feet measured in accordance with Section 202.23 of this Ordinance.
- F. Minimum Building Floor Area: No residential dwelling unit shall have less than one thousand (1,000) square feet of floor area exclusive of garages or basements.
- G. Minimum Dwelling Size: Every one-family dwelling in this zoning district shall have a minimum continuous width or depth of fourteen (14) feet for at least twenty (20) feet of the length of the dwelling measured between the exterior part of the walls having the greatest length.

SECTION 412 CONDITIONAL REZONING

412.1 Intent.

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Zoning Enabling Act (MCL125. 3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of a rezoning request.

412.2 Application and Offer of Conditions.

- A. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

412.4 Township Board Review.

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, have the option, but not be required to refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter to deny or approve the conditional rezoning with or without amendments.

412.5 Approval.

- A. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.
- B. The Statement of Conditions shall:
 - 1. Be in a form recordable with the Register of Deeds of Cass County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board;
 - 2. Contain a legal description of the land to which it pertains;
 - 3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land;
 - 4. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined
 - 5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice

Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently therein.

SECTION 413

NOTICES OF PUBLIC HEARINGS

A. Hearing Notice Content.

Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such address currently exists within the property. If there are no street addresses, other means of identification may be used, such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, place and time of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

B. Recipients and means of notice.

Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in A above.

1. To the general public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within three hundred (300) feet of the boundary of the project subject to the request, and to the occupants of all structures within three hundred (300) feet of the property, regardless

shall be required to obtain special land use permits prior to their establishment in the appropriate zoning district. The alternative would be to establish special limited zoning districts for each use, which reduces flexibility for both the public and the private property owner, and which is therefore less desirable.

Therefore, the special land use permit is created in order to provide for a more detailed consideration of certain specified activities as they may relate to proposed conditions of: location, design size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors.

501.2 Procedures for Making Applications.

- A. Application. Application shall be submitted through the Township Clerk to the Township Planning Commission on a special form for that purpose: each application shall be accompanied with the duly adopted "schedule of fees" to cover cost of processing the application. No part of any fee shall be refundable.
- B. Data Required in Application. Every application shall be accompanied by the following information and data:
 - 1. Special form supplied by the Township Clerk filled out in full by the applicant.
 - 2. Site plan, plot plan, or development plan, drawn to a readable scale, of the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses.
 - 3. Preliminary plans and outline specifications of the proposed development.
 - 4. A statement with supporting evidence regarding the required findings specified in Section 501.3.
- C. The Planning Commission shall review the proposed development, prior to submitting its recommendations for action to the Township Board, in terms of the standards set forth in this Ordinance. The Township Zoning Board of Appeals shall have no authority to hear, decide or act on applications for special land uses.
- D. Upon receipt of an application for a special land use the Chairperson of the Township Planning Commission or his or her designee shall provide notice of the request as required under

2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.
5. Indicate that a public hearing may be held on the request at the initiative of the party entitled to notice under this provision, or by the individuals identified in paragraph 501.2.D.1.

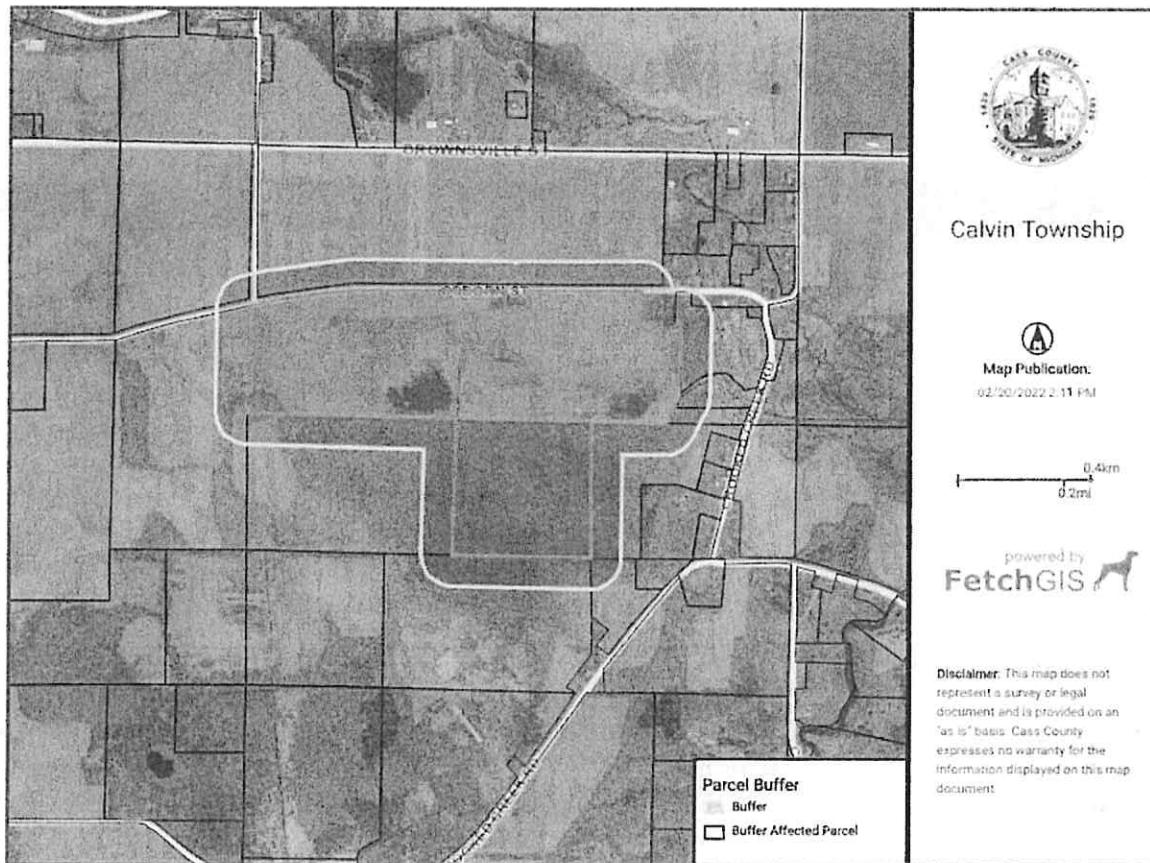
E. Upon conclusion of meeting, the Planning Commission shall recommend action to the Township Board including any time limit or specific requirements desired. Following a favorable action by the Township Board, the Clerk or his or her designee shall issue a Special Land Use Permit with all conditions clearly specified in writing. Special Land Use decisions made pursuant to this Section are not reviewable by the Zoning Board of Appeals. See the Michigan Zoning Enabling Act, being Act 110 of 2006, as amended, codified at MCL 125.3603 et seq..

501.3 General Standards for Making Determinations. The Planning Commission in making recommendations to the Township Board shall establish the facts and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Township Master Plan of current adoption.
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- C. Will not be hazardous or disturbing to existing or future neighboring uses.
- D. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- E. Will be adequately served, be essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies

reasonable standards which the Township wishes to apply to consideration of the proposed uses.

Mailing Map: The following is the map indicating the 300 foot mailing radius.



FEES: All the applicable fees for this public hearing have been paid by the applicant. A portion of the fees were paid with a request to go to the Calvin Township Zoning Board of Appeals. Due to the fact that the mailings and notices had already gone out when it was determined that a conditional re-zone would be a better option, the applicant was required to pay for additional mailings and publications.

Review by the Zoning Administrator

NARRATIVE:

After several months of on and off discussions with representatives of the Underground Railroad, on approximately February 12, 2022, I received an application for the Zoning Board of Appeals as it relates to the denial of a land division on November 10, 2021. The portions of the Calvin Township Zoning Ordinance that apply are as follows:

- Section 305.4 (A) as it relates to the minimal parcel size requirement of 40 acres. The survey that has been provided is dated July 23, 2019 and has conflicting data. One label indicates 0.62 acres, and another label indicates 2.0 acres, but at any rate, either are below the 40 acre minimum.
- Section 305.4 (B) as it relates to the minimum parcel width being 400 feet, the survey indicates that the parcel would only have 145.50 feet.

I had prepared the staff report to the extent of having placed the notice in the newspaper, and sent out the mailings, when discussions took place regarding this request. I have contended all along that I did not see anyway that the zoning board of appeals could get around the fact that this as a self created issue due to the fact that there is a 40 acre minimum requirement.

In conducting a review of this application, I find that this application appears to be complete. The applicant is requesting a Conditional Re-zone and a Special Exception Use Permit. Different from a standard rezone, a Conditional Re-zone is more like a contractual rezone. The applicant has submitted an Affidavit of Conditions. What is important to understand is that this is what they are offering. The planning commission can only recommend to approve or deny the affidavit. The applicant can offer to change the conditions, but the planning commission cannot require any changes.

As previously explained, currently the property is in the A-1 Agricultural Zoning District. The parcel size requirement is 40 acres, and a museum is not a permitted use or a special land use. By allowing for a conditional re-zoning to the A-2 District, not only would this allow for both the parent parcel and the child parcel to be in compliance with the Calvin Township Zoning Ordinance. Additionally, under the A-2 Agricultural Zoning District, a museum is also allowed as a Special Exception Use.

As it relates to a Special Exception Use Permit, normally such request is for a new use or project. In this case there will not be any new construction, but merely renovation of an existing building that has been a piece of history in Calvin Township for many years.

Calvin Township
St. Joseph County, Michigan

See page 2 for mailing instructions and other communications information.

REQUEST FOR CONDITIONAL RE-ZONING
An application to submit an Affidavit of Conditions to Re-Zone a parcel.

Important Notice to Applicants: A minimum of 2 copies of this completed application, along with the same number of copies of supporting documents described below, must be submitted to the Zoning Administrator. The application must be completed in full. If additional space is needed, number and attach additional sheets. Approval of this application is required before an Affidavit of Conditions to Re-Zone can be approved. The excavation for and erection of a building or structure or the use of any parcel or structure prior to the approval of an Affidavit of Conditions to Re-Zone shall be a violation of the Zoning Ordinance.

Name Richard Wooden Street Address c/o 4100 Edison Lakes Parkway, Suite 100 Mishawaka, IN 46545 City/State/Zip Code 574-243-4100 Telephone # _____

Other numbers: Land Line: _____ Cell: _____ Fax: _____

2) **LANDOWNER:** See attached
(if different than applicant)

3) **APPLICANT'S INTEREST in PROPERTY** (check one): ☒ Owner ☐ Lessee ☐ Buy Option
☐ Other/Specify: _____

4) **PROPERTY INFO:**

Street Address: 62417 Crooked Creek Road Tax Parcel #: 14-010-0008-132-01

Deed Restrictions on Property (check one): ☐ Yes ☒ No Acreage: 40 - See Attached

Is Property in a (check if "yes"): ☐ platted or ☐ condominium subdivision Subd. Name: _____

Present Use: _____

5) **ACTIVITY / STRUCTURE for which CONDITIONAL RE-ZONING is BEING SOUGHT:** (check all that apply)

	CURRENT ZONING DISTRICT	REQUESTED CONDITIONAL DISTRICT	
	Existing	New	Addition/Alteration
Ag1- Agricultural	☒	☐	☐
Ag2- Agricultural	☐	☒	☐
RR - Rural Residential	☐	☐	☐
MHP- Mobile Home Park	☐	☐	☐
C1- Commercial/Industrial	☐	☐	☐

Other/Specify: _____

6) **SUPPORTING DOCUMENTS:** The following must accompany each copy of this application form. Each supporting document must include the name and address of the applicant.

- Narrative Description:** A detailed narrative description of the proposed activity or construction including what is to be constructed and for what purpose, the nature of any repairs or alterations, number of employees, retail sales floor area, basis for number of parking spaces proposed, manner of sewage/refuse disposal, nature of services to be provided, nature of products for sale or manufacture, etc. that would be involved in the conditions of re-zoning.
- Plan/Statement of Analysis:** Plan and supporting information (including legal description) as required. A statement of analysis must also be included addressing the anticipated impact upon community facilities (such as schools and infrastructure), the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.
- Proof of Property Ownership/Interest/Other Party Information:** Proof of ownership of the property such as a warranty deed, land contract or other evidence of interest in the property, and the names, addresses, phone numbers of all other persons or entities having legal or equitable interest in the property including written authorization by the landowner for a person to act on behalf of the landowner (if applicable).
- Deed Restrictions:** Copy of any existing and proposed deed restrictions on the property.
- Utilities/Access:** Permits/evidence demonstrating Township approval of water supply and sewage disposal system, and Township, State Highway or County Road Commission approval for new public roads or proposed driveway/private road intersections with existing public roads (as applicable).
- Affidavit of Conditions:** An Affidavit of Conditions must be submitted for consideration.

Calvin Township
Office of Zoning Administration
65656 Burg Rd
Sturgis, Mi. 49091
Douglas M. Kuhlman, Zoning Administrator
Tel: (269)-651-3130
Email: municipalzoning@gmail.com

November 10, 2021

To: Shalice Northrop
Calvin Township Assessor

Assessor File #:

Zoning File #: CAZA2111002

Parcel: 14-010-008-132-01

Property Location: Parcel 14-010-008-132-01

RE: Land Division/Boundary Change

Zoning District: A-1 Agricultural

Property Owner: Wooden Trust
62417 Crooked Creek Rd
Cassopolis, Mi. 49031

Shalice

☒ Land Division ☐ Boundary Change ☐ Parcel/Lot Combination

Based on my review of the proposed land division/boundary change request for the above mentioned parcel(s). I find that such request does not appear meet the conditions of one or both of the following regulations:

- Calvin Township Zoning Ordinance.
- Land Division Act Act 288 of 1967.

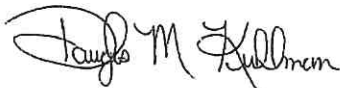
Reason(s) it appears not to meet: This parcel is located in the A-1 Agricultural Zoning District. Section 305.4 (A) requires the minimum parcel size to be 40 acres. Section 305.4 (B) requires a minimum of 400 feet along a public road.

Therefore, based on the information provided, I am not able to approve such request.

Other Comments:

If you have any questions, feel free to contact my office.

Respectfully Submitted,



Douglas M. Kuhlman
Zoning Administrator

3. LOCATION OF PARENT PARCEL, ADDRESS AND/OR DESCRIPTION

62417 Crooked Creek Road, Cassopolis, MI 49031

4. PROPOSED DIVISION(S)/COMBINATION/PROPERTY LINE ADJUSTMENT TO INCLUDE THE FOLLOWING:

A. Land Division X

Combination _____

Property Line Adjustment _____

B. Number of new parcels being created - 2

C. Intended Use

Residential _____

Commercial X - this is a Historical site and the intended use is for visitors to be able to come and visit.

Industrial _____

Agriculture _____

D. The division of the parcel provides access as follows: (check one)

_____ Each new division has frontage or legal access to a public road

_____ A new public road

_____ A new private road

_____ Easement

D. Describe or attach a legal description and a survey or a drawing for each proposed parcel (including all division(s)/combinations/property line adjustment and remaining parent parcel)

Attached

5. FUTURE DIVISIONS

Splits being transferred from the parent parcel to another parcel. Indicate number transferred to each proposed parcel. (Seller must notify Township Assessor of transfer of division rights to buyer within 45 days of transaction, Form L-4260A) _____

A survey will be provided by a professional surveyor, or a map/drawing that shows current boundary lines of parent parcel, proposed division(s), dimensions on all lines, and existing roads and/or easements.

I grant permission for municipal, county and state officials to enter the property for inspections. I agree the statements made above are true, and if found not to be true this application and any approval will be void. Further, I agree to comply with the conditions and regulations provided with this parcel division/combination/property line adjustment. Finally, I understand this is only a parcel division/combination/property line adjustment which conveys only certain rights under the applicable local land division/combination/property line adjustment ordinance and the State Land Division Act (formerly the Subdivision Control Act PA 288 of 1967 as amended particularly by PA 591 of 1996 and PA 87 of 1997) and does not include any representations or conveyance of

BROWNSVILLE ST CASSOPOLIS, MI 49031 (Property Address)

Parcel Number: 14-010-008-132-01

Property Owner: Wooden Dennis K & Della Sue Trust

Summary Information

> Assessed Value: \$431,200 | Taxable Value: \$101,434

> Property Tax information found

No Images Found

Parcel is Vacant

Owner and Taxpayer Information

Owner	Wooden Dennis K & Della Sue Trust 61607 CROOKED CREEK CASSOPOLIS, MI 49031	Taxpayer	SEE OWNER INFORMATION
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General Information for Tax Year 2018

Property Class	102 Agriculture - Vacant	Unit	010 CALVIN TOWNSHIP
School District	CASSOPOLIS	Assessed Value	\$431,200
Map #	No Data to Display	Taxable Value	\$101,434
User Num Idx	0	State Equalized Value	\$431,200
User Alpha 1	No Data to Display	Date of Last Name Change	03/03/2010
User Alpha 3	No Data to Display	Notes	Not Available
Historical District	No	Census Block Group	No Data to Display
User Alpha 2	No Data to Display	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date 07/15/2010

Qualified Agricultural	June 1st	Final
2019	100.0000 %	-
2018	100.0000 %	100.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2017	\$431,200	\$431,200	\$99,348
2016	\$388,300	\$388,300	\$98,462
2015	\$340,500	\$340,500	\$98,168

Land Information

Zoning Code		Total Acres	157.750
Land Value	\$862,400	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	Farmland	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
---------------	-----------------	--------------

No lots found.

Total Frontage: 0.00 ft

Average Depth: 0.00 ft

Legal Description

Legal Description not on file

CAZA2206001 039

Calvin Township Planning Commission



Agenda July 21, 2022 5:30 P.M.

- ☐ Call Meeting to Order
- ☐ Pledge of Allegiance
- ☐ Offering of Prayer
- ☐ Roll Call
Planning Commission

Chairperson

☐ Ken
Bradfield

Recording
Secretary

☐ Elizabeth
Marshall

☐ Rebecca
Mitchell

☐ John
Smith

☐ Phyllis
Polmateer

☐ Zoning Administrator

Doug
Kuhlman

- ☐ Motion to approve the agenda
- ☐ Approve the minutes of the previous meeting
- ☐ Public Comments on non-agenda items
- ☐ Motion to open public hearing on request by Wooden for a Conditional Re-Zone.
- ☐ Staff Report - Zoning Administrator

OVER

Calvin Township Planning Commission



Agenda
July 21, 2022
5:30 P.M.

☒ Call Meeting to Order

☒ Pledge of Allegiance

☒ Offering of Prayer

☐ Roll Call
Planning Commission

Chairperson

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Mitchell

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Doug
Kuhlman

☒ Motion to approve the agenda

☒ Approve the minutes of the previous meeting

☒ Public Comments on non-agenda items

☒ Motion to open public hearing on request by Wooden for a Conditional Re-Zone.

☒ Staff Report - Zoning Administrator

5:30 P.M.

OVER



CALVIN TOWNSHIP
CASS COUNTY, MICHIGAN

AFFIDAVIT OF CONDITIONS TO REZONING

STATE OF MICHIGAN)
) ss.
COUNTY OF CASS)

Now Comes, Richard Jay Wooden Trust u/t/a dated July 7, 2004, as amended and Carlie Jean Wooden Trust u/t/a July 7, 2004, as amended and Dennis K. Wooden and Della Sue Wooden as Trustees of the Dennis K. Wooden and Della Sue Wooden Joint Trust Dated December 3, 2014, and Richard J. Wooden and Carlie J. Wooden, Tenants in Common, of 62417 Crooked Creek Road a/k/a parcel ID# 14-010-008-132-01, being first duly sworn states as follows:

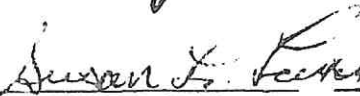
1. That Richard J. Wooden is one of the main principals and can legally represent and bind decisions regarding this said parcel.
2. That Richard J. Wooden is one of the owners of the property located at 62417 Crooked Creek Road a/k/a Parcel ID# 14-010-008-132-01.
3. The current parcel number is associated with forty acres of AG-1 land. We are requesting that two acres of said parcel be split from the forty acres, be conditionally rezoned to AG-2, and assigned a new parcel number. A copy of the Certificate of Survey is attached hereto for the two acres that we wish to be conditional rezoned to AG-2. The remaining acreage will remain AG-1 and maintain the above referenced Parcel ID.
4. Richard J. Wooden intends to donate two acres of the current acreage to the Underground Railroad Society of Cass County. Said donation is not for financial gain but merely

forward shall be in conformance with the AG-1 Agricultural Zoning district as regulated by the Calvin Township Zoning Ordinance.


Richard J. Wooden

Subscribed and sworn to before me this 14 day of May, 2022.

SUSAN LEE LOUX
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF CASS
My Commission Expires Nov. 30, 2022
Acting in the County of Cass

 Notary Public
Cass County, Michigan
My commission expires: 11/30/2022



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.
- ☐ N/A For an initial zoning ordinance: 8 copies on loan with map(s).
- ☐ N/A 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 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.

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: 8/11/2022

Signed: [Signature]

August 11, 2022

Cass County Planning Commission
120 North Broadway, Suite 116
Cassopolis, MI 49031

RE: Rezoning of Parcel 14-090-050-011-01 from C-1 to R-1

Dear Cass County Planning Commission,

The above parcel located at 22451 US 12 has requested to be rezoned from C-1 to R-1. The Petitioner and Township has followed the process outlined in Article XXII of our Zoning Ordinance (attached).

All of the requested information should be attached with this packet. If anything is missing or needs clarification, please feel free to contact the Township Offices at (269) 663-2347.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Hanson", with a long horizontal flourish extending to the right.

John M. Hanson
Deputy of Zoning and Planning



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

**MINUTES FOR PLANNING COMMISSION HELD ON
WEDNESDAY
August 3, 2022 @ 7:00 PM**

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

Members Absent: Bob Thompson, William Mahaney

The Planning Commission meeting was called to order by Chairman Marbach at 7:01pm.

Pledge of Allegiance: Chairman Marbach led the Pledge of Allegiance

Agenda approval: Chairman Marbach welcomed the members and audience. He then asked for a motion to approve the agenda. Motion by Dawn Bolock, second by Gates. Motion carried with all in favor. None opposed.

Chairman Marbach recognized Jerry Marchetti who wanted to announce the new Building Inspector. He introduced Richard Yoder, who replaces Wayne Hardin. All welcomed him.

Approval of Past Minutes: Chairman Marbach called for approval of the minutes from the Planning Commission meeting of 7/6/2022. He asked for a clarification regarding who made the motion regarding Eagle Ridge. Sandra Seanor said she would reflect that she made the motion as a point of clarification. Dawn Bolock made the motion to approve, seconded by Don Delong. Motion carried with all in favor. None opposed.

Land Division/New Business: Chairman Marbach noted that there are no Land Divisions

New Business: Chair Marbach noted that there is no New Business and moved on to Old Business.

Old Business: Rezoning Kent – US12 and Adamsville Rd, 14-090-05-011-01: Chairman Marbach indicated that the applicant is unable to attend as he is out of town in Ormand Beach Florida. He noted that the rezoning is a public hearing, and the applicant has requested that the Zoning Administrator provide his information to the Planning Commission. Chairman Marbach explained the process, noting that the Planning Commission is just making a recommendation to the Township Board.

Marbach turned the floor over to Leroy Krempec the Zoning Administrator who made the presentation for the applicant. He noted that the applicant felt that he was unable to sell as a commercial building. The Zoning Administrator noted that he recommended approval.

Discussion ensued regarding the fact that there are two homes on one lot, which is prohibited by the Ontwa Zoning Ordinance. Dawn Bolock noted that the property had been listed for 23 days in the MLS as two homes on one lot. Chairman Marbach asked if this met the Accessory Dwelling Unit standards, which would not allow the owner to rent second home on the property as an ADU. Chairman Marbach noted that if we rezone the property to R1 it can only be classified a single-family home. It was further noted that if the second building was as an ADU it could not be rented and could only be used as a mother-in-law suite (for a family member).

Chairman Marbach called for a motion on the matter. Dick Gates made a motion to approve the rezoning to R1 contingent upon the applicant being notified that the property rezoning is only for a single-family dwelling and cannot be used as multi-family. The motion was seconded by Don Delong. The Chairman asked for all in favor 6 ayes and Dawn Bolock opposing with a no vote. The motion passed.

The Chairman asked if there was anyone from the public wishing to speak on the matter. Mr. Art Leineu noted that he owns the property across the street from the applicant's property. He expressed concern that this would be a multi-family use with no garage. Chair Marbach reiterated that it could only be a single-family residence. The Chairman thanked Mr. Leineu for his comments.

Old Business/Eagle Ridge: The Chair addressed the Planning Commission indicating that the applicant was present. He noted that not much changed regarding the applicant's submission and noted that he had forwarded the test results from the water sampling. He then invited the applicant's attorney to make his presentation.

The applicant's attorney, Mr. Steven Studer, 4101 Edison Lakes Parkway, in Mishawaka In addressed the Plan Commission. He noted that he wanted to record the meeting, which was fine with the Plan Commission Chair. He noted that the developer, J Patrick Matthews, consultants Michael Danch and Berne Miller of Danch-Harner Consulting were present and were introduced. Mr. Studer made a presentation expressing his beliefs that the application was complete and followed the ordinance.

The Chair invited the Commission members to ask questions. The Planning Commission members reviewed many of the points made by the Ontwa Planner. Questions regarding the detention/retention areas were asked with the applicant's attorney noting that these were not going to be included in any lot area. Additionally, he noted that they would agree to remove Lots 1 and 2 from the plan.

Chairman Marbach noted that the Planning Commission is only approving that Phase 1 of the applicant's plan. He further noted that the Planning Commission can only address the requirements of the site condominium ordinance and without a specific requirement for greenspace cannot impose such a requirement.

A discussion regarding the measurement of the lot depths (required to be 125') ensued regarding the Planner's notation that the measurement must be from the right of way line and not the street centerline. Chairman Marbach called on Burne Miller, who is also representing the applicant. He testified that the lots were originally measured from the street centerline but after discussion with the Planner he had adjusted the lot lines to be measured from the right of way line as required by the

ordinance. He said that all of the lots now meet the 125' depth. Chairman Marbach suggested that this could be a condition for approval. He asked that the applicant explain the materials dropped off before the meeting. Burne Miller said he provided the private road documents, information to the Road Commission on the street names, there are still additional documents that need to be submitted.

Mike Mroczek questioned the water test in well three which had a 9.3ml reading for nitrates and a 0 reading for iron. Mr. Miller stated that he found them unusual too but is awaiting the Health Department Review.

Chairman Marbach asked if there were any other questions for the applicant. Hearing none he asked if there were any members of the audience wishing to speak. Polly Mitchell spoke up. She is at 23633 So Shore Dr. and asked about where the private road is located. The Chairman responded that all of the roads in the development would be private roads.

Dorothy Derringer. A resident on South Shore commented that she wasn't in favor of the project. Additional discussion of the water testing ensued. Chairman Marbach asked for any other comments and hearing none turned to the applicant for any additional comments and then asked for a motion to close the public hearing. Dick Gates made the motion to close the public hearing and return to the Plan Commission meeting, seconded by Don Delong. Motion carried with all in favor. None opposed.

The Chairman reviewed the approval process, noting the Planner's June 17, 2022 memorandum and then asked for a motion regarding the application.

Sandra Seanor said she would make a motion. The motion is as follows:

*Lots must be measured from the right of way line not the street centerline and must meet the 125' depth requirements of the ordinance for private lots.

*No lot shall have any portion of their private lot area included within any portion of a retention or detention area.

*Lots 1 and 2 shall be removed.

*The applicant shall obtain a private road permit from the Township prior to Step 2 approval by the Township Board.

*The applicant shall obtain all applicable permits from all federal, state, and local agencies having jurisdiction.

*The applicant shall comply with all requirements of the Township Engineer, Attorney, emergency services personnel, and others as deemed necessary by the Township.

*Approval of the Master Deed by the Township Attorney shall be required prior to Step 2 approval by the Township Board.

*A Performance Guarantee is required (in the form of a corporate surety bond) in an amount

proposed by the Township Planner, Engineer, and Attorney to guarantee the proper performance of required improvements or materials to meet the provisions and intent of this Ordinance, prior to final approval by Township.

*The applicant must submit a detailed US12 drainage plan for review and approval by the Township Engineer.

*The applicant shall update its maps to reflect all of the changes and corrections required in this motion including, postal location and parking areas 30 days prior to the Township Board meeting.

*This motion for approval, is only for Phase one of the Eagle Ridge Development, as reviewed by the Ontwa Planner's second memo dated June 17, 2022 for the Township Board consideration.

Dawn Bolock seconded the motion. The Chairman called for any discussion hearing none he asked for a roll call. Chris Marbach - Yes, Shane Szalai – Yes, Richard Gates – Yes, Don Delong – No, Mike Mroczek – Yes, Dawn Bolock – Yes, Sandra Seanor – Yes.

Chairman Marbach stated the motion passes with 6 Yes and 1 No. He noted that the Township Board would review the application at its September meeting.

Committee Reports: The Chairman asked for Committee reports.

Sandra Seanor gave the Zoning Review Committee report noting that the following items were discussed and assigned to our Planner, including an updated for all applications for consistency. Once completed John Hansen will work with Tina to upload to the website. The Noise Ordinance information has been sent to the attorney. The discussion for the August 9th meeting will include Solar. After Solar we will be working on the Master Plan.

Public Comment: The Chair asked for any other public comments. Polly Mitchell asked how to file a complaint on the Short-Term Rental across the street from her home. She was encouraged to file a complaint with the Zoning Office.

Chairman asked if anyone else wished to speak hearing none, he adjourned the meeting.

ARTICLE XXII

ORDINANCE AMENDMENT

SECTION 22.01 AMENDMENT PROCEDURE. The Planning Commission may initiate, or any interested person or public body may make, written request to the Planning Commission for initiating a zoning map change or amendment to this Zoning Ordinance. If such request shows just cause, or if the applicant specifically requests, the following procedure shall be followed:

- (a) The applicant shall submit a formal application to the Zoning Administrator, together with a fee as determined by the Township Board. Applications shall be submitted at least thirty (30) days prior to the next scheduled Planning Commission meeting.
- (b) The Zoning Administrator shall authorize the preparation of the proposed amendment to be considered.
- (c) The Township Clerk shall set a time and place for a public hearing and provide notice of the public hearing subject to Section 22.03, Publication and Delivery of Notice of Public Hearing, of this ordinance. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing. (As amended June 11, 2007)
- (d) At said hearing, the Planning Commission shall establish that the applicant has paid to the Township the fee established by the Township Board and that proper notices have been made.
- (e) The Planning Commission shall hold said public hearing, noting all comments and reports requested, or noting the absence of such.
- (f) The Planning Commission shall forward the amendment to the Township Board, and County Planning Commission pursuant to Section 307 of the Michigan Zoning Enabling Act, together with its recommendation for approval, denial or modification. Said recommendation shall be accompanied by a summary of the comments made at the public hearing and by written findings of fact in support of the Planning Commission's recommendation. (As amended June 11, 2007)
- (g) The County Planning Commission shall have thirty (30) days to review and comment upon the amendment prior to the Township Board taking a final action. The County function is merely advisory.

- (h) Prior to voted approval, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical or grammatical errors. The changed text shall be forwarded as above without further hearing.
- (i) If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.
- (j) Following said hearing, the Township Board may adopt or deny said amendment with a concurring vote of a majority of its members, with or without any amendments that have been previously considered at a public hearing.
- (k) If the Township Board considers amendment changes, additions or departures advisable to the proposed text or Zoning Ordinance, it shall refer the same to the Planning Commission for a report thereon within a time specified by the Township Board. After review of such report, the Township Board may then proceed to consider the adoption of any such amendment.
- (l) An amendment to the zoning ordinance is subject to a petition for referenda under Section 402 of the Michigan Zoning Enabling Act. (As amended June 11, 2007)
- (m) An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency. (As amended June 11, 2007)

SECTION 22.02. AMENDMENT PETITION PROCEDURE. All petitions for amendment to this Ordinance shall be in writing, signed, and filed in triplicate with the Township Clerk for presentation to the Planning Commission. Such petitions shall include the following:

- (a) The petitioner's name, address, and interest in the petition, as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
- (b) The nature and effect of the proposed amendment;
- (c) If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, 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;
- (d) 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;

- (e) 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;
- (f) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

SECTION 22.03. PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING.

Except where expressly stated otherwise in this ordinance, whenever a public hearing on a zoning application is required by this Ordinance or the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

- (a) Notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- (b) For applications involving the rezoning of ten or fewer properties; for applications to the Zoning Board of Appeals involving a specific parcel, and for all Planned Unit Development and Special Land Use Applications, a notice of public hearing shall be mailed by way of first class mail or by personal delivery to the following persons, at least 15 days prior to the date of the public hearing:
 - (1) The owners of property for which approval is being considered.
 - (2) All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and
 - (3) The occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located in the Township.

If the above described 300 foot boundary extends outside of the Township's boundaries, then notice must be provided outside of the Township's boundaries, within the 300 foot radius, to all persons in the above stated categories.

- (c) The notice of public hearing shall include the following information:
 - (1) Description of the nature of the application/request;
 - (2) Identification/description of the property that is the subject of the application or request. The notice shall include a listing of all street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
 - (3) State when and where the application will be considered, including the date, time, and location of the public hearing on the application; and,
 - (4) Identify when and where written comments will be received concerning the application or request.

SECTION 22.04. REZONING REVIEW CRITERIA. In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that shall 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;
- (b) Whether the land can be used as currently zoned;
- (c) Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
- (d) Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
- (e) 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.

ARTICLE VII

RESIDENTIAL DISTRICT "R-1"

SECTION 7.01. DESCRIPTION AND PURPOSE. It is the intent of this Ordinance to designate certain portions of the township for low density single family dwellings. Certain complimentary religious, educational and recreational facilities may also be permitted.

SECTION 7.02. USE REGULATIONS. In the "R-1" District, no land or buildings shall be used, and no buildings or structures shall be erected or converted, for any use or under any condition other than the following:

- (a) Any use as permitted in the "R-1A" Zoning District, except as provided below.
- (b) Home occupations or Home Based Business as regulated by Section 3.19. *(amended 6/13/16)*
- (c) Single family dwellings with a garage, as regulated in Section 3.26.
- (d) Planned unit developments as per Section 5.02(k) herein.
- (e) A private kennel may be permitted when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall insure that the following requirements are met: *(amended 6/13/16)*
 - 1. A private kennel shall be located on a parcel with at least four hundred (400) feet of frontage and at least five (5) contiguous acres without division by road.
 - 2. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.
 - 3. All kennels shall be operated in conformance with all applicable Cass County, township, state and federal regulations.
 - 4. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
 - 5. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
 - 6. Habitual barking or unusual noise from the kennel, which results in a nuisance to neighboring landowners or residents, is prohibited.
 - 7. Exercise yards must be provided for training or exercising, but shall not be used between the hours of 10:00 p.m. and 7 a.m.
 - 8. During the hours of 7 a.m. until 10 p.m. animals shall be permitted in outdoor

- runs or pens. Animals shall be kept confined and not allowed to run at large on the property except as part of supervised training.
9. Dust and drainage from the kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
 10. The kennel area shall be screened from view by appropriate screening as determined by the Planning Commission in conformance with Article XVI.
 11. The outside perimeter of the run and/or exercise area of a hobby or commercial kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top to prohibit the escape of animals.
 12. All animals must be licensed and maintained in a healthful and careful manner and humane manner and must be provided with annual veterinary care and up to date annually recommended veterinary vaccinations and medications.
 13. Breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
 14. A kennel shall comply with all applicable Cass County, township, state or federal regulations.
 15. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. All animals must receive annual and up to date veterinary care.
 16. Kennels may be inspected at any time by the Zoning Administrator.

SECTION 7.03. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories, whichever is less. *(amended 8/14/17)*

SECTION 7.04. AREA REGULATIONS. No building or structure, nor any enlargement thereof, shall be hereafter erected except in conformance with the following yard and lot area requirements:

- (a) Front Yard - There shall be a front yard of no less than thirty-five (35) feet.
- (b) Side Yard - There shall be two side yards. No side yard shall be less than thirteen (13) feet; provided, however, that when a side lot line adjoins a street, a minimum of twenty (20) feet is required. For non-residential principal buildings, minimum side yards of thirty (30) feet on each side are required, unless specified elsewhere in this Ordinance. *(amended 6/13/16)*
- (c) Rear Yard - There shall be a rear yard of at least thirty (30) feet.
- (d) Lot Area - There shall be a lot area of at least fifteen thousand (15,000) square feet; provided that where a public sewer service is installed, the lot area may be reduced to twelve thousand (12,000) square feet and provided the new or existing home is connected

to the sewer. No more than thirty-five percent (35%) of the total area of a parcel of land shall be covered with buildings, structures or other impervious surfaces. A storm-water mitigation plan designed by a Michigan licensed, professional engineer may be required by the Zoning Administrator. (As amended 8/12/02, 8/14/17)

- (e) Lot Width - The minimum lot width at the setback line shall be one hundred (100) feet.
- (f) Floor Area - For single family residences, there shall be a minimum floor area of one thousand two hundred (1,200) square feet. Dwellings having more than one story shall have a ground floor area of at least seven hundred (700) square feet. The required garage shall have a minimum floor area of three hundred (300) square feet.

SECTION 7.05. CROSS REFERENCES, ADDITIONAL PROVISIONS.

- (a) For Section 7.02. Use Regulations, see also:

- (1) Section 3.03. Continuation of Existing Uses.
- (2) Section 3.08. Essential Services.
- (3) Section 3.09. Powerlines and Pipelines.
- (4) Section 3.10. Principal Use.
- (5) Section 3.16. Basement Dwellings.
- (6) Section 3.17. Keeping of Pets and Livestock.
- (7) Section 3.18. Trailers or Manufactured homes.
- (8) Section 3.19. Home Occupations.
- (9) Section 3.20. Control of Heat, Glare, Fumes, Dust, Noise, Vibration, and Odors.
- (10) Section 3.21. Accessory Buildings and Structures.
- (11) Section 3.22. Private Swimming Pools.
- (12) Section 3.23. Truck Parking and Storage.
- (13) Section 3.25. Garage and Yard Sales.
- (14) Section 3.27. Private Communication Antennas.
- (15) Section 3.32 Anti-Funnel/Anti-Keyholing. (As amended June 11, 2007)

- (b) For Section 7.03. Height Regulations, see also:

- (1) Section 3.07. Height Exceptions.
- (2) Section 3.13. Fences and Walls.
- (3) Section 3.21. Accessory Buildings and Structures.
- (4) Section 3.27. Private Communication Antennas.

- (c) For Section 7.04. Area Regulations, see also:

- (1) Section 3.06. Area, Frontage, and Use Conditions.
- (2) Section 3.11. Lots Having Frontage on Two Streets.
- (3) Section 3.21. Accessory Buildings and Structures.
- (4) Section 3.22. Private Swimming Pools.
- (5) Section 3.24. Yard Requirements.
- (6) Section 3.26. Residential Dwellings, Generally.

(7) Section 3.27. Private Communication Antennas.

- (d) See also Article XVII. Parking and Loading Space.
- (e) See also Article XVIII. Nonconforming Uses, Buildings and Structures.
- (f) See also Article XIX. Signs.

ONTWA

TOWNSHIP

Township of Ontwa * County of Cass * State of Michigan

www.Ontwatwp.Org

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

Jerry Marchetti – Supervisor
Tins VanBelle – Clerk
Meryl Christenson - Treasurer

Jerry Duck - Trustee
Jeff Kozinski - Trustee
Dawn Bolock – Trustee
Dan Stutsman -Trustee

REZONING PETITION OR ORDINANCE AMENDMENT

TO:

- ☐ Ontwa Township Planning Commission
☐ Ontwa Township Board of Trustees

FROM:

Dennis Randall Kent
(Petitioner)

142 Magnolia dr
(Address)

Ormond Beach FL 32176
(City, State, Zip Code)

(Telephone, Home / Business/ Cell)

574-536-7277 Michelle 574-536-1355

randydKent@comcast.net

Please Note:

All questions must be answered completely. If additional space is needed, number and attach additional sheets.

ACTION REQUESTED:

The petitioner requests Ontwa Township approve the following petition for a zoning amendment.

This petition is for a text amendment "A" or a change to the zoning map "B" or both.

- Fill out pages 1, 2, and 4 of this application for "A" (text amendment).
- Fill out only pages 1, 3 and 4 for "B" (change the zoning map).
- Fill out pages 1, 2, 3, and 4 for both.
- If this is a multiple request, duplicate pages 2, or 3, as many times as necessary, so one copy is used for each requested change.

- ☐ A. Zoning Text Change.
☐ B. Zoning Map Change.
☐ A & B. Both Zoning Text & Map Change.

NOTE: The amendment(s), being requested, may be adopted, further revised or not adopted.

A. TEXT AMENDMENT: Use another copy of this page for each different section being nominated for a text change.

This request is to change the text of Article _____, Section _____
This change is shown below, using underlining or bold face, like this, to show new text, and
[delete out, like this], to show words to be deleted:

[illegible]

B. REZONING: Use another copy of this page for each different area being nominated for rezoning.

This request is to rezone land from: C-1 :to: R-1

PROPERTY INFORMATION:

Legal Description of land to be rezoned: ATTACHED

- ☐ attach, additional sheets if necessary
☐ attach copy of map showing proposed change

Property size: _____

Parcel Data Process (tax) Number 14-092-050-011-01

Address of the property: _____

Attach or list all deed restrictions for the property in question.

List names and addresses of all other persons, firms, or corporations having a legal or equitable interest in the property at question:

Dennis Randall Kent

Michelle M Kent

This area is: ☒ un-platted ☐ platted ☐ will be platted If platted, name of plat:

What is present use of the property? VACANT

State specifically the reason for the proposed amendment at this time:

Change to Residential

Explain how the zoning amendment conforms with the Ontwa Township Master Plan:

Residential zone

If the zoning amendment does not conform with the Master Plan, why should the change be made, or why should the Master Plan also be amended to accommodate this proposed zoning amendment. Be specific, brief, and documents statements. Indicate if the existing zoning is in error, or if conditions have changed to warrant amending the zoning ordinance.

What will be the anticipated impacts, if any, to all landowners in the zoning district if the zoning amendment were to be approved? Residential

The undersigned affirms that he/she is the agent representing the applicant requesting the zoning change and the answers and statements contained here are true.

Signed: Dennis Randall Kent

Date: 2-23-22

Print Name: Dennis Randall Kent

Note:

When completed, send two copies to:
Ontwa Township Zoning Administrator
26225 U.S. 12
P.O. Box 209
Edwardsburg, MI. 49112

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TOWNSHIP

Township of Ontwa * County of Cass * State of Michigan

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

Jerry Marchetti - Supervisor

Tina VanBelle - Clerk ** Sharen Leist - Treasurer ** Meryl Christenson - Trustee ** Jeff Kolinski - Trustee ** Dawn Bolock ** Trustee *** Dan Stutsman ** Trustee

Office of Zoning and Code Administration

Date: July 26, 2022

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

(Wednesday) August 3, 2022 at 7:00 P.M.

PLEASE TAKE NOTE:

PURPOSE: A PUBLIC HEARING, for the below named property, at the Ontwa Township Hall at 26225 U.S. 12E, Edwardsburg, Michigan. Normally, neighboring property owners and other interested parties desiring to present their views on these matters, are given an opportunity to be heard at the above-mentioned time and place.

PROPERTY INVOLVED:

14-090-050-011-01

This property is located at the corner of U.S.12 and Adamsville Road.

Legal Description

For APN/Parcel ID(s): 14-090-050-011-01

Land Situated In the State of Michigan, County of Cass, Township of Ontwa.

Parcel: Lots Numbered Forty-nine (49) and Fifty-eight (58), Village of Adamsport, according to the plat thereof as recorded in Liber A of Mortgages, page 36, Cass County Records. Also, the North 75 feet of Lot Number Fifty (50), Original Town of Adamsport, according to the plat thereof as recorded in Liber A of Mortgage, page 36, Cass County Records, and more commonly known as 22451 US 12, Edwardsburg, Michigan 49112.

Reason for Hearing:

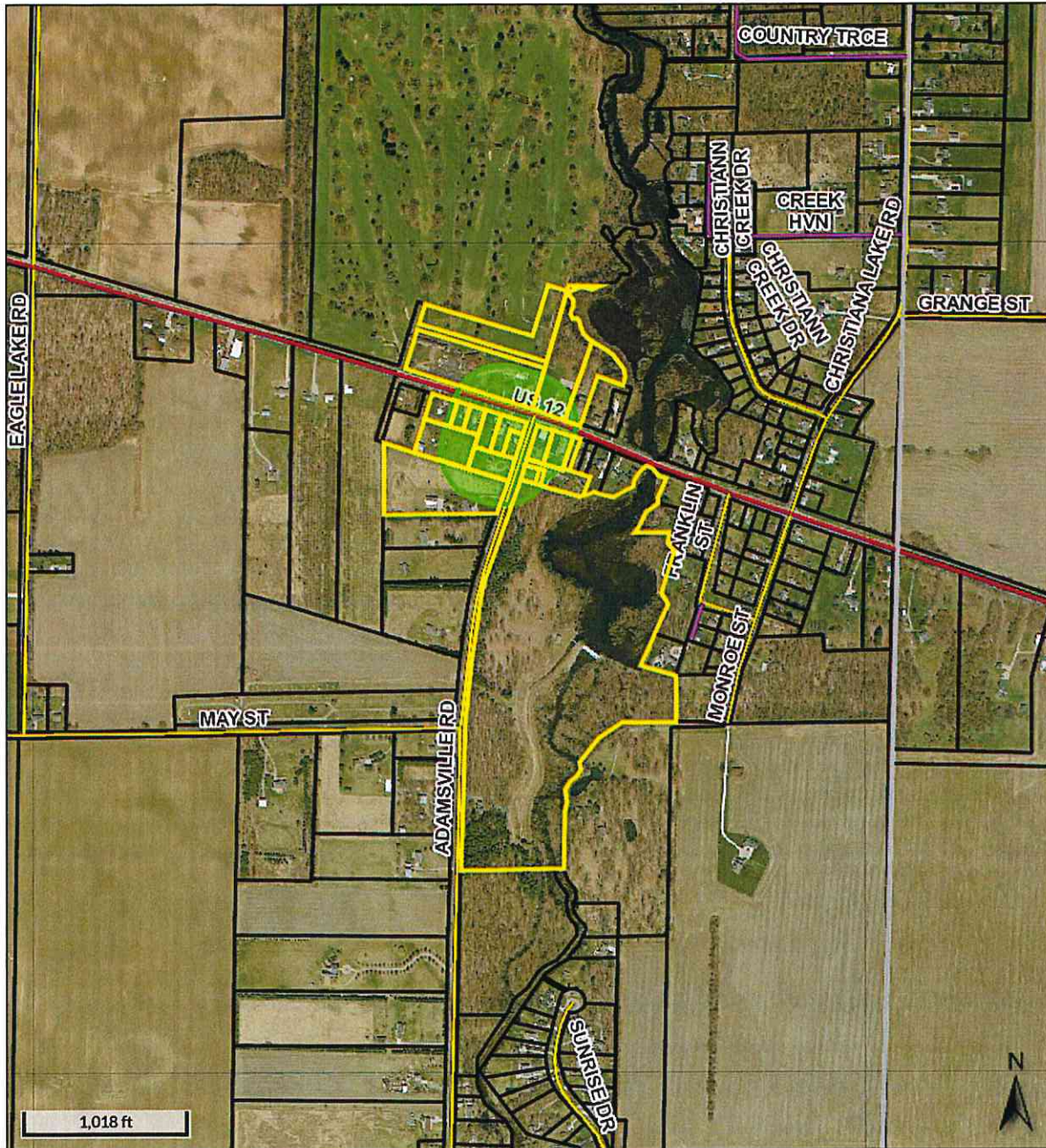
Applicant is petitioning the township to rezone the above referred to properties from presently zoned "C-1 Commercial to R-1, Residential.

Information can be obtained at the Township Hall

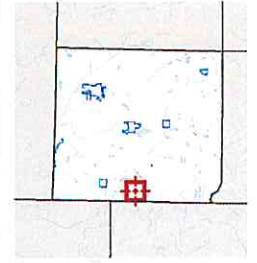
LeRoy Krempec
Ontwa Township Zoning Administrator
574-292-0820
zoningandcodeadm@gmail.com

CC: Tina VanBelle – Township Clerk\

*Parcels
within
300'*



Overview

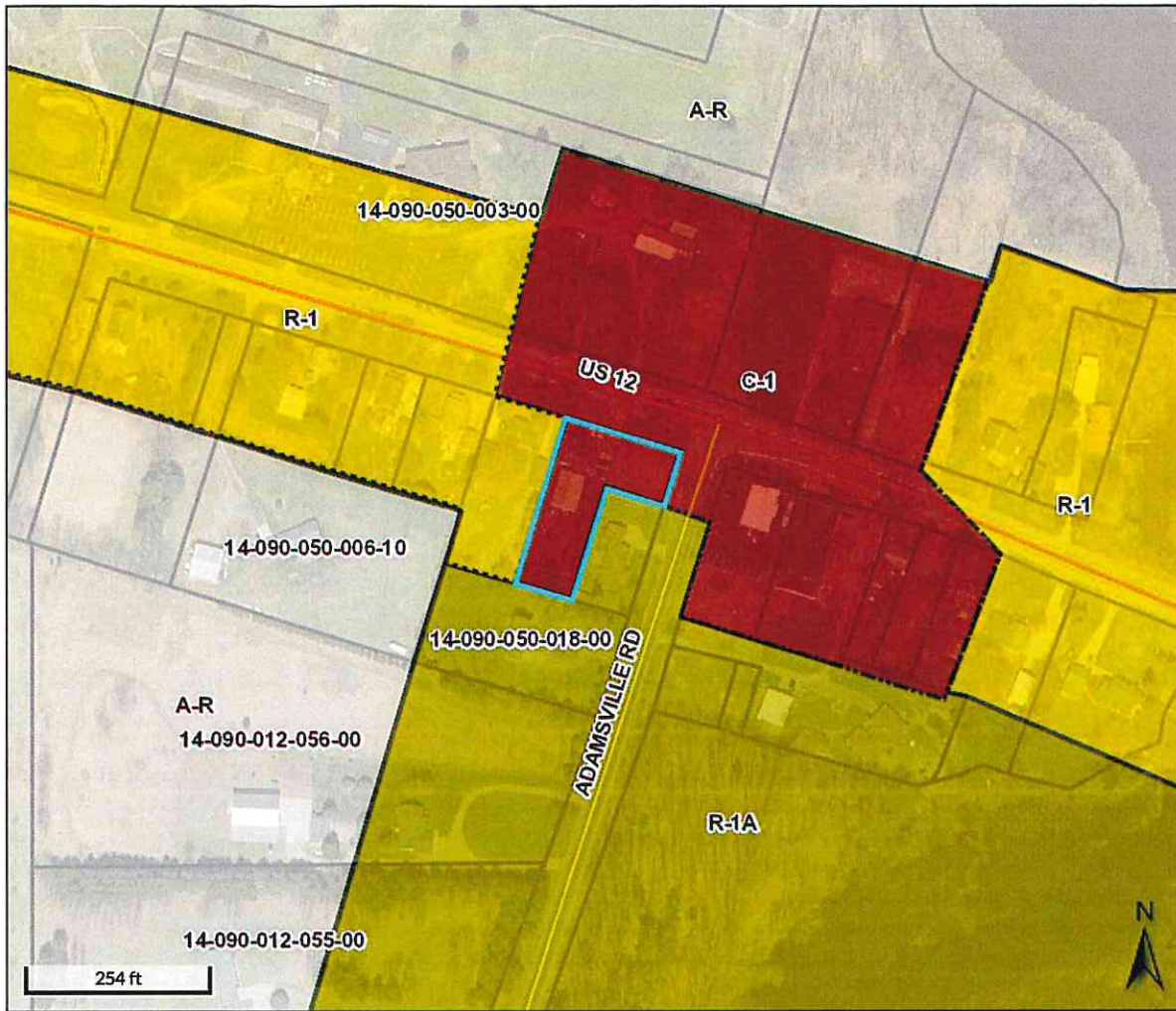


Legend

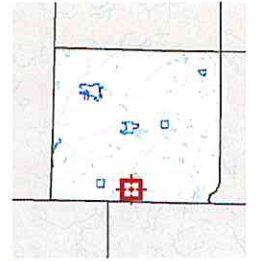
- ☐ Municipalities
- ☐ Townships
- Roads**
 - <all other values>
 - CITY/VILLAGE LOCAL
 - CITY/VILLAGE MAJOR
 - COUNTY LOCAL
 - COUNTY PRIMA^R
 - FEDERAL TRUNKLINE
 - STATE TRUNKLINE
- ☐ Parcels
- Parcel Numbers

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Developed by  **Schneider**
GEOSPATIAL



Overview



Legend

Ontwa Zoning 2010

- ☐ A-R: Agricultural Residential
- ☐ R-1A: Residential
- ☐ R-1: Residential
- ☐ LR: Lake Residenti
- ☐ R-2: Residential
- ☐ MH: Park
- ☐ MFR: Multi-Family Residential
- ☐ C-1: Commercial
- ☐ C-2: Commercial
- ☐ I-1: Light Industrial
- ☐ I-2: Heavy Industri
- ☐ Municipalities
- ☐ Townships

Roads

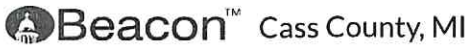
- ☐ <all other values>
- ☐ CITY/VILLAGE LOCAL
- ☐ CITY/VILLAGE MAJOR
- ☐ COUNTY LOCAL
- ☐ COUNTY PRIMAR
- ☐ FEDERAL TRUNKLINE
- ☐ STATE TRUNKLINE

Parcels

Parcel Numbers

*Going from
C1-R1*

Parcel ID	14-090-050-011-01	Alternate ID	n/a	Owner Address	KENT D RANDALL & MICHELLE M
Sec/Twp/Rng	50-8-15W	Class	201 - COMMERCIAL-IMPROVED		142 MAGNOLIA DR
Property Address	22451 US 12	Acreage	0.56		ORMOND BEACH, FL 32176
	EDWARDSBURG				
District	14030 EDWARDSBURG PUBLIC SCHOOLS				
Brief Tax Description	359 359-109 LOTS 49 & 58. ALSO N 1/2 VACATED PEARL ST LYING S OF LOT 58. ALSO NLY 75 FT OF LOT 50. ADAMSPORT. 359 359-109 LOTS 49 & 58. ALSO N 1/2 VACATED PEARL ST LYING S OF LOT 58. ALSO NLY 75 FT OF LOT 50. ADAMSPORT. 359 359-109 LOTS 49 & 58. ALSO N 1/2 VACATED PEARL ST LYING S OF LOT 58. ALSO NLY 75 FT OF LOT 50. ADAMSPORT.				
	(Note: Not to be used on legal documents)				



Summary

Parcel Number	14-090-050-011-01
Property Address	22451 US 12
Brief Tax Description	359 359-109 LOTS 49 & 58. ALSO N 1/2 VACATED PEARL ST LYING S OF LOT 58. ALSO NLY 75 FT OF LOT 50. ADAMSPORT. 359 359-109 LOTS 49 & 58. ALSO N 1/2 VACATED PEARL ST LYING S OF LOT 58. ALSO NLY 75 FT OF LOT 50. ADAMSPORT.
	(Note: The Description above is not to be used on legal documents.)
Tax District	90 ONTWA TOWNSHIP
School District	14030 EDWARDSBURG PUBLIC SCHOOLS
Property Class	201 COMMERCIAL-IMPROVED
Net Acres	0.56
Total Acres	0.56
Homestead	0
% Homestead	NULL
Date	

[View Map](#)

Owner

KENT D RANDALL & MICHELLE M
142 MAGNOLIA DR
ORMOND BEACH, FL 32176

Land

Lot Area 0.56 Acres

Commercial

Floor Area	1,344 sq ft	Estimated TCV	\$51,609
Occupancy		Class	
Stories Above Ground	1	Average Story Height	10 ft
Basement Wall Height	0 ft	Identical Units	1
Year Built	0	Year Remodeled	0
Percent Complete	0%	Heat	
Physical Percent Good	72%	Functional Percent Good	100%
Economic Percent Good	100%	Effective Age	13 yrs

Residential

Floor Area	1,440 sq ft	Estimated TCV	\$210,096
Garage Area	0 sq ft	Basement Area	1,440 sq ft
Foundation Size	1,440 sq ft	Year Remodeled	2000
Year Built	1975	Class	
Occupancy		Tri-Level	No
Effective Age	30 yrs	Heat	
Percent Complete	0%	Wood Stove Add-on	0
AC w/Separate Ducts	No	Water	
Basement Rooms		Sewer	
1st Floor Rooms	6	Style	1 STORY
2nd Floor Rooms	0		
Bedrooms	3		
Full Bathrooms	2		
Half Bathrooms	0		

Valuation

Assessed Value Breakdowns

	2021	2020	2019	2018
+ Assessed Building Value	\$0	\$0	\$0	\$0
+ Assessed Land Value	\$67,900	\$69,200	\$71,100	\$62,000
= Assessed Value	\$67,900	\$69,200	\$71,100	\$62,000

Total Valuations

Year	Assessed Value	State Equalized Value	Taxable Value
2021	\$67,900	\$67,900	\$65,599
2020	\$69,200	\$69,200	\$64,694
2019	\$71,100	\$71,100	\$63,488
2018	\$62,000	\$62,000	\$62,000

Tax History

Year (click for detail)	Season	Total Amount	Total Paid	Last Paid	Total Due
2021	Winter	\$2,245.44	\$0.00		\$2,245.44
2021	Summer	\$701.69	\$701.69	9/24/2021	\$0.00
2020	Winter	\$2,226.22	\$2,226.22	2/8/2021	\$0.00
2020	Summer	\$687.14	\$687.14	8/17/2020	\$0.00
2019	Winter	\$2,155.14	\$2,155.14	2/7/2020	\$0.00
2019	Summer	\$675.24	\$675.24	7/11/2019	\$0.00
2018	Winter	\$2,109.06	\$2,109.06		\$0.00
2018	Summer	\$659.42	\$659.42	7/13/2018	\$0.00
2017	Winter	\$2,097.02	\$2,097.02	12/18/2017	\$0.00
2017	Summer	\$654.10	\$654.10	8/1/2017	\$0.00

No data available for the following modules: Agricultural, Extra Features, Sales, Sales (Liber).

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