



Cass County Planning Commission

*Ryan Laylin
Richard Palmisano
Edwin Johnson III*

*David Kring
Annie File
Char Hiemstra*

*Jayne Bailey
Dan Stutsman
Dianna McGrew*

AGENDA

Wednesday, November 16, 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 – November 16, 2022

Old Business:

- 1. Jefferson Township – Text Amendment**

New Business:

- 1. Approval of 2023 meeting dates**
- 2. Milton Township – zoning ordinance amendment**
- 3. Village of Edwardsburg -land split/rezoning**

Other Business:

- 1. Correspondence from County of Berrien Community Development**
- 2. Master Plan – continued discussion**

Adjournment:

CASS COUNTY PLANNING COMMISSION

■ Minutes of October 26, 2022 ■

The meeting was called to order by Dan Stutsman at 4:08 p.m.

Members Presents: Dan Stutsman, Richard Palmisano, Annie File, Char Hiemstra, Dianna McGrew and Jayne Bailey.

Members Absent: Ryan Laylin, David Kring and Edwin Johnson III.

Approval of Agenda: Motion made by Dan Stutsman to approve the amended agenda, with the addition of a request from Jefferson Township. Seconded by Annie File and motion carried.

Approval of Minutes: Motion made by Annie File to approve the minutes, seconded by Jayne Bailey and motion carried.

New Business:

1. Wayne Township, Village of Marcellus, Village of Vandalia, Volinia Township have indicated they will likely be on board with the Master Plan. Sandy Seanor, Andy Moore @ Williams and Works is who has been recommended. Checking with Williams and Works to check on availability for an initial meeting. Fenton Township in St. Joseph County gave us a list of Request for Proposal. Master Plan update check list.
2. Motion was made by Ann File to table the Jefferson Township ordinance request until the November meeting. Seconded by Richard Palmisano and motion carried.
3. The board will request three (3) Master Plan businesses to attend a planning commission meeting. We will have copies for each of them that are coming.
4. Roseann Marchetti presented three (3) names of possible Master Planners.

Adjournment: Chair Dan Stusman adjourned the meeting at 4:40 p.m.

Respectfully submitted,

Char Hiemstra, Secretary

2023 Planning Commission

Meeting Dates (*every 4th Wednesday*)

@ 4:00 p.m. – Kincheloe Room (unless otherwise specified)

January 25

February 22

March 22

April 26

May 24

June 28

July 26

August 23

September 27

October 25

November 22

December 27



COUNTY OF BERRIEN
COMMUNITY DEVELOPMENT

Berrien County Administration Building
701 Main Street, St. Joseph, MI 49085

Katie Montoya, Assistant Director
Phone: 269-983-7111 ext. 8257 Fax: 269-982-8611
Email: cmontoya@berriencounty.org

October 24, 2022

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

RE: Draft Berrien County Master Plan

Dear Chairperson,

The Berrien County Planning Commission has completed its draft of the Berrien County Master Plan. The 2022 Plan is available for your review at the Community Development Department's home page (<https://www.berriencounty.org/DocumentCenter/View/16594/Master-Plan?bidId=>) of the County's website.

At its October 20, 2022 meeting, the Berrien County Board of Commissioners authorized the distribution of the County Master Plan pursuant to the Michigan Planning Enabling Act, M.C.L. 124.3801 et seq. (P.A. 33 of 2008, as amended). Your written comments are welcome and requested within 63 days, as prescribed in the Act, so that they can be entered into our official record. We invite you to attend the public hearing on Tuesday January 9, 2023 at 2:30 at the County Administration Center.

If you have any questions, please feel free to contact me. Comments can be sent to my attention at my e-mail address, cmontoya@berriencounty.org, or mailed to the Berrien County Administration Center, 701 Main St., St. Joseph, MI 49085.

Sincerely,

Katie Montoya

Katie Montoya
Asst. Director/Housing Coordinator

Law Office of Sara A. Senica

·A Professional Limited Liability Company·

12 LONGMEADOW VILLAGE DRIVE
NILES, MI 49120

SARA A. SENICA

PH: 269.684.1500
FAX: 269.684.1501

Cass County Planning Commission
c/o Jackie Taylor
120 North Broad Street
Cassopolis, MI 49031

October 17, 2022

VIA EMAIL: jackiet@cassco.org

Re: Cass County Planning Commission – Review of Jefferson Township Ordinance
Amendments to Allow Certain Marihuana Establishments and Facilities by
Special Use in the Agricultural, Industrial, and Commercial Zoning Districts

Dear Ms. Taylor:

As the attorney for Jefferson Township, I am sending the attached text amendments for review and consideration by the Cass County Planning Commission.

On September 21, 2022, the Jefferson Township Planning Commission convened and held a public hearing for the purpose of hearing public comments on the Township's proposed Zoning Ordinance Changes to allow certain Marijuana Establishments and Facilities in Jefferson Township's Agricultural, Commercial, and Industrial Zoning District by Special Land Use. These are not uses by right, but must go through the stringent Special Land Use Application process.

It is important to note that Jefferson Township does not allow or desire any retail establishments that sell medical or recreational marijuana in the Township. The only uses allowed in the Township under the attached Ordinance provisions would be Medical and Recreational Grow Facilities, Processors, Secure Transporters, and Safety Compliance Testing Labs. No other medical or recreational uses are allowed on a commercial basis in Jefferson Township.

The Jefferson Township Board had a special meeting on February 24, 2022, to invite the public to discuss the possibility of adding the above marijuana uses in the Township. There were no objections at that meeting, and there were several attendees in favor of adding the uses, and the Township Board voted to direct the Planning Commission to begin discussing and studying what uses might fit in the Township, with the exception of retail sales. In April, the Township Planning Commission began meeting to dissect definitions, to discuss the purpose and intent of each zoning district, and to formulate possible uses for each district.

The Planning Commission increased its number of meetings this summer to accommodate the lengthy discussions that were required to get through this Ordinance work, culminating with the public hearing on September 21. Although several citizens requested copies of the final proposed Ordinance,

there were no public comments or input at the September 21, 2022, hearing. The Planning Commission devised the attached Ordinance as its revisions to its current Zoning Ordinance.

In short, the following uses were added as Special Land Uses in the following Districts:

1. Ag District: Medical & Recreational Grow Facilities and Establishments;
2. Commercial District: Medical & Recreational Grow Facilities and Establishments, Medical & Recreational Processors, Medical & Recreational Secure Transporters, and Medical and Recreational Compliance Testing Labs;
3. Medical & Recreational Grow Facilities and Establishments, Medical & Recreational Processors, Medical & Recreational Secure Transporters, and Medical and Recreational Compliance Testing Labs.

The Zoning Ordinance goes on to add specific requirements for the above marijuana businesses, and requires full compliance with State law and licensing regulations.

Finally, it should be noted that the spelling of "marijuana" is generally 'marijuana with a "j"', but old Michigan statutory law refers to the word as "marihuana", using an archaic spelling of the word. To be consistent and to alleviate any doubt, Jefferson Township followed State precedent in drafting its Ordinance revisions, and therefore the Township used the word "marihuana" in its Ordinance revisions to be consistent with State regulations, LARA licensing, and other State laws.

The Township is kindly asking for any input, thoughts, or suggestions prior to presenting the attached Ordinance to the Township Board for final review and consideration. We value the thoughts and ideas of the County Planning Commission, so please do not hesitate to let me know if there are any questions.

Sincerely,



Sara A. Senica

SAB/hss

cc: Jenny Bruner, Township Clerk
Dean Hass, Township Supervisor



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. (Email)
- ☐ 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 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: 10-17-2022

Signed: [Signature]

JEFFERSON TOWNSHIP

CASS COUNTY

STATE OF MICHIGAN

Ordinance Number 2022-____

**AN ORDINANCE TO AMEND THE JEFFERSON TOWNSHIP ZONING
ORDINANCE TO ALLOW CERTAIN MARIHUANA BUSINESSES IN JEFFERSON
TOWNSHIP BY SPECIAL LAND USE PERMIT.**

JEFFERSON TOWNSHIP ORDAINS:

1. SECTION ONE. Article III - Districts, Section 3.01(C), A-1 Agricultural District, Special Land Uses, is amended to add Numbers 14 - 15, which shall read as follows:

14. Medical and Recreational Marihuana Grow Facilities and Establishments, subject to Section 6.02.

~~15. Medical and Recreational Marihuana Processors, subject to Section 6.02.~~

2. SECTION TWO. Article III - Districts, Section 3.07(C), C-1 Commercial District, Special Land Uses, is amended to add Numbers 8 - 10, which shall read as follows:

8. Medical and Recreational Marihuana Grow Facilities and Establishments, subject to Section 6.02.

9. Medical and Recreational Marihuana Processors, subject to Section 6.02.

10. Medical and Recreational Marihuana Secure Transporters, subject to Section 6.02.

11. Medical and Recreational Marihuana Safety Compliance Testing Labs, subject to Section 6.02.

3. SECTION THREE. Article III - Districts, Section 3.08(C), I-1 Industrial District, Special Land Uses, is amended to add Numbers 3 - 5, which shall read as follows:

3. Medical and Recreational Marihuana Grow Facilities and Establishments, subject to Section 6.02.

4. Medical and Recreational Processors, subject to Section 6.02.
5. Medical and Recreational Marihuana Secure Transporters, subject to Section 6.02.
6. Medical and Recreational Marihuana Safety Compliance Testing Labs, subject to Section 6.02.

4. SECTION FOUR. Article VI, Section 6.02(Z) is hereby added to include the following:

Z. Medical and Recreational Marijuana Facilities and Establishments by Special Use, Subject to Section 6.02.

A. REGULATIONS. The following medical and recreational marijuana facilities and establishments, which are also referred to as "Marihuana Businesses", are special land uses in certain zoning districts and are subject to all of the general requirements in Section 6.02 and the following specific requirements. In order to have a Special Land Use Permit granted by the Township, the Planning Commission has to initially find in the Applicant's favor on the general requirements in Section 6.02 AND meet the attached additional requirements in this Section, and the Land Use may be subject to additional requirements as the Planning Commission determines under Section 6.02. The Applicant must also apply and be awarded a local Permit by the Jefferson Township Board. Except as may be pre-empted by State law or Regulation, a Marihuana Business has to meet the following general requirements to obtain a Special Land Use Permit:

1. A Marihuana Business must obtain a state license before they can open for business.
2. No person shall reside in or permit any person to reside in the Marihuana Business where the permit is applicable.
3. No person under the age of eighteen (18) shall be allowed to enter into the Marihuana Business without a parent or legal guardian.
4. Signs shall comply with the Township's sign ordinance.
5. There shall be posted in a conspicuous location within each Marihuana Business a legible sign containing the following warning language:
 - a. The possession, use, or distribution of marihuana is a violation of federal law.

- b. It is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of, or impaired by, marihuana; and
 - 6. Outdoor storage or growth of any product is strictly prohibited.
 - 7. Discharge of toxic, flammable or hazardous materials into the Township sewer is prohibited.
 - 8. A copy of premises liability and casualty damage insurance shall be submitted to the Township when the Applicant has been notified that they have been approved for a Permit.
 - 9. Marihuana Businesses shall at all times maintain a security system that meets State law requirements and regulations. A description of the security plan shall be submitted with the Application for a Permit. A separate security system is required for each Marihuana Business. The Security Plan must include, at a minimum the following:
 - a. Security surveillance cameras installed to monitor and record all entrances, along with the interior and exterior of the permitted premises and all areas of the premises where persons may gain or attempt to gain access to marihuana, marihuana infused products, or cash maintained by the Marihuana Business.
 - b. Robbery and Burglary alarm systems which are professionally monitored and operated 24 hours a day/7 days a week. The security plan submitted to the Township shall identify the company monitoring alarm, including contact information, and updated within seventy-two hours of any change of monitoring company.
 - c. A locking safe permanently affixed to the Location that shall store any processed marihuana and all cash remaining in the Marihuana Business overnight. For marihuana infused products that must be kept refrigerated or frozen, the Marihuana Business may lock the refrigerated container or freezer in a manner authorized by the Township in place of use of a safe, so long as the container is affixed to the building structure.
 - d. All Marihuana in whatever form stored at the Marihuana Business shall be kept in a secure manner and shall not be visible from outside the Location, nor shall it be grown, processed, exchanged, displayed or dispensed outside the Location.
-

e. All security recordings and documentation shall be preserved for at least thirty (30) days by the Permit Holder/Licensee and made available to any law enforcement upon request for inspection.

10. The amount of marihuana at the Marihuana Business and under the control of the Permit Holder/Licensee, owner or operator of the Facility shall not exceed that amount permitted by the state License or the Township's Permit.

11. Smoking or consumption of controlled substances, including Marihuana, within the Marihuana Business is prohibited. It shall be a violation of the Jefferson Township Zoning Ordinance to engage in such behavior, or for a person to knowingly allow such behavior to occur. Evidence of all the following gives rise to a rebuttable presumption that a person or stakeholder allowed the consumption of marihuana on or within a Location in violation of this section:

(a) The person had control over the Location or the portion of the Location where the marihuana was consumed.

(b) The person knew or reasonably should have known that the marihuana was consumed

(c) The person failed to take corrective action.

12. All activities of any Marihuana Business must occur indoors.

13. The operation and design of the Marihuana Business shall minimize any impact to adjacent uses so as not to interfere with the reasonable and comfortable use and enjoyment of another's property, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Location. Whether or not a marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of another's property shall be measured against the objective standards of a reasonable person. No marihuana shall be cultivated, grown, manufactured or processed in any manner that would emit odors beyond the interior of the premises or which is otherwise discernable to another person. The odor must be prevented by the installation of an operable filtration system to ventilation and exhaust equipment. Odors must otherwise be effectively confined to the interior of the Location in which the odor is generated. Venting of marihuana odors into the areas surrounding the Location is deemed and declared to be a public nuisance. In the event that any odors, debris, dust, fluids, or other substances exit a Location, the owner of the Location and the

Permit Holder/Licensee shall be jointly and severally responsible for immediate full clean-up and correction of such condition.

14. All persons working in direct contact with medical marihuana shall conform to hygienic practices while on duty, including but not limited to:

- a. maintaining adequate personal cleanliness;
- b. washing hands thoroughly in adequate hand washing areas before starting work and at any other time when the hand may have become soiled or contaminated; and
- c. refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

15. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.

16. Floors, walls and ceilings shall be constructed and or maintained in such a manner that they may be adequately cleaned and kept in good repair.

17. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for waste development and minimize the potential for waste becoming an attractant, harborage or breeding place for pests.

18. Marihuana Businesses shall be free from infestation by insects, rodents, birds, or vermin, of any kind.

19. Marihuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

20. There shall be no other accessory uses permitted within the same Location other than those associated with cultivating, processing or testing marihuana. Multi-tenant industrial buildings may permit accessory uses in suites segregated from each Marihuana Business.

21. All necessary building, electrical, plumbing, and mechanical and fire suppression permits shall be obtained from the Township for any portion of the

Marihuana Business in which electrical wiring; lighting and /or watering devices that support the cultivation, growing, harvesting, processing or secure transporting of the marihuana are located.

22. That portion of the Marihuana Business where any chemicals such as herbicides, pesticide, fertilizers are stored shall be subject to inspection and approval by the Township Fire Department to ensure compliance with the applicable fire code.

23. The dispensing and retail sale of marihuana at the Marihuana Business shall be prohibited. No free samples of medical marihuana shall be distributed from any Marihuana Business.

24. Growers shall not produce products other than useable Marihuana intended for human consumption.

25. A Marihuana Business shall be open for inspection during the stated hours of operation and as such other times as anyone is present at the Location. No person shall refuse entry to, or in any manner interfere with the inspection of any Marihuana Business.

26. A Grower may co-locate with a Processor. However, each Marihuana Business must acquire separate Licenses and Permits.

27. Any failure by a Permit Holder/Licensee to comply with the provisions of MMMA, MMFLA, MRTMA, the MTA, and the General Rules of the Department of Licensing and Regulatory Affairs or their successors, as they may be amended from time to time, or this Article, is a violation of this Article and is sufficient grounds for suspension and revocation of the Permit issued under this Article.

B. The following definitions apply to this Section and Special Land Use Permits under this Section 6.02(Z):

“Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages Marihuana for sale to a Processor or Provisioning Center.

“License” means a current and valid License for a Commercial Medical Marihuana Facility or a Marihuana Establishment issued by the State of Michigan.

"Licensee" means a person holding a state operating license under the MMFLA or MRTMA.

"Location" means the particular building or buildings within a Permitted Property on which the Permit Holder will be authorized to conduct the Medical Marihuana Facility(s) or Marihuana Establishment(s) activities pursuant to the Permit.

"Permit Application" refers to the requirements and procedures set forth by the Township Board and in this Zoning Ordinance for a Special Land Use Permit.

"Marihuana" means that termed as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106.

"Marihuana Business" means a marihuana facility under the MMFLA or a marihuana establishment under the MRTMA, or both.

"MMMA" means the Michigan Medical Marihuana Act, MCL 333.26421 et. seq. as amended from time to time.

"MMFLA" means the Medical Marihuana Facilities Licensing Act, MCL 333.2701, et. seq. as amended from time to time.

"MRTMA" means the Michigan Regulation and Taxation of Marihuana Act Initiated Law 1 of 2018, MCL 333.27951 et. seq. as amended from time to time.

"Marihuana Establishment" means a location at which a licensee is required to be licensed to operate under the MRTMA and under this Section, includes a Marihuana Grower, Marihuana Safety Compliance Facility, Marihuana Processor, and a Marihuana Secure Transporter.

"Medical Marihuana Facility(ies)" means a location at a which a licensee is required to be licensed to operate under the MMFLA and under this Section, includes a Grower, Processor, Safety Compliance Facility, and Secure Transporter.

"MTA" means the Marihuana Tracking Act, MCL 333.27901 et. seq. as amended from time to time.

"Ordinance" means the Jefferson Township Zoning Ordinance and any amendments thereto.

"Permit" means the formal document of approval issued by the Township under this Ordinance, which shall grant to a Permit Holder the ability to obtain a License(s) for a commercial medical marihuana facility(s) and/or a Marihuana Establishment, only for and limited to, a specific Location.

"Permit Holder" means the Person that holds a current and valid Permit issued under this Ordinance.

"Permitted Property" means the real property comprised of a lot, parcel or other designated unit of real property (ie; property address) upon which the Location is situated.

"Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.

"Processor" Shall have the same meaning as that term is defined in PA 281 of 2016, MCL 33.27101 et. Seq., (MMFLA), and Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA). MMFLA shall apply to medical marihuana facilities and MRTMA shall apply to marihuana establishments.

"Safety Compliance Facility" shall have the same meaning as that term is defined in PA 281 of 2016, MCL 333.27101 et. Seq., (MMFLA), and Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA). MMFLA shall apply to medical marihuana facilities and MRTMA shall apply to marihuana establishments.

"Secure Transporter" shall have the same meaning as that term is defined in PA 281 of 2016, MCL 333.27101 et. Seq., (MMFLA), and Initiated Law 1 of 2018 MCL 333.27953 et seq. (MRTMA). MMFLA shall apply to medical marihuana facilities and MRTMA shall apply to marihuana establishments.

"Stacked License" means more than one (1) marihuana license issued to a single licensee to operate as a class C grower as specified in each license at a marihuana business under the MMFLA or MRTMA or both.

"Stakeholder" means, with respect to a trust, the beneficiaries, with respect to a limited Liability company, the managers or members, with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders, and with respect to a partnership or limited liability partnership, the partners, both general and limited.

"State" means the State of Michigan.

"Township" shall mean Jefferson Township in Cass County, Michigan.

Any term defined by the MMMA, the Medical Marihuana Facilities Licensing Act or the MRTMA and not defined in this Article shall have the definition given in the MMMA, the Medical Marihuana Facilities Act or the MRTMA.

SECTION FIVE. This Ordinance will become effective seven (7) days after publication.

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED.

Date: _____



Milton Township

32097 Bertrand St., Niles, MI 49120 Phone (269)684-7262 Fax (269)684-1742
Email: milton@miltontwp.org Website: www.miltontwp.org

November 3, 2022

Cass County Planning Commission
120 N. Broadway, Suite 200
Cassopolis, MI 49031

Re: Ordinance Amendments

Dear PC Members:

On October 4, 2022, the Milton Township Planning Commission held three Public Hearings for two rezonings and one zoning ordinance amendment. A summary of the ordinance amendments are as follows:

1. Amending Section 3.10 Swimming Pools – to add an automatic pool safety cover.
2. Amending Section 18.06 to remove number 4 which is the requirement for a sign when rezoning
3. Adding Chapter 12A – Site Condominium. This was a civil ordinance, and the township was advised to make some revisions and add it as a zoning ordinance.

Edwardsway Rezoning and Broderick Way Rezoning – rezoning property from Agricultural Production to Rural Residential. Properties zoned Agricultural Production require ten (10) acres, while properties zoned Rural Residential require two (2). This is in our master plan and shown on our Future Land Use map.

We ask that you review this information at your next Planning Commission meeting and send us a letter giving your opinion on the subject matter.

Sincerely,

Eileen Glick
Zoning Administrator



Milton Township

32097 Bertrand St., Niles, MI 49120 Phone (269)684-7262 Fax (269)684-1742
Email: milton@miltontwp.org Website: www.miltontwp.org

Application for Rezoning

Property Location/Address:	29523 Edwards Way
Parcel/Property ID#:	14-070-014-024-15
Name of Owner:	Michele R. Reich (formerly Reynolds)
Name of Applicant:	Michele R. Reich
Phone:	517-927-4454
Address of Applicant:	4367 Eaton River Trail Eaton Rapids, MI 48827
Applicant's Interest in the Property if not the Owner:	
Signature of Applicant:	<i>Michele Reich</i> Date: 4/16/22

Reason for Rezoning Request, Including a Description of the Proposed Uses for the Property:

My intent is to sell this property. I purchased the property from original owner where I signed a 52 year lease on 3 acres. This lease prevents men from selling this home, no mortgage company will finance this home because of this lease.

Description of Sewage Disposal and Water Supply Facilities and Proposed Surface Drainage:

213A-1 COMN N 1370 FT FRM S 1/4 COR, TH N 89 DEG 44'41" W 200 FT, N 449.22FT, N 89 DEG 42'53"W 312.83 FT, N 250 FT, S 89 DEG 42'53" E 512.83 FT, S 699.11 FT TO BEG. SEC 14 5 A. SUBJECT TO EASEMENT

Please attach a legal description of the property and a site plan drawn to scale showing the dimensions of the property and the location of all existing improvements. (Note: Fees as listed on the Milton Township Schedule of Fees must accompany this application.)

For Office Use Only

Date of Review by Zoning Administrator/Application Complete: _____
Recommendations: _____
Date of Public Hearing: _____
Date of Planning Commission Review: _____
Recommendations: _____
Date of Board Action: _____
Reason for Board Action: _____
Approved/Denied and Date: _____

March 18, 2022

Milton Township
Zoning Board
32097 Bertrand Street
Niles, Michigan 49120

Greeting,

I have submitted an application for rezoning of 29523 Edwards Way in Milton Township. This home is currently zoned Agriculture and I'm asking the zoning Board to grant me Single Family Residential. I purchased the home in 2008 from Richard and Cynthia Hebard. When I purchased the home I signed a 52 year lease of approximately 3.628 acres for their use.

At the time of purchase I had every intention to live the rest of my life on Edwards Way. But as life moves forward that changed and now I'm remarried and reside in Eaton Rapids, Michigan with my husband Tom.

My home on Edwards Way is currently being rented out and the property is being managed by a company. The home is a beautiful home but needs a new owner who can keep up with the care it deserves.

I have provided you with a Master site plan authored by Roger E. Stephenson who is a licensed Surveyor. Parcel 2A on the map is what I'm humbly asking to be rezoned so that I can sell my home. When I signed the purchase agreement with the Hebard's I was not aware that it would make the home virtually unsellable. I have found that mortgage companies will not lend on the home when their rights are subordinate to the lease.

Respectfully,

A handwritten signature in cursive script that reads "Michele R. Reich".

Michele R. Reich

(Formerly Reynolds)

February 24, 2020

Dear Zoning Board Members,

My name is Michele Reich (formally Reynolds) I own property in Milton Township at 29523 Edwards Way in Niles, Michigan.

I have submitted a request to have my property rezoned to RR Rural Residential District.

I purchased my home in 2008 for the sole purpose of residing there for the rest of my life, however my life has changed and I now reside in Eaton Rapids, Michigan. I have rented my home on Edwards Way for several years and is my intent to sell my home in Milton Township.

In 2008 I purchased this home from Richard D. Hebard and Cynthia L. Hebard. Husband and wife, whose address is 270 Brush Road in Niles, Michigan 49120.

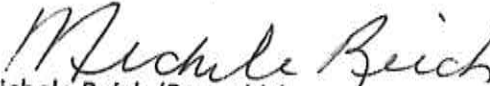
I cannot sell 29523 Edwards Way in its current zoning status due to a 52 years property lease I agreed to back in 2008. There are no mortgage companies agreeing to mortgage a home with a property lease. When I signed the property lease agreement I had no idea that this would be an issue, but obviously this has caused much stress and regrets on my decisions I made in 2008.

I have provided to you a sketch sheet showing dimensions and locations of my property. There are four (4) divided partials of my property, 2A, 2B, 2C, and 2D, the property lease which pertains only to partials 2B, 2C, and 2D. I'm in the process of purchasing parcel 2B from Mr. Hebard which will give me 2 acres and allow me the opportunity to sell my home.

Partial 2A and 2B is calculated to be 2 acres and would be sufficient for zoning requirements under Residential. My request is for partial 2A and 2B to become one partial which encompasses 2 acres, the remaining partials, 2C, and 2D will remain the same zoning classification and will revert back to Richard D. Hebard and Cynthia L. Hebard.

I want to thank you for your time in advance and hopefully we can work something out so that I can sell my home in Milton Township.

Respectfully,


Michele Reich (Reynolds)

NOTICE OF PUBLIC HEARING

Proposed Property Rezoning

MILTON TOWNSHIP, CASS COUNTY, MI
32097 Bertrand Street
Niles, MI 49120

To: The residents and property owners of Milton Township, Cass County, Michigan, and any other interested parties.

PLEASE TAKE NOTICE the Milton Township Planning Commission will hold a Public Hearing during its regular monthly meeting on Tuesday, October 4, 2022, at 7:00 p.m., at the Milton Township Hall, 32097 Bertrand Street, Niles, MI 49120, for the purpose of considering a rezoning of 29523 Edwards Way, Niles, MI, pursuant to Chapter 18, Section 18.06 (b) of the Milton Township Zoning Ordinance.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said Public Hearing and Meeting location include, in brief, the following: The consideration, and taking of, Public Comments reference the Rezoning of a 2-acre parcel from the Agricultural Production District to the Rural Residential District.

Parcel ID Numbers: Part of 14-070-014-024-15
Owner: Michele Reynolds (now Michele R. Reich)

Legal Description:

PARCEL 2A: FROM THE SOUTH QUARTER CORNER OF S14, T8S, R16 W, MEAS. N ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, 1769.11 FT TO POB OF THE LAND HEREIN DESCRIBED; THENCE N 89 DEG 42' 53" W, 200 FT; THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 300.00 FT TO THE NORTH LINE OF AN EXISTING 66' WIDE INGRESS/EGRESS EASEMENT KNOWN AS EDWARDS WAY; THENCE S 89 DEG 42' 53" E, ALONG SAID LINE, 200.00 FT TO THE NORTH AND SOUTH 1/4 LINE; THENCE SOUTH, ALONG SAID LINE, 300.00 FEET TO THE POB. CONTAINING 1.377 ACRES MORE OR LESS. SUBJECT TO THAT PORTION ALONG THE EAST SIDE THEREOF AS BEING USED FOR ROADWAY PURPOSES. ALSO SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

2B: FROM THE SOUTH QUARTER CORNER OF SECTION 14, T 8 S, R 16 W, MEASURE NORTH, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, 1633.51 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE N 89 DEG 42' 53" W, 200 FEET; THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 135.60 FEET; THENCE S 89 DEG. 42' 53" E 200.00 FT TO THE NORTH AND SOUTH QUARTER LINE; THENCE SOUTH ALONG SAID LINE, 135.60 FT TO THE POB. CONTAINING 0.623 ACRES MORE OR LESS. SUBJECT TO THAT PORTION ALONG THE EAST SIDE THEREOF AS BEING USED FOR ROADWAY PURPOSES. ALSO SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

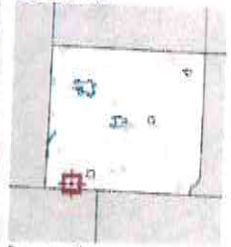
PLEASE TAKE FURTHER NOTICE that written comments will be taken from any interested persons concerning these proposed map amendments, at the Milton Township Hall, at the address above, at any time during regular business hours up to the night of the meeting.

PLEASE TAKE FURTHER NOTICE that any persons interested in this rezoning are invited to attend the Public Hearing. Copies of the Application to Rezone and applicable maps are available for inspection at the Milton Township Hall during regular business hours. If you are planning to attend this hearing, and require auxiliary aids or services, should contact the Township Clerk by calling 269-684-7262 as soon as possible.

Milton Township Planning Commission



Overview



Legend

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

Date created: 9/1/2022
Last Data Uploaded: 9/1/2022 7:47:07 AM

Developed by  **Schneider**
GEOSPATIAL

Results

Parcel ID ↕	Owner ↕	Property Address ↕	City ↕
14-070-014-017-02	SCOTT TRISHA & MARK	29562 EDWARDS WAY	NILES
14-070-014-019-00	CARBERRY BRITNI	70598 BRUSH RD	NILES
14-070-014-021-00	HEBARD RICHARD D & CYNTHIA L	70792 BRUSH RD	NILES
14-070-014-023-50	BRENNAN DANIEL J & MARLA J	29600 EDWARDS WAY	NILES
14-070-014-024-11	HEBARD RICHARD D & CYNTHIA L	70710 BRUSH RD	NILES
14-070-014-024-15	REYNOLDS MICHELE	29523 EDWARDS WAY	NILES
14-070-014-024-25	HURTT MICHELLE & DONALD	2967 EDWARDS WAY	NILES
14-070-014-035-00	PETERSEN JEFFERY E & LESLIE J	70819 BRUSH RD	NILES
14-070-014-038-00	KUJAWSKI JOYCE LIFE ESTATE KUJAWSKI SHEILA M	70627 BRUSH RD	NILES
14-070-014-039-00	DE ROO LARRY J & CAROLYN	70713 BRUSH RD	NILES
14-070-014-040-00	VIRGIL JAMES W & TINA M	70653 BRUSH RD	NILES

Field Export

Select export file format:

Excel (.xlsx) ▼

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Version 2.3.216



Overview



Legend

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

Parcel ID	14-070-014-024-15	Alternate ID	n/a	Owner Address	REYNOLDS MICHELE
Sec/Twp/Rng	014-08S-16W	Class	401 - RESIDENTIAL-IMPROVED		4367 EATON RIVER TRL
Property Address	29523 EDWARDS WAY	Acreage	5		EATON RAPIDS, MI 48827
	NILES				
District	14030 EDWARDSBURG PUBLIC SCHOOLS				
Brief Tax Description	213A-1 COM N 1370 FT FRM S 1/4 COR 213A-1 COM N 1370 FT FRM S 1/4 COR 213A-1 COM N 1370 FT FRM S 1/4 COR				
	(Note: Not to be used on legal documents)				

Date created: 9/1/2022
Last Data Uploaded: 9/1/2022 7:47:07 AM

Developed by  **Schneider**
GEOSPATIAL

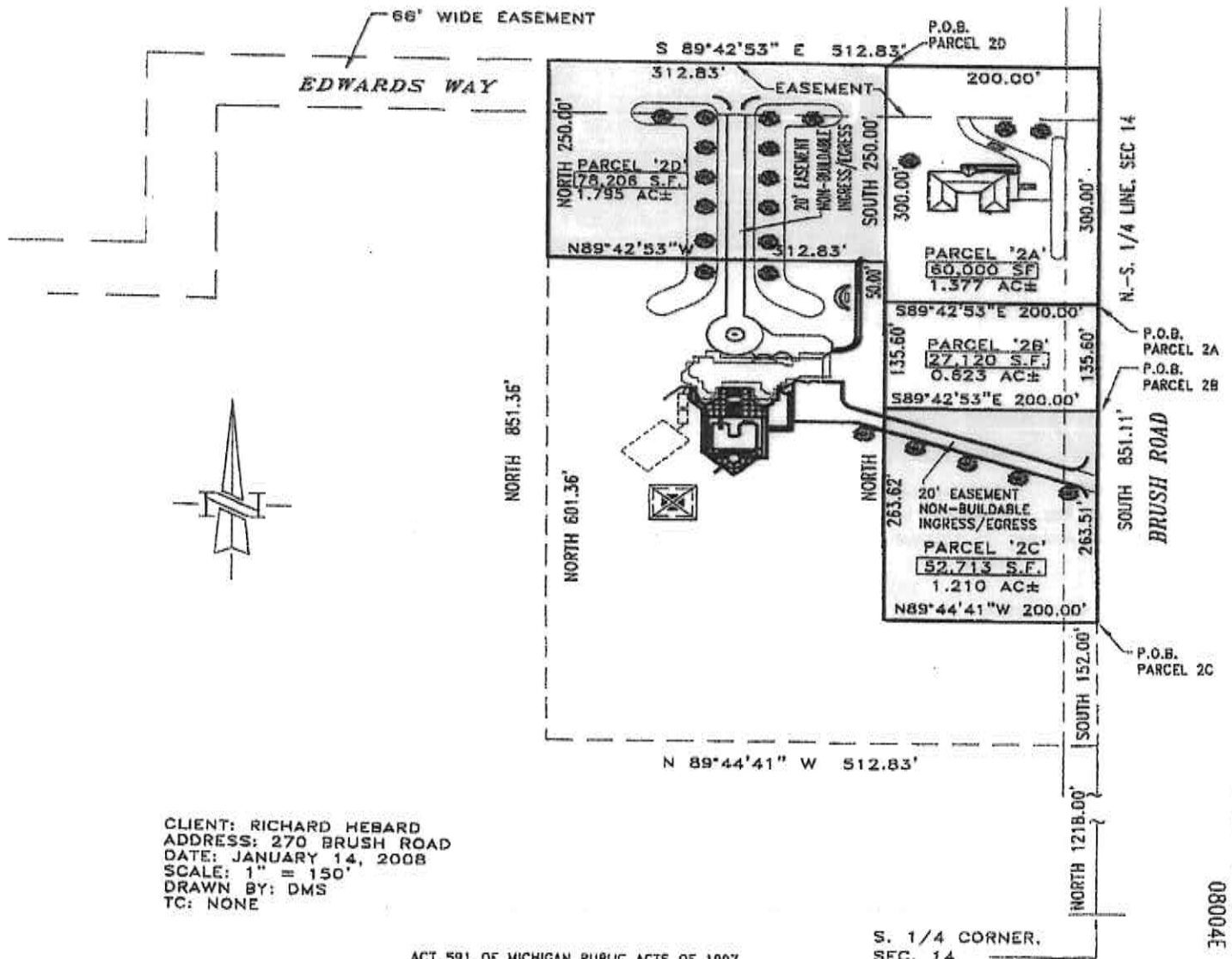
SKETCH SHEET:~

STEPHENSON LAND SURVEYING

27873 WHITE STREET, CASSOPOLIS, MI 49031
PH (269) 445-8903 FAX (269) 445-8510

PREVIOUS TRACT 2 DESCRIPTION:
LAND SITUATED IN THE TOWNSHIP OF MILTON, COUNTY OF CASS, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

FROM THE SOUTH QUARTER CORNER OF SECTION 14, TOWN 8 SOUTH, RANGE 16 WEST, MEASURE NORTH, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, 1370.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE N89°44'41"W, 200.00 FEET; THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 449.22 FEET; THENCE N89°42'53"W, 312.83 FEET; THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 250.00 FEET; THENCE S89°42'53"E, 512.83 FEET TO THE NORTH-SOUTH QUARTER LINE; THENCE SOUTH, ALONG SAID QUARTER LINE, 699.11 FEET TO THE POINT OF BEGINNING. CONTAINING 5.00 ACRES MORE OR LESS. SUBJECT TO THAT PORTION ALONG THE EAST SIDE THEREOF AS BEING USED FOR ROADWAY PURPOSES. ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD. ALSO SUBJECT TO SURVEY AND LAND DIVISION APPROVAL. ALSO SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD. ALSO SUBJECT TO SURVEY AND LAND DIVISION APPROVAL. SUBJECT TO AND TOGETHER WITH TWO 20' WIDE NON-BUILDABLE INGRESS/EGRESS EASEMENTS ALONG EXISTING DRIVEWAYS FROM BRUSH ROAD AND EDWARDS WAY.



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

S. 1/4 CORNER,
SEC. 14

SKETCH SHEET: ~
STEPHENSON LAND SURVEYING
27873 WHITE STREET, CASSOPOLIS, MI 49031
PH (269) 445-8903 FAX (269) 445-8510

PARCEL 2A DESCRIPTION:
LAND SITUATED IN THE TOWNSHIP OF MILTON, COUNTY OF CASS, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

FROM THE SOUTH QUARTER CORNER OF SECTION 14, TOWN 8 SOUTH, RANGE 16 WEST, MEASURE NORTH, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, 1769.11 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE N89°42'53"W., 200.00 FEET; THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 300.00 FEET TO THE NORTH LINE OF AN EXISTING 66 WIDE INGRESS/EGRESS EASEMENT KNOWN AS EDWARDS WAY; THENCE S89°42'53"E., ALONG SAID LINE, 200.00 FEET TO THE NORTH AND SOUTH QUARTER LINE; THENCE SOUTH, ALONG SAID LINE, 300.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.377 ACRES MORE OR LESS. SUBJECT TO THAT PORTION ALONG THE EAST SIDE THEREOF AS BEING USED FOR ROADWAY PURPOSES. ALSO SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD. ALSO SUBJECT TO SURVEY AND LAND DIVISION APPROVAL.

TOGETHER WITH AND SUBJECT TO A NON-EXCLUSIVE EASEMENT DESCRIBED AS FOLLOWS: (EDWARDS WAY) FROM THE SOUTH 1/4 CORNER OF SAID SECTION 14, MEASURE NORTH ALONG THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 14, 2003.11 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT, THENCE N.89°42'53"W., 817.00 FEET, THENCE SOUTH 244.00 FEET, THENCE N.89°41'35"W., 521.39 FEET, THENCE N.56°37'52"W., 778.21 FEET, THENCE N.89°42'53"W., 386.10 FEET, THENCE N.0°1'36"E., 68.00 FEET, THENCE S.89°42'53"E., 405.98 FEET, THENCE S.56°37'52"E., 778.21 FEET, THENCE S.89°41'35"E., 435.45 FEET, THENCE NORTH 244.00 FEET, THENCE S.89°42'53"E., 883.00 FEET TO THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 14, THENCE SOUTH ALONG SAID 1/4 LINE 66.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2B DESCRIPTION:

LAND SITUATED IN THE TOWNSHIP OF MILTON, COUNTY OF CASS, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

FROM THE SOUTH QUARTER CORNER OF SECTION 14, TOWN 8 SOUTH, RANGE 16 WEST, MEASURE NORTH, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, 1633.51 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE N89°42'53"W., 200.00 FEET; THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 135.60 FEET; THENCE S89°42'53"E. 200.00 FEET TO THE NORTH AND SOUTH QUARTER LINE; THENCE SOUTH, ALONG SAID LINE, 135.60 FEET TO THE POINT OF BEGINNING. CONTAINING 0.623 ACRE MORE OR LESS. SUBJECT TO THAT PORTION ALONG THE EAST SIDE THEREOF AS BEING USED FOR ROADWAY PURPOSES. ALSO SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD. ALSO SUBJECT TO SURVEY AND LAND DIVISION APPROVAL.

PARCEL 2C DESCRIPTION:

LAND SITUATED IN THE TOWNSHIP OF MILTON, COUNTY OF CASS, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

FROM THE SOUTH QUARTER CORNER OF SECTION 14, TOWN 8 SOUTH, RANGE 16 WEST, MEASURE NORTH, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, 1370.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE N89°44'41"W., 200.00 FEET; THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 263.62 FEET; THENCE S89°42'53"E. 200.00 FEET TO THE NORTH AND SOUTH QUARTER LINE; THENCE SOUTH, ALONG SAID LINE, 263.51 FEET TO THE POINT OF BEGINNING. CONTAINING 1.210 ACRES MORE OR LESS. SUBJECT TO THAT PORTION ALONG THE EAST SIDE THEREOF AS BEING USED FOR ROADWAY PURPOSES. ALSO SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD. ALSO SUBJECT TO SURVEY AND LAND DIVISION APPROVAL. SUBJECT TO AND TOGETHER WITH A 20' WIDE NON-BUILDABLE INGRESS/EGRESS EASEMENT ALONG EXISTING DRIVEWAY FROM BRUSH ROAD.

PARCEL 2D DESCRIPTION:

LAND SITUATED IN THE TOWNSHIP OF MILTON, COUNTY OF CASS, STATE OF MICHIGAN, AND IS DESCRIBED AS FOLLOWS:

FROM THE SOUTH QUARTER CORNER OF SECTION 14, TOWN 8 SOUTH, RANGE 16 WEST, MEASURE NORTH, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, 2069.11 FEET TO THE NORTH LINE OF AN EXISTING 66 WIDE INGRESS/EGRESS EASEMENT KNOWN AS EDWARDS WAY; THENCE MEASURE N89°42'53"W., ALONG SAID LINE, 200.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 250.00 FEET; THENCE N89°42'53"W., 312.83 FEET; THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 250.00 FEET TO THE NORTH LINE OF SAID EASEMENT; THENCE S89°42'53"E., ALONG SAID LINE, 312.83 FEET TO THE POINT OF BEGINNING, CONTAINING 1.795 ACRES MORE OR LESS. SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD. ALSO SUBJECT TO SURVEY AND LAND DIVISION APPROVAL. SUBJECT TO AND TOGETHER WITH A 20' WIDE NON-BUILDABLE INGRESS/EGRESS EASEMENTS ALONG EXISTING DRIVEWAY FROM EDWARDS WAY.

TOGETHER WITH AND SUBJECT TO A NON-EXCLUSIVE EASEMENT DESCRIBED AS FOLLOWS: (EDWARDS WAY) FROM THE SOUTH 1/4 CORNER OF SAID SECTION 14, MEASURE NORTH ALONG THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 14, 2003.11 FEET TO THE POINT OF BEGINNING OF SAID EASEMENT, THENCE N.89°42'53"W., 817.00 FEET, THENCE SOUTH 244.00 FEET, THENCE N.89°41'35"W., 521.39 FEET, THENCE N.56°37'52"W., 778.21 FEET, THENCE N.89°42'53"W., 386.10 FEET, THENCE N.0°1'36"E., 68.00 FEET, THENCE S.89°42'53"E., 405.98 FEET, THENCE S.56°37'52"E., 778.21 FEET, THENCE S.89°41'35"E., 435.45 FEET, THENCE NORTH 244.00 FEET, THENCE S.89°42'53"E., 883.00 FEET TO THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION 14, THENCE SOUTH ALONG SAID 1/4 LINE 66.00 FEET TO THE POINT OF BEGINNING.

CLIENT: RICHARD HEBARD
ADDRESS: 270 BRUSH ROAD
DATE: JANUARY 14, 2008
SCALE: 1" = 150'
DRAWN BY: DMS
TC: NONE

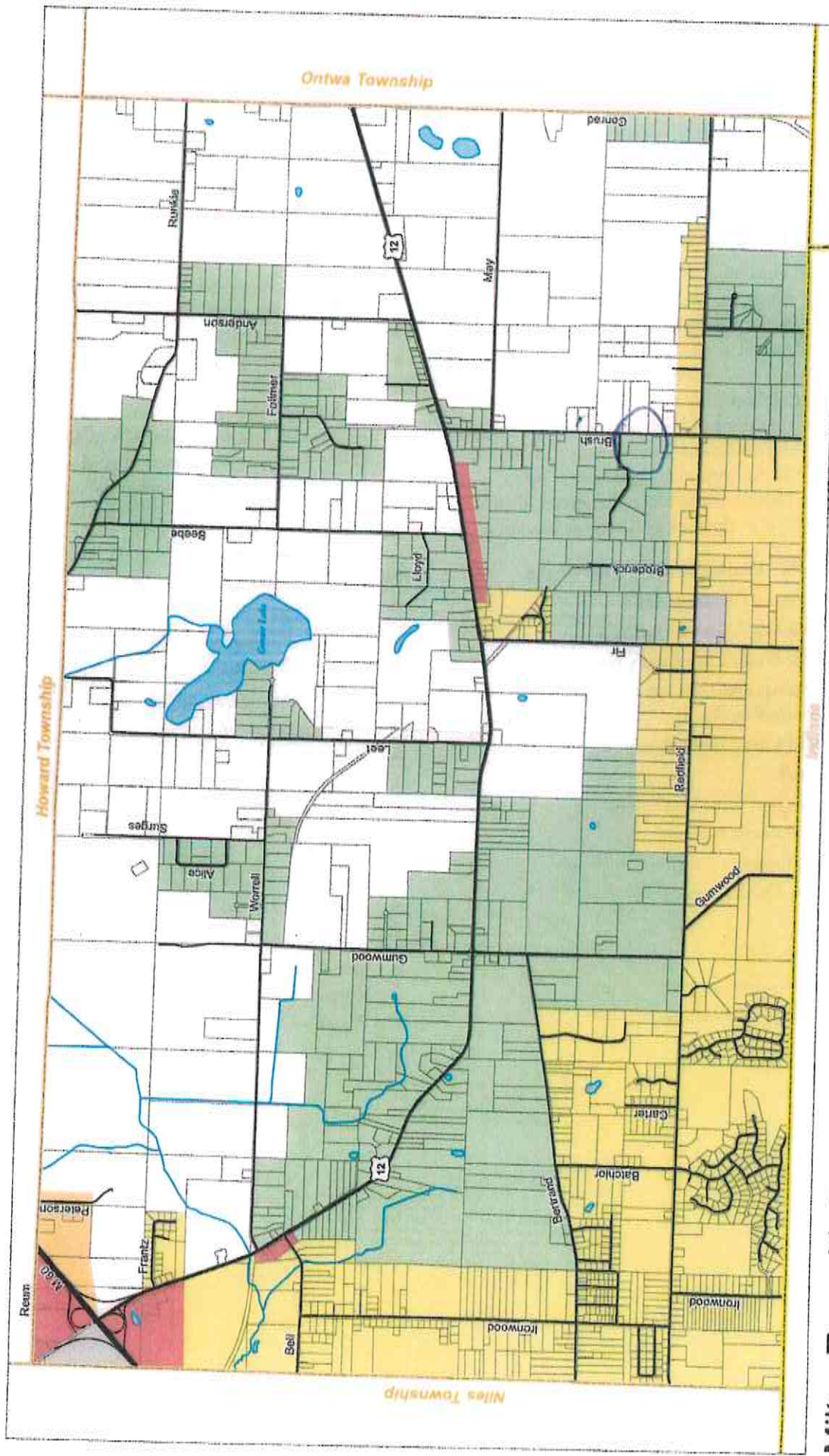
Legal Descriptions for Parcel 2C and 2D

Parcel 2C

From the South Quarter Corner of Section 14, Town 8 South, Range 16 West, measure North, along the North-South Quarter Line of Said Section 1,370.00 feet to the point of beginning of the land herein described thence N89°44'41"W, 200.00 feet; thence North parallel with the North-South Quarter Line, 263.62 feet; thence S89°42'53"E 200.00 feet to the North and South Quarter Line; thence South along said line 263.51 feet to the point of beginning, containing 1.210 Acres more or less, subject to that portion along the East side thereof being used for roadway purposes also subject to any easements and restrictions of record, also subject to survey and land division approval, subject to and together with a 20' wide non-buildable ingress/egress easement along existing driveway from Brush Road.

Parcel 2D

From the South Quarter Corner of Section 14, Town 8 South, Range 16 West, measure North, along the North-South Quarter Line of Said Section 2,069.11 feet to the North line of an existing 66 wide ingress/egress easement known as Edwards Way, thence measure N89°42'53"W, along said line 200.00 feet to the point of beginning of the land herein described; thence South, parallel with the North-South Quarter Line, 250.00 feet; thence N89°42'53"W 312.83 feet; thence North parallel with the North-South quarter line, 250.00 feet to the North line of said easement; thence S89°42'53" along said line 312.83 feet to the point of beginning, containing 1.795 Acres more or less, subject to any easements and restrictions of record, also subject to survey and land division approval, subject to and together with a 20' wide non-buildable ingress/egress easements along existing driveway from Edward's Way.



Chapter 5 – A Agricultural Production District

Section 5.01 Purpose and Intent

The regulations of the "A" Agricultural Production District are intended to ensure that land areas within the Township, which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. Further, the intent of this chapter is to preserve open space and the rural character of these areas. Subdivisions or site condominium developments, which prematurely transition agricultural and open space lands in this district are not appropriate. Isolated open space cluster developments are permitted on portions of land not well suited for agricultural production. The District also accommodates very low-density residential development and other specialized rural uses requiring large tracts of land. As an agricultural district, certain impacts such as odors, noise, application of chemicals, and other external impacts typically associated with farming operations, shall be recognized and reasonably tolerated provided they do not pose a threat to the general health, safety, and welfare of Township residents.

Section 5.02 Uses Permitted by Right

- Accessory Dwelling Units
- Adult Day Care Family Home
- Adult Foster Care Family Home
- Buildings and Uses Accessory to Uses Permitted by Right
- Child Care Family Home
- Church
- Farms and Farm Operations
- Government Building
- Greenhouse
- Home Occupations
- Park
- Riding Stables
- Roadside Stands
- Single-family dwellings

Section 5.03 Special Land Uses

- Agricultural labor housing
- Agricultural service establishment
- Assisted living facility
- Bed and breakfast establishment
- Campground
- Golf course or country club
- Child care group home
- Home-based business
- Kennel
- Mining operation
- Rifle range/archery Range
- Veterinary clinic
- Wind energy conversion system (commercial)
- Wireless communication antenna

Section 5.04 Dimensional Requirements

Lot, Yard, and Building Requirements for principal structures are as follows:

Lot Area	Minimum	10 acres
Minimum Lot Width		200 ft.
Minimum Front Setback		50 ft.
Minimum Side Yard Setback		50 ft.
Minimum Rear Setback		50 ft.
Maximum lot coverage		15%*
Maximum Building Height		The lesser of 35 ft. or (2 ½) stories
Maximum Lot Width to Depth Ratio		1:4
Minimum Dwelling Unit Floor Area		576 sq. ft

* Note: the maximum lot coverage standard does not apply to buildings used for 100% agricultural purposes

Chapter 6 – RR Rural Residential District

Section 6.01 Purpose and Intent

The regulations of the RR District recognize lands that retain a relatively high proportion of open space use but, due to population growth, natural limitations, like soil characteristics and related factors, experience ongoing transition to non-farm low density residential development. It is the intent that areas developed are done so to buffer the uses from agricultural or extraction activities from other residential districts. Public services are not intended for this district for an indefinite period. Due to its rural character, the RR Rural Residential District permits many of the uses provided for in the Agricultural Production District.

Section 6.02 Uses Permitted by Right

- Accessory Dwelling Units
- Adult day care family home
- Adult foster care family home
- Buildings and uses accessory to uses permitted by right.
- Childcare family home
- Church
- Farms and farm operations
- Government building
- Home occupation
- Park
- Roadside stand
- Single-family dwelling

Section 6.03 Special Land Uses

- Adult day care group home
- Adult foster care small group home
- Adult foster care medium group home
- Agricultural service establishment
- Agricultural labor housing
- Assisted living facility
- Bed and breakfast establishment
- Campground
- Cemetery
- Childcare group home
- Educational facility
- Golf course / country club
- Greenhouse
- Home based business
- Kennel
- Riding stable
- Wireless communication antenna
- Commercial wind energy conversion system

Section 6.04 Dimensional Requirements

Minimum Lot Area	2 acres
Minimum Lot Width	200 ft.
Minimum Front Setback	50 ft.
Minimum Side Yard Setback	20 ft.
Minimum Rear Setback	50 ft.
Maximum lot coverage	15%
Maximum Building Height	The lesser of 35 ft. or (2 ½) stories
Maximum Lot Width to Depth Ratio	1:4
Minimum Dwelling Unit Floor Area	576 sq. ft



Milton Township

32097 Bertrand St., Niles, MI 49120 Phone (269)684-7262 Fax (269)684-1742
Email: milton@miltontwp.org Website: www.miltontwp.org

STAFF REPORT

Edwards Way Rezoning Request

Michele Reynolds (now Michele R. Reich) has submitted an application for rezoning, requesting the parcels located at 29523 Edwards Way be rezoned from the Agricultural Production zoning district to the Rural Residential zoning district. A map amendment (rezoning) is allowed in Section 18.06 b. of the Milton Township Zoning Ordinance.

Background. The applicant purchased five acres from Richard and Cynthia Hebard in 2008, with the Hebard's keeping a 52-year lease on 3.628 acres. At the time, five acres was the minimum acreage for a land division in the Agricultural District. Michelle has since moved away and wanted to sell her property to her son. The bank would not issue a mortgage since a majority of the land was leased. By rezoning two of the five acres from Agricultural to Rural Residential, the applicant's son can obtain a mortgage, and the driveways coming off Edwards Way and Brush Road going to the Hebard's house will be owned by the Hebard's.

Review Standards. When reviewing an application for rezoning, the following criteria must be considered by the Planning Commission pursuant to Section 18.06(b) of the Milton Township Zoning Ordinance. The standards are as follows:

1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Milton Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.

Remarks: The current Township Master Plan was recently updated in July of 2019. This plan establishes general land use patterns to guide future development of the township. The Master Plan recognizes that the proximity of the Michigan/Indiana border and location of US-12 in the township are causing increased residential development. The future land use map indicates that the property is within the Rural Residential designation. Our Master Plan states that "it must be understood that the future land use designations on the map are meant to be seen as general with indistinct edges. Along the margins, where two or more designations adjoin, either land use may be appropriate in keeping with the predominate conditions of the area."

Parcels North of Redfield are anticipated for residential development at densities of an average of one unit per two acres. This designation is intended to serve as a transitional zone from the agricultural zoned district and increasing residential development to the south of the Township. Therefore, the Planning Commission may find that the rezoning request is consistent with the Master Plan.

2. Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.

Remarks: There will be no significant environmental impacts from the proposed use. Even though Edwards Way is zoned mostly Agricultural, it is a development made up of single-family homes. Many of these are on five acre parcels. Therefore, its use for Rural Residential purposes should not have a significant adverse impact on the environment.

3. Whether, if rezoned, the site is capable of accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.

Remarks: The site would easily accommodate the uses allowed under the Rural Residential zoning district.

4. Other factors deemed appropriate by the Planning Commission.

Remarks: This rezoning is needed to fix a previous land division that, in my opinion, should never have happened.

Recommendation

At the October 4 10, 2022, Public Hearing, the Planning Commission should listen carefully to comments from the applicant and public, regarding the request. Subject to those comments, it is my recommendation that the Planning Commission recommend approval of the proposed rezoning to the Township Board. The Planning Commission may rely on the findings in this report as justification in making this recommendation.

Eileen Glick
Zoning Administrator



Milton Township

32097 Bertrand St., Niles, MI 49120 Phone (269)684-7262 Fax (269)684-1742
Email: milton@miltontwp.org Website: www.miltontwp.org

Application for Rezoning

Property Location/Address: North of Broderick Way - Milton Twp.
Parcel/Property ID#: 14-070-015-012-11 and 14-070-015-012-20
Name of Owner: Dietmar Spindler
Name of Applicant: Dietmar Spindler
Phone: 269-663-2717
Address of Applicant: 70488 Broderick Way, Niles, MI 49120
Applicant's Interest in the Property if not the Owner:
Signature of Applicant: *Dietmar Spindler* Date: 7/15/2022

Reason for Rezoning Request, Including a Description of the Proposed Uses for the Property:

See attached letter

Description of Sewage Disposal and Water Supply Facilities and Proposed Surface Drainage:

Septic

Please attach a legal description of the property and a site plan drawn to scale showing the dimensions of the property and the location of all existing improvements. (Note: Fees as listed on the Milton Township Schedule of Fees must accompany this application.)

For Office Use Only

Date of Review by Zoning Administrator/Application Complete: _____

Recommendations: _____

Date of Public Hearing: _____

Date of Planning Commission Review: _____

Recommendations: _____

Date of Board Action: _____

Reason for Board Action: _____

Approved/Denied and Date: _____

03/10/2022

Dear Eileen,

I am starting with you, and hope you can guide me along the way.

At the moment I own about 33.3 Ac of land on Broderick Way
consisting of 3 parcels.

I am presently investigating (I am nor asking for permission yet) what
the procedure is and what my chances are to split this into 4 sections as
shown. It would be 9.3, 10.5, and 10.8 Acres.

No matter what the present zoning restrictions are, the development
was sold 20 some years ago with 3-, 5-, 7-, and 10-acre section and
once a precedent is established it will be hard, if not impossible, to
restrict the land use back to the existing rules. However, I do not want
to waste money on a court fight.

Therefore, please help me out to understand the rules and procedures
and cost in case I want to go ahead.

Thank you for your help


Dietmar Spindler

DESKRAUT1@AOL.com

269-663 2717

7/15/2022

Gentlemen,

I own about 33 Acres at the north end of Broderick Way. The three acres are split into 3 parcels with a minimum of 10 Acres each parcel.

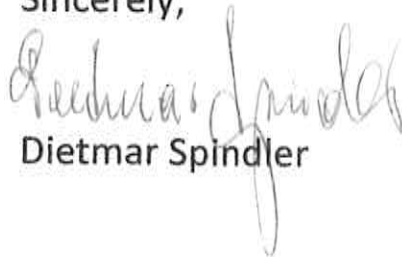
My home which was built nearly 20 years ago and the surrounding 12.5 Acres is too much to handle and I would like to sell it. However, we like the area, privacy, as well as the Edwardsburg school system (Yes, we have a 6-year-old son) and would like to built another, but smaller home on a smaller lot.

My age is such (80) that I am also thinking of my wife after she survives me, and can manage a home and land more to her needs and capabilities. As such I would like to split off about 3 acres as shown.

When I purchases the land, the neighboring parcels were 3, 5, and 7 acres and I like you to please tell me specifically what I have to do to be able to receive permission for this split. At the moment I do not have a survey, but only a hand sketch. I hope this is enough for your purpose.

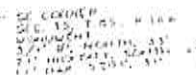
Please let me know your findings and when you are holding the required Public Hearing.

Sincerely,



Dietmar Spindler

2000



NOTICE OF PUBLIC HEARING

Proposed Property Rezoning

MILTON TOWNSHIP, CASS COUNTY, MI
32097 Bertrand Street
Niles, MI 49120

To: The residents and property owners of Milton Township, Cass County, Michigan, and any other interested parties.

PLEASE TAKE NOTICE the Milton Township Planning Commission will hold a Public Hearing during its regular monthly meeting on Tuesday, October 4, 2022, at 7:00 p.m., at the Milton Township Hall, 32097 Bertrand Street, Niles, MI 49120, for the purpose of considering a rezoning of 70488 Broderick Way, Niles, MI, pursuant to Chapter 18, Section 18.06 (b) of the Milton Township Zoning Ordinance.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said Public Hearing and Meeting location include, in brief, the following: The consideration, and taking of, Public Comments reference the Rezoning of a 20.05-acre parcel from the Agricultural Production District to the Rural Residential District.

Parcel ID Numbers: 14-070-015-012-11 and 14-070-015-012-20

Owner Dietmar Spindler Trust

Legal Description:

14-070-015-012-11

FRM E. ¼ COR S15, T8S, R16 W, MEAS. N 89 DEG 35' 48" W, ALONG THE E-W ¼ LINE OF SAID SECTION, 1319.89 FEET TO THE E 1/8 LINE OF SAID SECTION; TH N 00 DEG 09' 04" E, ALONG SAID E 1/8 LINE, 959.45 FT TO POB OF THE LAND HEREIN DESCRIBED: TH CONT N 00 DEGREES 09' 04" E, ALONG SAID EAST 1/8 LINE, 366.18 FT TO THE N 1/8 LINE OF SAID SECTION; TH S 89 DEG 35' 01" E, ALONG SAID N 1/8 LINE, 660.74 FT: TH S00 DEG 11' 07" WEST, 1220.33 FT TO A NON TANGENT CURVE TO THE LEFT; TH ALONG SAID CURVE 57.45 FT, SAID CURVE HAS A RADIUS OF 66.00 FT, AND A CHORD WHICH BEARS S 65 DEG 07' 22" W, 55.65 FT; TH N 44 DEG 35' 48" W, 22.13 FT; TH N 00 DEG 11' 07" E, 379.52 FT; TH N 51 DEG 39' 19" W, 75609 FT TO THE PT OF BEG OF THE LAND HEREIN DESCRIBED.

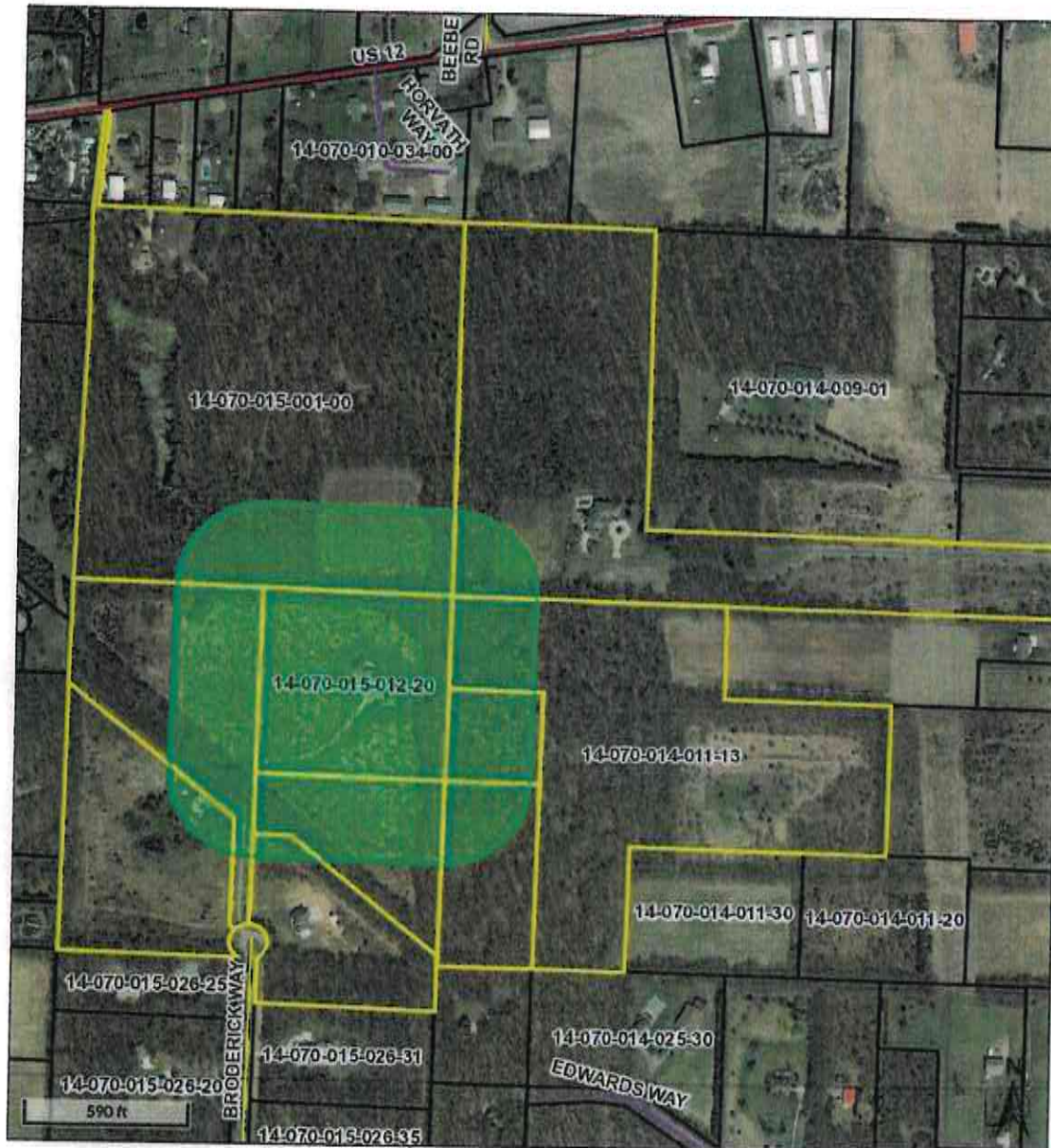
14-070-015-012-20

PT OF THE NE ¼ OF SECTION 15 AND THE NW ¼ OF SECTION 14, T8S, R16W, DESCRIBED AS FOLLOWS: FR THE E ¼ CORNER OF S15, T8S, R16W, MEASURE N 00 DEG 13' 10" E, ALONG THE E LINE OF SAID SECTION, 662.66 FEET TO THE POB OF THE LAND HEREIN DESCRIBED: TH N 89 DEG 35' 25" W 660.34 FT; TH N 00 DEG 11' 07" E 662.74 FT TO THE N 1/8 LINE OF SAID SECTION; TH 89 DEG 35' 01" E, ALONG SAID N 1/8 LINE, 660.74 FT TO THE E LINE OF SAID SECTION; TH S 00 DEG 13' 10" W ALONG SAID E LINE, 331.33 FT; TH S 89 DEG 41' 42" E 329.19 FT; TH S 0 DEG 12' 20" W 331.86 FT; TH N 89 DEG 35' 25" W 329.27 FT TO THE POB.

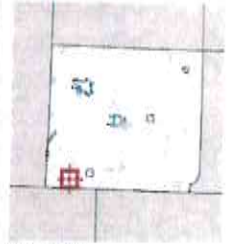
PLEASE TAKE FURTHER NOTICE that written comments will be taken from any interested persons concerning these proposed map amendments, at the Milton Township Hall, at the address above, at any time during regular business hours up to the night of the meeting.

PLEASE TAKE FURTHER NOTICE that any persons interested in this rezoning are invited to attend the Public Hearing. Copies of the Application to Rezone and applicable maps are available for inspection at the Milton Township Hall during regular business hours. If you are planning to attend this hearing, and require auxiliary aids or services, should contact the Township Clerk by calling 269-684-7262 as soon as possible.

Milton Township Planning Commission



Overview



Legend

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

Results

10 Results

Parcel ID ↕	Owner ↕	Property Address ↕	City ↕
 14-070-014-007-00	 LUDWICK ERIC V	70210 BRUSH RD	NILES
 14-070-014-011-13	 DICKEY ROSS A & DAWN R	29876 EDWARDS WAY	NILES
 14-070-014-011-45	 SPINDLER DIETMAR TRUST	BRUSH RD	NILES
 14-070-014-011-51	 SPINDLER DIETMAR TRUST	BRUSH RD	NILES
 14-070-015-001-00	 BOLLE STANLEY J & RITA G	30249 US 12	NILES
 14-070-015-012-02	 KOTINEK LAWRENCE D & TINA M	70490 BRODERICK WAY	NILES
 14-070-015-012-11	 SPINDLER DIETMAR TRUST	BRODERICK WAY	NILES
 14-070-015-012-20	 SPINDLER DIETMAR E TRUST	70488 BRODERICK WAY	NILES
 14-070-015-012-32	 SPINDLER DIETMAR TRUST	BRODERICK WAY	NILES
 14-070-015-012-41	 ALBRIGHT PHILIP A & REEGAN L	70523 BRODERICK WAY	NILES

Field Export

10 Results

Select export file format:

Excel (.xlsx) ▼

Download

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Last Data Upload: 9/1/2022, 7:47:07 AM

Developed by
 Schneider
GEOSPATIAL

Version 2.3.216



Parcel ID	14-070-015-012-20	Alternate ID	n/a	Owner Address	SPINDLER DIETMAR E TRUST
Sec/Twp/Rng	015-085-16W	Class	401 - RESIDENTIAL-IMPROVED		70488 BRODERICK WAY
Property Address	70488 BRODERICK WAY	Acreage	10.05		NILES, MI 49120
	NILES				
District	14030 EDWARDSBURG PUBLIC SCHOOLS				
Brief Tax Description	223B COM N 0 DEG 13' 10" 223B COM N 0 DEG 13' 10" 223B COM N 0 DEG 13' 10"				
	(Note: Not to be used on legal documents)				

Date created: 9/1/2022
Last Data Uploaded: 9/1/2022 7:47:07 AM

Developed by  **Schneider**
GEOSPATIAL



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	14-070-015-012-11	Alternate ID	n/a	Owner Address	SPINDLER DIETMAR TRUST
Sec/Twp/Rng	015-08S-16W	Class	402 - RESIDENTIAL-VACANT		70488 BRODERICK WAY
Property Address	BRODERICK WAY	Acreage	10		NILES, MI 49120
	NILES				
District	14030 EDWARDSBURG PUBLIC SCHOOLS				
Brief Tax Description	n/a				
	(Note: Not to be used on legal documents)				

Date created: 10/4/2022

Last Data Uploaded: 10/4/2022 8:22:48 AM

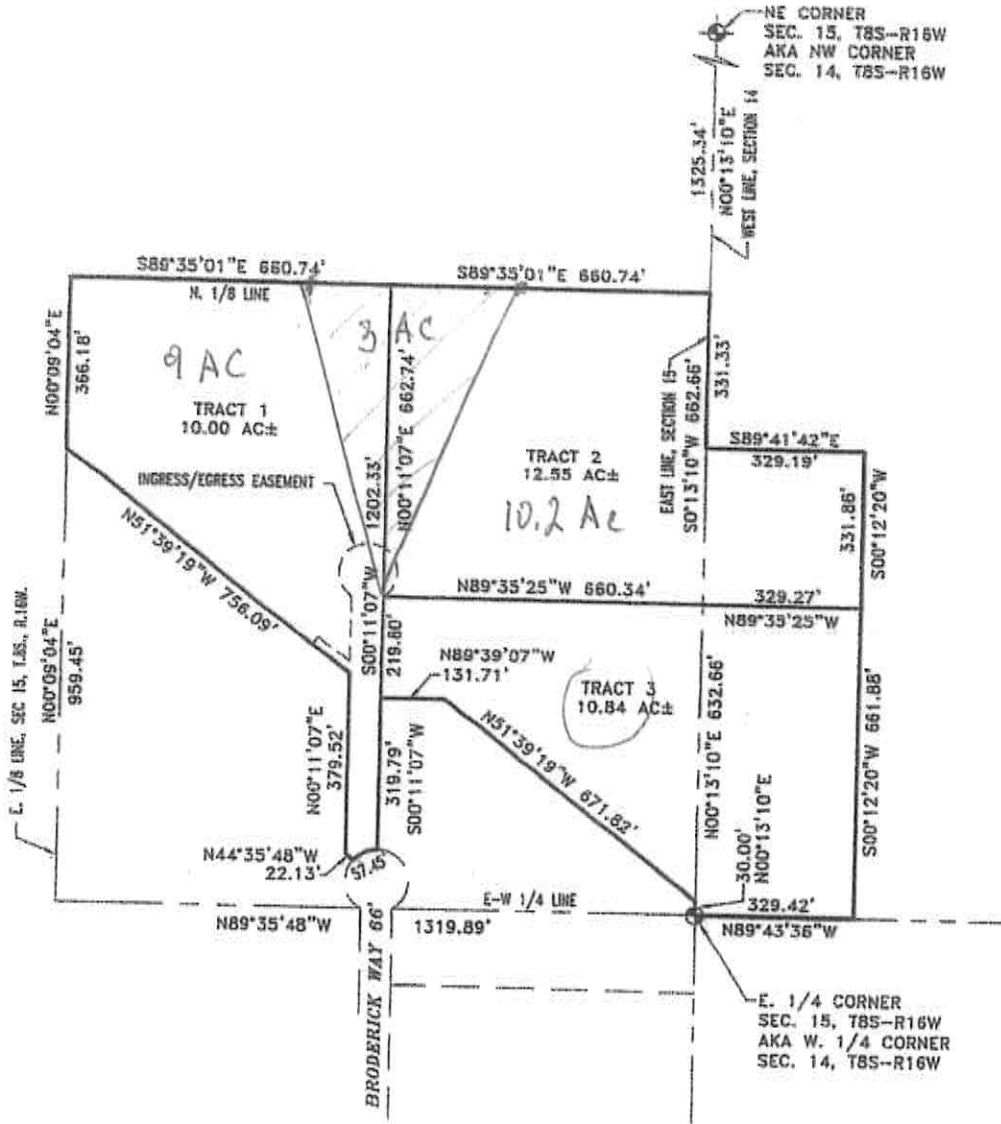
Developed by  **Schneider**
GEOSPATIAL

SKETCH SHEET:~

STEPHENSON LAND SURVEYING

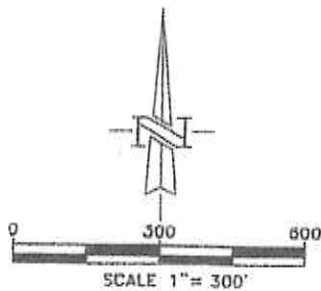
27873 WHITE STREET, CASSOPOLIS, MI 49031
PH (269) 445-8903 FAX (269) 445-8510

PART OF THE NORTHEAST 1/4 OF SECTION 15 &
PART OF THE NORTHWEST 1/4 OF SECTION 14,
MILTON TOWNSHIP, CASS COUNTY, MICHIGAN



NOTE: SKETCH MADE FOR CLIENT TO
SHOW REMAINING PARCELS AND
EASEMENTS PER HIS INSTRUCTION.

CLIENT: DIETMAR SPINDLER
ADDRESS: 70488 BRODERICK WAY
DATE: 1/25/2022
SCALE: 1" = 300'
DRAWN BY: DMS
TC: NONE



SHEET 1 OF 2 SHEETS
21519-1

SKETCH SHEET:~
STEPHENSON LAND SURVEYING
27873 WHITE STREET, CASSOPOLIS, MI 49031
PH (269) 445-8903 FAX (269) 445-8510

TRACT 1:

LAND SITUATED IN THE TOWNSHIP OF MILTON, COUNTY OF CASS, STATE OF MICHIGAN
AND IS DESCRIBED AS FOLLOWS:

FROM THE EAST QUARTER CORNER OF SECTION 15, TOWN 8 SOUTH, RANGE 16 WEST, MEASURE NORTH 89°35'48" WEST, ALONG THE EAST - WEST QUARTER LINE OF SAID SECTION, 1319.89 FEET TO THE EAST EIGHTH LINE OF SAID SECTION; THENCE MEASURE NORTH 00°09'04" EAST, ALONG SAID EAST EIGHTH LINE, 959.45 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING NORTH 00°09'04" EAST, ALONG SAID EAST EIGHTH LINE, 366.18 FEET TO THE NORTH EIGHTH LINE OF SAID SECTION; THENCE SOUTH 89°35'01" EAST, ALONG SAID NORTH EIGHTH LINE, 660.74 FEET; THENCE SOUTH 00°11'07" WEST, 1202.33 FEET TO A NON TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE 57.45 FEET, SAID CURVE HAS A RADIUS OF 66.00 FEET, AND A CHORD WHICH BEARS SOUTH 85°07'22" WEST, 55.85 FEET; THENCE NORTH 44°35'48" WEST, 22.13 FEET; THENCE NORTH 00°11'07" EAST, 379.52 FEET; THENCE NORTH 51°39'19" WEST, 756.09 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED.

TRACT 2:

LAND SITUATED IN THE TOWNSHIP OF MILTON, COUNTY OF CASS, STATE OF MICHIGAN AND IS DESCRIBED
AS FOLLOWS:

PART OF THE NORTHEAST QUARTER OF SECTION 15 AND THE NORTHWEST QUARTER OF SECTION 14, TOWN 8 SOUTH, RANGE 16 WEST, DESCRIBED AS FOLLOWS: FROM THE EAST QUARTER CORNER OF SECTION 15, TOWN 8 SOUTH, RANGE 16 WEST, MEASURE N00°13'10"E, ALONG THE EAST LINE OF SAID SECTION, 662.66 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE N89°35'25"W 660.34 FEET; THENCE N00°11'07"E 662.74 FEET TO THE NORTH EIGHTH LINE OF SAID SECTION; THENCE S89°35'01"E, ALONG SAID NORTH EIGHTH LINE, 660.74 FEET TO THE EAST LINE OF SAID SECTION; THENCE S00°13'10"W, ALONG SAID EAST LINE, 331.33 FEET; THENCE S89°41'42"E 329.19 FEET; THENCE S00°12'20"W 331.86 FEET; THENCE N89°35'25"W 329.27 FEET TO THE POINT OF BEGINNING.

TRACT 3:

LAND SITUATED IN THE TOWNSHIP OF MILTON, COUNTY OF CASS, STATE OF MICHIGAN AND IS DESCRIBED
AS FOLLOWS:

PART OF THE NORTHEAST QUARTER OF SECTION 15 AND THE NORTHWEST QUARTER OF SECTION 14, TOWN 8 SOUTH, RANGE 16 WEST, DESCRIBED AS FOLLOWS: BEGINNING AT THE EAST QUARTER CORNER OF SECTION 15, TOWN 8 SOUTH, RANGE 16 WEST, THENCE N00°13'10"E, ALONG THE EAST SECTION LINE, 30.00 FEET; THENCE N51°39'19"W 671.82 FEET; THENCE N89°39'07"W 131.71 FEET; THENCE N00°11'07"E 219.80 FEET; THENCE S89°35'25"E 989.61 FEET; THENCE S00°12'20"W 661.88 FEET TO THE EAST AND WEST QUARTER LINE; THENCE N89°43'36"W, ALONG SAID LINE, 329.42 FEET TO THE POINT OF BEGINNING.

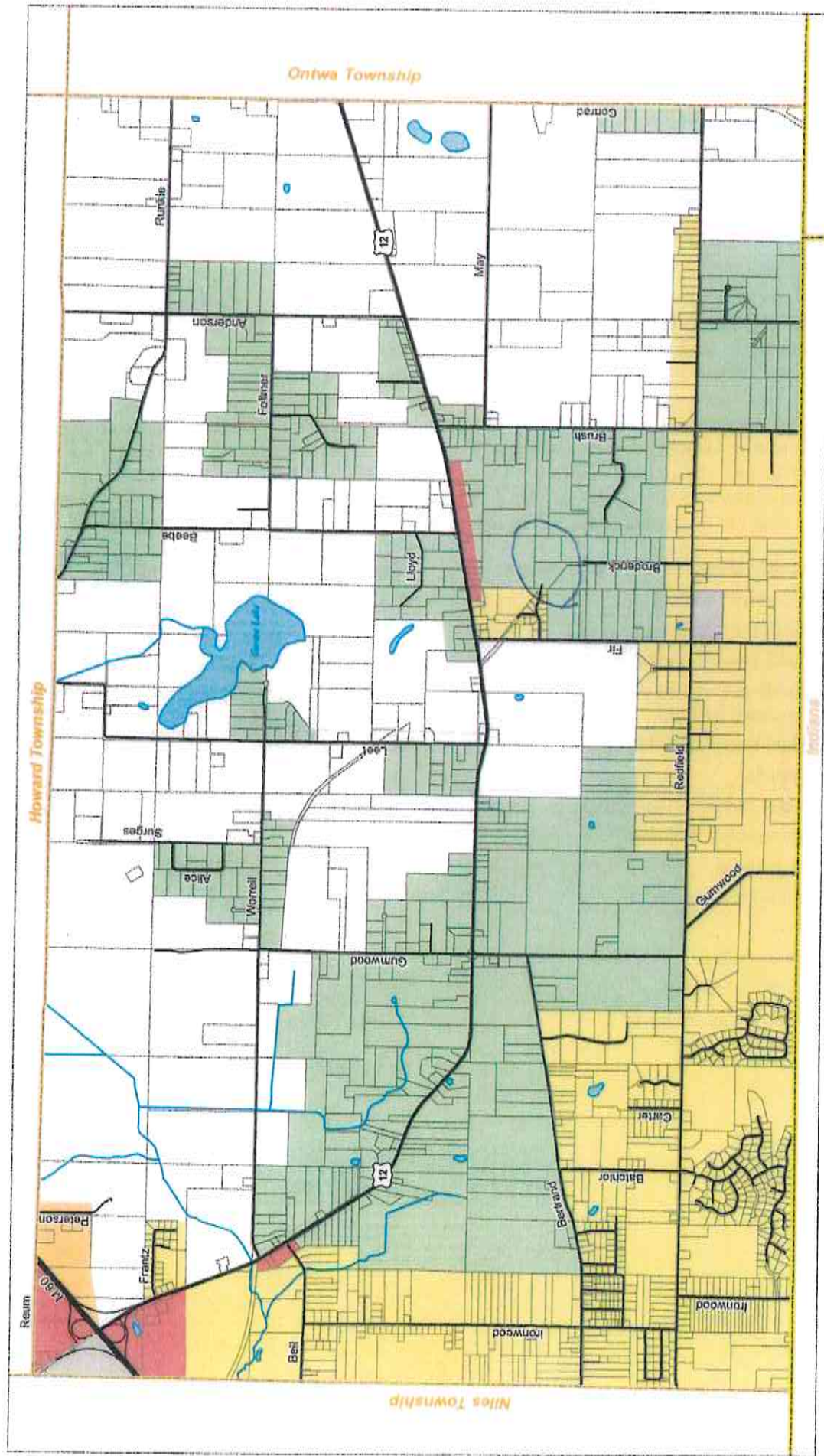
INGRESS/EGRESS EASEMENT:

LAND SITUATED IN THE TOWNSHIP OF MILTON, COUNTY OF CASS, STATE OF MICHIGAN
AND IS DESCRIBED AS FOLLOWS:

FROM THE EAST QUARTER CORNER OF SECTION 15, TOWN 8 SOUTH, RANGE 16 WEST MEASURE NORTH 89°35'48" WEST, ALONG THE EAST - WEST QUARTER LINE OF SAID SECTION, 627.02 FEET TO A NON TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE 173.18 FEET, SAID CURVE HAS A RADIUS OF 66.00 FEET, AND A CHORD WHICH BEARS NORTH 14°46'10" WEST, 127.60 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG THE CURVE 57.45 FEET, SAID CURVE HAS A RADIUS OF 66.00 FEET AND A CHORD WHICH BEARS SOUTH 65°07'22" WEST, 55.65 FEET; THENCE NORTH 44°35'48" WEST, 22.13 FEET; THENCE NORTH 00°11'07" EAST, 379.52 FEET; THENCE NORTH 51°39'19" WEST, 100.00 FEET; THENCE NORTH 38°20'41" EAST, 20.00 FEET; THENCE SOUTH 51°39'19" EAST, 84.28 FEET; THENCE NORTH 00°11'07" EAST, 142.75 FEET TO A NON TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE 307.11 FEET, SAID CURVE HAS A RADIUS OF 60 FEET, AND A CHORD WHICH BEARS SOUTH 89°35'25" EAST, 66.00 FEET; THENCE SOUTH 00°11'07" WEST, 539.59 FEET TO THE POINT OF BEGINNING.

CLIENT: DIETMAR SPINDLER
ADDRESS: 70488 BRODERICK WAY
DATE: 1/25/2022
SCALE: 1" = 300'
DRAWN BY: DMS
TC: NONE

SHEET 2 OF 2
21519-1 SHEETS



Milton Township Master Plan Cass County, Michigan

Map 11. Future Land Use

Future Land Use

- Agricultural Production
- Rural Residential
- Single Family Residential

- Medium-Density / Multi-Family Residential
- Commercial
- Industrial

1 inch = 2,250 feet
0 2,250 4,500 Feet

williams works

Source Data:
State of Michigan Center for Geographic Information, Cass County

Chapter 5 – A Agricultural Production District

Section 5.01 Purpose and Intent

The regulations of the “A” Agricultural Production District are intended to ensure that land areas within the Township, which are well suited for production of food and fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder farm operations and irretrievably deplete agricultural lands. Further, the intent of this chapter is to preserve open space and the rural character of these areas. Subdivisions or site condominium developments, which prematurely transition agricultural and open space lands in this district are not appropriate. Isolated open space cluster developments are permitted on portions of land not well suited for agricultural production. The District also accommodates very low-density residential development and other specialized rural uses requiring large tracts of land. As an agricultural district, certain impacts such as odors, noise, application of chemicals, and other external impacts typically associated with farming operations, shall be recognized and reasonably tolerated provided they do not pose a threat to the general health, safety, and welfare of Township residents.

Section 5.02 Uses Permitted by Right

- Accessory Dwelling Units
- Adult Day Care Family Home
- Adult Foster Care Family Home
- Buildings and Uses Accessory to Uses Permitted by Right
- Child Care Family Home
- Church
- Farms and Farm Operations
- Government Building
- Greenhouse
- Home Occupations
- Park
- Riding Stables
- Roadside Stands
- Single-family dwellings

Section 5.03 Special Land Uses

- Agricultural labor housing
- Agricultural service establishment
- Assisted living facility
- Bed and breakfast establishment
- Campground
- Golf course or country club
- Child care group home
- Home-based business
- Kennel
- Mining operation
- Rifle range/archery Range
- Veterinary clinic
- Wind energy conversion system (commercial)
- Wireless communication antenna

Section 5.04 Dimensional Requirements

Lot, Yard, and Building Requirements for principal structures are as follows:

Lot Area	Minimum	10 acres
Minimum Lot Width		200 ft.
Minimum Front Setback		50 ft.
Minimum Side Yard Setback		50 ft.
Minimum Rear Setback		50 ft.
Maximum lot coverage		15%*
Maximum Building Height		The lesser of 35 ft. or (2 ½) stories
Maximum Lot Width to Depth Ratio		1:4
Minimum Dwelling Unit Floor Area		576 sq. ft

* Note: the maximum lot coverage standard does not apply to buildings used for 100% agricultural purposes

Chapter 6 – RR Rural Residential District

Section 6.01 Purpose and Intent

The regulations of the RR District recognize lands that retain a relatively high proportion of open space use but, due to population growth, natural limitations, like soil characteristics and related factors, experience ongoing transition to non-farm low density residential development. It is the intent that areas developed are done so to buffer the uses from agricultural or extraction activities from other residential districts. Public services are not intended for this district for an indefinite period. Due to its rural character, the RR Rural Residential District permits many of the uses provided for in the Agricultural Production District.

Section 6.02 Uses Permitted by Right

- Accessory Dwelling Units
- Adult day care family home
- Adult foster care family home
- Buildings and uses accessory to uses permitted by right.
- Childcare family home
- Church
- Farms and farm operations
- Government building
- Home occupation
- Park
- Roadside stand
- Single-family dwelling

Section 6.03 Special Land Uses

- Adult day care group home
- Adult foster care small group home
- Adult foster care medium group home
- Agricultural service establishment
- Agricultural labor housing
- Assisted living facility
- Bed and breakfast establishment
- Campground
- Cemetery
- Childcare group home
- Educational facility
- Golf course / country club
- Greenhouse
- Home based business
- Kennel
- Riding stable
- Wireless communication antenna
- Commercial wind energy conversion system

Section 6.04 Dimensional Requirements

Minimum Lot Area	2 acres
Minimum Lot Width	200 ft.
Minimum Front Setback	50 ft.
Minimum Side Yard Setback	20 ft.
Minimum Rear Setback	50 ft.
Maximum lot coverage	15%
Maximum Building Height	The lesser of 35 ft. or (2 ½) stories
Maximum Lot Width to Depth Ratio .	1:4
Minimum Dwelling Unit Floor Area	576 sq. ft



Milton Township

32097 Bertrand St., Niles, MI 49120 Phone (269)684-7262 Fax (269)684-1742
Email: milton@miltontwp.org Website: www.miltontwp.org

STAFF REPORT

Dietmar Spindler Rezoning Request

Dietmar Spindler has submitted an application for rezoning, requesting the parcels located at 70488 Broderick Way be rezoned from the Agricultural Production zoning district to the Rural Residential zoning district. A map amendment (rezoning) is allowed in Section 18.06 b. of the Milton Township Zoning Ordinance.

Background. The applicant has a parcel he would like rezoned. The parcels are 20.05 acres. The parcels are located at the end of Broderick Way on the north side Redfield Street, east of Fir Road and west of Brush Road. The applicant requests that this parcel be rezoned for a future split.

Review Standards. When reviewing an application for rezoning, the following criteria must be considered by the Planning Commission pursuant to Section 18.06(b) of the Milton Township Zoning Ordinance. The standards are as follows:

1. Whether or not the proposed rezoning is consistent with the goals, policies and future land use map of the Milton Township Master Plan; or, if conditions have changed significantly since the Master Plan was adopted, the consistency with recent development trends in the area.

Remarks: The current Township Master Plan was recently updated in July of 2019. This plan establishes general land use patterns to guide future development of the township. The Master Plan recognizes that the proximity of the Michigan/Indiana border and location of US-12 in the township are causing increased residential development. The future land use map indicates that the property is within the Rural Residential designation. Our Master Plan states that "it must be understood that the future land use designations on the map are meant to be seen as general with indistinct edges. Along the margins, where two or more designations adjoin, either land use may be appropriate in keeping with the predominate conditions of the area."

Parcels North of Redfield are anticipated for residential development at densities of an average of one unit per two acres. This designation is intended to serve as a transitional zone from the agricultural zoned district and increasing residential development to the south of the Township. Therefore, the Planning Commission may find that the rezoning request is consistent with the Master Plan.

2. Whether the proposed district and the uses allowed are compatible with the site's physical, geological, hydrological and other environmental features. The potential uses allowed in the

proposed zoning district shall also be compatible with surrounding uses in terms of land suitability, impacts on the community, density, potential influence on property values and traffic impacts.

Remarks: There will be no significant environmental impacts from the purposed use. Even though Broderick Way is zoned mostly Agricultural, it is a development made up of single-family homes. Many of these are on five acre parcels. Therefore, its use for Rural Residential purposes should not have a significant adverse impact on the environment.

3. Whether, if rezoned, the site is capable of the accommodating the uses allowed, considering existing or planned infrastructure including roads, sanitary sewers, storm sewer, water, sidewalks, and road lighting.

Remarks: The site would easily accommodate the uses allowed under the Rural Residential zoning district.

4. Other factors deemed appropriate by the Planning Commission.

Remarks: I have none.

Recommendation

At the October 4, 2022, Public Hearing, the Planning Commission should listen carefully to comments from the applicant and public, regarding the request. Subject to those comments, it is my recommendation that the Planning Commission recommend approval of the proposed rezoning to the Township Board. The Planning Commission may rely on the findings in this report as justification in making this recommendation.

Eileen Glick
Zoning Administrator

NOTICE OF PUBLIC HEARING

Proposed Property Rezoning

MILTON TOWNSHIP, CASS COUNTY, MI
32097 Bertrand Street
Niles, MI 49120

To: The residents and property owners of Milton Township, Cass County, Michigan, and any other interested parties.

PLEASE TAKE NOTICE the Milton Township Planning Commission will hold a Public Hearing during its regular monthly meeting on Tuesday, October 4, 2022, at 7:00 p.m., at the Milton Township Hall, 32097 Bertrand Street, Niles, MI 49120, for the purpose of considering a rezoning of 29523 Edwards Way, Niles, MI, pursuant to Chapter 18, Section 18.06 (b) of the Milton Township Zoning Ordinance.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said Public Hearing and Meeting location include, in brief, the following: The consideration, and taking of, Public Comments reference the Rezoning of a 2-acre parcel from the Agricultural Production District to the Rural Residential District.

Parcel ID Numbers: Part of 14-070-014-024-15

Owner: Michele Reynolds (now Michele R. Reich)

Legal Description:

PARCEL 2A: FROM THE SOUTH QUARTER CORNER OF S14, T8S, R16 W, MEAS. N ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, 1769.11 FT TO POB OF THE LAND HEREIN DESCRIBED; THENCE N 89 DEG 42' 53" W, 200 FT; THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 300.00 FT TO THE NORTH LINE OF AN EXISTING 66' WIDE INGRESS/EGRESS EASEMENT KNOWN AS EDWARDS WAY; THENCE S 89 DEG 42' 53" E, ALONG SAID LINE, 200.00 FT TO THE NORTH AND SOUTH 1/4 LINE; THENCE SOUTH, ALONG SAID LINE, 300.00 FEET TO THE POB. CONTAINING 1.377 ACRES MORE OR LESS. SUBJECT TO THAT PORTION ALONG THE EAST SIDE THEREOF AS BEING USED FOR ROADWAY PURPOSES. ALSO SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

2B: FROM THE SOUTH QUARTER CORNER OF SECTION 14, T 8 S, R 16 W, MEASURE NORTH, ALONG THE NORTH-SOUTH QUARTER LINE OF SAID SECTION, 1633.51 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE N 89 DEG 42' 53" W, 200 FEET; THENCE NORTH, PARALLEL WITH THE NORTH-SOUTH QUARTER LINE, 135.60 FEET; THENCE S 89 DEG. 42' 53" E 200.00 FT TO THE NORTH AND SOUTH QUARTER LINE; THENCE SOUTH ALONG SAID LINE, 135.60 FT TO THE POB. CONTAINING 0.623 ACRES MORE OR LESS. SUBJECT TO THAT PORTION ALONG THE EAST SIDE THEREOF AS BEING USED FOR ROADWAY PURPOSES. ALSO SUBJECT TO ANY EASEMENTS AND RESTRICTIONS OF RECORD.

PLEASE TAKE FURTHER NOTICE that written comments will be taken from any interested persons concerning these proposed map amendments, at the Milton Township Hall, at the address above, at any time during regular business hours up to the night of the meeting.

PLEASE TAKE FURTHER NOTICE that any persons interested in this rezoning are invited to attend the Public Hearing. Copies of the Application to Rezone and applicable maps are available for inspection at the Milton Township Hall during regular business hours. If you are planning to attend this hearing, and require auxiliary aids or services, should contact the Township Clerk by calling 269-684-7262 as soon as possible.

Milton Township Planning Commission

NOTICE OF PUBLIC HEARING

Proposed Property Rezoning

MILTON TOWNSHIP, CASS COUNTY, MI
32097 Bertrand Street
Niles, MI 49120

To: The residents and property owners of Milton Township, Cass County, Michigan, and any other interested parties.

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PLEASE TAKE FURTHER NOTICE that the items to be considered at said Public Hearing and Meeting location include, in brief, the following: The consideration, and taking of, Public Comments reference the Rezoning of a 20.05-acre parcel from the Agricultural Production District to the Rural Residential District.

Parcel ID Numbers: 14-070-015-012-11 and 14-070-015-012-20

Owner Dietmar Spindler Trust

Legal Description:

14-070-015-012-11

FRM E. ¼ COR S15, T8S, R16 W, MEAS. N 89 DEG 35' 48" W, ALONG THE E-W ¼ LINE OF SAID SECTION, 1319.89 FEET TO THE E 1/8 LINE OF SAID SECTION; TH N 00 DEG 09'04" E, ALONG SAID E 1/8 LINE, 959.45 FT TO POB OF THE LAND HEREIN DESCRIBED: TH CONT N 00 DEGREES 09' 04' E, ALONG SAID EAST 1/8 LINE, 366.18 FT TO THE N 1/8 LINE OF SAID SECTION; TH S 89 DEG 35'01" E, ALONG SAID N 1/8 LINE, 660.74 FT; TH S00 DEG 11' 07" WEST, 1220.33 FT TO A NON TANGENT CURVE TO THE LEFT; TH ALONG SAID CURVE 57.45 FT, SAID CURVE HAS A RADIUS OF 66.00 FT, AND A CHORD WHICH BEARS S 65 DEG 07' 22" W, 55.65 FT; TH N 44 DEG 35' 48" W, 22.13 FT; TH N 00 DEG 11' 07" E, 379.52 FT; TH N 51 DEG 39' 19" W, 75609 FT TO THE PT OF BEG OF THE LAND HEREIN DESCRIBED.

14-070-015-012-20

PT OF THE NE ¼ OF SECTION 15 AND THE NW ¼ OF SECTION 14, T8S, R16W, DESCRIBED AS FOLLOWS: FR THE E ¼ CORNER OF S15, T8S, R16W, MEASURE N 00 DEG 13' 10" E, ALONG THE E LINE OF SAID SECTION, 662.66 FEET TO THE POB OF THE LAND HEREIN DESCRIBED: TH N 89 DEG 35' 25" W 660.34 FT; TH N 00 DEG 11' 07" E 662.74 FT TO THE N 1/8 LINE OF SAID SECTION; TH 89 DEG 35' 01" E, ALONG SAID N 1/8 LINE, 660.74 FT TO THE E LINE OF SAID SECTION; TH S 00 DEG 13' 10" W ALONG SAID E LINE, 331.33 FT; TH S 89 DEG 41' 42" E 329.19 FT; TH S 0 DEG 12' 20" W 331.86 FT; TH N 89 DEG 35' 25" W 329.27 FT TO THE POB.

PLEASE TAKE FURTHER NOTICE that written comments will be taken from any interested persons concerning these proposed map amendments, at the Milton Township Hall, at the address above, at any time during regular business hours up to the night of the meeting.

PLEASE TAKE FURTHER NOTICE that any persons interested in this rezoning are invited to attend the Public Hearing. Copies of the Application to Rezone and applicable maps are available for inspection at the Milton Township Hall during regular business hours. If you are planning to attend this hearing, and require auxiliary aids or services, should contact the Township Clerk by calling 269-684-7262 as soon as possible.

Milton Township Planning Commission

NOTICE OF PUBLIC HEARING

MILTON TOWNSHIP, CASS COUNTY, MI
32097 Bertrand St
Niles, MI 49120

To: The residents and property owners of Milton Township, Cass County Michigan and any other interested parties.

PLEASE TAKE NOTICE the Planning Commission of Milton Township, Cass County Michigan will hold a Public Hearing on Tuesday, October 4, 2022, commencing at 7:00 p.m., at the Milton Township Hall, 32097 Bertrand St, Niles MI 49120.

PLEASE TAKE FURTHER NOTICE the Planning Commission is considering an several amendments to Milton Township Zoning Ordinance, as follows:

Chapter 3, Section 3.10 Swimming Pools is amended as follows:

4. Each pool shall have in place one of the following, sufficient to make the pool inaccessible to small children: a minimum four (4) foot high stockade fence or wall with a self-latching gate located four (4) feet above the underlying ground or an automatic pool safety cover in compliance with the International Pool and Spa Code.

Chapter 18, Administration and Enforcement, Section 18.06 Zoning Ordinance Amendments is amended by removing number 4. Sign Required for Rezoning.

New Chapter added: Chapter 12 A – Site Condominium

Section 12A.01 Description and Intent

The intent of this chapter is to ensure that plans for site condominium developments within Milton Township proposed pursuant to the Condominium Act, Act 59 of the Public Acts of 1978, are reviewed in conformance with all requirements of this Ordinance, as amended. Nothing in this chapter shall be construed as requiring Site Condominium approval obtain subdivision or land division approval pursuant to the Land Division Act, Act 288 of 1967, as amended. It is also the intent of this Chapter to accomplish the following:

- A. To carry out the purpose and intent of the Condominium Act, PA 59 of the Public Acts of 1978, as amended.
- B. To further the orderly layout and development of the Township.
- C. To provide for and regulate the economical provision or extension of utility services, streets and other necessary land improvements.
- D. To require that land be suitable and suitably improved for building sites.
- E. To provide for adequate drainage.
- F. To prevent the premature development of land; to provide for proper ingress and egress to lots.
- G. To promote proper surveying, monuments, and legal descriptions.
- H. To provide for safe and convenient traffic circulation and traffic movement.
- I. To insure against the creation of unsafe or undesirable conditions.
- J. To conserve the value of property.
- K. To regulate the density of development in relation to utility services for the protection of the public health.
- L. To conserve energy and natural features.
- M. To carry out the purpose and intent of the adopted Milton Township Master Plan and Zoning Ordinance.
- N. To establish rules and procedures for the process of site condominium development.
- O. To provide for the adoption of improvement standards.
- P. To protect the health, safety, and general welfare of the inhabitants of the Township and the public.

Section 12A.02 Definitions

- A. Condominium Unit: That portion of the condominium project designed and intended for separate ownership interest and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit, or any other type of use.
- B. Lot(s): That portion(s) of a condominium project designed and intended for separate ownership interest and/or exclusive use, as described in the Master Deed. Lot may be further defined as:

1. A condominium unit as defined above, consisting of the area under a building envelope and the contiguous area around the building envelope; or
 2. The contiguous limited common element under and surrounding a condominium unit that is or shall be assigned to the owner(s) of the condominium unit for the owner(s) exclusive use.
- C. Master Deed: The legal document prepared and recorded pursuant to Act 59 of the Public Acts of 1978, as amended, within which are, or to which is attached as exhibits and incorporated by reference, the approved by-laws for the project and the approved condominium subdivision plan for the project.
- D. Site Condominium Project: A condominium project developed under Public Act 59 of 1978, as amended, comprised of two (2) or more condominium units which are not subject to the provisions of the Land Division Act, Public Act 288 of 1967, as amended.

Section 12A.03 Summary of Procedures

The following procedure must be completed for a site condominium to receive approval by Milton Township:

- A. Pre-application conference.
- B. Site Condominium Preliminary Plan Review by the Planning Commission
- C. Site Condominium Preliminary Plan Review by the Township Board
- D. Site Condominium Final Plan Review by the Township Board

Section 12A.04 Pre-application Conference

Prior to the preparation of a Site Condominium Preliminary Plan, there should take place a pre-application discussion meeting between the applicant and the Planning Commission. The purpose of this meeting is to inform the Planning Commission of an applicant's intent to initiate a site condominium. On or before this meeting, the applicant should submit the following to the Commission:

- A. Several copies of a sketch, to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and lots; and the relationship of the proposed development to adjacent streets and neighboring properties.
- B. A statement indicating how public sanitary sewer and water service will be extended, or how on-site septic or private sewage treatment and water will be provided.

During the pre-application discussion meeting, it shall be the responsibility of the Planning Commission, insofar as information is available to it, to inform the applicant about the following:

- A. General requirements of this Ordinance.
 1. Review of 3.31 Open Space Preservation
 2. Review of 14.05, 2, j. Landscape Buffer Zones
- B. Policies and recommendations of the Master Plan that may affect the Planning Commission's recommendation of the proposed Site Condominium/
- C. Planned or anticipated sites of parks and recreation areas and other public uses.
- D. Utility system capabilities.
- E. Planned or anticipated public improvements, including streets, utility extensions and the like.
- F. Major street plans and potential problems relative to the natural features of the area including, but not limited to, flood plains, soil conditions, topography, viewsheds, and groundwater tables.
- G. Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward Final Plan approval.

Pre-application discussions are intended for information purposes only and do not constitute binding commitments on the part of the Township. Further, discussions do not imply tentative approval of any subsequent preliminary plan, and these discussions shall not carry the authority to proceed with construction or to sell or transfer property.

Section 12A.05 Site Condominium Preliminary Plan Review by the Planning Commission

The Preliminary Plan approval procedure is intended to assure the Township that the applicant is proceeding toward a Final Plan that will conform to all applicable regulations and be acceptable to the Township and other approving agencies. Approval of the Preliminary Plan by the Township shall not relieve the applicant from obtaining the necessary approvals from other agencies having jurisdiction over other aspects of the site condominium project.

A. Submission of Site Condominium Preliminary Plans. The submission shall be made as set by the resolution adopted by the Township Board. The following procedure shall be followed:

1. Submit ten (10) copies and a PDF of the Preliminary Plan to the Township Clerk. The Preliminary Plan shall consist, at a minimum, of the following information:
 - a. The name of the plan; the name and address of the applicant; the name, address and seal of the surveyor; and a description of the property to be included.
 - b. A key map showing the location and position of the property and its relationship to surrounding streets and the surrounding area including existing zoning of abutting areas.
 - c. North arrow, scale, contour interval, and legend when appropriate.
 - d. Contour elevations adjusted to USGS datum at not more than five (5) foot intervals.
 - e. Where appropriate, established flood plain contours and elevations adjusted to USGS datum.
 - f. The location of all existing streets, lots, plats, site condominium projects, public utilities, drains, streams, or bodies of water on/or abutting the property.
 - g. The outlines, intended layout, and intended use of the entire property owned or represented by the applicant. The following shall be included:
 - h. Street and stub street right-of-way -- location, width, and curve radii.
 - i. Proposed street names.
 - j. Lot lines, lot line dimensions to the nearest foot, lot and block numbers, and lot areas to the nearest one hundred (100) square feet.
 - k. The location and dimensions of all existing or proposed easements or reserve strips, including electrical and telephone easements.
 - l. The locations and tentative sizes of proposed sanitary sewers, storm sewers and catch basins, water mains, culverts, bridges, ponding areas, ponds, lagoons, slips, waterways, lakes, bays, and canals.
 - m. Statements regarding:
 - i. Intent to utilize private or public water and sanitary sewage facilities.
 - ii. Zoning and lot size requirements.
 - iii. Zoning requirements for front, side and rear yards.
 - iv. Size and type of street in accord with Cass County Road Commission standards.
 - v. Intent to install gas, sidewalks, streetlights, and shade trees.
 - vi. Use of waterways, rivers, streams, creeks, lakes, or ponds.
 - n. Copy of the proposed Master Deed.
2. Submit to the Township Clerk a filing fee as determined by resolution by the Township Board.
3. The Township Clerk shall retain one (1) copy of the Site Condominium Preliminary Plan and forward the additional copies to the Township Planner, Engineer, Attorney, and Planning Commission.
4. To accomplish the necessary review, the applicant or their agent is strongly encouraged to attend all meetings of the Planning Commission and the Township Board during which the Site Condominium Preliminary Plan will be reviewed. The plan shall be reviewed by the Township Planner, Engineer, and Attorney who shall report to the Planning Commission on any suggestions or recommend changes.

B. Planning Commission Review. The Planning Commission shall review the Site Condominium Preliminary Plan along with the comments of the Township Planner, Engineer, and Attorney. If the Site Condominium Preliminary Plan meets the requirements of this Chapter, the Planning Commission shall give it Preliminary Approval. The Secretary of the Planning Commission shall forward one (1) copy of the Site Condominium Preliminary Plan along with a notation indicating Preliminary Approval and any recommendations to the Township Board for its review.

If the Site Condominium Preliminary Plan does not meet the requirements of this Ordinance, the Planning Commission shall:

1. Deny Site Condominium Preliminary Plan approval and setting forth its reasons in writing; or
2. Grant Site Condominium Preliminary Plan approval contingent upon completion of the revisions as noted.

The Secretary of the Planning Commission shall forward one (1) copy of the Site Condominium Preliminary Plan along with the Planning Commission's recommendations to the applicant and one (1) copy to the Township Board.

- C. Effect of Planning Commission Approval. The Township Clerk shall sign the plan with the notation that it has received approval from the Planning Commission and the applicant shall be so notified. Approval of the Preliminary Site Condominium Plan by the Planning Commission shall give the applicant the following rights for a one (1) year period from the date of approval:
1. That the general terms and conditions under which Planning Commission approval was granted will not be changed by the Township.
 2. That the lot sizes, lot orientation, and street layout have been approved.
 3. That Planning Commission approval may be extended if applied for by the applicant prior to the one (1) year expiration date and granted by the Township Board in writing.

Section 12A.06 Site Condominium Preliminary Plan Review by the Township Board

After receipt of the Site Condominium Preliminary Plan and recommendations from the Planning Commission, the applicant shall submit two (2) copies and a PDF of the Preliminary Plan, including any changes required by the Planning Commission, to the Township Board. The applicant shall also submit the following:

- A. A copy of each review or site report by the following authorities after their approval has been secured:
1. Cass County Road Commission
 2. County Drain Commission
 3. Van Buren Cass District Health Department
 4. Michigan Department of Transportation
 5. Michigan Department of Environment, Great Lakes, and Energy (EGLE)
 6. Others as necessary
- B. A draft copy of the Master Deed.

The Township Board shall consider the Site Condominium Preliminary Plan and the above noted material and, if found to be in compliance with the terms of this Chapter, shall grant Preliminary Plan approval. Preliminary Plan approval by the Township Board shall give the applicant the following rights for a period of two (2) years from the date of approval:

- A. That the general terms and conditions under which Preliminary Plan approval was granted by the Township Board will not be changed and the applicant may proceed with the construction and installation of required improvements.
- B. The two (2) year period may be extended if applied for by the applicant and grant by the Township in writing. Written notice of the extension shall be sent by the Township Clerk to the other approving authorities.
- C. Conditional Approval. If the Site Condominium Preliminary Plan substantially meets the requirements of this Chapter, the Township Board may grant conditional Preliminary Plan approval, conditioned upon the submission of such changes, revisions, or additional material as is determined to be necessary to complete Preliminary Plan approval. Upon the submission of such changes, revisions, or additional material, the Site Condominium Preliminary Plan shall be granted unconditional approval and the applicant shall be so notified. The Township Board may, at its discretion, delegate this unconditional approval to the Township Planner, Engineer, and/or Zoning Administrator who shall be responsible for ensuring that the conditions established for unconditional Township Board approval have been met. Unconditional Preliminary Plan approval shall also be noted on the copy of the Site Condominium Preliminary Plan to be returned to the applicant.
- D. If the Site Condominium Preliminary Plan does not substantially meet the requirements of this Chapter, the Township Board shall deny the Preliminary Plan and so notify the applicant along with the reasons, therefore.
- E. Installation of all improvements authorized by Township Board approval of the preliminary plan shall be in accordance with the requirement of the appropriate agency or utility having jurisdiction.

Section 12A.07 Site Condominium Final Plan Review by the Township Board

The applicant shall prepare and submit with the Township Clerk a Site Condominium Final Plan containing the Master Deed as required by State law plus any additional documentation to be recorded with the Cass County Register of Deeds as approved by the Township Board as part of the Preliminary Plan.

- A. One (1) copy of as-built plans of all completed improvements shall also be included with this submission, along with deeds to any properties to be dedicated to the Township, a performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, streetlights, or shade trees, and one (1) copy of any financing arrangements between the Township and the applicant for the installation of required improvements.
- B. The Clerk shall submit the same to the Township Board at its next regular meeting for approval after review by the Township Engineer.
- C. The Board shall approve or reject said Site Condominium Final Plan and associated material.
- D. All provisions of the Site Condominium Final Plan which are approved by the Township Board must be incorporated, as approved, in the Master Deed for the condominium project. A copy of the Master Deed as filed with Cass County Register of Deeds for recording must be provided to the Township Clerk within ten (10) day after filing with the County.
- E. Any proposed amendment of a Master Deed which would have any direct or indirect effect upon a matter reviewed or approved under this Ordinance shall be reviewed and approved by the Township Board prior to recordation, and subsequently filed with the Clerk.

Section 12A.08 Required Improvements in Site Condominiums

Prior to the granting of Final Plan Approval, the applicant shall have installed, or have approved plans and agreements for the installation of, the following improvements:

- A. Private Road: See Chapter 19 of the Milton Township Zoning Ordinance
- B. Rights-of-Way: All rights-of-way and easements shall be graded across their entire width and length.
- C. Water: A water supply of a type and size specified by the Township Engineer and approved by applicable agencies having jurisdiction. A water system constructed by the applicant to serve more than one parcel, but not connected to the public system, may be permitted under the following conditions:
 - 1. Construction requirements shall be the same as for a public system, including individual connections.
 - 2. The system shall be designed to be connected to the future public system at an easily reached location along its extremity.
 - 3. Operation and maintenance of the system shall be the responsibility of the applicant and the property owners.
 - 4. The system shall be approved and routinely checked by the Van Buren Cass District Health Department or such other duly appointed agencies.
- D. Sewers and Drainage: Public sanitary sewers or private septic tanks shall be provided for each lot within the site condo, conforming to the size and specifications of the Township and compatible to the existing system, culverts, catch basins, and storm sewers of a size specified by the Cass County Road Commission and out letting from the site condominium in a method, and to a drainage system, approved by the Cass County Drain Commissioner.
- E. Electric and Telephone Conduits: Underground electrical and telephone conduits together with connection terminals available at each lot.
- F. Streetlights: When proposed, streetlights shall be of a design and location approved by the Township and the electric company.
- G. Gas Service: Where available, gas distribution lines beneath the street prior to the paving and curbing of any street, at locations adequate to serve each lot by connections thereto without the further installation of gas lines beneath such streets.
- H. Sidewalks: When proposed, sidewalks shall meet the following standards:
 - 1. Concrete sidewalks five (5) feet wide and four inches thick are required on both sides of all streets and stub streets without exception including adjacent to all cul-de-sacs.
 - 2. All sidewalks shall meet ADA standards.

3. Permits for construction of sidewalks shall be built to or exceed the requirements of this Chapter and the standards of the Cass County Road Commission.
4. All sidewalks shall be constructed by the developer prior to final plan approval. Final plan approval can be given without construction of sidewalks provided not more than three (3) years have elapsed since the Township Board has granted Preliminary Plan approval and provided that:
 - 1) There is posted by the developer with the township either a cash bond or an irrevocable letter of credit in an amount equal to the total cost of construction of the sidewalks as determined by the Township Engineer conditioned upon all sidewalks being constructed not later than three (3) years after the Township Board granted Preliminary Plan approval, and
 - 2) That the cash bond or irrevocable letter of credit can be used by the Township to construct all such sidewalks if the sidewalks are not constructed within said time period and to pay all costs incidental to such construction including, but not limited to, engineering and attorney fees related thereto.

All cash bonds shall be filed with the township clerk and shall be invested by the Township treasurer. All interest earned on the cash bond shall be subject to the same terms and conditions and rights as the principal amount of the cash bond. Any funds that remain after using the cash bond to construct the sidewalks and to pay all costs incidental thereto shall be returned to the developer. If the sidewalks are properly constructed prior to the three (3) year time period, the cash bond plus accrued interest earned thereon shall be turned over to the developer, or the letter of credit will be canceled.

5. After sidewalks have been constructed, the owner of a lot and any person or entity that takes out a building permit for any type of construction on a lot within the site condominium shall be responsible for repairing, restoring, or replacing any broken or damaged sidewalks adjacent to the property for which a building permit is issued such that they are in conformance with the standards required for original construction up and until an occupancy permit is issued.
- I. Topsoil: No topsoil shall be removed from the site or used as fill. Topsoil moved during construction shall be redistributed and stabilized by seeding, plantings, or other acceptable erosion control methods.
- J. Monuments Required. All Condominium projects which consist in whole or in part of condominium units which are building sites, manufactured home sites, or recreational sites shall be marked with minimums as provided in this subsection.
1. Monuments shall be in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to minimums along the sidelines of the streets.
 2. All monuments used shall be made of solid iron or steel bars at least one-half (1/2) inch in diameter and thirty-six inches long and completely encased in concrete at least four (4) inches in diameter.
 3. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets: at all angles of an intermediate traverse line and at the intersection of all limited common elements and all common elements.
 4. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
 5. All required monuments shall be placed flush with the ground where practical.
 6. All lot corners shall be monument in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (1/2) inch in diameter, or other approved markers.
 7. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the applicant deposits with the Township Clerk cash, a certified check, or irrevocable bank letter of credit in an amount not less

than one hundred dollars (\$200) and the total amount shall be figured at the rate of twenty-five dollars (\$50) per monument. Such cash, certified check, or irrevocable bank letter of credit shall be returned to the applicant upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

- K. Street Signs: Street signs shall be placed at all intersections within or abutting the site condominium. The name, type, and location shall be specified or approved by the Cass County Road Commission.

Section 12A.09 Design Requirements for Site Condominiums

- A. Master Plan and Zoning Ordinance Compliance. All site condominium projects shall be consistent with the policies and recommendations of the adopted Milton Township Master Plan, with particular emphasis on the preservation of natural features, mature trees, scenic views, and the protection of the Township's rural character.
- B. Zoning Compliance. All site condominium development shall conform to all provisions of this Zoning Ordinance.
- C. Streets. Private streets serving a site condominium development shall comply with Chapter 19 of this Ordinance.
- D. Reserve Strips: Where an internal public or private street network is proposed to serve the site condominium, all lots shall derive access from such internal street network. No double frontage lots shall be permitted unless a reserve strip is provided to prohibit access upon such County Road.
- E. Access: Any site condominium project or series of contiguous plans having forty (40) or more lots shall have a minimum of two (2) points of access to a paved public road, to protect the future residents and existing residents of the Township in the event of an emergency, or in the event of the blockage of an access point and to promote safer traffic flow.
- F. Open Space. Site condominiums may be developed as an open space site condominium pursuant to Section 3.31 of this Ordinance.
- G. Public Easements. Where a site condominium project is traversed by a water course or open drain, there shall be provided a public easement of such width as determined necessary by the County Drain Commission, but in no case less than twenty (20) feet in width. The Planning Commission shall require twenty (20) foot public easements along the lot lines of a block for utility facilities, walkways, access to public land, or similar needs of the community. Easements may be required to be dedicated to the Township or County.
- H. Law. The requirements, procedures, regulations, and powers set forth in the Condominium Act of 1978, as amended, shall apply except as provided by this Chapter.
- I. Inspections. All plans and installations of improvements called for shall be subject to the approval of the Township or its agent, or such other competent person as designated by the Township. All inspection fees shall be paid by the applicant before the Final Plan is signed by the Township unless adequate cash or bank letter of credit to cover these expenses are given to the Township prior to Final Plan approval.

PLEASE TAKE FURTHER NOTICE that written comments will be taken from any interested persons concerning the foregoing proposed amendment, at the Milton Township Hall, at the address set forth above, at any time during regular business hours up to 4:00 o'clock p.m. on the date of said hearing and will further be received by the Planning Commission at the time of said hearing.

PLEASE TAKE FURTHER NOTICE that all persons interested in the foregoing are invited to be present at the aforesaid Public Hearing time and place to participate in the discussion. More information can be obtained by calling Milton Township at 269-591-7982. Individuals with disabilities requiring auxiliary aids or services, and wish to attend the hearing, should contact the office of the Township Clerk, by writing or calling the Clerk, at least five (5) days prior to the hearing to ensure needed accommodations.

force and effect.

Tony Floyd, Township Clerk



Milton Township

32097 Bertrand St., Niles, MI 49120 Phone (269)684-7262 Fax (269)684-1742

Email: milton@miltontwp.org Website: www.miltontwp.org

Planning Commission Members

Jeremy Clanton, Virginia Kraft, Scott Kretchman, JT McDonald, Rich Mullin, Karen Shirk, Linda Sokol

Agenda for Milton Township Planning Commission Meeting

Milton Township Hall – 32097 Bertrand St., Niles, MI

PLANNING COMMISSION MEETING

October 4, 2022 7:00 P.M.

Call to Order/Pledge of Allegiance:

1. The meeting was called to order at 7:04 PM by Chairperson Shirk.
2. Pledge of Allegiance was recited.
3. Members Present: Clanton, Sokol, Kretchman, Shirk, McDonald, Kraft (Members not present: Mullin)

Approval of Agenda:

Shirk deleted Public Hearing 1. SPECIAL LAND USE, 71154 Conrad Road, Niles, MI 49120 (Parcel ID # 14-070-024-002-00) from agenda.

Kraft made a motion to approve the agenda.

- a. Clanton seconded the motion.
- b. No discussion.
- c. Motion passed.

Approval of Previous Minutes:

Sokol made a motion to accept the meeting minutes as written

- a. Kraft seconded the motion.
- b. No discussion.
- c. Motion passed.

Anyone Wishing to Speak to the Planning Commission: (limited to 3 minutes per person and not related to the public hearing topics)

None

Community Reports:

1. Zoning Administrator-40 permits/Prize Pig has been approved by MDOT for gas station/Touched base on the Gas Station and digging be to close to the pipeline just north
2. Township Board Representative-Shirk relayed MI REDI from Mullin(absent)
3. Zoning Board of Appeals Representative-Nothing at this time

Public Hearings:

Shirk announced the bylaws for public hearings listed below before opening hearings.

Chairperson Comments: For all public hearings will be following the Township of Milton Planning Commission Bylaws Adopted June 1, 2009 and Amended on July 2013 as outlined below:

- Chairperson opens the public hearing and announces the subject.
- Chairperson summarizes the procedures/rules to be followed during the hearing.
- Township planner/engineer/other consultants present their report and recommendation
- Applicant presents the main points of the application.
- Persons speaking in support of the application are recognized.
- Persons speaking in opposition to the application are recognized.
- Chairperson closes the public hearing and returns to the regular/special meeting.
- Planning Commission begins deliberation and arrives at a decision with specified reasons for the decision. A decision can be postponed by a vote of the commission for reasons identified in the motion for postponement.

Note: All comments by the public, staff and Planning Commission members shall be directed to the chairperson and shall relate to the subject of the public hearing: unrelated comments shall be ruled out-of-order by the chairman. Comments shall be limited to 3 minutes per person.

1. SPECIAL LAND USE, 71154 Conrad Road, Niles, MI 49120 (Parcel ID # 14-070-024-002-00) DELETED

2. REZONING, 29523 Edwards Way, Niles, MI 49120 (Parcel ID # 14-070-014-024-15)

Opened at 7:17pm

Eileen briefed the situation of 52 years lease and recommended for the PC Board to approve

All In Support-Michele Reich son

Opposed-None

Kraft made a motion to approve the Rezoning, 29523 Edwards Way, Niles, MI 49120 (Parcel ID # 14-070-014-024-15) Clanton Second

Roll Call:

Clanton-Yes

Kraft-Yes

Kretchman-Yes

McDonald-Yes

Shirk-Yes

Sokol-Yes

3. REZONING, 70488 Broderick Way, Niles, MI, 49120 (Parcel ID #s 14-070-015-012-11 and 14-070-015-012-20)

Opened at 7:24pm

Eileen presented the rezoning of Spindler's property and recommended the split

Kraft made a motion to approve REZONING, 70488 Broderick Way, Niles, MI, 49120 (Parcel ID #s 14-070-015-012-11 and 14-070-015-012-20) Clanton Second motion

All in support-Dietmar Spindler

Opposed-None

Roll Call:

Clanton-Yes

Kraft-Yes

Kretchman-Yes

McDonald-Yes

Shirk-Yes

Sokol-Yes

4. Amendments to the Milton Township Zoning Ordinances : Chapter 3, Section 3.10 Swimming Pools, Chapter 18, Administration and Enforcement, Section 18.06 Zoning Ordinance Amendments, New Chapter added: Chapter 12 A – Site Condominium

Opened at 7:30pm

Shirk briefed all Amendments to Milton Township Zoning Ordinances listed above

McDonald made a motion to accept Amendments to the Milton Township Zoning Ordinances : Chapter 3, Section 3.10 Swimming Pools, Chapter 18, Administration and Enforcement, Section 18.06 Zoning Ordinance Amendments, New Chapter added: Chapter 12 A – Site Condominium

Clanton second motion

Roll Call:

Clanton-Yes

Kraft-Yes

Kretchman-Yes

McDonald-Yes

Shirk-Yes

Sokol-Yes

Old Business:

1. Shirk briefed on Solar farms zoning-on hold to be reviewed by EGLE and MSU Extension

New Business:

None

Board Member Comments:

None

Announcements:

None

Adjournment

Clanton made a motion to adjourn.

Kraft seconded the motion.

Meeting adjourned at 7:37 PM.

Village of Edwardsburg
Cass County, Michigan
26296 U.S. 12, East
P.O. Box 596
Edwardsburg, MI. 49112
Phone: (269) 663-8484 Fax: (269) 663-8688

Land Division/ Lot Line Adjustments Application

Last Name Kent Hanson

Note: **Incomplete applications will not be considered.** All required items must be submitted before the review clock begins. Incomplete applications will not be considered. Once all required items have been submitted, the Zoning Administrator will provide written acceptance of the application as complete and ready for Planning Commission review, which will include the date and time of the Planning Commission review. The Planning Commission will return any application as incomplete if all items are not submitted at least 10 days prior to the Planning Commission meeting. The applicant **MUST** attend the Planning Commission meeting to answer any questions. Meeting cancellations must be made by the applicant 5 days prior to a scheduled meeting. Failure to meet either requirement will result in a re-application fee.



Land Division



Lot Line Adjustment

Property Address: 27011 Washington Blvd Edwardsburg MI 49112
Location of Property: Village of Edwardsburg Parcel Number(s): 14-091-105-054-00
List all Owners:

Property Owner Kent Hanson

Phone 574-286-8145

Property Owner _____

Phone _____

Mailing Address 27011 Washington Blvd

Email khanson8145@gmail.com

Applicant/Representative: _____

Phone _____

Fee Paid _____

Date Paid: _____

Rec'd by _____

Owner(s) Signature Kent Hanson

Owner(s) Signature _____

Applicant Signature Kent Hanson

Date 9/9/22

Application **MUST** answer all questions and include all attachments or the application will be returned and deemed incomplete and no scheduled for review. All applications **must** be received **10 days prior to the next regularly scheduled Planning Commission meeting to be considered for review.**

Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres and not just a property line adjustment. (Sect. 102e and f).

This form is designed to comply with sections 108 and 109 of the Michigan Land Division Act (formerly the Subdivision Control Act., P.A. 288 of 1967, as amended (particularly by P.A. 87 of 1997, MCL 560 et. seq.) and used in conjunction with land division ordinances as adopted by each municipality (APPROVAL OF DIVISION IS NOT A DETERMINATION THAT THE RESULTING PARCELS COMPLY WITH OTHER ORDINANCES OR REGULATIONS.)

CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

Civil Infraction: Any person who violates any provision of this Ordinance and the exempt split provision of the State Land Division Act and sells resulting parcels of land shall be responsible for the payment of a civil fine of \$500.00 for each parcel sold. A default in the payment of said fine or any installment of said fine may be remedied, being Act 36 of the Public Acts of 1961 (MCL 600.101 to 600.9948).

Other Consequences of Non-Compliance

1. Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Of Edwadsburg tax roll and no construction there-on which requires the prior issuance of a construction or building permit shall be allowed.
2. The Of Edwadsburg shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation or continuance of any violation of this Ordinance. Any Unlawful division or split shall also be voidable at the option of the purchaser and shall be subject to the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action of law.

IMPORTANT: I have received a copy of the Application Process, Requirements and Check Lists for the Land Split and Private Road Ordinance from the Village Of Edwadsburg Zoning Administrator.

Owner/Applicant: Kent Hanson Date: 9/9/22
9/22/22 KH

Note: The Applicant must answer all questions and include all attachments or the application will be returned and deemed incomplete and not scheduled for review. **All complete applications must be received 10 days prior to the next regularly scheduled PC meeting to be considered for review. Meeting cancellations must be made 5 business days prior to a scheduled meeting, failure to meet either requirement will require a re-application fee.**

Land Division Request: (Land (lot) ratio not more than 4-1 / Depth to Width)

- a. Size of existing parent parcel: 12.58 acres. Number of new lots/parcels 1
- c. Size of new lot/parcel(s) dimensions (on survey for multiples) 5 acres (500' x 440') approx.
- d. Intended use - new lot/parcels (Residential, Commercial...) Comm currently zoned R1

Access to new lot(s) Access must be clearly identified on survey.

- ☒ a. Frontage on an existing road ☐ b. Frontage on a new private road
- c. Frontage on a new road, which will be dedicated to Cass County.
- d. Easement for a private road/driveway. Road names cannot duplicate an existing road name.

Future Division Rights (circle answers to a.b.c.)

- a. Is this the first division of the parent parcel since March 31, 1997? ☒ YES ☐ NO

Show previous divisions on the survey.

- b. Will parent parcel retain all future land division rights? ☒ YES ☐ NO

- c. If b. is NO, then list the number of divisions to be transferred to each lot

Division(s) to be transferred _____ to Lot Number _____

Division(s) to be transferred _____ to Lot Number _____

Division(s) to be transferred _____ to Lot Number _____ if more submit on blank sheet

Do any of the following conditions apply to the existing parcel? (Check ALL answers)

- Yes ☒ No ☐ a. Frontage on water front (river, lake, pond etc.)
- Yes ☐ No ☒ b. Is any portion designated in a flood plain or designated wetlands?
- Yes ☐ No ☒ c. Is the property currently in Public Act (PA) 116?
- Yes ☐ No ☒ d. Property is on muck soils/soils that have limitations for on-site sewage
- Yes ☐ No ☒ e. Includes slopes more than 25% (1:4 pitch or 14 degree angle) or steeper

Yes _____ No ☒ f. Known or suspected to have an abandoned well, underground storage tank or contaminated soils

Required Attachments (checklist) All items must be attached to this application or it will be returned and deemed incomplete. Incomplete application(s) cannot be reviewed by the Planning Commission.

1. Proof of Ownership (Copy of your Deed)

② A complete and accurate legal description of the existing lot or parent parcel ☐ ☐

③ A complete, accurate legal description of each proposed parcel/lot being created and remainder parent parcel (these must also be shown on the survey)

4. Description of all previous land divisions from the parent parcel including size, number and date of such divisions (show on the survey)

5. A survey, sealed by a professional surveyor, for all parcels, including the original parcel showing the following:

Current boundaries (parent parcel as of March 31, 1997)

ALL previous divisions made after March 31, 1997 (indicate when made or none)

Number of proposed division(s) with dimensions

Existing and proposed road/easements right of ways (Indicate on the survey

"Maintenance of private road is the responsibility of the property owner(s)"

Show all easements for public utilities from each parcel that is a development site, to existing public utility facilities

All buildings/structures - dimensions and distances to property lines for all lots/parcels

6. Highlight and circle the location of the split(s) on the most recent color Of Edwardsburg zoning map. Also provide a color Bing/Google aerial map. Circle the property and split locations.

7. Documentation of approved access to private or public existing road, from the Cass County Road Commission, MDOT, or that a proposed easement provides vehicular access to an existing road or street, meets applicable location standards (Approval letter with comments to Of Edwardsburg must be attached). Driveway permits may only be issued when ready to build.

8. Owner or the certified (letter from the owner) representative must be present at the meeting. Your application will not be reviewed if you are not in attendance. An additional Application fee will be charged if another meeting must be scheduled. Meetings must be cancelled 5 business days before the scheduled meeting or the fee paid, will not be refunded.

AFFIDAVIT

I agree the statements made above are true, and if found not to be true this application and any approval will be void. I agree to comply with the conditions and regulations provided with this land division. Further, I agree to give permission for officials of the Village Of Edwardsburg, Cass County, and the State of Michigan to enter the property where this land division is proposed for the purposes of inspections. I understand that this is only a land division, which conveys only certain rights under the applicable local land division ordinance, the local zoning ordinance, and the State Land Division Ordinance Act (formerly the Subdivision Control Act P.A. 288 of 1967 as amended (particularly by P.A. 5911 of 1996 and P.A. of 1997) MCL 560.101 et. seq.) and does not include any representation or conveyance of rights in any other statute, building code, zoning ordinance, deed restriction or other property rights.

Finally, even if this land division is approved, I understand that local ordinances and state Acts change from time to time, and if changed the division made here must comply with the new requirements (apply for division approval again) unless deeds representing the approved

divisions are recorded with the Register of Deeds or the division is built upon before the changes to laws are made.

All Owners' must sign: The applicant here within states, that the Land Division/Lot Line Adjustments as proposed, meets the all of the requirements of the Land Division Act.

NOTE: Property Owner(s) or Certified Applicant Representative must attend the meeting.

Property Owner's Signature Kent Hanson Date 9/9/22
Property Owner's Signature _____ Date _____
Preparer/ Applicant's Signature Kent Hanson Date 9/9/22

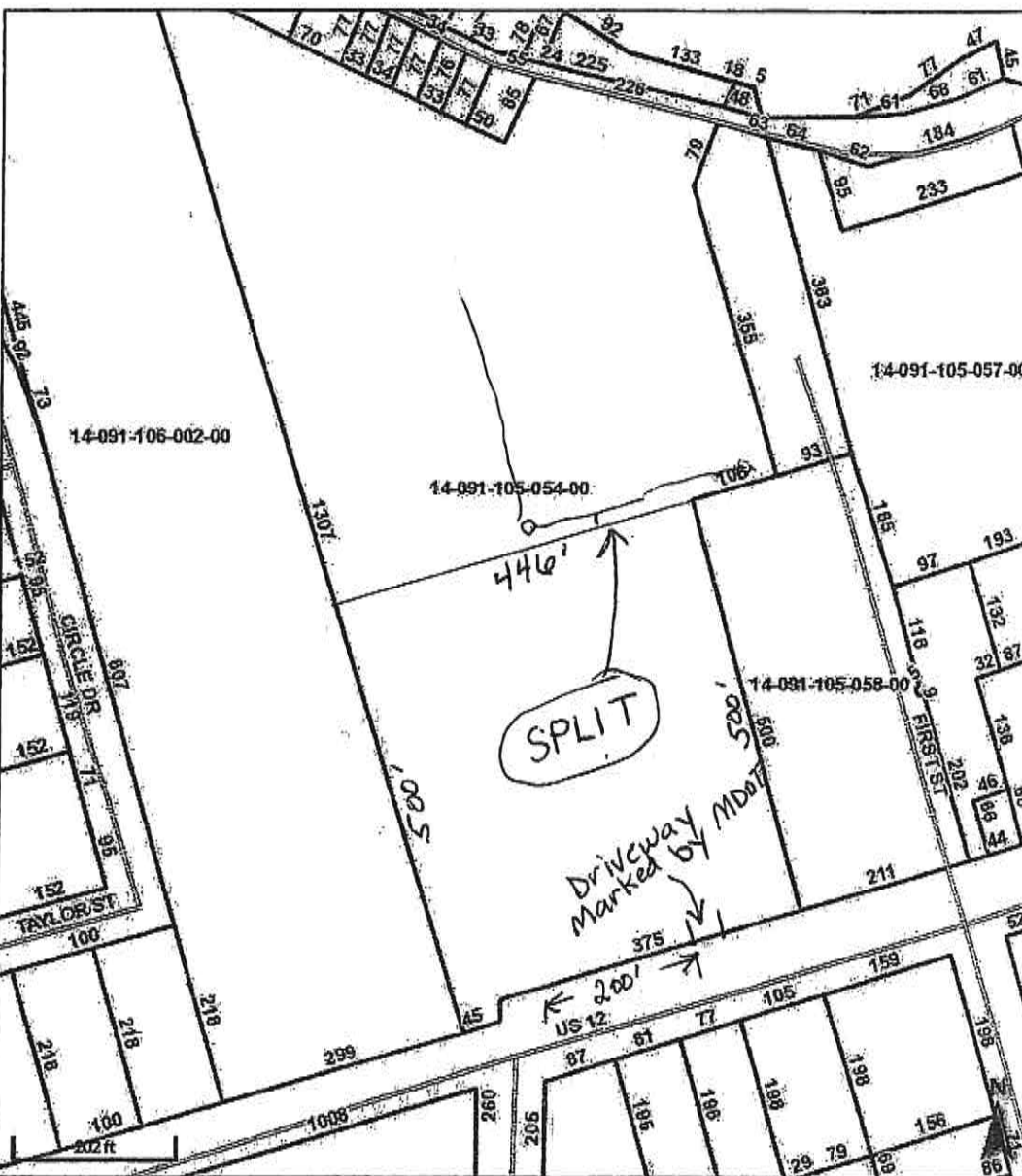
For Office Use Only

As the Zoning Administrator I here within certify that the attached application is complete and has all required items attached for the Planning Commission review.

This application will be included on the agenda for the Planning Commission Meeting on

Village of Edwadsburg - Zoning Administrator

Note: The Planning Commission makes the final determination as to the completeness of an application and compliance with the Land Division requirements.



☐ Municipalities
☐ Townships
 — Roads
 Dimensions
☐ Parcels
 Parcel Number

Developed by  **Schneider**
GEOSPATIAL

CERTIFICATE OF SURVEY

HWY US-12
VILLAGE OF EDWARDSBURG, CASS COUNTY, MICHIGAN



LRE
ENGINEERS & SURVEYORS

2121 3 Mile Rd. NW
Walker, MI 49544
Ph: 616-301-7888
www.LREMI.com

CLIENT:	
CRESSY AND EVERETT REAL ESTATE	
PROJECT NUMBER: 22-002.24	DATE: OCTOBER 14, 2022
SURVEYED BY: ADK/LGS	SHEET NUMBER:
CHECKED BY: RLB	
DRAFTED BY: KJB	
1 of 2	

PARENT PARCEL:

That part of the Southeast fractional Quarter of Section 6, Township 8 South, Range 15 West, and that part of the Southwest fractional Quarter of Section 5, Township 8 South, Range 15 West, described as: Commencing at the Southwest corner of said Section 5; thence North 11°15'00" West 252.00 feet to the centerline of Main Street (U.S. Highway 12) which is also the point of beginning of this description; thence North 17°49'43" West to the Southwesterly corner of Lot 15, Oak Park Subdivision, according to the plat thereof, recorded in Liber 1 of Plats, page 78, Cass County Records; thence South 66°37'45" East, on the Southerly line of said Subdivision, 412 feet to the Southeast corner of Lot 27, said Subdivision; thence South 66°20'00" East, 50.00 feet; thence North 23°40'41" East 83.77 feet; thence North 23°41'44" East 17.39 feet; thence North 23°40'00" East 80.00 feet to a meander point; thence South 66°22'29" East, on a meander line, 238.90 feet to a meander point; thence South 21°39'00" West 142.30 feet; thence South 17°26'00" East 358.20 feet; thence South 72°19'00" West 115.14 foot; thence South 17°26'00" East 545.00 feet to the centerline of said Main Street (U.S. Highway 12); thence South 72°19'00" West, on centerline of said Main Street (U.S. Highway 12), a distance of 435.00 feet to the point of beginning. Also, all of the land lying between the above-described meander line and the water's edge of Pleasant Lake by extending the Easterly and Westerly lines of the above-described property along their respective bearings to said water's edge.

Parcel ID: 14-091-105-054-00

Address: US 12, Edwardsburg

Contains: 13.35 Acres more or less

PARCEL 1:

That part of the Southeast fractional Quarter of Section 6, Township 8 South, Range 15 West, and that part of the Southwest fractional Quarter of Section 5, Township 8 South, Range 15 West, described as: Commencing at the Southwest corner of said Section 5; thence North 10°15'08" West, 253.88 feet (recorded as 252.00 feet) to the centerline of Main Street (U.S. Highway 12) and the Point of Beginning of this description; thence North 17°01'44" West, 545.00 feet; thence North 73°33'48" East, 441.53 feet; thence South 16°20'31" East, 545.00 feet to the centerline of said Main Street (U.S. Highway 12); thence South 73°34'13" West, along centerline of said Main Street (U.S. Highway 12), 435.00 feet to the Point of Beginning.

Address: US 12, Edwardsburg

Contains: 5.48 Acres

PARCEL 2:

That part of the Southeast fractional Quarter of Section 6, Township 8 South, Range 15 West, and that part of the Southwest fractional Quarter of Section 5, Township 8 South, Range 15 West, described as: Commencing at the Southwest corner of said Section 5; thence North 10°15'08" West, 253.88 feet (recorded as 252.00 feet) to the centerline of Main Street (U.S. Highway 12); thence North 17°01'44" West, 545.00 feet to the Point of Beginning of this description; thence continuing North 17°01'44" West, 779.85 feet to the Southwesterly corner of Lot 15, Oak Park Subdivision, according to the plat thereof, recorded in Liber 1 of Plats, page 78, Cass County Records; thence South 66°37'45" East, along the Southerly line of said Subdivision, 412.47 feet to the Southeast corner of Lot 27; thence South 66°38'09" East, 50.00 feet to a capped iron; thence North 23°04'37" East, 80.42 feet to an iron pipe; thence North 29°10'47" East, 18.80 feet to an iron pipe; thence North 22°54'22" East, 80.00 feet to a meander point; thence South 66°58'25" East, on a meander line, 238.90 feet to a meander point; thence South 22°29'28" West, 142.30 feet to an iron pipe; thence South 16°19'07" East, 358.25 feet to an iron pipe; thence South 73°33'37" West, 115.28 feet to an iron pipe; thence South 73°33'48" West, 441.53 feet to the Point of Beginning. Also, all of the land lying between the above-described meander line and the water's edge of Pleasant Lake by extending the Easterly and Westerly lines of the above-described property along their respective bearings to said water's edge.

Address: US 12, Edwardsburg

Contains: 7.87 Acres more or less

CERTIFICATE OF SURVEY HWY US-12 VILLAGE OF EDWARDSBURG, CASS COUNTY, MICHIGAN



NOTE:

This survey was made from the description shown on sheet 2. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions. We certify that we have examined the premises described, that buildings and improvements are within the property lines, and that they do not encroach except as noted.



LRE
ENGINEERS & SURVEYORS

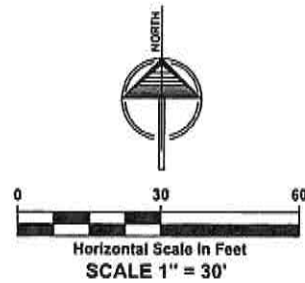
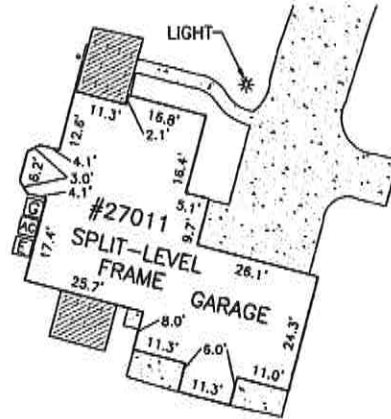
2121 3 Mile Rd. NW
Walker, MI 49544
Ph: 616-301-7888
www.LREMI.com

CLIENT: CRESSY AND EVERETT REAL ESTATE	
PROJECT NUMBER: 22-002.24	DATE: OCTOBER 14, 2022
SURVEYED BY: ADK/LGS	SHEET NUMBER:
CHECKED BY: RLB	
DRAFTED BY: KJB	

CERTIFICATE OF SURVEY
HWY US-12
VILLAGE OF EDWARDSBURG, CASS COUNTY, MICHIGAN

LEGEND

-  - AIR CONDITIONING UNIT
-  - GAS METER
-  - ELECTRIC METER
-  - POWER POLE
-  - CLEANOUT
-  - FENCE
-  - DECK
-  - CONCRETE
-  - GRAVEL
-  - BITUMINOUS



DESCRIPTION

The land referred to herein below is situated in Village of Edwardsburg, County, State of Michigan, and is described as follows:

PARENT PARCEL:

That part of the Southeast fractional Quarter of Section 6, Township 8 South, Range 15 West, and that part of the Southwest fractional Quarter of Section 5, Township 8 South, Range 15 West, described as: Commencing at the Southwest corner of said Section 5; thence North 11°15'00" West 252.00 feet to the centerline of Main Street (U.S. Highway 12) which is also the point of beginning of this description; thence North 17°49'43" West to the Southwesterly corner of Lot 15, Oak Park Subdivision, according to the plat thereof, recorded in Liber 1 of Plats, page 78, Cass County Records; thence South 66°37'45" East, on the Southerly line of said Subdivision, 412 feet to the Southeast corner of Lot 27, said Subdivision; thence South 66°20'00" East, 50.00 feet; thence North 23°40'41" East 83.77 feet; thence North 23°41'44" East 17.39 feet; thence North 23°40'00" East 80.00 feet to a meander point; thence South 66°22'29" East, on a meander line, 238.90 feet to a meander point; thence South 21°39'00" West 142.30 feet; thence South 17°26'00" East 358.20 feet; thence South 72°19'00" West 115.14 feet; thence South 17°26'00" East 545.00 feet to the centerline of said Main Street (U.S. Highway 12); thence South 72°19'00" West, on centerline of said Main Street (U.S. Highway 12), a distance of 435.00 feet to the point of beginning. Also, all of the land lying between the above-described meander line and the water's edge of Pleasant Lake by extending the Easterly and Westerly lines of the above-described property along their respective bearings to said water's edge.

Parcel ID: 14-091-105-054-00

Address: US 12, Edwardsburg

Contains: 13.35 Acres more or less

PARCEL 1:

That part of the Southeast fractional Quarter of Section 6, Township 8 South, Range 15 West, and that part of the Southwest fractional Quarter of Section 5, Township 8 South, Range 15 West, described as: Commencing at the Southwest corner of said Section 5; thence North 10°15'08" West, 253.88 feet (recorded as 252.00 feet) to the centerline of Main Street (U.S. Highway 12) and the Point of Beginning of this description; thence North 17°01'44" West, 545.00 feet; thence North 73°33'48" East, 441.53 feet; thence South 16°20'31" East, 545.00 feet to the centerline of said Main Street (U.S. Highway 12); thence South 73°34'13" West, along centerline of said Main Street (U.S. Highway 12), 435.00 feet to the Point of Beginning.

Address: US 12, Edwardsburg

Contains: 5.48 Acres

PARCEL 2:

That part of the Southeast fractional Quarter of Section 6, Township 8 South, Range 15 West, and that part of the Southwest fractional Quarter of Section 5, Township 8 South, Range 15 West, described as: Commencing at the Southwest corner of said Section 5; thence North 10°15'08" West, 253.88 feet (recorded as 252.00 feet) to the centerline of Main Street (U.S. Highway 12); thence North 17°01'44" West, 545.00 feet to the Point of Beginning of this description; thence continuing North 17°01'44" West, 779.85 feet to the Southwesterly corner of Lot 15, Oak Park Subdivision, according to the plat thereof, recorded in Liber 1 of Plats, page 78, Cass County Records; thence South 66°37'45" East, along the Southerly line of said Subdivision, 412.47 feet to the Southeast corner of Lot 27; thence South 66°38'09" East, 50.00 feet to a capped iron; thence North 23°04'37" East, 80.42 feet to an iron pipe; thence North 29°10'47" East, 18.80 feet to an iron pipe; thence North 22°54'22" East, 80.00 feet to a meander point; thence South 66°58'25" East, on a meander line, 238.90 feet to a meander point; thence South 22°29'28" West, 142.30 feet to an iron pipe; thence South 16°19'07" East, 358.25 feet to an iron pipe; thence South 73°33'37" West, 115.28 feet to an iron pipe; thence South 73°33'48" West, 441.53 feet to the Point of Beginning. Also, all of the land lying between the above-described meander line and the water's edge of Pleasant Lake by extending the Easterly and Westerly lines of the above-described property along their respective bearings to said water's edge.

Address: US 12, Edwardsburg

Contains: 7.87 Acres more or less

NOTE:

This survey was made from the description shown on sheet above, provided by Near North Title, commitment no.: M2206975. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions. We certify that we have examined the premises described, that buildings and improvements are within the property lines, and that they do not encroach except as noted. All dimensions are as measured unless noted otherwise. Basis of Bearings: South line of the Plat of Oak Park (S66°37'45"E). Subject to land division approval.



2121 3 Mile Rd. NW
Walker, MI 49544
Ph: 616-301-7888
www.LREMI.com

CRESSY AND EVERETT REAL ESTATE

PROJECT NUMBER: 22-002.24 DATE: OCTOBER 14, 2022

SURVEYED BY: ADK/LGS

CHECKED BY: RLB

DRAFTED BY: KJB

SHEET NUMBER:

2 of 2

Routing Sheet

Owner's Name(s) Kent Hanson

Property Address _____

Zoning Administrator

Date Received _____

Date Certified Complete 10/14/22

Recommendation: Approved ☒

Disapproved _____

Comments: _____

Signature Dawn Bolock

Assessor

Land Division Ordinance

Date Received 10/14/2022

Date Action Taken 10/14/2022

Application

Approved ☒

Disapproved _____

Comments: _____

Signature Will Kent

Planning Commission

Date Received _____

Date Action Taken 10/25/22

Application

Approved _____

Disapproved _____

Comments: _____

Village of Edwardsburg
Cass County, Michigan
26296 U.S. 12, East
P.O. Box 596
Edwardsburg, MI. 49112
Phone: (269) 663-8484 Fax: (269) 663-8688

PETITION for ZONING ORDINANCE AMENDMENT

[Including Both Text Amendments and Zoning Maps/Rezoning Amendments]

Important Notice to Applicant: Complete this application in full and submit it to the Zoning Administrator. If additional space is needed, number and attach additional sheets. Approval of this petition, by the Village Council is required before approval can be granted for a Zoning Permit a use, or the excavation of a building or structure prior to the issuance of a Zoning Compliance Permit is a violation of the Zoning Ordinance. References to "Section" and "Article" refer to the Zoning Ordinance. They are provided to assist the applicant. The references highlight parts of the Ordinance that may be applicable but do not necessarily identify all parts that apply. There is an application fee of \$300.00 for the (Planning Commission and the Council of Trustees Meeting) to conduct the Public Hearing. If any additional meetings are required, there is an additional fee of \$300.00 for each additional meeting. Please make check payable to Village of Edwardsburg.

Please print or type information.

This petition is for a (check one): ☒ ZONING MAP AMENDMENT/REZONING ☐ TEXTAMENDMENT

SECTION 1: ZONING MAP AMMENDMENT / REZONING

(This section is to be completed only if petitioning to change the zoning classification of property)

APPLICATION #: _____

APPLICANT(S): Kent Hanson

ADDRESS-CITY-STATE-CODE: 27011 Washington Blvd, Edwardsburg MI 49112

PHONE NUMBER(S): 574-286-8145

LANDOWNER IF DIFFERENT THAN APPLICANT: _____

APPLICANT'S INTEREST IN PROPERTY: ☒ OWNER ☐ LESSEE ☐ BUY OPTION

PROPERTY INFORMSTION:

- Street Address: 27011 Washington Blvd Edwardsburg MI 49112
- Property Tax ID: 14-091-105-054-00
- Are there any Deed restrictions? ☐ Yes: ☒ No: Acreage: _____
- Existing Zoning District: Residential Present Use: Residential
- Proposed Zoning District Change: Commercial

Supporting Documents: *The following must accompany this application form. Each supporting document must include the name and address of the applicant.*

- A. Legal Description: A legal description of the property.
- B. Scaled Map: A scaled map of the property, correlated with the legal description and clearly showing the property's location.
- C. 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 and equitable interest in the property. Include written authorization by the landowner for a person to act on behalf of the landowner (if applicable).
- D. Deed Restrictions: Copy of any deed restrictions on the property.
- E. Narrative Support: The applicant is encouraged to attach a signed letter describing why a change in the zoning classification of the property is desired (why the present zoning classification is not adequate) and how the petition compared to the evaluation criteria of Section 3.33.

SECTION 2: TEXT AMENDMENT

(This section is to be completed only if petitioning to change the text amendment)

APPLICANT(S): _____

ADDRESS: _____

TELEPHONE NUMBERS: _____

Section # of Ordinance to be amended: _____

Attach a signed letter describing why the existing text/section, of the Ordinance, is not adequate and the proposed new text.

SECTION 3: AFFIDAVIT

This Section to be completed by all petitioners

I (we) the undersigned affirm that the forgoing answers, statements, and information, and any attachments are in all respects true and correct to the best of my knowledge and belief.

Kent Hanson 9/18/22
Applicant(s) Signature Date:

Kent Hanson 9/18/22
Property Owner(s) Signature(s) Date:
(if different than applicant)

Zoning Administrator Communications

When application is complete and all requested documents acquired, contact the Village Zoning Administrator, by calling 269.663.2347. Administrator hours are Monday, Tuesday 9:00 a.m. to 3:00 p.m. and Saturday 9:00 a.m. to Noon. Office is in the Ontwa Township Hall.

Section 12.09 AMENDMENT REZONING PROCEDURE

The Village Zoning Ordinance may be amended upon request from a Village property owner or upon initiation by the Village Council or the Village Planning Commission. The following procedures will be followed in receiving, reviewing, and approving amendments for changing the Zoning Ordinance.

A. The applicant should submit to the Zoning Administrator an application for zoning amendment together with the required application fee and the following documentation:

✓ 1. Evidence that the applicant has interest in the property proposed to be rezoned.

② 2. Legal description and dimensions of the property proposed to be rezoned.

3. Description of proposed use or uses, including access roadways and proposed off-street parking.

≡ 4. Description of sewage disposal and water supply facilities and proposed surface drainage'

Buyer

B. The Zoning Administrator will review the rezoning application to insure that the application is in order and all required documentation is included.

C. The Zoning Administrator will transmit the application for rezoning to the Village Planning Commission.

D. The Village Planning Commission will receive the rezoning application and conduct a background study to determine:

1. If the proposed rezoning is compatible with the goals and objectives of the Village Land Use Plan.

2. Impact of the proposed use on surrounding properties and development.

3. The effect on public facilities and services.

4. The relationship of the proposed project to the intent of Village Zoning Ordinance.

E. The Village Planning Commission will establish a date for public hearing on the proposed zoning amendment at its next regular meeting allowing for the requirements for notification. The Planning Commission Secretary will provide to the Village Clerk all required materials for publication and notification.

F. The Village Clerk will publish one (1) notice of the public hearing in a newspaper of general circulation in the Village. The notice must be printed not less than fifteen (15) days before the hearing. The notice will be posted in three (3) public places.

G. The Village Clerk shall notify by mail, not less than fifteen (15) days prior to the public hearing, each electric, gas pipeline, telephone utility, and railroad company operating within the district zone affected, that registers its name and mailing address with the Village Planning Commission for the purpose of receiving the notice. An affidavit-of mailing shall be maintained. The notices shall include the places and times at which the tentative text and any maps of the Zoning Ordinance to be examined.

Routing Sheet

Owner's Name(s)

Property Address

Kent Hanson

Zoning Administrator

Date Received

Date Certified Complete

10/14/22

Recommendation: Approved

☒

Disapproved

Comments:

Signature

Alanna Bolock

Assessor

Land Division Ordinance

Date Received

10/14/2022

Date Action Taken

10/14/2022

Application

Approved

☒

Disapproved

Comments:

Signature

W. Hart

Planning Commission

Date Received

Date Action Taken

10/25/22

Application

Approved

Disapproved

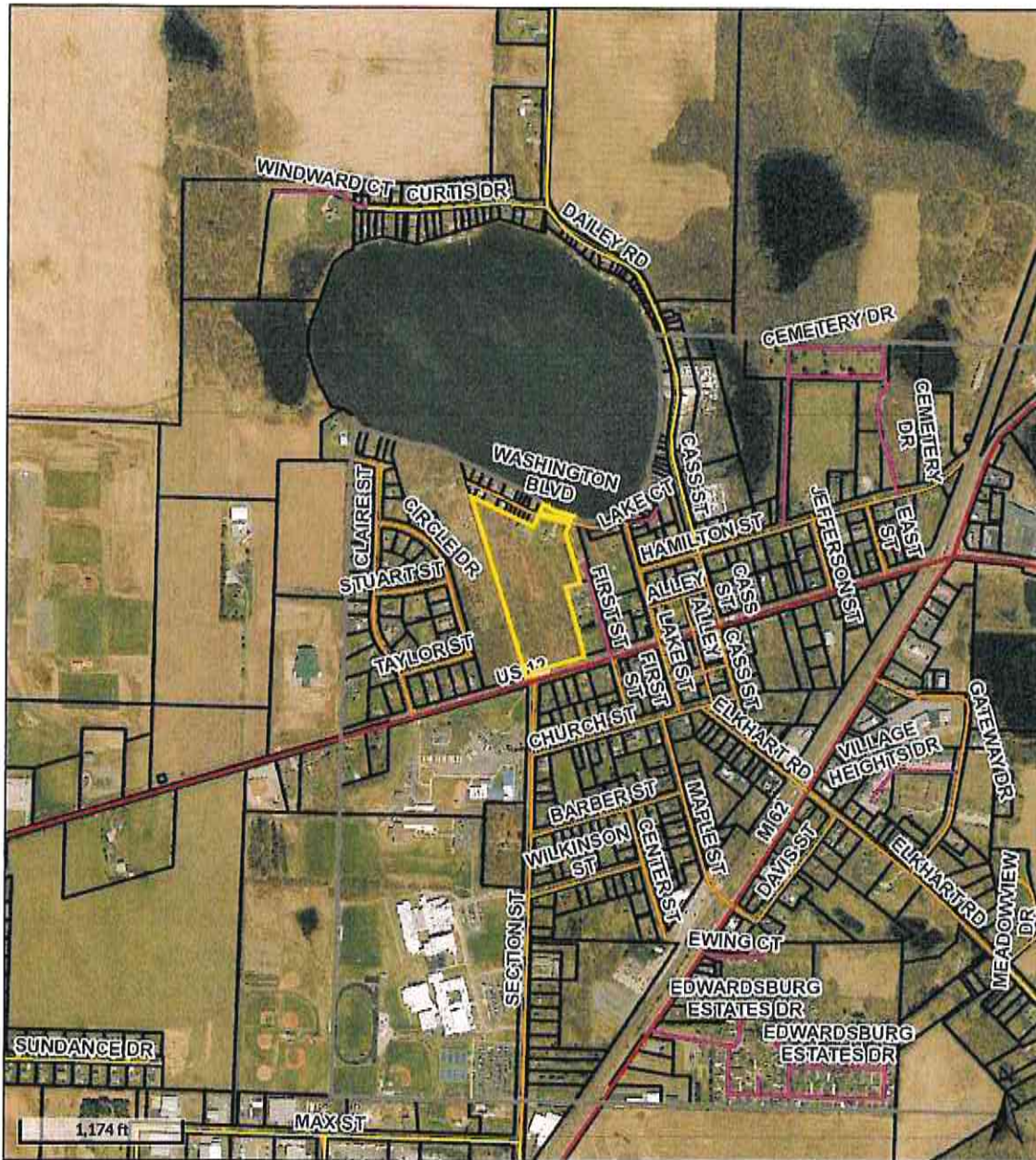
Comments:

Description of Sewage Disposal and Water Supply and proposed surface drainage.

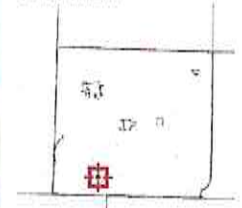
Kent Hanson 27011 Washington Blvd,

Vacant Land on US 12, Edwardsburg MI 49112

- Water main running the full length of US 12 on the North Side of Road.
- Sewer tap available on North Side of Split between Parent Parcel and newly proposed parcel.
- Surface drainage is marked on original survey.
- Electrical hook up on East side of Property.



Overview



Legend

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

Date created: 7/25/2022
Last Data Uploaded: 7/25/2022 7:43:09 AM

Developed by  **Schneider**
GEOSPATIAL



2121 3 MILE RD. NW
WALKER, MI 49544

BILL TO:

Cressy & Everett Real Estate

PROJECT:	DATE	DUE DATE	INVOICE #
22-002.24 US-12 Parcel Split	10/13/2022	Due on receipt	17811
DESCRIPTION	QTY	RATE	AMOUNT
Staked Survey and Parcel Split PP: 14-091-105-054-00		1,550.00	1,550.00
Make checks payable to LRE		Total	\$1,550.00
INCLUDE PROJECT NUMBER ON CHECKS			

Phone: (616) 301-7888
www.LREmi.com

