

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MARCH 4, 2002**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Gabrielson called the meeting to order at 7:30 p.m.

Present: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe, Office Manager
Broecker and Attorney Cooley

Absent: Garfield

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 3/4/02 Fenton Township Board Meeting agenda as amended.

Motion by: Krug

Seconded: Rowe

Ayes: All Present

Nays: None

Absent: Garfield

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 2/18/02 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve invoices for payment as presented.

Motion by: Rowe

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried.

NEW BUSINESS:

Due to the number of people in attendance, Supervisor Gabrielson moved two *New Business* items to the top of the agenda.

ZBA #1825 K. Hartem, Redistribution of Platted Property; Parcel 06-30-502-047

Supervisor Gabrielson recommended the referral of this item back to the Zoning Board of Appeals. The ZBA did conduct a hearing on the request and recommended denial of the proposed land division. The ZBA should also vote on the granting of a variance before it is heard by the Township Board.

Motion to refer the requested division of parcel 06-30-502-047 back to the Zoning Board of Appeals for a decision on the granting of a variance.

Motion by: Krug

Seconded: Rowe

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Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe
Nays: None
Absent: Garfield

Motion carried.

Road Improvement Special Assessment District – Silvercrest Drive

Supervisor Gabrielson reported that residents of Silvercrest Drive have requested that the Township consider contributing 25% of their road improvement project, which is being done through a Genesee County Road Commission special assessment district. Supervisor Gabrielson stated that, although the township adopted a resolution in 2000 that stated that the township will no longer participate financially in these types of special assessment districts, the petitions for the Silvercrest Drive project were submitted to Genesee County prior to the adoption of that resolution. Therefore he recommends that the township honor their previous practice and agree to accept 25% of the project cost for this project only.

Motion to participate in the Silvercrest Drive road improvement special assessment district and accept a cost allocation of 25% of the project.

Motion by: Mathis
Seconded: Rowe
Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe
Nays: None
Absent: Garfield

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

None

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Proposed Amendment to PUD – Fenton Orchards/1st Reading

Supervisor Gabrielson reviewed a proposed amendment to the conditions of the Fenton Orchards PUD ordinance. The number of detached single family units is proposed to be increased from 111 to 133. The number of attached single family units is proposed to be decreased from 128 to 68. The net change is a reduction of 38 units. The dedicated open space is proposed to be changed from 60 to 52 acres and all setback requirements for the attached single family development section are proposed to be amended to match the requirements of the R-T zoning district.

Trustee Mathis questioned technical requirements with the condominium documents filed for the Fenton Orchards development. Allen Lawrence of Lawrence Engineering,

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representing the applicant, stated that he would verify the requirements and report back to the township prior to the next meeting.

There was no further discussion. The second reading of the proposed amendatory ordinance will be conducted at the 3/18/02 meeting.

Rezoning #360, Linden Commons LLC, 06-18-200-001; R-1A to PUD/1st Reading

Supervisor Gabrielson reviewed the proposed rezoning. Applicant Walter Bohland introduced attorney George Rizik of Rizik & Rizik and Engineer Joe Wizynajtys of Cornerstone Engineering. Mr. Rizik stated that the subject property is approximately 218 acres in size and is adjacent to the boundary with the City of Linden. The current Fenton Township Land Use Map designates this property as *low density residential* and the property is currently zoned R-1A. He believes that the property meets the criteria established in the Land Use Plan to be designated as medium density with up to 2.5 units per acre. Mr. Wizynajtys presented an overview of the conceptual plan that includes:

- ❑ 300 detached single family residential units
- ❑ 110 attached single family residential units
- ❑ 80 senior housing and assisted living units
- ❑ 2 commercial buildings
- ❑ 1 child care center building
- ❑ 8 individual park areas
- ❑ 3.7 miles of walking paths

Mr. Wizynajtys stated that the applicant does not wish to develop a traditional “cookie cutter” style subdivision. This plan represents state-of-the-art planning and would be fine addition to the community. Their target market would be “empty nesters” and small families.

Supervisor Gabrielson reviewed the proposed PUD conditions recommended by the Planning Commission:

Total number of units shall not exceed 2.36 units per acre

A minimum of 92 acres shall remain as dedicated open space

Uses shall be restricted to: detached single family residential, attached single family residential, senior housing, assisted living, local business and day care (see conditions below).

Detached Single Family Residential:

1. The number of detached single family dwelling units shall not exceed 300, per table below.
2. Uses shall be restricted to those permitted in the R-3, R-4 & R-5 zoning districts.
3. Minimum parcel size and other dimensional regulations shall comply with the following table:

Maximum No. of Units	Typical Size (feet)	Minimum Parcel Size	Dimensional Regulations *
38	50 X 110	5,500 Square Feet	R-5
117	65 X 120	7,800 Square Feet	R-4
124	75 X 150	11,200 Square Feet	R-3

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21	100 X 200	20,000 Square Feet	R-3
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Dimensional Regulations* - maximum building height, maximum coverage of lots by all buildings, minimum front, side and rear yard setbacks and minimum floor area per dwelling unit shall comply with the regulations of the zoning district indicated.

Attached Single Family Residential:

1. The number of attached single family dwelling units shall not exceed 110.
2. Uses shall be restricted to those permitted in the R-6 zoning district.
3. The maximum building height, maximum coverage of lots by all buildings, minimum front, side and rear yard setbacks and minimum floor area per dwelling unit shall comply with the regulations of the R-6 zoning district.

Senior Housing & Assisted Living:

1. The number of buildings designated as Senior Housing & Assisted Living shall not exceed 2.
2. The maximum number of dwelling units per building shall not exceed 40.
3. Senior Housing dwelling units shall have a minimum area of 1,000 square feet.
4. Assisted Living dwelling units shall have a minimum area of 600 square feet.
5. Maximum building height, coverage of lot, and minimum front, side and rear yard set backs shall be determined by the Planning Commission at the time of site plan approval.

Local Business:

1. The number of buildings designated as Local Business shall not exceed 2.
2. The total building area designated as local business shall not exceed 10,000 square feet.
3. Uses shall be restricted to those permitted in the C-1 zoning district.
4. The maximum building height shall not exceed 1 story.
5. Minimum front, side and rear yard set backs shall comply with the C-1 zoning district.
6. All buildings shall comply with design standards and parking requirements for each use.
7. The commercial area shall not be developed until 25% of the detached single family units are constructed.

Day Care:

1. The number of buildings designated as Day Care shall not exceed 1.
2. The building height shall not exceed 1 story.
3. The total area of the building shall not exceed 4,000 square feet.
4. The building shall comply with design standards and parking requirements for a commercial day care center.

Public Comment:

The following individuals spoke in opposition to the proposed rezoning:

- Valerie McLeod, 6160 Lahring Road
- Dominic DiCicco, 4361 Lahring Road
- Roger Day, 13122 Linden Road
- Harold Beebe, 12544 Linden Road
- Alan McLeod, 6160 Lahring Road
- Jill Henrich, 6292 Lahring Road

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Laura Eichenberg, 13062 Hogan Road
Donna Maidment, 5428 Lahring Road
David Droulard, 13283 Harborview Drive

The objections/concerns raised included:

- ❑ Requested rezoning is not consistent with the Land Use Plan and does not meet the criteria for 2.5 units per acre development.
- ❑ The area already has two medium density PUD projects approved. A third one is not needed.
- ❑ Impact on already overcrowded Linden School District.
- ❑ Impact on roads and sewers.
- ❑ Impact on fire protection and law enforcement services.
- ❑ Land use research should be required before approved a project of this nature.
- ❑ Approving this project would open up the rest of the northwest section of the township to higher density development.
- ❑ The proposed project is not compatible with surrounding uses or zoning.
- ❑ Commercial uses are not appropriate for the area.
- ❑ The property contains wetlands that drain to the Shiawassee River, therefore it does not satisfy the criteria for higher density development.
- ❑ The proposed project would not have housing that would be affordable for “empty nesters”.
- ❑ Traffic and safety concerns for Linden Road and Lahring Road.
- ❑ Rapid disappearance of farmland.

There was no further public comment.

Trustee Krug stated that he agreed with many of the concerns voiced by the public. He cited impact on infrastructure and schools, and non-compliance with the Land Use Plan as his principal concerns. He suggested that all non-residential uses be removed from the proposal, as well as reducing the overall density. Trustee Mathis also voiced concern regarding the proposed commercial uses. This would increase the required parking area and hard surfaces in the project. Trustee McKenna stated that the proposed uses are not consistent with the Land Use Map and the zoning should not be changed unless it complies with the Land Use Map.

A motion was made by Krug and seconded by Mathis to amend the PUD conditions to remove the commercial, senior housing, assisted living and day care uses, and to establish a maximum total density of 1.50 units per acre.

After further discussion, Supervisor Gabrielson suggested that, as an alternative to amending the PUD conditions, the entire issue could be referred back to the Planning Commission to review both the Land Use Plan and Map, as well as the proposed rezoning. Trustees Krug and Mathis withdrew their motion and second, respectively. A motion was made by Trustee McKenna and seconded by Trustee Krug to refer the proposed rezoning to the Planning Commission for reconsideration, along with a recommendation to review the Land Use Plan and Map as it relates to this proposal.

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The board discussed concerns that sending the proposed rezoning back to the Planning Commission may “send the wrong message” with relation to the Land Use Plan, and may further confuse the entire issue in general. Trustees McKenna and Krug withdrew their motion and second, respectively. Clerk Mueller suggested that, since it appears that the board is not in favor of the proposed rezoning ordinance, the board should consider simply rejecting or denying it.

Motion to reject the proposed amendment to the Zoning Ordinance to rezone parcel 06-18-200-001 from R-1A to PUD.

Motion by: Mueller

Seconded: Krug

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried. The proposed rezoning ordinance is rejected.

The meeting was recessed at 9:48 p.m.

The meeting was reconvened at 9:53 p.m.

Proposed Fenton Township Zoning Ordinance & Zoning Map/1st Reading

Supervisor Gabrielson reviewed the items that were previously referred to the Planning Commission for reconsideration and report.

Issue 1. Keeping of Horses

By an informal vote, a majority of the Planning Commission supports permitting the keeping of horses by right in the AG zoning district and by special use permit in the R-1, R-2 and R-3 zoning districts, subject to the standards in Section 11.39 of the proposed Ordinance.

The board discussed the keeping of horses issue at length. Clerk Mueller stated that he believes only property zoned AG should be permitted to have horses. Trustee McKenna agreed, although he believes that permitting horses by Special Use Permit (SUP) in the R-1 zoning district would also be acceptable. Trustee Mathis stated that she believes that five acres is sufficient for horses and she favors allowing horses, by SUP, in certain residential areas.

Public Comment:

Fred Kubik, 2518 Golden Shores Court

Mr. Kubik stated that he currently has five horses on a seven-acre parcel. It is his hope to move those horses to the 20-acre parcel that he owns. Supervisor Gabrielson clarified that the existing use would be permitted to continue as a legal non-conforming use. Any changes to that use or the use of the 20-acre parcel would have to comply with the requirements of the Zoning Ordinance.

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Motion to amend the text of the proposed Zoning Ordinance to permit the keeping of horses as a use permitted by right in the AG district only.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: Mathis

Absent: Garfield

Motion carried.

Issue 2. Commercial Outdoor Display, Sales or Storage

The Planning Commission supports the revisions as recommended.

Issue 3. Section 3.21 Planned Unit Development (PUD)

The Planning Commission supports the anti-keyholing language as currently stated in the proposed Zoning Ordinance.

Issue 4. Keeping of wild animals

The Planning Commission agrees with the removal of the phrase “human beings”, and agrees with the concerns regarding hybrid animals, but has no opinion regarding language amendments.

The board discussed the issue of hybrid animals, specifically dog/wolf mixes. The board agreed to amend the text to prohibit the keeping of any dog that is 50% or more wolf, and that the Township can require documentation from the owner of the animal to verify compliance with the Zoning Ordinance.

Issue 5. Zoning Map Amendments

The Planning Commission agrees with all proposed Zoning Map amendments.

Issue 6. Fences, walls and other protective barriers

The Planning Commission supports the proposed amended language.

There was no public comment. There was no further discussion by the Township Board. The second reading of the proposed Zoning Ordinance will be conducted at the 3/18/02 meeting.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Resolution No. 2002-04 – Board of Review Written Protests

Office Manager Broecker explained that a recent law requires the adoption of a resolution or ordinance to permit resident taxpayers to file protests to the Board of Review in writing, rather than by personal appearance. Proposed Resolution No. 2002-04 accomplishes this and also requires written authorization from any taxpayer that will

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be represented by a third-party agent before the Board of Review. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2002-04

WHEREAS, Public Act 210 of 2000, as amended, permits the Township Board to authorize, by adoption of an ordinance or resolution, a resident taxpayer to file his or her protest before the Board of Review by letter without a personal appearance by the taxpayer or his or her agent, and

WHEREAS, the Michigan General Property Tax Act, as amended, permits a third-party agent to make a personal appearance protest before the Board of Review on behalf of a taxpayer, and

WHEREAS, the Charter Township of Fenton Board of Trustees supports the filing of written protests to the Board of Review and the use of third-party agents for personal appearance protests before the Board of Review to improve the efficiency of the Board of Review process;

THEREFORE BE IT RESOLVED, that the Charter Township of Fenton hereby declares that any resident taxpayer shall be permitted to file his or her protest before the Board of Review by letter without a personal appearance by the taxpayer or his or her agent, and

BE IT FINALLY RESOLVED, that any taxpayer who utilizes a third-party agent to represent him or her regarding a personal appearance protest before the Board of Review shall submit to the Board of Review a written and signed statement authorizing said agent to act on his or her behalf.

Motion to adopt resolution No. 2002-04 as presented:

Motion by: Mueller

Seconded: Rowe

Ayes: Gabrielson, Mueller, Krug, Mathis, McKenna, Rowe

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Scheduling of Special Meeting – Review of Building Project Proposals

Supervisor Gabrielson reported that the bids for the proposed building renovation project had been reviewed and tabulated by the architect. He recommended the scheduling of a special meeting to review the proposals in more detail. Rowe Incorporated will work with Ted Hu Associates to recommend 5 of the 16 proposals for consideration, however all 16 will be available at the special meeting. The board agreed to schedule a special meeting for Saturday March 9, 2002 at 9:00 a.m.

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PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

None

ADJOURN: Meeting adjourned at 10:30 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 3/7/02