

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF JANUARY 9, 2007**

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

Chairman Tucker called meeting to order at 7:18 p.m.

Present: Carlson, Franz, Ochodnicky, Richard, Root, Spees, Tucker

Recording Secretary McDonald

Absent: None

**APPROVAL OF AGENDA:**

Motion to approve the agenda

Motion by: Tucker

Seconded by: Root

Ayes: All

Nays: None

Absent: None

Motion carried

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS:**

**R07-001 BVM Development, LLC., P.O. Box 250, Davisburg:**

06-01-300-003, 06-01-300-035, 06-01-300-036, 06-01-400-011, 06-01-400-015

06-01-400-018 and part of 06-01-400-019 & 06-01-400-021

Rezone: AG & R-3 to PUD

118 +/- Acres

Secretary Carlson reviewed file, noting it contained a letter from Susan Labanski and Glenn Petersen, 11423 Fenton Rd. opposing the request. Glenn Vincil, BVM Development sworn in, explained request to rezone property located at the southwest corner of Fenton and Thompson Rds. Vincil stated the property is approximately 118 gross acres, the request is for a mixed use development with detached condominiums, site condominiums and offices. The site contains 23 acres of verified wetlands and a 1.9 acre area of disputed wetlands. Vincil noted these areas will need to be verified by the MDEQ. The area shown on the concept plan to be developed as office is 10 acres in size and is proposed for professional office uses. The concept shows 58 detached condominiums and 86 single family site condominiums. The single family site condominium units vary in frontage from 80 to 100 ft., 27 – 100 ft. wide, 14 – 90 ft. wide and 45 – 80 ft. wide. There will be approximately 20 acres of open space excluding the verified wetlands. The disputed 1.9 is included in the 20 acres of open space, he pointed out an area near the entrance on Wiggins Rd. adding that if this is a regulated wetland it is proposed to be mitigated off site. The minimum lot size for the single family site condominium units is proposed to be 12,000 sq. ft. Maximum building height shall be 29 ft. measured in accordance with the Township ordinance and the lot coverage will not exceed 30%. Set backs will be 30 ft. front, 10 ft. side and 35 ft. rear. Minimum floor area for these units will be between 1800 and 3000 sq. ft. and are proposed to be a mix of single story, 1 ½ and 2 story homes with attached 2 car garages. The roads are proposed to be private and will be constructed to Genesee County specifications for public roads. The condominium units will range from 1300 to 1800 sq. ft. and will be a mix of single and 1 ½ story units with attached 2 car garages. Vincil stated the roads in this area are proposed to be private with a 50 ft. right of way, set backs are proposed to be 35 ft. front, measured from back of curb or 20 ft. from the right of way, 20 ft. rear and 12 ft. between structures. The proposed uses in the commercial component of the development will be those allowed in the OS district with a maximum of 54,000 sq. ft. of building area. The uses will be

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buffered with landscaping and the parking is proposed to be located in the rear of the buildings. Water will be provided either by individual wells or a public or private water system. Improvements proposed for the Dawe Drain include managing the run off from the Springfield Hills development to the south. Sanitary sewer will be pumped to Fenton Rd. until it becomes available on Thompson Rd. at which time the pump will be abandon and sewage will be gravity fed to Thompson Rd. Vincil said BVM understands and is prepared to pay the cost to upgrade the Butcher Rd. pump station, install backup, natural gas generator according to the Township requirements and post required bonds as well as dedicate the sanitary sewer to the Township. Vincil noted that the wording in item 8 is still being clarified. He stated the agreement is to take care of the issues with the Dawe Drain located on the subject property, not make off site improvements. The water released from this project will not exceed the agricultural rate as required by the County. The pine grove located on parcel 06-01-400-021 will be preserved. Vincil agreed to the time line provided in the proposed ordinance. Chairman Tucker called for audience comments, Jack Unger, 1265 Thompson, stated concerns about the density, drinking water, sewage, run off and the condition of the drains in the area. Unger stated he appreciated the effort to buffer his property from the development and encouraged the Commission to require plantings and berms to reduce the negative impact this will have on his property. Jeffrey Powell, 1300 Rosalie, asked about the community well and the water table it would draw from, the number of units per acre and stated concerns about the effect this development will have on his well. Tucker said usually a community well draws from a different aquifer than an individual well, he explained the number of units proposed is 1.7 units per acre. Tucker asked if this proposed plan had been reviewed by the Fire Chief and noted his approval will be required for the 12 ft. spacing between the condominium units. Root stated concerns about the density and asked if the 118 gross acres includes the office area. Vincil said the office area is included in the 118 gross, without that 10 acres and the verified wetlands there are 85 net acres. Ochodnicky asked about the construction of the road that is proposed to be 50 ft. wide. Vincil said it will be built to Genesee County standards as required by the ordinance. Root asked if there had been a capacity study and indicated it is required to accompany a request for rezoning. Vincil said the study was done with the original request. It indicated the need for the upgrade to the Butcher Rd. station. Richard stated concerns about the corner of Fenton and Thompson and location of the natural gas regulator station. Vincil explained that they had fee ownership of the entire parcel and Consumers has an easement for the station. Carlson stated concerns about granting approval for 144 units rather than the 1.7 units per acre. She noted that if, when verified, the wetlands increase, so would the density. Tucker explained that could go either way, if drain improvements were made prior to development the amount of wetlands could actually decrease. Vincil explained the maximum number of units is requested based on the wetlands that are evident now, the concern is, with Springfield Hills discharging water onto the property, the wetland they are contributing to will continue to increase before a site plan is presented. Carlson asked that, if Mr. Tilton (wetland consultant for the Township) prepared a written report, it should be provided to confirm the calculations. Wilhelm explained that he did not know if a written report had been prepared. Root noted open space along Fenton Rd. did not seem to accessible. Vincil explained it is proposed to be a natural buffer from the road and no improvements are proposed. Root asked about the provision in the PUD ordinance for a minimum amount of open space. Vincil indicated the concept plan shows approximately 20 acres of open space. Tucker indicated that would be about 18.5%. Richard asked about the anticipated price for the units. Vincil indicated this would be market driven but the proposed products would be start at approximately \$275,000 for the single family homesites and \$180,000 – 190,000 for the condominiums. Root noted the PUD ordinance should be clear that the developer intends to handle the water that Springfield Hills is allegedly discharging to this property. Tucker stated that the storm water management plan for this project must sufficient to handle the water from Springfield Hills. Spees indicated this must be made very clear to avoid

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the pass through of this storm water to other properties downstream. Spees said the Township must make sure that the detention and release of storm water from the proposed project be of sufficient size and calibration to handle the run off from this project and Springfield Hills. Vincil said that is their intention to detain the storm water from this project and Springfield Hills using detention basins of sufficient size with stand pipes and controlled release calibrated at the agricultural rate. Root stated this is a substantial amount of information to review and make a recommendation at this time. Tucker noted the proposed request is for less density than the Commission had recommended for the project, it also proposes a resolution to a water problem that exists. Carlson stated concerns about run off to the north. Vincil said there are larger issues causing water problems in this area. BVM is committed to fix the problems with the drain that runs through this property, provide storage and control the flow from this site which will alleviate some of the problems. Root stated concerns about approving something that will cause problems somewhere else. Spees said as long as the storm water management system is designed and calculated for this project and Springfield Hills and no more storm water is released from the site than the agricultural rate, this will be an improvement.

Motion to recommend approval with the following conditions:

1. The Permitted principal uses in the PUD District shall be restricted to the following:
  - 1.1. Single Family Residential: developed either as a platted subdivision or a site condominium on individual lots ("Single Family Units");
  - 1.2. Single Family Detached Condominiums: developed as conventional condominiums but without any shared walls or other interior building space as limited common elements. ("Condo Units"); and
  - 1.3. Office Service
2. Accessory Uses: shall be restricted to those permitted in the R-3 and OS zoning districts.
3. Density: The overall density of the development shall be limited to 1.7 units per net acre. Net acre is defined as gross acres excluding wetlands, which have been initially calculated to include 23.08 acres of regulated wetlands with the possible addition of 1.9 acres of regulated wetland located near Thompson Road. BVM shall obtain a determination from the MDEQ on the regulated wetlands prior to application for preliminary site plan approval.
  - 3.1. If the MDEQ determines that the 1.9 acre area is a regulated wetland and the Developer applies for a wetland permit to fill or otherwise disturb the area, the Township will not object to the developer mitigating the area offsite.
  - 3.2. Even if the 1.9 acres are regulated wetlands, the Developer may build a total of 144 residential units.
  - 3.3. The Developer may construct no more than 58 Detached Condo Units.
  - 3.4. A minimum of 20 acres of the total gross area shall remain as dedicated undeveloped open space.
4. Development Regulations for Single Family Lots:
  - 4.1. The minimum lot size shall be 12,000 square feet.
  - 4.2. The maximum building height shall be 29 feet measured as provided in the Zoning Ordinance.
  - 4.3. The maximum coverage of lots by all buildings shall not exceed 30%.
  - 4.4. Minimum setbacks shall be as follows:
    - (a) Front yard - 30 feet
    - (b) Side yard -10 feet
    - (c) Rear yard -35 feet

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- 4.5. Minimum Floor Area per dwelling unit will be between 1800 and 3000 square feet.
  - 4.6. The homes shall be a mixture of single story, 1½ story or two story structures. This restriction will not prohibit the construction of a two story house with a walk-out lower level if the grade of the site permits.
  - 4.7. Each home shall have an attached two-car garage.
  - 4.8. The width of the single family units will include 27 lots 100 feet in width, 14 lots 90 feet in width, and 45 lots 80 feet in width. No lot shall be less than 80 feet in width.
  - 4.9. The Developer will offer a choice of traditional or craftsman style architecture for the single family units.
  - 4.10. All roads within the single family unit portion of the development shall be constructed in compliance with the requirements of the Genesee County Road Commission for public roads.
5. Condo Units: The development regulations applicable to the condo units are as follows:
- 5.1. Minimum Floor Area per Condo Unit shall range from 1300 to 1800 square feet.
  - 5.2. There will be a mixture of single story and 1 ½ story units.
  - 5.3. Each Condo unit shall have an attached two-car garage.
  - 5.4. The streets in the Condo portion of the development may be constructed with a right of way width of 50 feet, measured from back of the curb, and may be private roads.
  - 5.5. Minimum setbacks shall be as follows:
    - (a) Front yard - 35 feet (measured from the back of the curb) or 20 feet from the road right-of-way
    - (b) Minimum distances between structures - 12 feet
    - (c) Rear yard - 20 feet
  - 5.6. The maximum building height shall be 29 feet measured as provided in the Zoning Ordinance.
6. Office Buildings:
- 6.1. The Developer may construct up to 54,000 square foot office buildings consistent with the Township's OS zoning ordinance.
  - 6.2. The office buildings will be constructed in the northeast corner of the site and the area that will be dedicated for OS uses shall not exceed 10 acres.
  - 6.3. The minimum setbacks for the OS area are as follows:
    - (a) Front yard – 25 feet
    - (b) Side yard - 30 feet
    - (c) Rear yard - 20 feet.
  - 6.4. Parking for the Office Service area shall be in the rear of the buildings. Parking needs for off-street parking shall be calculated in accordance with the requirements of the Zoning Ordinance.
7. Utilities:
- 7.1. The Developer may provide water to the units either by individual wells, a community well system or public water, if it becomes available. If the Developer chooses to seek approval for the construction of a community well, it cannot be constructed in any area designated as open space on the conceptual and final site plans for the development.
  - 7.2. The Developer shall be required to submit all required documentation to Genesee County for the review and approval of storm water improvements, and pay all costs for the improvements.

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7.3. The Developer shall be required to submit all required documentation to the Genesee County Drain Commissioner for the review and approval of any improvements required to the Dawe Drain, and to pay all costs for the improvements.

7.4. The Developer shall provide public sanitary sewer to the development, including all buildings on the property. The Developer shall be required to reimburse the Township for all costs associated with any upgrades to the Butcher Road Pump Station that are necessary to accommodate the Developer's development, as determined by the Township. For any sanitary sewer pump stations installed by the Developer, the Developer shall be required to install a backup, natural gas generator which shall meet all Township specifications. Upon approval of the Developer's sanitary sewer system by the County and the Township, the sewer system installed on the Developer's property shall be dedicated to the Township. The Developer shall be required to post a bond for 2 years regarding the sewer improvements. The Developer must obtain approval for the sewer from the Township, Genesee County, and the MDEQ.

8. The Developer shall be required to submit all required documentation to Genesee County for the review and approval of storm water improvements, and pay all costs for the improvements. The Developer shall also be required to submit all required documentation to the Genesee County Drain Commissioner for the review and approval of any improvements required to the Dawe Drain, and to pay all costs for the improvements.

9. There is an existing approximate 2 acre pine grove on the property. The pine grove shall be left in a natural state.

10. Timing for completion of Development:

10.1. The Developer shall have 5 years from the date of final PUD approval to obtain preliminary site plan approval of the PUD conceptual plan under the procedures contained in the Zoning Ordinance;

10.2. The Developer shall have 2 years after getting preliminary site plan approval to apply for final site plan approval. The two year period following preliminary site plan approval will begin to run from the date of approval, even if it occurs before the expiration of 5 years,

10.3. Following final site plan approval, the Developer shall have 2 years to obtain building permits for the construction of the houses;

10.4. The Developer may obtain permits to make infrastructure improvements, if and as permitted under applicable Township ordinance between preliminary and final site plan approval.

10.5. The Developer will have no right to seek extensions of the time frames outlined above, but the Township may at its sole discretion entertain and grant a request for an extension. The Developer agrees however that it has no entitlement to an extension and the Township will have no obligation to grant an extension.

10.6. The Developer understands that the Township may initiate the rezoning of the property to a reasonable classification or the original classification if the Developer does not meet the specified time frames in this PUD ordinance and has not made significant improvements to the property before expiration of the time frame for development.

11. If there are any conflicts between this ordinance and the Zoning Ordinance, this ordinance shall govern. If an item is not specifically addressed in this ordinance, then the terms and requirements of the Zoning Ordinance shall govern.

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12. The Fire Chief shall review and approve the road layout, street names and the 12 foot minimum distance between structures for the Condo Units.

13. Storm water management system for this project shall be designed to detain and release storm water for this project and Springfield Hills at no more than the agricultural rate.

14. Commensurate with the effective date of this rezoning ordinance, all pending litigation brought against the Charter Township of Fenton and Springfield Hills Development by BVM Development, LLC shall be dismissed with prejudice and without costs as to all parties.

Motion by: Root

Supported by: Ochodnicky

Ayes: Carlson, Franz, Ochodnicky, Richard, Root, Spees, Tucker

Nays: None

Absent: None

Motion carried

**ZONING ORDINANCE AMMENDMENTS:**

Prioritize new list – Ochodnicky asked that the Commission look at section 4.01.c of the landscaping ordinance, this is a request from the Zoning Board of Appeals. The Commission asked that the Zoning Department take a look at the list and draft some language for them to consider. They will take a closer look at the list of items at the first workshop.

Schedule workshops for 2007 – January 30, 2007 at 6:00 p.m.

March 20, 2007 at 6:30 p.m.

April 17, 2007 at 6:30 p.m.

May 15, 2007 at 6:30 p.m.

**MINUTES:** December 12, 2006 stand approved as submitted

**ADJOURN: 9:18 p.m.**

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John Tucker, Chairman

Minutes Posted 01/11/07

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Sandra Carlson, Secretary