

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF APRIL 3, 2007**

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

Chairman Tucker called meeting to order at 7:03 p.m.

Present: Franz, Richard, Root, Spees, Tucker

Recording Secretary McDonald

Absent: Carlson, Ochodnicky

Secretary Pro-Tem Root chosen.

APPROVAL OF AGENDA:

Motion to approve the agenda

Motion by: Tucker

Seconded by: Root

Ayes: All

Nays: None

Absent: Carlson, Ochodnicky

Motion carried

UNFINISHED NEW BUSINESS:

SP07-001 Peter Beer, Pheasant Run Apartments, LLC, 18700 West Ten Mile, Southfield:

06-24-100-022

1500 North Towne Commons Blvd.

Modification: change the type of ownership from rental units to condominium units

Secretary Pro-Tem Root reviewed file. Chairman Tucker explained that this request was postponed at last months meeting in order for the Commission to review revised master deed and bylaws. Peter Beer was sworn in. He explained his request to convert the rental units to condominium units. He said he assumed the documents were in order as he did not here from the Township that any changes were required. Chairman Tucker called for audience comments. There were none. Tucker noted some of the conditions discussed last month include the construction of a sidewalk or boardwalk along Fenton Rd., and the 50-ft. easement to be dedicated to the Genesee County Road Commission. Spees said he spoke with the Road Commission informally and would follow up on this matter.

Motion to grant approval with the following conditions:

- Sidewalk/boardwalk be constructed along Fenton Road
- 50-ft. easement dedicated to the Genesee County Road Commission as approved by the Road Commission

Motion by: Root

Seconded by: Spees

Ayes: Franz, Richard, Root, Spees, Tucker

Nays: None

Absent: Carlson, Ochodnicky

SP07-002 Jerry Tomczak, Rhoads & Johnson, 101 N. Alloy Ste. A, Fenton:

06-12-100-027

1370 N. Long Lake Rd.

Final approval: D's Dogs

Secretary Pro-Tem Root reviewed the file. Chairman Tucker explained this site plan was preliminarily approved at last months meeting. Jerry Tomczak sworn in to represent Dennis Schaefer who was also present at the meeting. Tomczak explained request for site plan approval to construct a 20 X 24 foot building that will be D's Dog's, a Chicago Style hot dog stand. He noted additional information had been provided as requested by the Commission including a landscape plan and a sample of the proposed lighting detail. Tomczak stated the

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Township Engineers have given final approval and a meeting has been scheduled to meet with the Drain Commission to get their approval to use existing storm water management system. Chairman Tucker called for audience comments. There were none. Franz stated concerns about the area designated for parking being used as a dumping area. Richard concurred noting there are pallets, tires and all kinds of debris. Schaefer said this is a result of the new construction at the McDurmon Distributing site. He assured the Commission this would be cleaned up as soon as possible. Root stated concerns about the lack of a photometric plan. In response to a question from Franz, Schaefer explained there will be lights under the canopy and above the sign on the wall. Spees asked when the building would be lit. Schaefer said during hours of operation. Tucker noted the landscape plan does not show that the requirements for the green belt have been met. He explained the requirements are found in Article 10, Section 10.05. Tucker said they could get some credit for existing trees; however they need to show at least 4 trees in the green belt area. Tucker added the wall sign and the canopy signs combined appear to exceed the requirements of the ordinance. Tomczak stated the signage will comply with the requirements of the Township.

Motion to grant final site plan approval with the following conditions:

- Green belt landscaping shall comply with Article 10, Section 10.05
- Signage shall comply with the Township sign ordinance
- Lighting shall not exceed 1 foot-candle at the edge of the property line

Motion by: Root

Seconded by: Spees

Ayes: Franz, Richard, Root, Spees, Tucker

Nays: None

Absent: Carlson, Ochodnicky

NEW BUSINESS:

SUP07-001 Mardell Landis, 11329 Tyrone Trail:

06-02-576-020

2238 North Long Lake Rd.

Special use permit: Outdoor seating, the Fireplace

Secretary Root reviewed file and read letters of opposition from Geraldine Allen, Susan & Michael Urban, 2239 N. Long Lk. and Caron Salerno & James Litten, 2238 N. Long Lk. and letters of support from Gary Pruett, 11422 Skyline and Connie Huige and John Bevert, owners of Lakeside Market. Chairman Tucker noted there is a letter of opposition that was included in the Commissioner's packets from the Johnson's, 2206 Bowles. Mardell Landis was sworn in and explained her request to add a patio and outdoor seating. Landis explained her family has owned the bar for 37 years, she stated she and her sister have expanded the food menu and would like to change the business to more of an eatery that serves drinks rather than just a bar. She said outdoor seating would help to further that goal and create a more inviting atmosphere for families. Chairman Tucker called for audience comments. The following people opposed the request, John Hawrylo, 2137 Wiggins, Lawrence Johnson, 2206 Bowles, president of Fenton Harbor Condominiums, Christine Sordyl, 11463 Skyline, John Forbes, 2139 Wiggins and David Rhoads, 2127 Wiggins. Their concerns were noise, traffic, enforcement, parking lot run off outdoor storage of boats and RV's and wildlife disruption on Barnum Lake. They supported the effort the applicants have made to clean up the area. Sandra Fielder, 2254 N. Long Lake supported the request, she stated the owners have made improvements to the property and the building and she felt the outdoor seating would be an asset. Root asked those opposing the request about the noise. They stated they are disturbed by fighting, profanity, loud music and vehicle noises including squealing tires and slamming doors. They also mentioned loud motor cycles. Tucker asked about the music. Landis stated they began having a DJ and Karaoke about a month ago. She stated they have a juke box and there is no intention or proposal to

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have any amplified sound outside the building. She noted the items mentioned being stored outside are on the property next door. Spees asked about lighting. Landis said the lighting would be on the building with the exception of the mercury vapor light and signage. She noted the existing sign is proposed to be removed and a new sign erected near the existing entrance, in the front of the building. Spees said a more involved site plan should be required to address concerns about parking lot run off. Root concurred. Spees added with some landscaping and limited access many of the neighbors concerns could be mitigated. Landis said she is meeting with the Genesee County Road Commission to address the paving of the parking lot. Tucker stated concerns about an entrance to the patio from the parking lot. Spees concurred noting he understood the Liquor Commission requires outdoor areas be accessed from the building only. Landis said they have made application with the Liquor Commission and are prepared to meet any of their requirements, including rearranging parking if they cannot use the proposed access. Spees said the addition of an outdoor seating area may not create any more of a disturbance than the current operation. He noted the dumpster is required to be screened and storm water management must be addressed. The site plan will need to address landscaping, including some parking lot landscaping, a green belt and soil and sedimentation control. Tucker added the special use permit, if granted, will have some conditions including a yearly review and hours of operation. Root said there is not enough information with the application for the Commission to make this type of decision. The applicant needs to submit a site plan as required in Article 10 of the zoning ordinance.

POSTPONED

R07-003 Hartland Developers LLC., 30301 Woodward, Royal Oak:

06-27-100-021

3472 W. Silver Lake Rd.

Recommendation to amend PUD: Cottage Cove

Secretary Pro-Tem Root reviewed file. Dan McGuire, Hartland Developers sworn in, explained request to amend the PUD to construct detached units rather than the approved attached units. McGuire explained the request is market driven and does reduce the number of units to be constructed. He added the request includes reductions in the set backs. Chairman Tucker called for audience comments. The following people spoke. Shirley Fisher, 3372 Ponemah, Colotte Simerson, 3286 Ponemah, Tina Moore, 15062 Lakeview and Ben Green, 3422 Ponemah. The residents were not opposed to the request, they stated concerns about the pile of dirt on the property and the possibility of it being contaminated, restricted access for pedestrians to the restaurant (T-Bonz) from Ponemah Dr., increased traffic on Ponemah, fair assessment for Ponemah road improvements, building height and location and condition of fence along the easement. McGuire stated the dirt will be moved, he said they have just closed on the property. The spoils from the wetland were tested, no contamination was found. The fence along the easement will be upgraded if anything. Spees asked about the grading and if walkout sites are being considered. McGuire said they are considering walkouts and daylight basements were it is possible. Spees said it appears they are proposing a substantial change in grade in the center of the property. McGuire said this is part of the land balancing there are 2 areas that will require fill. One of the other concerns was the building height. Tucker explained how the height is measured and noted that if the buildings exceed 29 ft., measured to the mean height, the ordinance will have to be amended. Tucker asked if the Commission wanted to amend the minimum building area, condition # 14. They agreed that the homes should be a minimum of 1250 sq. ft. and elevations shall be consistent with the rendering presented as part of the amended PUD.

Motion to recommend approval with the following amended conditions:

The parcel number was amended to reflect the new number for the combined legal description the following conditions reflect the changes only

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- Permitted principal uses shall be restricted to the following: **Detached** Single Family Residential.
- The maximum number of dwelling units to be constructed on the subject parcel shall not exceed **22**
- Minimum setbacks shall be as follows:
 - Front yard **20 feet to curb**
 - Side yard **10 feet** between buildings
 - (Rear yard set back was deleted)
- The minimum floor area per dwelling unit shall **be 1250 square feet**
- The architectural design for the buildings shall **consistent with the renderings presented as part of the amended PUD.**
- **Fire Chief shall review and approve accessibility and dry hydrants.**

Motion by: Root
Seconded by: Franz
Ayes: Franz, Richard, Root, Spees, Tucker
Nays: None
Absent: Carlson, Ochodnicky

R07-002 Lahring/Linden LP., 3407 Torrey Rd. Flint:

06-09-300-036
Rezone R-3 to PUD

4486/4448 Lahring Rd.

POSTPONED (prior to the meeting)

CORRESPONDENCE:

Dates for upcoming workshops: Time - 6:30 p.m. Dates – 4-17-07 & 5-15-07

The following items were added to the list of considered zoning ordinance amendments:

- Landscape credit & reference to the 10% requirement
- Parking lot paving should require some kind of site plan review and approval

MINUTES: March 13, 2007 stand approved as submitted

ADJOURN:

Meeting adjourned at 9:40 p.m.

John Tucker, Chairman
Minutes Posted 04/09/07

Sandra Carlson, Secretary