

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF MAY 8, 2007**

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

Chairman Tucker called meeting to order at 7:04 p.m.

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

Recording Secretary McDonald

Absent: Ochodnicky

Carlson left the meeting at 8:30 p.m.

Secretary Pro-Tem Root chosen.

APPROVAL OF AGENDA:

Motion to approve the agenda

Motion by: Tucker

Seconded by: Root

Ayes: All

Nays: None

Absent: Ochodnicky

Motion carried

UNFINISHED 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 Carlson reviewed file indicating it contained a petition with 68 signatures expressing opposition to the request, submitted by John Forbes, 2139 Wiggins. Mardell Landis was sworn in and explained her request to add a patio for outdoor seating and make parking lot improvements. Landis said additional information has been provided showing the patio details, the parking lot paving and landscaping. Chairman Tucker called for audience comments. The following people spoke; Tom Lengauer, 2202 Bowles, Alice Redick, 2088 Wiggins, Jim Litten, 2247 North Long Lake, John Forbes, 2139 Wiggins, Larry Johnson, 2206 Bowles and Dave Rhoads, 2127 Wiggins. Their main concern is noise. Lengauer stated concerns that the Township evaluate the request for additional seating as an expansion of the use. William Lennox, 2470 Crane and Dianna Brown, 2251 Sonora supported the request. Tucker noted that if the special use permit is granted there will be conditions limiting the hours of operation and prohibiting amplified sound. He added there can be an annual review of the operation. Spees said this may be an opportunity to improve this property and possibly mitigate the noise problems that exist. He noted the applicants have indicated their desire to change the operation from a bar to a restaurant and provide an opportunity for a more family orientated business which would not result in an increase to the objectionable noise that is the main concern of the neighbors. Tucker said the Commission is aware of the concerns and has to decide if the request for outdoor seating and parking lot improvements meet the criteria outlined in the Ordinance. Johnson noted the good intentions of the applicant and asked what would happen if the property was sold. Carlson explained the special use permit runs with the land not the owner. Franz said the concept is to draw a different clientele, the request will improve the property with limited access, storm water management, landscaping and a reduction in the dust from the parking lot. He added the use of the outdoor area provides an opportunity for the staff to monitor what is happening in the parking lot. Carlson noted that the bar is a permitted use in the C-2 zoning district and if the request was for an addition of this size to the structure it would be permitted by right. Spees said this addition, the paved parking lot and landscaping could be

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF MAY 8, 2007**

a nice amenity, however more detail on the parking area and storm water management must be provided including grading, soil erosion and a table of off-street parking. Landis said she has met with Pat Hogan from Genesee County Road Commission and he approved the location of the driveway and said the parking lot should flow to the ditch along North Long Lake Rd. Landis noted the parking was calculated based on the Ordinance at 1 space per 100 ft. of useable floor area, that would be 20 spaces required, 35/40 spaces are provided along with the landscape islands and parking lot trees. Root asked about the capacity of the establishment. Landis said maximum would be 90 patrons inside and out. Root said he liked the proposed improvements but would need to see more detail. He asked if the State Liquor Commission had approved the plan. Landis said the state was waiting for the Township's approval. Root stated concerns about the entrance to the patio. Tucker asked if a State inspector has been assigned. Landis said the assignment has been made. Franz stated concerns about controlling the use of the deck when it is closed. Tucker said the Commission will need more details including contours and storm water pretreatment, he noted a site plan is required by the Ordinance and this plan lacks some of the required information. Landis stated concerns about the project becoming cost prohibited. Spees said there are cost effective methods of pretreatment, including rain gardens and the use of plant materials. Root noted the site plan needs to include lighting detail. Richard asked about the white trailer parked in the rear of the building and added the plan should show how the dumpster will be screened. Landis said the trailer has been used for storage, she said she would prefer not screening the dumpster because in most cases the front doors of those structures are removed, she said it is concealed by virtue of it's location and offered to get a new dumpster rather than provide screening. Richard noted dumping on the residential parcels to the east. Landis said someone has been illegally dumping on their property, it has been going on for years and has happens when no one is around. The Commission asked that a full site plan be submitted.

POSTPONED

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

06-09-300-036

4486/4448 Lahring Rd.

Rezone R-3 to PUD

Secretary Pro-Tem Root reviewed the file, he read letter from William Roach, 12270 Fairbanks, stating concerns about loss of green space and increased density. Mustafa Gheriani, 3185 Applewood (partner Lahring/Linden LP) sworn in explained request to develop a traditional neighborhood design. Gheriani explained that this style development is in reaction to the economic conditions that exist in our area. He stated there is no significant change to the plan submitted and approved for the R-3 development, the Lilies. The lots are narrower and the amount of open space has been increased. Gheriani showed samples of many different style homes that could be built offering a quality, affordable product. He explain the parcel is a difficult one to develop, it is 75 acres with 15 acres of floodplain, this plan would allow for 60% of the homes to have walkout or daylight basements. The request is for a gross density of 1.4 units per acre. Gheriani gave a presentation that included information about the economy to support his claim that there is a need for an alternative housing product. Chairman Tucker called for audience comments. There were none. Richard stated he liked the concept of the traditional neighborhood design. In answer to a question by Tucker, Gheriani indicated sidewalks are proposed. Franz asked about the cost of the homes. Gheriani stated they would run from \$160,000.00 to \$180,000.00. Spees stated concerns about location and provision for sump leads, he noted that when the lots are small and narrow storm water becomes more of an issue. Richard asked about the size of the proposed houses. Gheriani said the 2 story homes would range from 1400 to 1600 square feet and the ranches from 1100 and 1400 square feet. Tucker said he understands the economic conditions warrant a look into some different

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF MAY 8, 2007**

alternatives when addressing development issues, however he had concerns about recommending approval of any density in excess of 1.5 units per acre with 50% open space. Tucker said he did not know if the Township Board would consider a density of 1.7 units per acre.

POSTPONED

NEW BUSINESS:

SP07-005 Jerry Tomczak, 101 N. Alloy, Suite A:

06-03-100-010

3466 Thompson Rd.

Preliminary site plan: Fenton Recovery

Secretary Pro-Tem Root reviewed file. Jerry Tomczak, Rhoads & Johnson sworn in to represent Tim Shoemaker, Fenton Recovery, who was present at the meeting. Tomczak explained Shoemaker had an option to purchase the property contingent upon site plan approval for the auto recovery business he currently operates elsewhere. Tomczak noted the proposed 2,436 square foot building will be served by well & septic, storm water will be handled utilizing a detention area and the existing drain and ditch. He showed the building elevations and explained there will be an asphalt parking and service drive with limestone storage area in the rear. The building will have a 5/12 roof pitch, asphalt shingles, split face block 3.5 ft. in height along the front of the prefab metal building. Tomczak noted the building is staggered in an effort to reduce the impact of the overhead door on the front of the building. Root asked why the driveway is not parallel to the west property line. Tomczak replied it is a result of an encroachment of the fence. Root asked if the fence will remain. Tomczak said it will not. Chairman Tucker called for audience comments. There were none. Tucker noted no overhead door shall face the street, unless approved by the Commission based upon a finding that the door is recessed back from the front façade and properly screened from public view. Tomczak said the final plan will address the screening. Tucker asked why the door can not be relocated to the side or rear of the building. Shoemaker said the vehicles used for recovery are rollback trucks, they carry 2 vehicles at a time, their nature and length make it impossible to turn into the end of the building. The proposed straight through access is the most desirable for this business. In response to a question by Richard, Shoemaker said the recovery is a response to lending institutions who find it necessary to repossess vehicles. The vehicles are brought in on the rollback truck, checked in and stored for a maximum of 24 hrs. then they are taken to auction sites. These time lines are regulated by the State and are strictly enforced. Tucker asked that the applicant look at Sections 11.02(a) with regard to screening the overhead door and the 30% window requirement and 11.57(e) which talks about screening and fencing of the outdoor storage areas. Tucker said wood or vinyl will be required for the front area to address the look of the facility from Thompson Rd. Richard stated concerns about the overhead door and future development along Thompson Rd. He noted it is the desire of the Township to clean up this important corridor and change its image to a more esthetically pleasing entrance to the Township.

Motion to grant preliminary approval as requested

Motion by: Spees

Seconded by: Tucker

Ayes: All

Nays: None

Absent: Carlson, Ochodnicki

Motion carried

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF MAY 8, 2007**

SP07-006 Hartland Developers LLC., 30301 Woodward, Royal Oak:

06-27-100-021 5.6 +/- acres

Preliminary site plan: Cottage Cove 21 units

Secretary Pro-Tem Root reviewed file. Dan McGuire, Hartland Developers sworn in, explained request for preliminary site plan approval for Cottage Cove Condominiums. Chairman Tucker called for audience comments. There were none. Tucker stated this plan has been before the Commission and the Board several times and all of the issues have been addressed by the applicant. The number of units have been reduced and layout for the single family detached condominiums is in compliance with the amended PUD. Richard stated the plan still calls for a building height that exceeds the Township requirements. Franz explained that height shown on the plan appears to be to the peak, when measured to the mean point as the Ordinance requires, the buildings look as if they will comply.

Motion to grant preliminary approval as requested

Motion by: Spees

Seconded by: Franz

Ayes: All

Nays: None

Absent: Carlson, Ochodnický

Motion carried

Amendment to Landscape Plan – Total Storage

Chairman Tucker asked for the Commission to allow him to abstain because the applicant is one of his clients.

Motion to allow Tucker to abstain

Motion by: Root

Seconded by: Spees

Ayes: All

Nays: None

Absent: Carlson, Ochodnický

Abstain: Tucker

Motion carried – Tucker left the room

Gary Becker, Total Storage, 3330 Thompson Rd. sworn in. Becker explained that he needed to amend the approved landscape plan because the plan that was approved is not feasible. Spees asked that Becker identify the changes to the plan. Becker stated the approved plan was submitted by the previous owner and he was not made aware of it until he approached the Township for a building permit. He stated one area of landscaping has been reduced because the area that was used and approved for outdoor storage has been relocated so it is not visible from the expressway or Thompson Rd. He said rather than cover up the unsightly area it has been cleaned up. He noted he is now proposing hydro seed, wild flowers 5 Colorado spruce trees where arbor vitae were approved. Becker said no amount of landscaping can completely screen this site because of the elevation of the exist ramp, however with the relocation of the outdoor storage these plantings will significantly improve the look of this area. The area referred to as area A. on the revised plan shows mulch, 7 Colorado spruce and a raised timber bed with 2 existing crab trees and some fountain grass. The approved plan shows landscaping in area that is required to be driven on in order to use the storage building. Area B. is a staging area for the U-Haul rental vehicles which also had landscaping approved that would make this impossible. Becker explained the amended plan shows additional landscaping along the east

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF MAY 8, 2007**

side of the building which was not part of the approved plan, he asked that this be allowed in place of the approved plan to screen that side of the building. He noted that the approved plan showed landscaping in the front of the building. Becker said the majority of that front yard is the septic field and landscaping is not possible, some plantings exist along the front of the building. Vice Chairman Root called for audience comments. There were none. In response to a question by Franz, Becker said that when all of the storage units are fully constructed there will be no outdoor storage. Franz stated concerns that there are banner type signs on the fences of the property that exceed what would be allowed and make the landscape improvements ineffective. Becker said he would remove the signs. Franz asked why there is no landscaping proposed in the area labeled as area D. on the amended plan. Becker said the area is too wet most of the time because of the ditch. Spees explained the site plan should be amended to show landscaping and the relocation of the outdoor storage area.

POSTPONED

ZONING ORDINANCE & OTHER AMENDMENTS:

The following language was presented. The Commission explained the following language to amend the Township Zoning Ordinance to address concerns about sight line on property adjacent to unimproved parcels. Chairman Tucker called for audience comments. There were none.

SECTION 4.28 Sight Line

On any lot or parcel touching a lake, no structure or barrier in excess of thirty (30) inches in height shall be erected beyond the sight line.

A. This sight line provision may be waived if the applicant can demonstrate by clear and convincing evidence that:

~~One or both properties that are contiguous to the lot or parcel on which the structure or barrier is to be constructed are vacant or unimproved.~~

or

The lot or parcel on which the structure or barrier is to be constructed is a peninsula, a point, a bay, or otherwise positioned differently, (relative to the lake), thereby making the enforcement of the sight line provision ineffective as a means of preserving a riparian property owner's reasonable view of the lake.

B. The waiving of the sight line provision as described in ~~1. and 2.~~ above shall be at the discretion of the Zoning Administrator. ~~If such a waiver is granted, the structure or barrier may extend up to ten (10) feet into the required rear yard.~~

Motion to recommend approval as presented

Motion by: Root

Seconded by: Spees

Ayes: All

Nays: None

Absent: Carlson, Ochodnický

Motion carried

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF MAY 8, 2007**

The following language was presented. The Commission explained the following language to amend the Township Zoning Ordinance to address concerns about legal lots of record that have been combined and the ability for them to be returned to their originally platted state even if they do not conform with current Township Ordinances. Chairman Tucker called for audience comments. There were none.

SECTION 5.02 Non-conforming lots of record

~~A legal non conforming lot of record may be used as a buildable lot even though it does not meet the lot width or area requirements for the zoning district in which it is located, provided all structures comply with all other requirements of Section 3.26, Table of Zoning District Regulations for the zoning district in which it is located.~~

Two or more legal lots of record that were under common ownership and were not separate tax parcels at the time of the adoption of this amendment to the Ordinance (adoption date) may not be treated as separate zoning lots, except in compliance with the requirements of this Ordinance.

Motion to recommend approval as presented

Motion by: Root

Seconded by: Spees

Ayes: All

Nays: None

Absent: Carlson, Ochodnicky

Motion carried

The following definitions were presented. The Commission explained the following definitions need to be amended and/or added because of the 2 previously discussed amendments. Chairman Tucker called for audience comments. There were none.

SECTION 2.01 Definitions

Sight Line - A line across the width of a lake lot which connects the point closest to the lake on the foundation of the principle structure on either side of the lot or parcel of land upon which proposed structure is to be constructed. ~~provided that said principle structures are located on contiguous properties to the lot or parcel upon which the proposed structure is to be constructed (see Figure 2-12).~~

If there is no principle structures located on contiguous properties to the lot or parcel upon which the proposed structure is to be constructed the sight line will be established from the point closest to the lake on the foundation of the next principle structure within 300 feet on either side (see Figure 2-12A).

If there is not a principle structure within three hundred (300) feet on either side of the lot on which the proposed structure is to be built, the Zoning Administrator will establish a sight line intended to provide adequate protection of the view of the lake for future development in the area.

CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF MAY 8, 2007

Figure 2-12

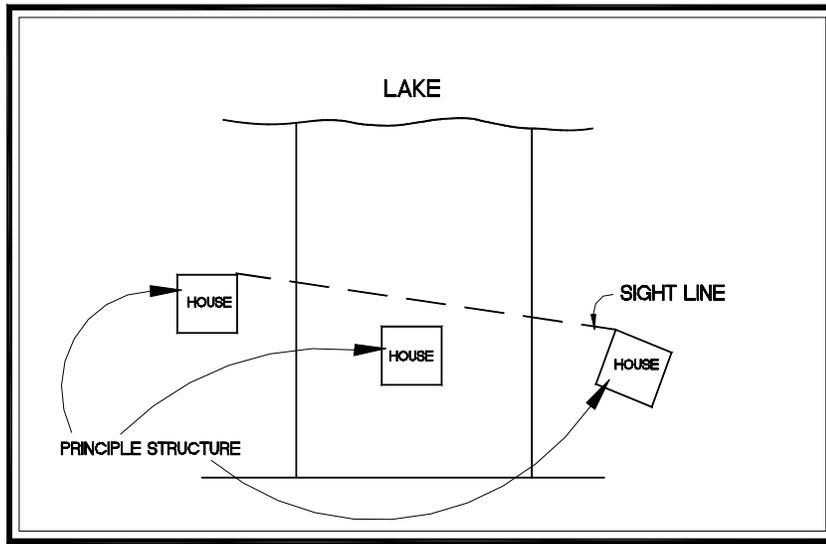
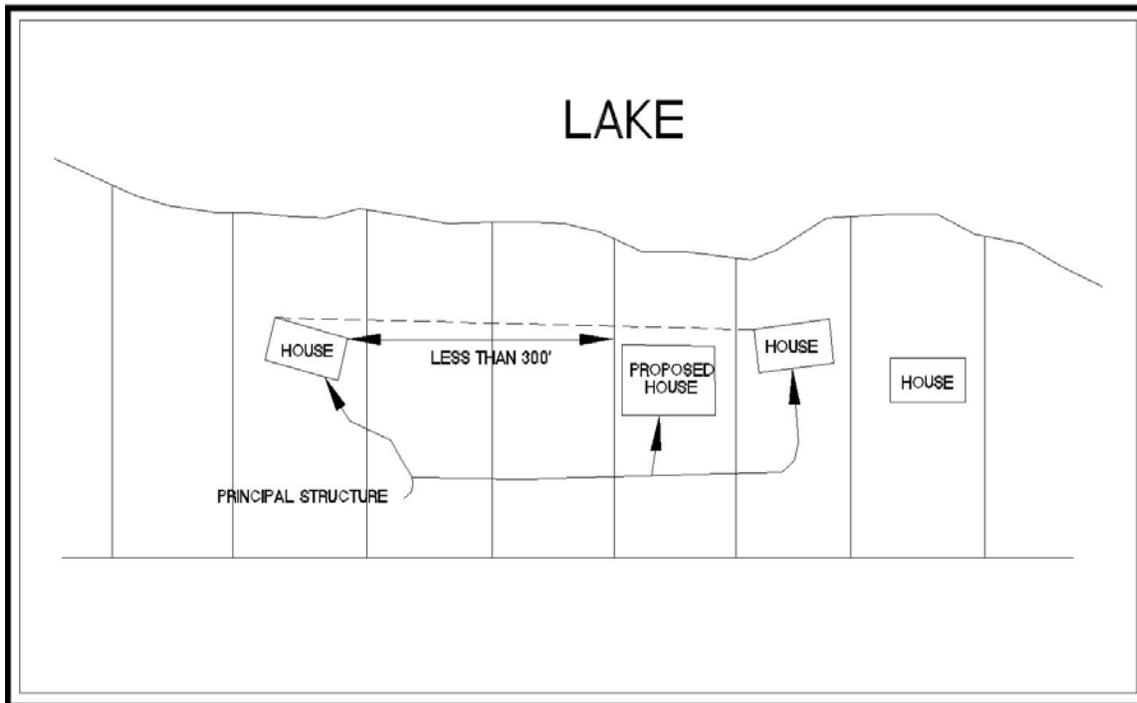


Figure 2-12A



Lot, Zoning - A parcel of land that is designated by it's owner at the time of applying for a zoning permit as one lot, which is intended to be used, developed or built upon as a unit under single ownership. Such lot may consist of a single lot of record, or a combination of multiple lots of record or portions of lots of record that comply with the requirements of this Ordinance.

Motion to recommend approval as presented

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF MAY 8, 2007**

Motion by: Root
Seconded by: Spees
Ayes: All
Nays: None
Absent: Carlson, Ochodnicky
Motion carried

Ice Retardant Systems – McDonald explained there is no need for a motion, the information has been given to the Township Board and they will be discussing it at a workshop on Monday, May 14, 2007

Dates for upcoming workshops: Time - 6:30 p.m. Date 5-15-07

MINUTES: April 17, 2007 stand approved as submitted

ADJOURN:

John Tucker, Chairman
Minutes Posted 05/16/07

Jim Root, Secretary Pro Tem