

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JULY 10, 2007**

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

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

Present: Franz, Richard, Root, Spees, Tucker

Recording Secretary McDonald

Absent: Carlson, Ochodnicky

Also present: Lou Fleury, Rowe Inc.

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

NEW BUSINESS:

SUP07-003 Charles Mueller, 6036 Lobdell Rd:

06-31-400-002

Request: special use permit - agriculture tourism facility, (cider mill & donut shop)

Secretary Pro-Tem Root reviewed file. Charles Mueller was sworn in. He explained this property has operated as an orchard for approximately 165 years. The Mueller's have owned the orchard for 66 years. He noted that the cider he has sold at the orchard since 1960 has been pressed at a different location. Mueller explained his son and daughter in-law are interested in joining the business. They want to preserve the orchard as a working farm and add the cider mill and donut shop. Chairman Tucker called for audience comments. The audience supported the request. Root stated he had no objection to the request and asked if the Commission wanted to impose conditions. Tucker noted this request does not have issues that other uses have associated with them. In answer to a question by Spees, Mueller stated the use is seasonal usually starting the 2nd week of September until the end of the year. Franz asked about the cider. Mueller said his apples were processed at a different location in the past and then sold at his orchard. Tucker noted the use will definitely further the goals of the master plan in preserving the rural nature and adding to the character of the community. In response to a question by Richard, Mueller explained all of the additional activity will take place within the existing buildings.

Motion to grant a special use permit for agriculture tourism facility at 6036 Lobdell Rd. parcel 06-31-400-002 with the following conditions:

- Calendar date of operation shall be limited to June 1st through December 31st
- Daily hours of operation shall be limited to 9:00 a.m. to 6:00 p.m.

Motion by: Spees

Seconded by: Root

Ayes: Franz, Richard, Root, Spees, Tucker

Nays: None

Absent: Carlson, Ochodnicky,

Motion carried

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UNFINISHED BUSINESS:

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

06-27-100-021

3472 W. Silver Lk. Rd. (Allen's Landing)

Request: final site plan: Cottage Cove

Secretary Pro-Tem Root reviewed file. Dan McGuire, Hartland Developers, sworn in, explained request for final approval of Cottage Cove a 22 unit planned unit development. McGuire noted they have submitted the documents necessary for final approval. He explained they have been improving the property and renovating an existing building for a model/office. Chairman Tucker called for audience comments. The following people spoke; Ben Green, 3422 Ponemah, Shirley Fisher, 3372 Ponemah, Gary Carlson, 14041 Squaw Lake and Rose Havercroft, 3362 Ponemah. Green stated concerns about the sight line provisions and how it applies in this situation and about the length of time construction traffic will be prohibited from using Ponemah Dr. Tucker explained prior to a recent amendment to the Zoning Ordinance, a sight line could not be established if a property on either side of the subject property is vacant, as in this case. The amendment states that there must be a primary structure within 300-ft. to establish a sight line, there is no structure within 300-ft., therefore the Zoning Administrator will establish the sight line. Spees addressed the concern about construction traffic, stating this generally refers to construction of the infrastructure. He added limited access should be available once the homes are built. Green asked about an existing fence. McGuire stated the fence will be replaced and placed on the Cottage Cove property. Other concerns were fair assessment for Ponemah Dr. road improvements, (each unit should have to pay a portion), non-riparian access, using Ponemah Dr. as a cut through to Silver Lake Rd. Tucker explained that the intent of the PUD and the developer is to assess each unit an equal share (based on the size of the Cottage Cove property not the limited amount of frontage on Ponemah Dr.) in any road assessment. He noted that a petition circulated for such improvement needs to be worded carefully to make sure this happens. He stressed it will be the responsibility of those petitioning for the improvements to make sure the district is set up that way. Tucker explained that when a commercial property is redeveloped, the applicant is allowed ½ the number of boat slips that are permitted by their marina permit and up to 5 additional bonus boat slips for eliminating an access, taking out fueling operations and/or other improvements provided it is determined the proposed improvements will result in a proper and safe use of water resources in the Township and will maintain the physical, ecological, cultural and aesthetic characteristics of the lake, preserve and protect the quality and safety of the lake and shoreline and rights of riparian owners and users as well as the Township as a whole, and promote the public health, safety and welfare of all persons making use of the lake and properties adjacent to the lake. In answer to a question from Carlson, Tucker said each unit will have 1 boat slip. Carlson stated concerns about policing and asked if the road will be public or private. Tucker said the road in the development will be private. The Commission discussed how to deal with the duration of the barrier on Ponemah Dr., construction traffic and the access from Silver Lake. Tucker explained the PUD states that Ponemah Dr. shall remain closed until a building permit is issued for a structure and that the use of Ponemah Dr. for commercial and construction traffic shall be prohibited. In reply to a question by Franz, McGuire stated the infrastructure will be constructed at the same time, there is no plan for phasing of the project, sales of the units will dictate their construction. Shirley Fisher asked about walking across the property to T-Bonz. McGuire said he could not give permission for neighbors to trespass, it is a construction site and is secured as such. Tucker asked if the applicant had received review letters dated 7-3-07 from Rowe, 7-9-07 from Lawrence and 7-3-07 from Genesee County Drain Commissioners Office. Jason Wallace, Desine Inc. said he had reviewed the letters and is prepared to address the issues. Tucker noted the Commission has just been presented with these documents and have not had time to review the information. Tucker explained they are not generally inclined to grant a final

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approval with so many outstanding issues. Wallace noted many of the issues relate to construction drawings or permits from other agencies that have been applied for and must be in place before construction begins. Wallace asked to go through the items one by one. He began with the 7-9-07 letter from Lawrence asking that the following information be added on the cover sheet: plan distribution list, total disturbed area which is approximately 4 acres, a statement the NPDES storm water permit is required and Miss Dig alert statement, Wallace said these things will be added as well as the Township and the Counties notes and details, he noted the Road Commission permit for access to Ponemah has been applied for, is in process and will be provided to the Township. Wallace said the size and material of the proposed sanitary sewer will be provided and leads will be labeled, he noted if the site is a true condominium there will be no lot lines, the connection to existing sanitary sewer has been located and the information will be provided on the construction drawings. The MDEQ wetland and floodplain permits have been applied for, are in process and will be provided. The cleanout will comply with the standards and will be shown on construction drawings, the lead for unit #22 will not have a 90° bend. Item 8 states that easements for utilities shall not overlap easements for sanitary sewer. Wallace stated he has talked with Lawrence, there are conflicts with the easements, they are being worked out, there may need to be some deviations. Wetland delineation is provided on the plan the labeling can be made more clear. Item 2 under storm water talks about pipe size between several manholes after conversation with Lawrence it was determined those shown on the plan are appropriate. Wallace said they have had conversation with the County Drain Office and are proposing underground units with baffles to collect storm water and filter it before it is released into Lake Ponemah. In answer to a question from Spees, Wallace said the units proposed are from AES. Wallace then addressed the 7-3-07 letter from Rowe stating the development will be served by individual wells and required Health Department language is addressed in the master deed. Items 2 - 4 indicates permits are required from other agencies, these permits are all in progress and will be provided. Wallace noted all easements will be recorded and on file with the Township once the final construction documents are prepared. Zoning of adjacent property is on the plan and can be more clearly labeled, there is no site lighting proposed. In answer to item 8, there is an easement in place to allow for the connection to Ponemah, the application for permit from the County Road Commission is in progress and will be provided. Emergency access is provided and will be reviewed by the Fire Chief. Soils map on sheet SE1 will be clarified. Number 11 asks for clarification regarding storm water quality, that will be provided. Fleury, Rowe Inc. indicated many of these items can be addressed on the construction plans, however a conversation with the Fire Chief is critical to ensure the proposed layout provides adequate access for emergency vehicles. Wallace addressed 7-3-07 letter from Genesee County Drain Commission's Office stating they will be providing a culvert and making no changes to the drain. Details for the water treatment system will be provided in construction documents and sump leads will be shown, MDEQ permit is in progress and will be provided. Wallace confirmed item 5 to be correct, stating storm sewer will be private, maintained by the homeowners association. Tucker said some of the items are not significant, however Fire Chief review and corrections that can be made to the site plan should be addressed prior to final approval. Franz concurred noting that this layout may not be feasible if not approved by the Fire Chief. Root noted the Townships suggested language for maintenance of the road and storm system should be in the master deed. McGuire stated all the items can be addressed and have been verbally at this meeting. He asked that in the interest of time a partial or conditional approval be granted. Franz asked about the sump leads. Wallace said they will drain out onto the individual units. The Commission said that will not be acceptable and asked that Wallace work with Fleury to design something so that the sumps will discharge into the storm sewer. Referring to the master deed Franz noted the material for the driveways should be consistent throughout the development

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and asked the developer to consider mail box clusters. Tucker asked that revised plans be submitted and this be postponed until July 25, 2007.

Postponed until July 25, 2007

SP07-003 Capitol Realty Holdings, 140 E. Second St., Flint:

06-32-300-035

16379 Linden Rd.

Request: preliminary site plan: 2 unit site condominium

Secretary Root reviewed file and read letter from John Pavone, Capitol Realty Holdings, stating that a representative from their group could not be present. He asked the Commission proceed with the application for preliminary approval. Chairman Tucker said he did not have a problem with the preliminary, he briefly explained the request and called for audience comments. Beth Redmond, Township Assessor asked about deed restrictions placed on the property. Tucker stated the Township does not enforce deed restrictions, if approved, a new deed will be registered. Spees stated this request was referred to the Zoning Board of Appeals and they granted the variances necessary for the Commission to move forward on the request.

Motion to grant preliminary site plan approval for a 2 unit site condominium at 16379 Linden Rd. parcel 06-32-300-035 with the following conditions:

- There shall be no construction in the 30-ft. drain easement
- Both parcels are required to have engineered septic fields

Motion by: Root

Seconded by: Spees

Ayes: Franz, Richard, Root, Spees, Tucker

Nays: None

Absent: Carlson, Ochodnicki,

Motion carried

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

06-09-300-036

4486 Lahring Rd.

Request: rezone R-3 to PUD

Secretary Pro-Tem Root reviewed file. Mustafa Gheriani, 3185 Applewood (partner Lahring/Linden LP) sworn in, explained request to develop a traditional neighborhood condominium under the Township PUD provisions. Gheriani noted that economic conditions have changed in this area and the Township needs to be creative in developing a product that will better fit market needs. Gheriani explained their plan to develop affordable, quality homes in a price range that will meet the needs of the community. Gheriani stated the property has significant wetland areas and the PUD plan preserves the wetland and over 21 acres of open space. This request is for 85 detached and 10 attached condominium units which would benefit the Township in revenue and income. The property could be developed as an R-3 development using all of the buildable area, this plan was developed to meet the goals and policies of the Township in preserving open space and wetlands. Chairman Tucker called for audience comments. The following people spoke, Donna Maidment, 5428 Lahring and Margaret Johnson, 5207 Lahring. Their concerns were as follows; increased traffic, overdevelopment, quality and quantity of existing wells water, affordable housing not being quality housing, loss of wildlife habitat, clay soils and drainage, overcrowding of the schools and the fact that this developer has an approved site plan with less units and larger lots. Tucker explained that this area is and will continue to grow because of its location, areas that have been able to preserve farm land have much larger parcels of vacant farm property, many are not as desirable because of their location and proximity to the major expressways. He explained that as much as some people would like to see land remain vacant there are laws that protect property rights

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and the Township has to work within those boundaries. Tucker explained that many jobs have left the area, the applicants have stated a desire to build a quality product, affordable to a lower family income. In reply to a question by Tucker, Gheriani explained the homes would be an average of 1300-sq. ft. ranging in price range from 170,000.00 – 200,000.00. Tucker noted the project would be served by sanitary sewer to address the concerns about the clay soils. Tucker stated that he could not see how this could be approved under the guide of the master plan and zoning ordinance. Spees noted that economic conditions are not enough to warrant a change to the master plan or zoning ordinance at this time. Tucker concurred stating that in conversation with Zoning Administrator, Piggott he advised that if the conditions warrant a change, the change would be across the Township and have a lasting effect on both the master plan and the zoning ordinance. Root stated concerns about the density. Tucker expressed an understanding of the intent to produce a quality affordable product for today's market, but stated concerns about justifying approval of this request. He added the Planning Commission is only a recommending body, the decision will be that of the Township Board. Spees concurred, noting the Commission needs to give the Board something they can work with. Mustafa stated the Township has approved a higher density PUDs in other areas, if special circumstances exist. He claimed that Township property is draining uncontrolled to this property, there are significant wetlands and floodplain on the property as well as overhead power lines. He concluded that special circumstances do exist, not only in economics but in the land itself and asked for the flexibility in design to save natural features and find a way to manage the storm water that is being diverted to this parcel. Tucker suggested the developer and the Commission consider 90 units with 50% open space which is in keeping with the master plan and the ordinance. The Commission asked that the request be postponed until July 25, 2007 to consider the request and formulate a PUD ordinance to send up to the Township Board.

Postponed until July 25, 2007

Ordinance Amendments

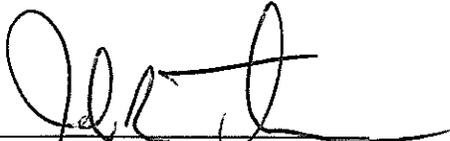
Chairman Tucker called for audience comments on the proposed amendments to Lot Partition and Temporary Structures Ordinances, Dawn Holcomb, 4407 Harp Dr., President of the Pine Lake Association and K. C. Baran, 5151 Harp, Vice President, stated concerns about ice fishing shanties. Holcomb stated some of these are well over 30 inches in height and are located in the site line. She requested the Commission make sure this type of structure is addressed in the Ordinance.

Postponed until July 25, 2007

Dates for upcoming workshops – September 18 & October 16, 2007 – 6:00 p.m.

MINUTES:	June 12, 2007	stand approved as submitted
	June 19, 2007	stand approved as submitted

ADJOURN: 10:15 p.m.


John Tucker, Chairman
Minutes Posted 07/17/07


Jim Root, Secretary Pro-Tem