

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR SPECIAL MEETING OF JULY 25, 2007**

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

Chairman Tucker called meeting to order at 6:07 p.m.

Present: Carlson, Franz, Richard, Tucker

Recording Secretaries McDonald & Sharich and Zoning Administrator Doug Piggott

Absent: Ochodnicki, Root, Spees

Chairman Tucker noted he wanted to discuss cell tower locational criteria under Ordinance Amendments at the end of the agenda.

APPROVAL OF AGENDA:

Motion to approve the agenda as amended

Motion by: Tucker

Seconded by: Carlson

Ayes: All

Nays: None

Absent: Ochodnicki, Root, Spees

Motion carried

UNFINISHED BUSINESS:

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

parcel 06-27-100-021

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

Final site plan - Cottage Cove

Secretary Carlson reviewed file new information included a revised site plan dated 7-13-07, letter from the Fire Chief dated 7-13-07 and review letters from Lawrence dated 7-24-07, Rowe dated 7-23-07 and revised sections of the master deed and bylaws. Dan McGuire, Hartland Developers, sworn in, explained request for final approval of Cottage Cove a 22 unit, planned unit development. McGuire noted site plan, master deed and by laws have been revised to address concerns of the Commission and the engineers. Chairman Tucker called for audience comments. Shirley Fisher, 3372 Ponemah, stated concerns about the houses being 30-ft. from the water and emergency gate being left open to encourage cut through traffic. Tucker confirmed the closest building to the water is 30-ft. and explained the gate is to be used for emergency access only. He added the people that will be living in the development will make sure the gate is closed, they will not want cut through traffic. Geraldine Geske, 3398 Ponemah asked about the size of the units, the height and location of garage. Tucker explained minimum floor area will be 1,100-sq. ft. the height shall not exceed 29-ft. and the garages are in front of the houses. Tucker asked about the sump leads. Jason Wallace, Desine, Inc. showed the leads which will flow into a sump discharge line that will connect from the road system to the 2 storm water quality units shown on sheet UT. Tucker asked a question from the Lawrence review, in an extreme rain event how would the storm water be cleaned prior to entry into Lake Ponemah? Wallace explain the water quality units have an overflow. He said that the first flush is critical containing most of the solids, once the unit has reached it's capacity storm water will bypass the unit. This will eliminate additional velocity flowing through the unit suspending the solids. The Commission stated concerns about the storm system and it's ability to treat all of the run off of the site. They noted the storm system will be reviewed and approved by the engineers. Wallace noted a 10-ft. easement on 1

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side of the road eliminates conflicts with sanitary sewer easements and a dry hydrant will be located between units 11 & 12. Tucker asked about the proposed flood plain elevation. Wallace said the excavating and mitigation will change the flood elevation. Tucker asked if the entire property is proposed to be fenced. Wallace the side lot lines will be fenced, there will be no fence along the water or the rail road tracks, there will be landscaping along tracks. Tucker asked that the master deed and bylaws include language regarding the emergency access gate and it's maintenance and prohibiting the sale or leasing of boat slips. He added the development entrance landscaping must comply with section 10.08.

Motion to grant final site plan approval for Cottage Cove parcel 06-27-100-021 with the following conditions:

- Fire apparatus access road gate shall meet the criteria listed in letter from the Fire Chief dated 7-13-07
- Fire apparatus access road shall be marked with permanent no parking – fire lane signs
- Township engineer will review and approve the storm water management system
- Master deed shall include language with regard to the maintenance of the fire apparatus access gate
- Master deed will state there shall be no rental or lease of boat slips and that water craft will be registered to the unit owner
- Landscaping shall comply with section 10.08 (residential development entry landscaping)

Motion by: Carlson

Seconded by: Franz

Ayes: Carlson, Franz, Richard, Tucker

Nays: None

Absent: Ochodnicky, Root, Spees

Motion carried

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

06-09-300-036

4486 Lahring Rd.

Rezone: R-3 to PUD

Secretary Carlson reviewed file. Mustafa Gheriani, Lahring Linden LP, sworn in. Gheriani presented a concept plan with 90 units and 52% open space, he noted this plan meets the requirements of the ordinance and land use plan. He stated this plan and density will produce a lesser quality development than the plan presented in April. The original request was for 105 units, that plan is the plan he would like the Township Board to approve, considering the unique characteristics of the parcel including run off from a property owned by the Township. Chairman Tucker called for audience comments. Margaret Johnson, 5207 Lahring and Donna Maidment 5428 Lahring stated concerns about the PUD producing a lower priced product than was presented at previous meetings. They asked about the differences in the plans and condominiums verses single family homes. Gheriani said this plan is for 90 detached single family condominium units, the plan presented in April was for a mixed use development with 105 attached and detached condominium units. Chairman Tucker explained condominium ownership of the units. The Commission did express a preference for the plan presented in April but explained they could not recommend approval because of the ordinance, however if the

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Township Board felt a greater density is warranted they could approve that plan. Gheriani said he would like to present the original plan for 105 units to the Board. Carlson stated concerns about the number of units that are the minimum lots size of 9,750- sq. ft. on this plan. The Commission noted that on the plan presented in April the average lot was over 12,000-sq. ft.

Motion: The Planning Commission finds that the presented concept plan complies with the PUD provisions of the Zoning Ordinance with the following conditions, however the Commission believes that the alternative plan with 105 attached and detached units would provided a higher quality development if the Township Board feels that a higher density is justified based on characteristics of the project :

1. Permitted principal uses shall be restricted to detached single family residential.
2. Permitted accessory uses shall be restricted to those permitted in the R-3 zoning district.
3. The maximum number of units to be constructed on the subject parcel shall not exceed 90.
4. Minimum lot area for the detached units shall be 9,750 square feet.
5. Minimum lot width for the detached units shall be 65 feet.
6. Minimum setbacks shall be as follows:

Front yard	30 feet
Side yard	10 feet
Rear yard	35 feet
7. The maximum building height shall not exceed 29 feet.
8. The minimum floor area per dwelling unit shall be 1,250 square feet.
9. A minimum of 50 % of the buildable area shall remain as dedicated open space in the areas shown on the concept plan.
10. Access shall be provided to the north 2.39 acres of open space.
11. The developer of the PUD project shall pay to Fenton Township the total cost of any necessary upgrades to the sanitary sewer system, as determined by Fenton Township.
12. The Planning Commission & Township Board will evaluate this request in 2 years and may initiate a rezoning of the property if the developer has not demonstrated that suitable, continual progress has been made to develop the property.

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

Ordinance Amendments

Lot Partition Ordinance

Motion to recommend the Township Board amend or replace the lot partition ordinance as follows:

SECTION 1. Conformity with ordinance provisions.

No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the provisions of this Ordinance.

SECTION 2. Approval, disapproval; Planning Commission.

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The Fenton Township Planning Commission, after consideration of the recommendations of the advisory authorities hereafter identified, may approve or disapprove any proposed partition. The Township Planning Commission shall either approve, approve with conditions or deny each application, or approve an application as it may be modified by the applicant.

SECTION 3. Division limit.

No lot, outlot or other parcel of land in a recorded plat shall be divided into more than four (4) parts.

SECTION 4. Application procedure.

The following procedure shall be followed by a party making application to partition a lot, outlot or other parcel of land in a plat:

- (a) Ten (10) copies of an application for the proposed partition shall be submitted to the Township Clerk at least 30 days prior to any meeting of the Fenton Township Planning Commission which may be required. Application shall be on a form provided by the Township Clerk.
- (b) The application shall be accompanied by a sealed drawing of the proposed partition prepared by a registered civil engineer or registered surveyor. The drawing shall contain the information relating to the physical characteristics of the land and surrounding areas including driveways, fences, septic systems and wells on the subject property and all buildings on the property and within 100' of the subject parcel; the adjacent rights-of-way and public utilities; the existing plat lot lines and zoning classifications; and such other pertinent information as the Planning Commission shall from time to time request.

SECTION 7. Referral to other commissions, agencies.

Applications proposing partitions shall be referred by the Township Planning Commission, (if deemed necessary, because of the particular circumstances of the land or surrounding land) the Genesee County Road Commission, the Genesee County Drain Commission, and to the Genesee County Health Department. .

SECTION 8. Review, recommendation by Planning Commission.

The Township Planning Commission shall review all proposed partitions referred to them and determine if all proposed sites will meet all Township zoning ordinances and applicable administrative rules and regulations.

SECTION 9. Notification; published notice.

The Township Clerk shall notify all residents and property owners of the Township Planning Commission public hearing on the application for partition. The notice will comply with the requirements for notices for Special Use Permits outlines in Section 9.05 of the Township Zoning Ordinance.

SECTION 10 Standards for Approval In considering the approval of a proposed lot partition, the Planning Commission shall base the decision on the following standards: The proposed lots shall comply with the township zoning ordinance requirements for lots including density of dwelling units, minimum lot size standards and must be able to meet all of the setback requirements of the ordinance. If a proposed lot partition is denied due to non-compliance with these standards, the applicant may then request a variance from the ZBA in order to comply with the zoning ordinance.

- a) A platted lot may be split into two non-conforming parcels for the purpose of adding to adjacent tax parcels.

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- b) The proposed lots shall be accessible as determined by the Genesee County Road Commission when the lot is adjacent to a public road, or by the Planning Commission when adjacent to a private road.
- c) The proposed partition shall not have a significantly negative impact on adjacent properties drainage.
- d) The proposed partition shall not exceed the capacity of public infrastructure to service the area.
- e) The proposed partition shall be consistent with the public health, safety and welfare of the community.
- f) A platted lot may not be divided into more than four (4) parts, per the Land Division Act.

SECTION 11. Time Limit on Approval.

Following approval of a lot split, the applicant must record the division with the County Register of Deeds and apply to the Township Assessor for separate tax ID numbers for each parcel where the lot partition resulted in new tax parcels. Failure to do so within one year of lot split approval shall result in expiration of the approval.

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

Temporary Structures

Motion the Township Board amend Section 4.02 as follows:

SECTION 4.02 Accessory buildings in residential and agricultural districts

F. Membrane storage structures as defined in this ordinance may be permitted on any lot as an accessory structure provided:

- 1. One temporary storage structure per zoning lot is permitted for not more than six (6) months in any twelve (12) month period.
- 2. The maximum size of a temporary storage structure is four hundred (400) square feet.
- 3. A zoning permit is required to allow the erection of a temporary storage structure.
- 4. A temporary storage structure shall comply with the setback requirements for accessory structures, including compliance with the sight-line requirements of Section 4.28 of this ordinance.
- 5. The structure shall be sufficiently anchored to withstand overturning, uplifting or sliding from a 90 mile per hour wind.

G. Portable on-demand storage structures may be permitted on any lot provided:

- 1. A property owner is allowed up to two 8 x 8 x 16 structures.
- 2. A residential lot is limited to not more than 30 days a year; non-residential lots are limited to one period of not more than 90 days a calendar
- 3. The structure must be at least 5' from the side or rear lot line and 20' from the front lot line.

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H. Temporary accessory structures such as tents or canopies are allowed provided they comply with the setback requirements of the ordinance. Temporary accessory structures are allowed in the rear yard on lake lots provided they comply with Section 4.28 of the Zoning Ordinance.

Section 2.01 as follows

SECTION 2.01 Definitions

Membrane storage structure – A structure consisting of a frame that is covered with a plastic, fabric, canvas, aluminum or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles or other personal property. The term shall also apply to structures commonly known as hoop houses, canopy covered carports and tent garages but shall not apply to boat lifts and canopies that are placed in public waters and temporary tents or canopies used for special events such as weddings or graduations.

Portable on-demand storage structure – Any container, storage unit or other portable structure that is used for the storage of personal property, which is located outside an enclosed building. The term does not include normal sheds or membrane storage structures.

Section 4.28 add C. as follows

Temporary accessory structures such as tents or canopies are allowed within the sight line for a period of 10 days one time a year.

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

MINUTES:

ADJOURN: 8:40 p.m.

John Tucker, Chairman
Minutes Posted 08/01/07

Sandra Carlson, Secretary