

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF NOVEMBER 13, 2007**

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

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

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

Recording Secretary McDonald

Absent: Ochodnicki

**APPROVAL OF AGENDA:**

Chairman Tucker noted SP07-004, Candy Wolford, request for special use permit for day care has been withdrawn

Motion to approve the agenda as modified.

Motion by: Tucker

Seconded by: Carlson

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

Nays: None

Absent: Ochodnicki

Motion carried

**UNFINISHED BUSINESS:**

**SP07-007 Clifford Scarberry, 9204 Valley View:**

06-23-100-008

14219 Torrey Rd.

Final site plan: office/retail space

Secretary Carlson reviewed file. Brian Romska, Field to Finish, 401 S. Leroy sworn in. Chairman Tucker asked if Romska had seen the 3<sup>rd</sup> review letter from Lawrence Eng. dated 11-12-07. Romska said he had seen the letter and is prepared to address the items listed. The first item indicates the location of the grease trap shall be moved and placed on unit A lead, Romska said he would have a conversation with Lawrence to explain that the location indicated on the plan is the best location to serve all of the units. Item 2 states sanitary sewer lead shall be backfilled with 22A limestone again Romska said he was planning on limestone with sand backfill and would discuss this with Lawrence. Romska added the cleanouts will be protected and caps will be shown on construction plans. The review letter noted that a stand pipe shall be required for pond outlet. Romska explained the stand pipe is an expensive mechanism, the developer would like to avoid using the stand pipe, he added the 4" orifice at the outlet should be sufficient for a pond of this size. Other comments in the review letter included requirements for county agency approval and rip-rap at the pond inlet and outlet. Romska noted sheet 3 indicates the required rip-rap and county approvals will be sought once the Township approves the site plan and construction drawings are prepared. Tucker noted a follow up letter from Lawrence indicating these issues have been address is required prior to final approval of the site plan. Chairman Tucker called for audience comments. There were none. Franz stated concerns about the location of the detention pond. He indicated the pond is 2 ft. from the existing building, when he visited the site he observed 3 air conditioning units that extend 4 – 5 ft. from that side of the building, an electrical supply box that is approximately 16 ft. from the side of the building and the existing well is located 13 ft. from the side of the building. Franz said all of these utilities are in the area indicated on the plan as the detention pond. Romska said the site was shot by their surveyor and he had not verified the utility locations, he said these utilities will have to be relocated in order to build according to this plan. Tucker stated concerns about the 1% slope and stabilization, he noted a 6 ft. fence is proposed around the pond there is no fence detail is provided. Romska said the detail will be the same as that for the refuse station. Spees stated concerns about the pond outlet, he indicated a preference for the

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stand pipe stating the proposed orifice can easily become plugged causing the outlet and storm water management system to fail. Romska said if the system were to fail the water would overflow into the ditch along Torrey Rd. Spees stated the stand pipe will detain water on the site as required by the Ordinance. In response to a question by Tucker, Romska said the pond is sized for the 100 year storm. Root stated concerns about the late submission of this site plan, he added there are many deficiencies that need to be addressed prior to final approval. Spees recommended conversation take place with the county drain office with regard to the grease separator, he indicated separation of the lines that flow from each unit to the separator may be required and calculations provided according to use. Tucker stated concerns about run off to the south. Romska said the rate of run off will not increase, the roof system run off will be directed with eaves and downspouts into the proposed storm system for the project. Spees indicated there is not enough detail on the plan submitted to grant a final approval, he noted the roof system is just one of the missing elements. He said the plan needs to show existing and proposed contours as well. Richard stated concerns about the building location, 5 ft. from the south property line, he and Root indicated the improvements proposed for that side of the building may not be able to be constructed without gaining access to the southerly property. Richard stated concerns about the location of a tree stand in very close proximity to this side of the proposed building. Scarberry indicated the trees are on his property and will be removed if necessary. Romska said the trees will be located and indicated on the plan. Carlson suggested county approvals be granted prior to Township approval. Tucker noted in most cases the county will not grant approval until the Township does. Romska added construction drawings are not prepared until the site plan has been approved. Tucker noted the plan shows the location of the light fixtures but no detail, landscaping sizing is not called out, and the elevations provided are not adequate. Tucker indicated the elevations submitted do not meet the requirements of the Ordinance. He cited sections of Article 11 Section 11.02, design standards for commercial buildings, including a requirement for that front façade address the main street. He noted with some creativity and design elements this could be overcome. Tucker added the plan does not meet the requirements for variation in architectural details, it does not show how the mechanical equipment, including but not limited to heating, ventilating and air conditioning equipment, and antennas, are screened from view. There is no indication of facade colors or materials. He stated long, massive, unbroken or monotonous buildings are prohibited and the Ordinance requires that building facades greater than one hundred (100) feet in length shall incorporate recesses and projections along at least twenty (20) percent of the facade. Architectural interest shall be provided through the use of repeating patterns or changes in color, texture and material modules. There shall be variations in roof lines to reduce the massive scale of the structure and add visual interest. Spees added the plan must have a higher level of detail before final approval can be granted. He said the utilities and existing trees need to be located and shown on the plan, existing and proposed grades need to be presented, feedback from Township Engineers is required and some conversation with the county agencies is recommended.

**POSTPONED**

**SUP07-004 Candy Wolford, 4468 Edison Blvd:**

06-21-602-050

Special use permit: day care home, group (7-12 children)

**APPLICANT WITHDREW PRIOR TO MEETING**

**SUP07-005 Candice R. Singer, 4374 Lahring:**

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06-09-300-029

Special use permit: kennel, private

Secretary Carlson reviewed the file. Chairman Tucker asked if the Commission had received the information from Angie Corcoran, 4382 Lahring and letters from Donna & Allen Corcoran, Minnetonka and Donald Morgan, owner of property at 4390 Lahring. The Commission had received this information. Tucker read letter from Eric Corcoran, 4382 Lahring received 11-13-07. Information supported the negative aspects of pit bull dogs and letters opposed the granting of a permit for a private kennel. Candice Singer, 4375 Lahring sworn in. Singer stated she had no desire to run a kennel, the Township only allows 2 adult dogs and she had to apply for this special use permit in order to keep her 4 family pets. The dogs are all spayed or neutered, they are kept indoors only going out for short periods to play and do their business. The outside area is a 135 X 103 ft. X 6 ft. tall privacy fenced yard. The dogs have never been outside the fence unless they are in the house, she stated they are nice dogs that have been around her young child and other guests in the home. She said that she has been trying to find homes for 2 of the dogs since the Township notified her that the Ordinance only allows for 2 adult dogs. She said adopt a pet will not take pit bulls and if sent to the humane society they would be euthanized, she explained it is very hard to find good homes for this breed. She stated she could not bear to have them put down or give them to someone that would mistreat them. She read a couple of stories and statistical information that supported positive aspects of the breed. In response to a question from Tucker she said the information was found at badrap.com. She explained she will be contacting Last Chance Rescue and asked that the Commission give her more time to try to find good homes for the animals. Chairman Tucker called for audience comments. The following people spoke, Mark Ostrander, 4358 Lahring, Roy & Joann Kinne, 13013 Lia Ct., Dominic Diccico, 4361 Lahring, Angie Corcoran, 4382 Lahring and her 3 children. They stated that the dogs are not nice dogs, they bark excessively and often fight, they have been digging under the fence and have pushed the boards in the fence out. The children stated they are afraid to play outside if the dogs are out. Kinne, who works at Shiners' Children Hospital, gave testimony of numerous pit bull attacks on children. They stated concerns about the small child in the home and expressed fear that the dogs can and will get out of the fence and hurt someone. They asked that the Ordinance be enforced quickly and that the Commission require her to get rid of the 2 most aggressive dogs. Tucker stated there has been a lot of emotion expressed for both sides of this case, the Commission must consider the facts of the case objectively and not emotionally. Root noted there is a pit bull in his neighborhood that is a good dog, but it still causes people to be fearful. He asked how Singer obtained the dogs. She said she had rescued 2 of them and, before she could have them spayed and neutered, they had the 2 puppies. Tucker noted that it seems to be the goal of Singer to find homes for 2 of the dogs. He added that there has been evidence presented that the dogs can express good and bad behavior, statistics show that the dogs can be aggressive and their behavior is not always predictable. Spees added that this breed has a very powerful bite and they have been bred to fight and be aggressive, though these dogs may be friendly Singer has a responsibility not only to the dogs but to the neighborhood and the Township, he recommend she get rid of 2 dogs as soon as possible. He asked that the enforcement department know that the Commission felt 30 days is a reasonable amount of time to accomplish this. Carlson stated concerns that according to testimony she has been unsuccessfully trying to accomplish this for a number of months already. Root stated concerns about the excessive barking. Tucker explained that the Township has not been able to substantiate that claim. Franz stated the Commission must consider the standards for approving a special use permit in Article 9, Section 9.10 of the Zoning Ordinance. He said they must find compliance with each of the standards and this request does not comply with the first standard which requires the proposed use to be of such location size and character that it will be in harmony with the appropriate and orderly development of the neighborhood and/or vicinity and applicable regulations of the

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zoning district in which it is to be located, nor does it comply with items 6 & 7 which require that the public health, safety and welfare be protected and the use will not be detrimental to existing and/or permitted land uses. Franz stated dogs can be unpredictable and 4 are too many, however the Township cannot dictate which 2 dogs are kept. Richard stated concerns that the animals can be territorial and when you have 4 they can take on a pack mentality. He added the design standards Article 11 Section 11.41 - private kennels requires a 50 ft. side and rear set back for the dog runs and that the runs must be enclosed and have a concrete surface. He noted that though these requirements may be modified by the Commission the request does not meet the standard.

Motion to deny for the following reasons:

- The proposed use is not of such location, size and character that it will be in harmony with the appropriate and orderly development of the neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
- The proposed use may be located and operated in a manner that does not protect the public health, safety and welfare.
- The proposed use may cause substantial injury to the value of other property in the neighborhood in which it is to be located and may be detrimental to existing and/or permitted land uses in the zoning district.

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

Motion carried

**PUBLIC HEARING - ORDINANCE AMMENDMENTS:**

Article 3 (District Regulations) Sections 3.16, 3.17, 3.18, 3.19, 3.20 to require a special use permit for indoor and outdoor commercial recreation in C-2, C-3, M-1, M-2 & M-3 zoning districts.

Chairman Tucker explained the amendment and called for audience comments. There were none. Tucker noted that C-2, C-3 & possibly M-1 districts can be adjacent to residential, however that is not likely for M-2 & M-3, therefore the Commission may want to consider indoor commercial recreation as use permitted by right in the M-2 & M-3 districts. There was discussion about noise, traffic and parking. They agreed that the noise issues are covered in the Ordinance. The consensus was that the uses should be permitted by special use permit so the Commission will have a chance to evaluate requests case by case based on the nature of the request and because there could be issues with traffic and parking.

Motion to recommend approval as presented

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

Motion carried

Article 3, Section 3.26 (Table of District Regulations) to require a minimum 5-ft. set-back in OS, C-1, C-2 & C-3 zoning districts

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Chairman Tucker explained the amendment and called for audience comments. There were none. The Commission agreed a minimum 5 ft. set back is appropriate.

Motion to recommend approval as presented

Motion by: Richard

Seconded by: Spees

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

Nays: None

Absent: Ochodnicky

Motion carried

**DISCUSSION ITEMS:**

Dates for upcoming workshop – Discuss at the December meeting

**MINUTES:**   October 9, 2007       stand approved as submitted  
                  October 16, 2007     stand approved as submitted

**ADJOURN:**   9:38 p.m.

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John Tucker, Chairman  
Minutes Posted 11/16/07

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Sandra Carlson, Secretary