

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF APRIL 8, 2008**

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

Chairman Tucker called meeting to order at 7:08 p.m.
Present: Carlson, Franz, McGuirk, Richard, Root, Spees, Tucker
Recording Secretary McDonald
Absent: None

APPROVAL OF AGENDA:

Motion to approve the agenda as presented

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

Motion carried

PUBLIC HEARING:

AMENDMENT ZONING - ORDINANCE ARTICLE 2, SECTIONS 2.01 - DEFINITIONS

Tucker explained this is an ordinance to amend Section 2.01 of Zoning Ordinance No. 594 to revise the definitions for *Keeping of Household Pets* and *Private Kennels* as follows:

Household pets, keeping of - The keeping of common household pets in a residence for non-commercial purposes residents including not more than ~~two (2)~~ **three (3)** dogs over ~~four (4)~~ **six (6)** months of age.

Kennels, private (3 4-6 dogs) - The housing or keeping of more than ~~two (2)~~ **three (3)** but less than six (6) dogs over ~~four (4)~~ **six (6)** months of age for non-commercial purposes on a lot or in a structure.

Chairman Tucker noted this issue was researched by, and originated with, a suggestion from the Zoning Department; he then called for audience comments. Bernie Pente, 6335 Silver Lake Rd. stated concerns about changing the Ordinance. He claimed he and his neighbors have had trouble with one neighbor whom, at one time, had 7 or 8 dogs. He alleged the dogs run loose, bark, defecate on neighboring property and have jumped on an elderly neighbor. Pente stated he has complained several times about the dogs and he has been told enforcement action has been put in abeyance until the Township rules on the proposed ordinance amendment. Pente said one of the owners of the dogs moved taking all of the (7 or 8) dogs with him, but since that time the current owner has acquired 3 new dogs. Franz explained that enforcement action can be taken because there are ordinances that prohibit dogs running at large, barking and limit the number of dogs. Franz suggested Pente call the Ordinance Enforcement Officer and the Township Supervisor to enforce the current ordinances. Franz also suggested Pente call the Sherriff's Department when the dogs are running loose. Pente and the Commission had a discussion about these dogs in particular. In conclusion Pente stated he did not have a problem with the number of 3 dogs, if the dogs are kept confined and quiet. He noted he did have a problem with the age limit being increased to 6 months. He explained that the dogs he is talking about are large dogs and 3 dogs, if all were breed, could result in many, large, 6 month old pups. He felt this would be unreasonable, especially when the owner does not control the 3 that she has at this time. Spees noted Pente's problem is a problem with enforcement and not the proposed amendment to increase the number of allowed dogs from 2 to 3, Root and Franz concurred. Richard said he could see a problem if someone was consistently breeding 3 dogs and keeping puppies until they were 6 months old. Tucker noted that if that were the case the Township could classify the use as commercial and then it would not be allowed in residential zoning districts.

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Motion to recommend approval as submitted

Motion by: Carlson

Seconded by: Root

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

Nays: None

Absent: None

Motion carried

UNFINISHED BUSINESS:

SP08-001 Fenton Lakes Building & Design, 4306 W. Baldwin, Grand Blanc:

06-23-300-044

14381 North Rd.

Request: Final site plan approval to construct a 4418 sq. ft. addition

Secretary Carlson reviewed the file. Scott Tarkleson, Fenton Lakes Building & Design was sworn in and explained that since the preliminary approval, the applicant has received approval from MDOT, Township Engineers and Genesee County Drain Commission, he noted they had not received the permit from the County Road Commission, but expected the permit to be granted any day. Tucker asked about the number of driveways. Tarkleson said they were abandoning one existing driveway and proposing a new one, so there would be 2 driveways. Chairman Tucker called for audience comments, there were none. Tucker noted that the proposed sidewalk does not appear on all sheet. Tarkleson apologized explaining the landscape plan does show the sidewalk and the applicant plans on constructing it as shown on that plan. Tucker asked Tarkleson to show the existing trees and noted the sidewalk will need to be constructed around the base of one of the trees in order not to damage the root system. Franz noted the walk should go around the tree on the side of the building so it is not in the road right-of-way. Tucker noted he felt the mixture of tree types was light when it comes to the evergreens. Tarkleson said he would revise the landscape plan accordingly and noted he has been cautioned that the boxwood hedge row around the parameter of the parking lot may not do well because of salt and snow removal. He said this may have to be amended as he did not want to plant something that will not live. Tucker noted the landscape revisions will have to be approved by the Zoning Administrator if the Planning Commission grants final approval. Root noted Lawrence review letter dated 3-25-08 indicates that a maintenance agreement for the storm sewer system must be included with the construction plans.

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

- Landscape plan shall be revised and approved by the Zoning Administrator
- Side walk shall be relocated as discussed, if necessary, to save the existing tree located at the southwest corner of the existing building and shall be located between the tree and the building rather than in the road right-of-way
- Storm sewer maintenance agreement shall be provided as required in Lawrence review letter dated 3-25-08

Motion by: Root

Seconded by: Spees

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

Nays: None

Absent: None

Motion carried

NEW BUSINESS:

SP08-002 Ridenour Custom Builders, 9189 Hogan Rd:

06-32-300-005

Acres: 13.36 +/-

Request: Preliminary & final site plan approval for Elder Oaks

Units: 14

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Secretary Carlson reviewed file. Jim Ridenour, 9189 Hogan sworn in. Tucker explained this development plan was approved in September of 2005 the approval has expired and this is a new application for the same 14 unit condominium. Tucker asked if any changes have been made to the plan since it was approved in 2005. Ridenour explained that this plan has been delayed to address concerns about drainage. He noted the originally approve plan was to detain, meter and release water a wetland area across Lobdell Rd., however the wetland is located in Livingston County and they would not approve the release of water from this site to that wetland. The plan presented tonight, is designed with a swale along the east property line that will direct the water to the detention area, from there it will be released to the Genesee County Road Commission ditch along Lobdell Rd. Spees stated concerns about granting a final approval without something from the County Drain Commissioners Office with regard to this plan, changes required by the Drain Office may result in changes to the plan. He suggested Township engineers review the new plan as well. Root noted drainage calculations have not been submitted for review. He added sump leads should be shown. Spees stated concerns that the septic field locations were reviewed and approved with the old plan, the addition of the swale could pose a problem with the proposed field locations. Spees stated he would not want to grant final approval without something from the other agencies. Franz concurred. Beth Redmond, Township Assessor asked about a statement on the plan about the acquisition of other lands. The applicant explained there was a gap between this property and a parcel to the north. That land was added to this legal in 2005. Redmond stated concerns that this matter was not address by the Township Assessing Office. Root stated concerns about density and asked if the open space and density calculations included the road right-of-way. The Commission asked several questions about discrepancies in the legal description and asked the applicant to meet with the Assessing Office and note land and density calculations on the plan submitted for final review.

Motion to grant preliminary approval with the following conditions;

- Legal description will be clarified and gross area, usable area and density calculation shall be provided
- Township Engineer to review plan
- Comments from County Drain & Health Departments be included with final site plan

Motion by: Root

Seconded by: Spees

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

Nays: None

Absent: None

Motion carried

MINUTES: March 11, 2008 stand approved as submitted

ADJOURN: 8:48 p.m.

John Tucker, Chairman
Minutes Posted 04/16/08

Sandra Carlson, Secretary