

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF MAY 13, 2008**

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

Chairman Tucker called meeting to order at 7:06 p.m.

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

Recording Secretary McDonald

Zoning Administrator Piggott

Absent: Spees

APPROVAL OF AGENDA:

Motion to approve the agenda as presented

Motion by: Tucker

Seconded by: Carlson

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

Nays: None

Absent: Spees

Motion carried

PUBLIC HEARING:

Annual review of Tee Bone'z special use permit for outdoor seating and entertainment, parcel 06-27-100-020, located at 3472 Silver Lake Road. Chairman Tucker explained this permit has been reviewed yearly since it was granted in 2005. He called for audience comments. There were none. No action was necessary.

UNFINISHED BUSINESS:

NEW BUSINESS:

SP08-002 Ridenour Custom Builders, 9189 Hogan Rd:

06-32-300-005

Acres: 13.36 +/-

Request: Final site plan approval: Elder Oaks

Units: 15

Secretary Carlson reviewed file. Jim Ridenour, 9189 Hogan sworn in. He explained he has received a letter from the Genesee County Health Department that confirms the swale on the east property line does not appear to impede on any isolation distances for the septic systems. He noted the entrance has been adjusted and made straighter and there is an additional unit since last reviewed. Tucker asked the applicant to address the Lawrence review letter. Ridenour asked Brian Shaltz, Field to Finish, 401 S. Leroy to address the review letter. Shaltz said the concerns the Commission raised at the last meeting have been addressed with the letter from the Health Department, density calculations noted on the plan, soil erosion permit and parallel plan included in the packet. Shaltz explained the applicant has added another unit to off set the rising cost of development. Tucker asked if the detention pond area is included in the open space calculation. Shaltz said it is included because the intent is for the area to be usable open space including a skating pond in the winter. Tucker referred to Article 4, section 4.23, D, subsection 13 noting the Ordinance requires 150-ft. of frontage for lots abutting an open ditch road cross section. Shaltz said the 150-ft. can be accomplished by adjusting some of the lot lines. Tucker said the measurement is required at the front yard setback and needs to be indicated on the plans. Root stated concerns about density. Franz noted the property to the north has been included in the open space and the applicant has not submitted sufficient evidence to prove ownership of this "gap". Shaltz said the applicant is in the process of getting the ownership issue resolved. Franz said he is not inclined to approve an open space site plan when the applicant does not have proof of ownership of the property they are including in their density calculations. Shaltz then addressed Lawrence's concern about connecting to sewer. He stated they have tried to contact the owners of the lots that would have to grant an easement. One of owners did not respond and the other wants an unreasonable amount of money, because if the entire easement has to be on her parcel it would render the lot unbuildable. Shaltz

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added the Fox Chase condo association would also have to approve the easement for connecting to the sanitary sewer. Ridenour state if they are forced to connect to sewer the cost would prohibit the project from moving forward. Ridenour stated he is a licensed septic installer and will be installing these fields at a minimal cost. Tucker asked if the fields will be required to be engineered. Shaltz said all of the lots have been perked and they are suitable for standard septic fields. Piggott, Zoning Administrator, explained that the Ordinance requires the applicant to connect to the sewer. If this is not feasible for one reason or another, the Township Board would have to grant a waiver of this requirement. The Planning Commission can not wave this requirement. Tucker noted there would have to evidence submitted by the applicant that shows that there is no access to the sewer. Tucker offered his assistance in contacting the property owners. Shaltz went on to address other items in the review letter including the increase in the culvert size, additional details on the weir will be provided, outlet control is shown on page 5 of 6, Road Commission permit is in progress and storm water maintenance is addressed in the master deed. Tucker noted final approval for the septic systems would have to be granted by the State Health Department. Shaltz asked that conditional approval be granted. The Commission stated there are too many unresolved issues to grant a conditional final approval. Shaltz reiterated the applicants concern that providing sanitary sewer will be cost prohibitive. Carlson said that decision will have to be made by the Board. Root stated he liked the plan and did not have a problem with the septic fields because of the areas rural character. Franz stated he will not approve a plan based on property that is not owned by the applicant and until the Board resolves the sewer versus septic issue. Richard concurred. Shaltz noted the following possible conditions; proof of ownership for the northern piece of property, a waiver of the requirement to connect to the sewer from the Township Board, plan showing 150-ft. of frontage at the building setback of 30-ft., State of Michigan approval for the septic systems, a path through the open space, address the concerns of the Lawrence letter dated 5-12-08, enhance the retention pond to create a water feature, landscape plan revision to include tree type and sizing and maintenance agreement for storm sewer system. Chairman Tucker called for audience comments. There were none. McGuirk stated if the applicant can access the sewer, as required by the Ordinance, or can prove that connecting is not possible is an issue to be decided by the Board, that decision will not be based on the economics of development of the property. If the numbers don't work then the project should not be built. He added there are too many issues that need to be addressed to grant a final approval. Tucker state concerns that the preliminary plan showed 14 units and the plan submitted for final has 15 units. He noted that the Commission asked that the additional unit be eliminated from the plan approved in 2004. Tucker said eliminating the additional unit would provided more open space, which may be an issue if the Commission does not determine that the pond can be counted in the open space calculation. Root stated the Commission does not generally approve a unit in a condominium with access outside the development. Shaltz said the pond will be a landscape feature and there are other condominium projects that have lots on public streets outside the project. Tucker noted the Ordinance does not address the access issue, however this has been the practice of this Planning Commission. Root noted the master deed and by-laws have been written to address 14 units this will have to be revised. Franz and Richard noted the soil erosion permit is issued for a project called Oak Leaf Farms Condominium with 13 units. Shaltz said the name of the project has been changed to Elder Oaks. Carlson asked about street lighting. Shaltz stated an easement would be left for utilities including street lights, but there are no plans to install them at this time. Richard added the plan should be submitted to the Fire Chief for his approval.

Postponed

COMMUNICATIONS:

Request for clarification of requirements for the Scarberry project. 14219 Torrey Rd. Clifford Scarberry, 14219 Torrey Rd explained the Commission did not grant final approval for his proposed commercial building for several reasons. Scarberry said he had met with the Zoning

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Department with regard to the requirements the Commission placed on the application at the 1-8-08 meeting. Scarberry stated he needed to have 14-ft. doors and the idea is to move all of the overhead doors to the rear of the building. Piggott stated the applicant had met with the Zoning Department to discuss the following; placement of a 5-ft. sidewalk along Torrey Rd. this will be included in the plan. The windows on the west side of the proposed building are real windows it appears the Commission thought the applicant was proposing false windows this area will be an office. Landscape plan will be revised. Tucker said the applicant is required to include a table including plant types and sizing. There was confusion as to what is constituting the front, the applicant stated the front generally faces the road. Tucker stated the front façade is the issue, it is the Commissions interpretation that the front façade of this building is where the entrances are located on the north face of the building. Scarberry said they did not want to change the drawings until they had clarification of these items. The Commission agreed that moving the doors to the rear of the building will address some of the concerns about seeing them from the street. Franz wanted clarification as to the number of overhead doors requested. The Commission agreed to consider 4 – 14-ft. doors and 4 – 10-ft. doors on the last couple of bays at the west end of the building. Scarberry said the letter from consumers about relocating the utilities is forthcoming. Franz asked what is being planned to go into the building. Scarberry said restoration, construction equipment storage and equipment repair. The Commission explained that automobile repair facilities require a special use permit. Franz asked about enhancements to the existing building. Piggott explained because that building is located on another parcel, the Commission can not require off site improvements. Franz said that because the parking and retention is located on the parcel with the existing building they should be able to impose conditions. Piggott said that would, in his opinion, constitute an off site improvement. Chairman Tucker called for audience comments. There were none.

ELECTION OF OFFICERS:

Chairman - Carlson nominated Tucker, Root seconded the nomination
Motion to close nominations and cast a unanimous ballot for Tucker for Planning Commission
Chairman

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

Motion carried

Vice-Chairman – McGuirk nominated Root, Tucker seconded the nomination
Motion to close nominations and cast a unanimous ballot for Root for Planning Commission Vice-Chairman

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

Motion carried

Secretary – Root nominated Carlson, Franz seconded the nomination
Motion to close nominations and cast a unanimous ballot for Carlson for Planning Commission
Secretary

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

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Absent: Spees
Motion carried

DISCUSSION ITEM: Adoption of Planning Commission By-Laws

Zoning Administrator, Piggott briefly outlined the changes that are a result of the new Michigan Planning Enabling Act which include the requirement for the Commission to adopt bylaws. The Commission received a sample Township Planning Commission Bylaws and Rules of Procedures. The Commission scheduled a workshop for 6:00 p.m. June 10th to discuss this issue. Piggott stated the bylaws should define what constitutes a conflict of interest, he suggested the Township contact the attorney for that definition. Root stated the Township should also have an ethics policy.

MINUTES: April 8, 2008 stand approved as submitted

ADJOURN: 10:50 p.m.

John Tucker, Chairman
Minutes Posted 05/22/08

Sandra Carlson, Secretary