

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF SEPTEMBER 16, 2008**

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

Chairman Tucker called meeting to order at 7:05 p.m.
Present: Carlson, Franz, McGuirk, Root, Tucker
Recording Secretary McDonald
Absent: Richard, Spees

APPROVAL OF AGENDA:

Chairman Tucker noted he wanted to discuss items that were mentioned at the last Township Board meeting

Motion to approve the agenda as presented

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

Motion carried

UNFINISHED BUSINESS:

Adoption of Planning Commission by-laws. Chairman Tucker explained that the Commission has been working on the language for the by-laws including a joint meeting with the ZBA. He noted the language decided on at the meeting with the ZBA regarding conflict of interest has been incorporated in the document submitted for approval tonight. Chairman Tucker called for audience comments. There were none. The Commission had no further discussion.

Motion to adopt the Planning Commission by-laws as presented

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

Motion carried

PUBLIC HEARING:

R08-002 Charter Township of Fenton, 12060 Mantawauka:

06-27-100-022

3472 Allen's Landing

Request: Amendment to the PUD: Cottage Cove

Recording Secretary McDonald explained that in mid August, a low boy attempted to cross the rail road tracks from Silver Lake Rd. to access the Cottage Cove site. The low boy was carrying a bulldozer and it got stuck on the tracks. The owners of T-Bonz contacted the Township to say that this incident along with other equipment coming and going to the site is causing damage to the entrance, the tracks and to their parking lot. The Township Building Inspector and Ordinance Enforcement Officer did a site inspection and interviewed the developer and witnesses. They documented damage to the rail road ties and the asphalt. They requested the conditions of the PUD be relaxed to allow limited and controlled access to the Cottage Cove development site via Ponemah Drive for construction traffic in cases were it is determined by the Township that, in the interest of insuring public health, safety and welfare, the use of the driveway from Silver Lake Road over the railroad tracks and right-of-way is physically impractical because of vehicle size and/or dimension. The Ordinance Enforcement Officer referred to a letter from the Genesee County Road Commission written in 2004 that allowed the use of Ponemah Dr. as access, even when Ponemah was closed as ordered by the Road Commission, to address the issue of equipment when it is physically impractical

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to cross the tracks. Chairman Tucker called for audience comments. The following people spoke, Dave Hawcroft, 3302 Ponemah, Chris & Joseph Bujak, 3414 Ponemah, Geraldine Geske, 3398 Ponemah, Ben Green, 3422 Ponemah and Don Kroeyer, co-owner T-Bonz, 3482 Silver Lake Rd. Their concerns were as follows; smaller equipment could be used to avoid having to use Ponemah, allowing limited access will expand until all traffic is using Ponemah, promises made by the Township to keep Ponemah closed for construction traffic not being kept, design standards not being followed, damage to Ponemah Dr. by this heavy equipment and the residents having to bear the burden of the cost to repair, existing poor condition of Ponemah Dr. the dead end street now being open to access Cottage Cove and the safety of children and school bus traffic in conflict with this heavy equipment. Don Kroeyer stated concerns that the equipment is breaking up T-Bonz driveway and their entrance from Silver Lake Rd. he said the Township put these conditions on this PUD to address the concerns of the residents on Ponemah Dr. with no regard to his concerns about the damage to his property. Recording Secretary McDonald explained and showed documentation that there is an existing easement across the center of T-Bonz parking lot for access to the Cottage Cove site. She stated staff responded to a call from Pat Lockwood to investigate a complaint from T-Bonz that the developers were causing damage to their property. Several meetings took place between the developers of Cottage Cove, the owners of T-Bonz and the Township to relocate the easement to the side of the property, off the parking lot. Legal documents were prepared to relocate the easement. Both parties have had copies of the new easement but have not signed or recorded it. Tucker explained the language in the easement agreement should address who is responsible for maintenance of the easement, he noted this is a civil matter and not a matter for the Township. The issue at hand is the public health safety and welfare of the Township and it's residents. Tucker asked if the residents of Ponemah Dr. have had any problems with construction traffic so far. The residents said they had not. Tucker also explained that Ponemah Dr. is a public street and access to Cottage Cove is provided over that public street. He added in order to repair the road a special assessment must be established. Franz noted the equipment that needs to be able to access via Ponemah will not weigh any more than a garbage truck. He stated concerns about a dangerous situation that could result from this kind of equipment being struck on or damaging the rail road tracks. Tucker stated a limit to the number of and a time frame for trips down Ponemah should be added to the ordinance amendment. Root stated this is a reasonable request, the Commission did not foresee this problem when they placed the condition on this PUD. The developer has cooperated with the Township and upheld his commitment to use Silver Lake Rd. for construction traffic. The Commission discussed times that would not conflict with school busses and decided this traffic will be limited to 8:30 am to 11:30 am business days only.

Motion to recommend approval as follows:

The use of Ponemah Drive for commercial and construction traffic shall be prohibited. With the exception of limited and controlled access to the Cottage Cove development site via Ponemah Drive for construction traffic in cases where it is determined by the Township that, in the interest of insuring public health, safety and welfare, the use of the driveway from Silver Lake Road over the railroad tracks and right-of-way is physically impractical because of vehicle size and/or dimension. These trips shall be limited to 6 one way trips between the hours of 8:30 am and 11:30 am business days and the equipment shall be loaded and unloaded on the Cottage Cove site.

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

Motion carried

CORRESPONDENCE:

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Request to initiate Zoning Ordinance text amendment. Chairman Tucker read letter from Nancy Day owner of property at 14272 Fenton Rd. McDonald explained the Zoning Department had met with Day, she was inquiring about operating an adult foster care/assisted living facility in the existing building at 14272 Fenton Rd. The property is zoned C-2 and this use is limited to the residential districts. The Zoning Administrator explained her options were to seek rezoning or ask that the Zoning Ordinance be amended to allow this use in the commercial districts. The Commission discussed this possibility and asked the Zoning Administrator to write an amendment to allow this use in the C-1 and C-2 districts by special use permit and give them an analysis of the pros and cons of allowing this use in districts other than residential. This item will be discussed at the next regular meeting.

Chairman Tucker noted several issues were discussed at the Township Board meeting that need to be brought to the Commission. Recent legislation may effect local units authority with regard to cell towers. Tucker stated the Township needs to look at the legislation and determine if an amendment to the ordinance is necessary. He noted a board member requested the towers be prohibited in residential zoning districts. Tucker said the other issue is accessory buildings. He noted Robert Canning, 1381 Edgewater felt the ordinance that regulates maximum size is to restrictive. Canning suggested allowing up to 30% lot coverage or the possibility that the attached accessory building square footage not be counted toward the maximum. The Commission asked that the ZBA and the Zoning Administrator attend the next Planning Commission meeting to discuss accessory buildings.

MINUTES: July 8, 2008 stand approved as submitted
July 30, 2008 stand approved as submitted

ADJOURN: 9:38 p.m.

John Tucker, Chairman
Minutes Posted 09/26/08

Sandra Carlson, Secretary