

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF NOVEMBER 11, 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, Richard, Root, Spees, Tucker

Zoning Administrator Piggott

Recording Secretaries McDonald & Sharich

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**

**Regulations for membrane & portable on-demand storage structures**

Chairman Tucker explained this subject has been discussed at both the Planning Commission and the Township Board level; several changes have been made by both the Board and the Commission. He noted the draft presented is the result. Chairman Tucker called for audience comments. Pat Lozano, 4459 Harp stated concerns about being able to erect a tent like gazebo for shelter in the summer. She explained they had to remove a large tree and are left with nothing for shade on her lake front property. She opposed the ordinance and the 10 day time limit. Robert Canning, 1381 Edgewater stated concerns that he had not seen the ordinance. Canning suggested having the neighbors sign an agreement to allow for the temporary structures to remain. Piggott suggested the amendments be posted on the web site with the agenda. He noted that a neighborhood agreement would not be appropriate because ordinance standards must be applied uniformly and intimidation could play a part in convincing a neighbor to sign something. The Commission discussed the 10 day time limit and agreed it is appropriate. McGuirk stated even 10 days could be burdensome to an aggrieved neighbor. Root asked if the Commission would like to increase the maximum size of the portable on demand structures to allow for 1 larger container. There was discussion about the maximum size of the structures. Several members indicated 8 X 8 X 16 is the standard. They discussed the regulating the cubic feet rather than the dimensional size of the container. Tucker and Piggott said they would investigate the issue of the standard size and have an answer before the Board takes action on this item.

Motion to recommend approval as presented

Motion by: Carlson

Seconded by: Root

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

Nays: None

Absent: None

Motion carried

**Clerical correction in the fence ordinance and expansion in the definition of temporary fence**

Chairman Tucker explained the clerical correction is to remove the heading for recreational

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fences. The ordinance allows for taller fences for tennis and volleyball courts, swimming pools goals and backstops and sanitary sewer pump stations. When pump stations were added to the list of the above recreational uses the heading "recreational uses" no longer applied but was still in the ordinance. Tucker added Section 4.14 K is proposed to be expanded to add the definition of a temporary fence as: an enclosure or barrier used in conjunction with a temporary outdoor use such as to define a temporary parking area or in conjunction with a seasonal use such as a snow fence or protective barrier around a garden. Piggott explained this amendment was suggested in conjunction with the Zoning Board of Appeals. Chairman Tucker called for audience comments. Robert Canning, 1381 Edgewater asked if a fence is defined in the ordinance. Piggott explained it is not defined but is regulated in Section 4.14 along with walls and hedges, temporary fence is defined in Section 2 and that is the language proposed to be added to the standards.

Motion to recommend approval as presented

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

Motion carried

**Revise fee structure for consultant reviews to include escrow accounts at time of application**

Tucker explained this language is proposed to be added to the site plan review section to ensure applicants pay all consultant review fees. The language now requires fees be paid prior to issuance of a building permit. This amendment requires escrow account be set up prior to final site plan approval. In some cases there are fees incurred and a building permit is never pulled. This will make sure that all fees are paid even if the project does not materialize. Chairman Tucker called for audience comments. Robert Canning, 1381 Edgewater stated he felt this is appropriate.

Motion to recommend approval as presented

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

Motion carried

**Allow commercial kennels by special use permit in AG zoning districts**

Piggott explained a resident approached the planning department about having a kennel in the AG district, as it turned out she did not meet the threshold for the number dogs to be classified as commercial. The staff found commercial kennels only allowed by special use permit in the C-3 and M-1. It was suggested the Commission consider commercial kennels in the AG district by special use permit. Chairman Tucker called for audience comments. The audience felt this would be appropriate.

Motion to recommend approval as presented

Motion by: Spees  
Seconded by: Root  
Ayes: Carlson, Franz, McGuirk, Richard, Root, Spees, Tucker

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Nays: None  
Absent: None

Motion carried

**UNFINISHED BUSINESS**

**Amendment to the Zoning Ordinance to allow adult foster care/assisted living in C-1 and C-2 zoning districts as a use permitted by special use permit**

Tucker explained this was discussed at the last meeting and was postponed because there were differing opinions about allowing adult foster care/assisted living in C-1 and C-2 zoning districts. Tucker explained these facilities are usually permitted in the residential zoning districts and are largely regulated by the State. Piggott noted the State has ruled the adult foster family homes and adult foster care small group homes (1-6) must be allowed in all residential districts by right, the adult foster care small group home (7-12) and adult foster care large group home (13 or more) can be regulated. Tucker and McGuirk stated as a special use permit each case can be looked at individually. They noted some areas would be more appropriate than others for this use. Richard stated his concern about traffic and Franz added concerns that this could have a negative effect on the commercial district. He stated if the Township allows this use in a commercial area it may prohibit a viable commercial business from locating in close proximity in the future or the character of the area may change as other businesses locate in the area making what seemed appropriate at the time not appropriate. Chairman Tucker called for audience comments. Robert Canning, 1381 Edgewater stated allowing the use by special use permit will give the Commission the opportunity to evaluate each application to determine its appropriateness. Pat Lozano, 4459 Harp said many people would rather see these uses allowed in commercial than residential zoning districts. Spees concurred, adding this would promote the concept of mixed use neighborhoods. Root stated, as a special use, he is comfortable that each site will be evaluated individually to ensure it would fit now and in the future.

Motion to recommend approval as presented

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

Motion carried

**NEW BUSINESS**

**SP08-004 Lombardo Companies – Gregory Windingland, 6303 Twenty-Six Mile, Ste. 200, Washington Township:**

Requesting an amendment to the site plan for Pheasant Run Condominium to change the use back to apartments, parcel numbers to numerous to list are attached to the application, 1500 North Towne Commons Blvd.

Postponed no one to represent. (On November 12, 2008 the applicant asked to be removed from the agenda)

**OTHER BUSINESS/ON-GOING BUSINESS**

Storage structures in the sight line (photo example of a storage box 5 ft. long X 3 1/2 ft wide X 3 1/2 ft. tall). Tucker explained this was brought to the Commission at the last meeting were discussion began. The Commission asked Piggott to outline some options for regulating or not

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regulating this type of unit and address their location in the sight line. Piggott explained the issue is that many of these (including the example) are over 30 inches high, and therefore could be considered a violation of the sight line provisions of the zoning ordinance which prohibits a structures or barriers in excess of 30 inches from being erected beyond the sight line and the definition of structure includes anything constructed or erected which requires permanent location on the ground or attachment to something having such location. Since many of these structures are not permanently attached to the ground it could be argued that they are not structures regulated by the zoning ordinance, but they could still constitute a barrier. Piggott noted the Commission has a couple of options to address these structures. One option is to do nothing to change the ordinance and consider this to be a structure or barrier in excess of 30 inches and therefore in violation of the ordinance. Another option would be to amend the sight line provisions and specifically exempt accessory structures on the water provided they do not exceed a specific height. This approach raises concerns regarding the enforceability and defensibility of the sight line provisions of the ordinance. The last option would be to provide for an exception for storage structures similar to the shore line exception. This would allow the Zoning Administrator to determine on a case by case basis whether or not this type of unit constitutes a barrier. This approach does address the multitude of factors that affect the impact of this type of unit on the sight line, but would be an administrative nightmare and could also lead to unequal enforcement. Chairman Tucker called for audience comments. There were none. The consensus of the members of the Commission was that these units whether permanent or temporary are used for storage and are accessory structures and should be regulated as such.

Language to address access to condo units from outside condo road – McDonald stated it has been the policy of the Commission to require all units in a condominium use the condominium road for ingress and egress. It was suggested at a past meeting that this should be a part of the ordinance. Chairman Tucker called for audience comments. There were none. The consensus was that this would be the preferred option but language should be written to allow for a waiver by the Commission in the event access solely from the condominium road is impractical.

Window signs – Sharich explained that the current ordinance does not address window signs. The zoning department suggested there be some limit to the use/size/number of window signs allowed. There will be proposed language at a later date. Chairman Tucker called for audience comments. There were none.

Wind turbines – Piggott explained he had attended a workshop about wind turbines and though the emphasis was placed on the large wind turbines and farms, there was some discussion about the smaller residential applications. Chairman Tucker called for audience comments. Pat Lozano, 4459 Harp stated she has seen large and small wind turbines for a number years in the western United States. She asked if the turbines were regulated at this time. Tucker said they are not. Piggott stated he would get some material together for discussion at the next meeting.

Ethics policy – McDonald explained the operations manager, Tom Broecker is drafting an ethics policy for all Township officials and employees. Root asked that staff ask the status of the draft.

Standard for outdoor display for retail establishments – Piggott stated he would have some language for discussion for the next meeting.

Septic systems and open space development – Sharich indicated the Commission may want to consider holding applicants to the minimum lot size of 1 acre for those lots to be served by a septic system. She stated Genesee County requires 1 acre and if a smaller lot is allowed the

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approvals that follow fall under the regulations of the State. She indicated she would have more information for the next meeting.

Subdivision control ordinance, Landscaping ordinance and Lighting need to be reviewed by a committee and draft language presented to the Commission – this has been postponed until after the first of the year.

Root and Franz asked the Township to consider a tall grass ordinance.

**COMMUNICATIONS**

2009 Meeting schedule – No conflicts at this time

Thompson Road Corridor Pattern Book – Forward to the January meeting, if there is a light agenda, if necessary a special meeting will be scheduled.

**PUBLIC COMMENT & COMMUNICATION CONCERNING ITEMS NOT ON THE AGENDA**

There were none

**APPROVAL OF MINUTES**    October 14, 2008    stand approved as submitted

**ADJOURN:**    9:38 p.m.

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John Tucker, Chairman  
Minutes Posted 11/17/08

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Jim McGuirk, Secretary Pro-Tem