

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JUNE 15, 2010**

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

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

APPROVAL OF AGENDA:

Motion to approve the agenda presented

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

Motion carried

PUBLIC HEARINGS

R10-001 Vision Development, LLC, 19060 Williams Dr., Holly:

06-18-200-005 part of parcel 6159 Lahring
Rezone R-3 to AG 10+/- Acres

Secretary Carlson reviewed file. George Rizik, 8226 South Saginaw Street, Suite A, sworn in to explain request to remove a 10 acre parcel from the open space plan that was approved as Stony Brook site condominium and to rezone the 10 acre parcel from R-3 to AG. Chairperson Tucker explained this as a 2 part request, the Commission will hear and vote on the amendment to the site and open space plan and then they will consider the rezoning request. Rizik address the site and open space plan noting the modification would be to remove this 10 acre parcel and reconfigure the site plan in a way that will preserve the open space so that the calculations increase the amount of open space slightly over the existing approved plan. The calculations preserve the intent of the plan and meet the requirements of the Townships schedule of regulations. Chairperson Tucker called for public comments, Larry Felch, 6197 Lahring, spoke in support of the rezoning request and the amendment to open space plan to allow for the split of the 10 acres from the parent parcel.

Motion to amend the open space plan for the Stony Brook site condominium to remove the proposed 10 acre parcel as requested

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

Motion carried

Chairperson Tucker asked the applicant to address the rezoning request. Rizik explained this 10 acres is currently used as a farm and has legal non-conforming status. If granted the rezoning would allow the current farm operation to continue with a legal status. Spees stated concerns about the wide spectrum of uses allowed in the AG zoning district and the adverse impact some of these uses could have on a residential neighborhood like the Stony Brook development. Some Commissioners agreed with Spees, but noted the nature and character of the immediate area is agricultural. Rizik added the Right to Farm Act is not dependent on

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zoning but on the use of the property, therefore the farming operation is protected under the act even if the zoning is not changed. Tucker stated though there is a potential for conflict when the subdivision is completed he would hope that the buyers would be aware that farms exist in area, however this is a valid point of concern. He noted the Future Land Use Plan states the intent of the AG zoning district is to permit the continuation of farm operations and to allow farm animals in this area as well as provide for larger 5-10 acre parcels. The Commission agreed that the request is consistent with the plan. Franz added rezoning the property will make a legal non-conforming use conforming, which as liaison to the Zoning Board of Appeals is the right thing to do.

Motion to recommend approval as requested to rezone from R-3, Single Family Residential to AG, Agriculture property located at 6159 Lahring, part of parcel 06-18-200-005

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

Motion carried

Amendment to Article 2 to modify the definition of a parking space to include car boat/trailer combinations. Chairperson Tucker called for public comments. George Dyball, 2462 Cranewood, stated concerns that each boat/trailer combination should be 1 parking space; however the addition of this combination parking should be addressed in the Ordinance as to when an addition of this type of parking space would require site plan approval. The Commission stated the proposed language is not what they were looking for to address their concerns about the change from single car parking spaces to boat trailer combination spaces. They asked that draft Piggott new language to consider in the future.

No action was taken

Amendment to Article 3 Sections 3.09 (R-3) and 3.10 (R-5) – add boat launch as a use permitted by special use permit.

Chairperson Tucker called for public comments. There were none. He explained the existing public access sites are in the R-3 and R-5 zoning districts. There was discussion about calling the sites public access launch sites to be consistent with the Townships Lake Activity Regulation Ordinance. The Commission agreed on the term public access launch sites.

Motion to recommend approval as amended to add public access launch sites as a use permitted by special use permit in the R-4 and R-5 zoning districts.

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

Motion carried

Amendment to Article 11 adding Section 11.49B design standards for boat launches.

Chairperson Tucker called for public comments. There were none. Once again the Commission discussed calling the sites public access launch sites to be consistent with the

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Townships Lake Activity Regulation Ordinance. The Commission agreed on the term public access launch sites.

Motion to recommend approval as amended to add design standards for public access launch sites as presented.

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

Motion carried

Amendment to Article 11 Section 11.63 to add provisions to allow up to 12 outdoor seats for restaurants that do not serve alcohol.

Chairperson Tucker called for audience comments. There were none. Tucker noted the language presented is as was discussed at previous meetings. The Commission agreed.

Motion to recommend approval as presented to add provisions to allow up to 12 outdoor seats for restaurants that do not serve alcohol.

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

Motion carried

Amendment to Article 6 Table 6-1 to establish the number of required parking spaces for restaurants based on seating capacity rather than sq. ft.

Chairperson Tucker called for audience comments. There were none. Tucker explained this method of calculating parking is more consistent with how units of sewer are counted. Spees stated it is another way of counting, not necessarily a better way. He added it is the way some jurisdictions calculate parking. He said he was not opposed to the change however until the Commission applies the method to a site plan it is hard to know how it will work. He suggested staff take 2 or 3 restaurants in the Township and calculate them both ways to see how they compare.

Motion to recommend approval as presented to change the way parking is calculated for restaurants based on seating capacity rather than sq. ft.

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

Motion carried

Amendment to Article 4 Section 4.20 A to increase the maximum allowable decibel level.

Chairperson Tucker stated this increase was being considered as a result of the special use permit issued to Tee Bone'z, however after deliberation and discussion he felt this is not necessary at this time. He called for audience comments. There were none. The

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Commission agreed with Tucker that this is not necessary at this time.

No action was taken

REPORTS

Review the Planning Commission Annual Report – the Commission asked that the report be forwarded to the Township Board.

COMMUNICATION

Letters from Kelly Flynn & Norman Falconer, 3394 Ponemah and Benjamin A. Green, 3422 Ponemah expressing concerns about the noise level at Tee Bone'z.

PUBLIC COMMENTS & COMMUNICATIONS CONCERNING ITEMS NOT ON THE AGENDA:

5 Minute Limit – there were none

ADJOURN: 8:39 p.m.

John Tucker, Chairman

Sandra Carlson, Secretary