

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF OCTOBER 12, 2010**

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

Chairperson Tucker called meeting to order at 7:04 p.m.
Present: Carlson, Franz, Lorraine, McGuirk, Spees, Tucker
Recording Secretary: McDonald
Absent: Richard

APPROVAL OF AGENDA:

Motion to approve the agenda presented
Motion by: McGuirk
Seconded by: Tucker
Ayes: Carson, Franz, Lorraine, McGuirk, Spees, Tucker
Nays: None
Absent: Richard
Motion carried

PUBLIC HEARINGS

R10-003 Randy Price, 4133 Lahring Rd.:

06-09-200-017 6.58+/- Acres
Rezone R-2 to AG vacant land located on Jennings Rd
Secretary McGuirk reviewed the file. Randy Price, 4133 Lahring Rd. sworn in. Price explained he approached the Township after purchasing this parcel to have it combined with parcel 06-09-200-019 which is contiguous. He was told the Township has a policy that prohibits the combination of parcels unless they are zoned the same classification. Price explained he wanted to combine these parcels under one tax parcel. Franz asked if Price planned to live on this land. Price said that is not his intention, he noted he resides at 4133 Lahring. Chairperson Tucker called for audience comments. There were none.

Motion to recommend approval to rezone from R-2, Single Family Residential to AG, Agriculture, parcel 06-09-200-017.

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

Motion carried

Zoning Ordinance Amendments

- Amendment to Article 2, (Definitions) to add definition for Filling.

- Amendment to Article 7, (Administration and Enforcement) Section 7.02 to change the format to an outline and require a zoning permit for grading or fill.

Chairperson Tucker asked Recording Secretary McDonald to explain the amendment. McDonald explained that in May 2010, the Zoning Department began looking at ways to try to eliminate the high number of complaints and calls about watercourse, storm water management and drainage problems. Amendments to the flood plain management and standards had changed and applications for letters of map amendment need now be reviewed by the Township. In looking at the current language the department found that the Ordinances were unclear with regard to when a permit for fill is required and when and how grading plans would be required and reviewed. The department began working on the current Ordinances to create a rational hierarchy of review of proposed drainage and grading. At the top end is a storm water management plan that is required for all plans that require site plan approval under

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the zoning ordinance. The zoning ordinance requires site plans to comply with the Storm Water Management Ordinance so they are appropriately tied together.

The next level is a grading plan. This ordinance applies to those activities that do not require site plan approval but have the potential of having an impact on the drainage in the area. The ordinance requires compliance with the standards in the Storm Water Management Ordinance but the informational criteria is limited to that necessary for review of storm water issues only. The principal weakness of the ordinance is that it does not provide any clear guidance as to when a grading plan is necessary.

The lowest level of review is the zoning permit. The ordinance currently requires zoning permit for most construction or changes in land use. However it does not currently require zoning permits for “grading or filling, i.e., alteration of existing topography, clearing and/or grubbing or for construction of berms”. These items should be added to the list of activities requiring a zoning permit. That way staff can review a proposed activity and determine if it rises to the level that requires a grading plan or a soil erosion/sedimentation control permit. . If not, they can issue a zoning permit. If it does, they can condition zoning approval on the grading plan and/or soil erosion/ sedimentation control permit approval.

Finally, there should be a minimum of things that a property owner can do on their own property without getting any approvals. If the activities could not in any circumstances affect drainage of adjacent properties, there should be no need for even a zoning permit. This could be addressed by revising the definition of “filling”. Currently the term is defined as “...the depositing or dumping of any matter onto, or into the ground, except common household gardening.” An alternative definition is “Placing the material to alter land contours or displace water with soil, paving, or similar material.”

Chairperson Tucker called for audience comments. There were none. The Commission agreed with staff recommendations as submitted.

Motion to recommend approval as amended

Motion by: Spees

Seconded by: Franz

Ayes: Carlson, Franz, Lorraine, McGuirk, Spees, Tucker

Nays: None

Absent: Richard

Motion carried

Review draft general ordinance – Grading

PUBLIC COMMENT & COMMUNICATION CONCERNING ITEMS NOT ON THE AGENDA:

5 Minute Limit – There were none

MINUTES: August 10, 2010 stand approved as submitted
August 31, 2010 stand approved as submitted

ADJOURN 7:57 p.m.

John Tucker, Chairperson
Minutes Posted 10/28/10

James McGuirk, Secretary