

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JUNE 14, 2012**

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

Tucker chosen Chairperson Pro Tem
Hemeyer chosen Secretary Pro Tem

Chairperson Pro Tem Tucker called meeting to order at 7:00 p.m.
Present: Franz, Hemeyer, Richard, Tucker, Warren
Recording Secretary: Sharich
Also in attendance Doug Piggott, Zoning Administrator
Absent: Carlson, McGuirk

APPROVAL OF AGENDA:

Motion to approve the agenda

Motion by: Tucker

Seconded by: Hemeyer

Ayes: Franz, Hemeyer, Richard, Tucker, Warren

Nays: None

Absent: Carlson, McGuirk,

Motion carried

UNFINISHED BUSINESS:

NEW BUSINESS:

Site Plan Review:

SP12-001 Jennings Assisted Holdings, LLC, Steve Steffey 11200 Vantage Point Dr.:

Parcel 06-33-400-026 located at the SW corner of Jennings & Owen Rd.

Requesting preliminary site plan review of a proposed Assisted Living facility

Secretary Pro Tem Hemeyer reviewed file. Kevin Cook, CHMP Engineering and Steve Steffey sworn in. Cook explained project is a 15 acre PUD designed in two phases. Phase I will include a 12,500 square foot Assisted Living facility with 20 beds. Phase II will include a second 12,500 square foot 20 bed Memory Care facility. Access to Phase I will be a private drive off Jennings Rd. The facility will be serviced by a Type 1 private well and public sanitary sewer, Cook stated they will expand the existing detention area to accommodate all storm water from this site. There will be an overall grading plan which Cook will develop with the Township Engineer. Cook stated they are looking for preliminary site plan approval at this meeting and will request final site plan approval at the July meeting. Tucker explained the process of preliminary and final site plan approval to the audience. Tucker called for audience comment, there was none. Franz questioned how much existing detention there is now on this site, Cook explained the detention is noted on sheet 3 of the plan and it shows they will be adding 30% greater capacity. Franz questioned if that was enough detention, Cook stated it is per Genesee County Drain Commission standards. Hemeyer questioned if they intended to have a permanently wet detention area, Steffey stated he prefers the wet look to a dry area. Tucker suggested the Fire Chief be consulted on the road configuration. Tucker questioned the height of the building, Cook stated it is 20 ft. in overall height. Tucker stated he wants a site plan with dimensions of both floor plan and building height noted clearly, Cook stated he will provide that in the revised site plan. Hemeyer pointed out the road right of way on the plan is only 40 ft. and the ordinance calls for a minimum of 50 ft. Piggott stated the only way a 40 ft. right of way would be allowed is if the applicant applied for and received a variance from the Zoning Board of Appeals or a change to the PUD concept plan. Hemeyer questioned the parking next to the

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pavilion which has 2 ADA approved spaces, Cook explained they are for pavilion use as there will be ADA parking spaces in the buildings parking area for the buildings use.

Motion to approve preliminary site plan of an Assisted Living facility with the following conditions:

- Change road right of way to 50 ft.
- Fire Chief approval of plan
- Identify on plan the zoning of property to East
- Identify height of building on plan
- Identify setbacks of building on plan

Motion by: Tucker

Seconded by: Franz

Ayes: Franz, Hemeyer Richard, Tucker, Warren

Nays: None

Absent: Carlson, McGuirk,

Motion carried

PUBLIC HEARINGS:

Amendments to Zoning Ordinance No. 594:

Definitions:

Article 2 -Modify the definition of light fabrication

Define fabrication

District Regulations:

Article 3.18 A - modify the M-1 Zoning District to allow redefined "Light fabrication" as a use by right

Article 3.18 C – modify the M-1 Zoning District to allow "Fabrication" as a special use permit

Zoning Administrator Piggott explained the need to modify and add to the existing definitions and to change somewhat the way we are looking at light fabrication because of the changing way business' operate and what, Piggott noted, once was considered a more intense way of operating has now changed to much less intense due to improvements in equipment, and while the operations have changed the terminology has not. Piggott went on to explain that owners of certain properties zoned M-1 feel they cannot lease to many potential clients due to Township Ordinance 594 which they feel is overly restrictive. Piggott explained when the township redrafted the zoning ordinance we tried to merge the old into the new keeping the existing uses intact but after a careful analysis there were some uses inadvertently left out. This proposal is a way to correct that issue and still be mindful of the residential properties that are adjacent to some of the properties zoned M-1. Piggott also explained there was a formal request by some of the property owners in the M-1 zoning districts for the Township Board to rezone their properties to M-2 that is not an option due to their close proximity to residential neighborhoods. Therefore it has been attempted to modify the light fabrication classification and allow some uses by right and more intense uses still by Special Use Permit. The staff has suggested a 3rd option of using ear protection as a criteria for requiring a SUP, in other words if a use requires ear protection then they also require a SUP and if not it will be a use by right. Tucker called for audience comment, Paul Martel, a representative for three properties zoned M-1, CFI 14241 Fenton Rd., 2111 Thompson Rd. and 2121 Thompson Rd. Martel stated the property owners rights have been eroded since the new ordinance was adopted in 2002 and explained the difficulties they have had getting tenets to occupy the Thompson Rd. property. Martel noted he would like to see a change to allow light fabrication as a use permitted by right and let Section 4.20, the performance standards, define the criteria at the property line. Piggott stated the

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ordinance does not prohibit certain uses just requires certain uses to get a SUP, noting the Township needs certain objective standards to determine if a business needs a SUP, they cannot wait until they are occupying a building and then make a determination. Tucker questioned if Contour Fabricators complies with the ordinance, Piggott stated because they occupied the building prior to 2002 they are a legal non-conforming use. Tucker questioned the odor issue; Piggott stated what kind of questions could he ask of a potential lessee to determine if they will comply? Piggott noted the only objectivity is in the performance standards. Tucker stated the Township cannot eliminate the M-1 zoning district because by nature it is a transition district between residential and manufacturing. Tucker stated he would like this matter postponed to July 12th meeting until staff can gather some specifications for stamping, sound and any other issues that have been raised but not answered.

Motion to postpone public hearing until July 12, 2012 meeting until specifications for stamping and sound can be identified

Motion by: Richards
Seconded by: Tucker
Ayes: Franz, Hemeyer Richard, Tucker, Warren
Nays: None
Absent: Carlson, McGuirk,

Motion carried

PUBLIC HEARINGS:

Exceptions:

Section 4.12 - modify by adding provision to except public events approved by the Township Board on Township property from zoning ordinance provisions

Piggott explained the matter of public events on Township properties was brought to the attention of the zoning committee, due to the fact Township properties are almost all zoned R-3 they would be prohibited. Piggott noted many municipalities hold fairs, summer markets and other similar events so it is not unreasonable to expect to be able to hold these events on Township owned properties. He noted the best approach is to simply change Section 4.12 Exceptions to allow the Township to be exempt from its own rules and with Township Board approval allow a temporary activity for the community on township property. Tucker called for audience comment, there was none.

Motion to recommend sending language modifying Section 4.12 to Township Board for adoption

Motion by: Hemeyer
Seconded by: Warren
Ayes: Franz, Hemeyer Richard, Tucker, Warren
Nays: None
Absent: Carlson, McGuirk,

Motion carried

COMMUNICATION: Memo from Zoning Administrator:

Use of Vacant Lakeside Lots

Piggott explained an issue has come to the forefront regarding the leasing of vacant lake lots for riparian use such as docking, using boats, picnicking and gathering on the property for parties etc. Piggott questioned if someone has leased a lake lot does that give them the rights to use the lake, in his opinion it does allow for riparian activity. The concern however is if there is a home on the property the owner has a higher level of responsibility than with vacant land,

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further with the leasing of vacant land all activity must take place outside which can present a problem for homeowners in the area. The question is – is there any legitimate rationale for not allowing the lease of vacant properties. Tucker called for audience comment, Katie Leoni 12171 Margaret Dr. noted the lot next to hers has been leased and there are constant parties with cars parked all over the street and they are, in general, a nuisance. Mike Kujala developer of Cottage Cove on Lake Ponemah stated he has leased a few of his vacant lots which have riparian rights and did not realize this is a problem with the township, he stated he has leases he must honor but he will not continue the practice. Tucker noted “We have bad people and we have laws in place to take care of these problems” these are police matters and they can be dealt with by law enforcement personnel.

PUBLIC COMMENT & COMMUNICATION CONCERNING ITEMS NOT ON THE AGENDA:

5 Minute Limit – There were none

MINUTES:

ADJOURN: 9:45 pm

John Tucker, Chairperson Pro-Tem

Scott Hemeyer, Secretary Pro Tem