

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JULY 12, 2012**

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

Chairperson Carlson called meeting to order at 7:00 p.m.
Present: Carlson, Franz, Hemeyer, McGuirk, Richard, Tucker, Warren
Recording Secretary: Sharich
Also in attendance Doug Piggott, Zoning Administrator
Absent: None

APPROVAL OF AGENDA:

Motion to approve the agenda
Motion by: Tucker
Seconded by: Hemeyer
Ayes: Carlson, Franz, Hemeyer, McGuirk, Richard, Tucker, Warren
Nays: None
Absent: None
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 final site plan review of a proposed Assisted Living facility

Secretary McGuirk reviewed file. Kevin Cook, CHMP Engineering and Steve Steffey sworn in. Cook explained the Planning Commission approved the preliminary site plan last month and now they are looking to move forward with final site plan approval, they would like in the near future to begin this project. The plans have been modified to accommodate the changes required from last meeting, the building has not changed but the road right of way has been modified to be 50 ft., the grading plan has been reviewed. Cook noted the top of the berm will be planted with evergreens to screen the commercial buildings to the north. Genesee County Road Commission has approved the entrance and Genesee County Drain Commission has approved the extension of the detention area, this project will be service by a type 1 private well system after the 2nd building is added. Cook noted he met with the Fenton Township Fire Chief and they are in agreement as to the strategy for fire suppression. Cook also noted they will complete the loop of the drive with gravel until building 2 and at that time the entire drive will be paved. Franz noted on the plan that they went from a cement wall to a wood fence for screening of the commercial area. Carlson called for audience comment, there was none. Steffey stated they will maintain the entire property with landscaping and berming. Franz questioned the height of the wood fence, Steffey stated 6 ft., Richard noted he has concerns with the maintenance of a wood fence. Tucker questioned the lighting plan, Steffey stated they have a street lighting plan which they will implement. Tucker questioned the landscape plan, Cook stated they will provide a written commentary on the plan. Richard stated he notice there was fresh dirt brought onto the property, Steffey explained they will need even more dirt for final grading. Hemeyer questioned the setback from the road right of way, Piggott stated that is a judgment call by the Planning Commission because this is a PUD there is room for flexibility.

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

- Lighting per ordinance

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- Landscaping per Section A of landscaping ordinance
- 25 ft. front setback can be waived if in compliance with PUD concept plan
- Identify sanitary sewer easement on plan
- Compliance with conditions set by Fenton Township Fire Chief
- Record sanitary sewer easement

Motion by: Hemeyer

Seconded by: Tucker

Ayes: Carlson, Franz, Hemeyer, McGuirk, Richard, Tucker, Warren

Nays: None

Absent: None

Motion carried

SP12-002 Sagebrush Cantina, Dan Zaraga 14284 Fenton Rd.:

Parcel 06-24-100-008

Requesting preliminary and final site plan approval for proposed addition to existing restaurant and changes to parking lot.

Secretary McGuirk reviewed file. Dan Zaraga, owner and Mailer Harlow, contractor, sworn in. Harlow explained this projects main issue is the parking lot and the additional spaces needed to move forward. The Genesee County Road Commission has a road project proposed in front of the restaurant and due to the entrance at this time being very confusing and not at all vehicle friendly they are going to move the entrance, reconfigure the parking area and restripe the lot which results in the additional parking spaces needed. Zaraga stated he is proposing to enclose the now open patio area to make it more user friendly, however he does not want to make a huge expensive change to the restaurant. Tucker stated the changes requested do put an additional strain onto the infrastructure which then requires additional parking, he noted the Planning Commission is not trying to be obstructionists but the Ordinance requires certain changes if there is an increase in size to the restaurant. Carlson called for audience comment, there was none. Piggott answering concerns of the Township's engineering firm review letter he stated there is no additional requirement for landscaping justified, they meet the front yard setback and there will be no need for additional drainage for this project. Staff review of the parking calculations allow for some discount due to the fact many of the business' in the mall are closed during peak restaurant times however a copy of the parking agreement between the mall owner and the restaurant owner needs to be provided. Since the lighting is already in place and will only be moved to accommodate the change in location of the entrance there will be no need for a lighting plan, also because there is no increase in impervious surface there will not be a requirement for drainage calculations. Tucker questioned why there is no need to comply with the landscaping standards, Piggott stated this is not an expansion therefore they do not need any further landscaping. Tucker questioned Zaraga about the joint parking agreement rights, Zaraga stated the shared parking agreement is forever. Hemeyer noted the parking spaces, as proposed, are 9 ft. wide and the ordinance requires 10 ft. spaces, Tucker explained to Zaraga that he either needs to enlarge the spaces or seek a variance from the Zoning Board of Appeals. Tucker stated, clearly this plan is not ready for final site plan approval.

Motion to approve preliminary site plan approval

Motion by: Tucker

Seconded by: Franz

Ayes: Carlson, Franz, Hemeyer, McGuirk, Richard, Tucker, Warren

Nays: None

Absent: None

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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

Piggott explained a new approach is to divide "fabrication" into two classifications, light fabrication and fabrication, with the intent to regulate through whether a use needs ear protection as stipulated by MIOSHA standards or whether it does not require ear protection. Piggott noted there are three alternatives first this is better than nothing, second find a way to regulate by other means or third allow fabrication as a use permitted by right and let Section 4.2 regulate after a use is occupying a building. Much discussion took place with no clear consensus as to what would be the best way to protect both the property owner's rights and the homeowner's rights. It was decided further study needs to be done to try and accomplish a compromise.

Motion to postpone public hearing until August 9, 2012 meeting to rewrite ordinance changes

COMMUNICATION:

PUBLIC COMMENT & COMMUNICATION CONCERNING ITEMS NOT ON THE AGENDA:

5 Minute Limit – There were none

MINUTES:

ADJOURN: 9:35 pm

Sandra Carlson, Chairperson

James McGuirk, Secretary