

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF JUNE 13, 2013**

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

Chairperson Pro-Tem Tucker chosen  
Secretary Pro-Tem Warren chosen

Chairperson Pro-Tem Tucker called meeting to order at 7:13 p.m.  
Present: Franz, Hemeyer, Richard, Tucker, Warren  
Recording Secretary: McDonald  
Absent: Carlson, McGuirk

Chairperson Pro-Tem Tucker explained item R13-002, Steven Bailey's rezoning request from AG to C-1 property located on the southwest corner of Jennings Rd. and Autumnwood Dr. has been removed from the agenda because of a notification problem.

**APPROVAL OF AGENDA:**

Motion to approve agenda as amended

Motion by: Franz  
Seconded by: Tucker  
Ayes: Franz, Hemeyer, Richard, Tucker, Warren  
Nays: None  
Absent: Carlson, McGuirk  
Motion carried the agenda stands as amended

**PUBLIC HEARINGS:**

**SUP13-001.a.b.c Fenton Moose Lodge, 2245 Sonora Dr. Fenton:**

06-11-527-028

2245 Sonora

Special use permit for a. restaurant with outdoor seating, b. restaurant with live entertainment and for c. outdoor speakers

Secretary Pro-Tem Warren, reviewed the file noting it contained an e-mail from Michael & Barbara Nigro, 12068 Brown, stating concerns about outdoor music and a petition signed by 25 people opposing the use of outdoor speakers. Joe Gilbert, Governor of Fenton Moose 430 was sworn in and explained the request to have live entertainment indoors and seating with outdoor music on the patio. Gilbert submitted a memo from the Moose attorney Ricky Carlson which referred to the Townships noise/amplified sound ordinances. Tucker explained the amplified sound ordinance is for temporary outdoor events. The requirement for a special use permit for outdoor speakers is what is being considered tonight. Chairperson Pro-Tem called for audience comments. The following people spoke. William Penn, 12178 Mantawauka, Richard Elias, 12224 Mantawauka, Sam Morrello, 12190 Mantawauka, Fred Parvizi, 12098 Mantawauka, Diane Wedell, 2267 Sonora and Michael Conway, 4401 Silver Lake Rd. There concerns were about the use of the outdoor speakers. They stated the sound of loud voices from the Moose already travels across the lake and having outdoor entertainment/outdoor speakers will only add to this noise. All stated they did not have an issue with live entertainment and music indoors nor did they object to the outdoor seating. They strongly opposed the use of outdoor speakers. Bill Lennox, 2470 Crane supported the request adding there are decibel levels that could be enforced to mitigate the noise as a problem. These levels could be limited and monitored. Tucker explained sound levels are hard to enforce and what is loud to one person may not be to another. The Commission explained outdoor music has been a problem in the Township in the past especially on the lakes. They explained maintaining and monitoring decibel levels is a very difficult thing. Tucker stated if a decibel level is set some people in the neighborhood will be okay and other still will not be happy.

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Motion to grant a special use permit for outdoor seating

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

Motion to approve carried

Motion to grant a special use permit for live entertainment indoors

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

Motion to approve carried

Motion deny a special use permit for the use of outdoor speakers based on the finding that outdoor music is not harmonious with the surrounding residential neighborhood.

Motion by: Hemeyer  
Seconded by: Tucker  
Ayes: Hemeyer, Richard, Tucker, Warren  
Nays: Franz  
Absent: Carlson, McGuirk

Motion to deny carried

**SUP13-002 Charter Township of Fenton, 12060 Mantawauka Dr. Fenton:**

06-21-300-004

4344 Silver Lake Rd.

Special use permit and preliminary site plan: utility building & use and a public park

Secretary Pro-Tem Warren reviewed the file. Penelope Sharich, Charter Township of Fenton explain a brief history of the sewer upgrades that were mandated by the State of Michigan in 2000. She stated the Township is seeking a special use permit for utility building for which they have a plan. She added the Township would like to use the remainder of the parcel for a public park, however there is no formal plan for a park at this time. Sharich explained the Township acquired a tax reverted parcel on Thompson Rd which was too small for a building that would meet the Townships needs. This 18 acre parcel reverted back to the Township in the same way and is more than adequate in size for the building. The plan, if the special use permit is granted is to locate the building 62 ft. from the east property line and over 400 ft. from Silver Lake Rd. to create a large buffer area. The proposed building would be 60 X 100 ft. with 5400 sq. ft. of storage and a 600 sq. ft. office. The building will be used for storage of materials used in maintaining the Townships sewer system for example generators, pumps, manhole covers etc. The proposal is for an overhead door facing Silver Lake Rd. however the area is heavily wooded and the proposed location is isolated. Landscaping will be provided as required to create the necessary screening. The proposal is for a gravel driveway and parking area for 6 required parking spaces. There will be some storage of sand or gravel at the rear of the building between the building and the railroad tracks. Sharich stated the Township does not own trucks or have employees that do this work it is all contracted. The building will house the materials the Township has to purchase for maintenance. Franz asked if the contractors will be allow to store items on this site. Sharich stated only Township equipment will be stored. Franz asked if the office would be manned and what hours. Sharich said there is no plan to man this office. Chairperson Pro-Tem Tucker called for audience comments. The following people spoke; Blair Miller, 4410 Silver Lake Rd., Richard & Charlene Sobanski, 15302 Silver

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Ridge, Don Allwelt, 15014 Pinewood Tr., Dan Hack, 4306 Lake Farms Ct., Wendy Domke, 15046 Pinewood Tr., Fred McCaskill, 4370 Silver Lake Rd., Michael Conway, 4401 Silver Lake Rd., Lee Churchill, 14135 Pinewood Tr. and Kilsum Bhimani, 15301 Curtwood. There concerns were as follows; objections to a public park, the size of the building, setting a precedence for commercial development of the area, traffic, truck traffic, unsightly pole construction, wasting taxpayer money to build a building, drainage, fuel storage, local bus stops in the area, speed limit, outdoor storage, lack of a feasibility study, conflict of interest for the Township to review and approve a Township building, decreased property values, plenty of vacant properties available – no need for a new building, turning this parcel into a dumping ground for old used equipment, lack of screening in the winter months and the proposed use not a good fit for this rural area. Tucker said the Township has investigated many options and done a cost analysis. He explained the Township is currently renting a facility at a cost of \$70,000.00 per year, this parcel came back to the Township at no cost and recently the Township sold a number of tax reverted subdivision lots for around \$250,000.00 part of which could offset the cost of building this building. With the cost of rent this building will pay for itself in 3 to 3 1/2 years. Tucker noted the Township has looked at other buildings and other sites. Tucker pointed out the Township is not the agency to enforce traffic, speed limit and bus stop issues. He added drainage and buffering will be address at the time of site plan approval. An audience member asked about noise from running the generators from time to time. Lawrence, Township Engineer stated you will not here them outside the building.

Motion to approve a special use permit for a public utility building with the following condition: Outdoor storage allowed only between the railroad tracks and rear of the building.

Motion by: Franz  
Seconded by: Tucker  
Ayes: Franz, Richard, Tucker, Warren  
Nays: Hemeyer  
Absent: Carlson, McGuirk

Motion carried

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

5 Minute Limit – There were none

**MINUTES:** May 16, 2013 stand approved as presented

**ADJOURN:** 11:03 p.m.

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John Tucker, Chairperson Pro-Tem  
**Minutes Posted 07/02/13**

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Donna Warren, Secretary Pro -Tem