

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF JULY 10, 2014**

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

Chairperson Pro-Tem Tucker chosen

Chairperson Pro-Tem Tucker called meeting to order at 7:02 pm

Present: Franz, Hemeyer, McGuirk, Richard, Tucker, Warren  
Recording Secretary: McDonald  
Absent: None

**APPROVAL OF AGENDA:**

Motion to approve agenda as presented

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

Motion carried the agenda stands as presented

Chairperson Pro-Tem Tucker explained meeting procedure.

**PUBLIC HEARINGS:**

**R14-001 Steve Steffey/Jennings 16, LLC, 11200 Vantage Pointe Dr. Fenton:**

06-33-400-032

12692 Jennings Rd.

Requesting to amend the PUD, Planned Unit Development for Vicinia Gardens

Secretary McGuirk reviewed the file and read email received from Dominic Diamond, homeowner in the Crossings stating concerns about the water supply. Steve Steffey, Jennings 16, LLC was sworn in. Steffey addressed the concern by stating the project is served by a type 1 well which is regulated by the DEQ there are 2 wells and they are at a depth of 150 ft. He added all reports have and still show the aquifer is solid with a plentiful supply. Tucker asked about arsenic. Steffey stated there are small amounts of arsenic and the water must be treated according to the DEQ protocol. Steffey introduced Jeffrey Anderzhon, Senior Planner/Architect for Eppstein Uhen Architects, Inc. 6750 Westown Parkway Ste. 200-150, Des Moines, Iowa. Steffey explained that he has completed phase I of this development. He noted that his expertise is in the assisted living and memory care portion of the overall aging in place concept. When he began looking forward to developing the remainder of project he enlisted Anderzhon who has more knowledge in the independent living aspect of the planned project. Anderzhon explained the changes to the PUD include a 20 bed skilled nursing facility which will serve as a rehabilitation facility. He added the increase in the number of units in the apartments is necessary in order to provide the amenities need to create the type of facility that would include things like a movie theater, shops and a salon. The additional height being requested is to improve the aesthetics of the apartment building and allow for 9 ft. ceilings in the individual units. He noted they have had a conversation with the Fire Chief who stated he did not have a problem with the height if the building was equipped with the proper fire suppression system. Chairperson Pro-Tem Tucker called for public comment. The following people spoke, Doug & Leslie Hansen, 16205 Aspen Hollow and Kim Frieling, 16190 Aspen Hollow Ct. There concerns were as follows, many of the neighbors are on vacation and do not know about this meeting, run off from the project and flooding at the entrance to the Crossings of Silver Ridge on Silver Chase Blvd. increase in traffic, water quality and quantity, the height of the apartment building, many of the services the increased number of apartment units will support are already available in the immediate area, the elimination of several of the single family homes in the development that were suppose to serve as a buffer, lighting, noise and the safety, care and dignity of the residents living in this project. Will

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Stiverson, 2316 Grove Park spoke in support of the development stating this type of facility is needed in the Township. Tucker asked if Steffey was using the subdivision street for construction traffic. Steffey explained the retention pond had to be enlarged and the contractors did use that entrance. He noted Silver Chase Blvd. was in very bad shape even before they began construction. He added this phase of the development will, for the most part, access from the construction drive off of Jennings Rd. Franz noted maintenance of the roads in that subdivision is done by the Genesee County Road Commission. Tucker asked about the time frame for construction in this phase. Steffey said they would like to begin in 2015. Steffey also addressed the concern about the amenities being a duplication of services already in the area. He explained the concept of aging in place and the ability for people who live in the development not to have to leave to enjoy these facilities. He said he would be speaking with the managers of the existing facilities to address concerns about the care and dignity of the existing residents. McGuirk asked about the single family dwelling units and the ability of these units to still provide a buffer for the rest of the project. Steffey showed renderings of the units and the diversity in design he also noted that there is a large area of very tall dense pine trees in the Crossings that already provide buffering. Steffey also noted this development is a low traffic generator.

Recommendation to the Township Board to amend the PUD for Vicinia Gardens as requested, adding a 20 bed skilled nursing facility, changing overall number of units from 161 to 205 and the height of the apartments from 40 ft. to 47 ft.

Motion by: McGuirk

Seconded by: Tucker

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

Nays: None

Absent: None

Motion carried

**SUP14-002/SP14-001 AT&T Mobility Corpotation, 16025 Northland Dr. Southfield:**

06-12-400-009

1140 Butcher Rd.

Requesting a special use permit and site plan approval for a new wireless communication facility. Secretary McGuirk reviewed the file. Steven Wells, Zoning Counsel for AT&T, Schnelz Wells, Attorneys at Law, 280 North Old Woodward, Ste 250, Birmingham, Brain Norman, Director of External Affairs, AT&T, 502 Beach St. Flint and Dan Mondrella, Fortune Wireless, Inc. 6402 Corporate Drive, Indianapolis, IN were all sworn in. Norman explained wireless coverage, services and statistics. He noted that the escalation in the number of people using wireless service is increasing at rate that far exceeds the facilities needed for coverage. Mondrella went through the site plan packet and explained each sheet stating AT&T is leasing a 75 ft. X 75 ft. area of the Lake Fenton Sportsman's Club for the location of their facility. The site will be accessed by a 10 ft. wide gravel driveway and have a security gate. The zoning of the property is AG and it is surrounded by residential zoning and is in an area where coverage is poor. The tower itself is over 200 ft. from any property line and it is proposed to be 170 ft. in height. The plan shows their shelter and areas for 3 future co-location shelters. The tower itself shows the AT&T array and future co-locations for 3 additional arrays. Tucker referred to the enlarged site plan for the lease area and asked about the wood platform. A representative from the sportsman's club explained that is a shooting tower for archery. Tucker stated concerns about the fall zone for tower and the distance between it and the wooded platform. Mondrella explained this type of tower is designed to collapse upon itself, if it were to fall it would fall within 85 ft. and would not reach that platform. Richard asked about an alarm system for the shelter. Mondrella stated there is no way for someone to enter these prefab structures by force. He went on to explain all utilities will be underground, the tower structure is galvanized and the tower will be engineered if approved with a report to the Township with the building permit application. Chairperson Pro-Tem Tucker called for public comments. The following people spoke. Sam Yaldo, McCully Lake Investments LLC, 944 Brahms, Troy owner of residentially

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zoned property to east of the sportsman's club and Mary Ann Hess, 12414 Gage, there concerns were as follows; both said they did not have a problem with the tower, Yaldo stated concerns about it's location in relation to phase III of McCully Lake Estates and salability of lots so close to this tower. He noted the club is on a large piece of land and it could be located further north, this location is only 212 ft. from his residential development planned for a platted subdivision. He asked that the Commission discuss moving the tower further to the north. Hess asked about the timing for construction and stated concerns about the sportsman's club the noise, the hours of operation and the ability for them to make money by leasing to AT&T and the condition of Butcher Rd. Norman stated the tower is for the local residents and it should enhance the sale of property because people want to know their phones will work. Tucker asked if they had investigated locating it further north on this property. Mondrella said this location has been chosen because it is high enough to set a 170 ft. tall structure that will not have to be lit. It also will provide the desired propagation coverage desired. He referred to the propagation maps showing poor coverage that exists going to good to very good with the installation of the proposed tower.

Motion to grant a special use permit for a new wireless communication facility as requested.

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

Motion carried

Motion to grant site plan approval for a new wireless communication facility as requested.

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

Motion carried

**SP14-002 Don Doyle, 1335 Butcher Rd. Fenton:**

06-24-200-022

located off Crystal Pointe Circle

Requesting site plan approval for a private road

Chairperson Pro-Tem Tucker asked to abstain because of his relationship to one of the applicants.

Motion to allow Tucker to abstain

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

Motion carried

Secretary Pro-Tem Warren reviewed the file. Don Doyle, 1335 Butcher Rd. was sworn in. He explained request for site plan approval for a private road to access 4 large parcels. The road will be constructed of asphalt and the sewer and road will be built to Township standards. Chairperson Pro-Tem McGuirk called for public comment. The following people spoke; Julie Lutz, 1247 Crystal Pointe Cir, and Carol Sherwood 1243 Crystal Pointe Cir. There concerns were as follows; drainage and the addition of more run off in an area that already does not drain properly, they wanted questions answered about how much more additional run off would be generated and how it would be handled so as not to flood their properties. They also had concerns about increased traffic, lack of

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communication with the Crystal Pointe residents and Tuckers involvement with the sale of this parcel to his son. Doyle addressed the run off question by stating their plan is to improve the drainage with curb and gutter directing run off water into a pond on their property. Tucker explained he voted on number of tax reverted parcels in the Township to be sold to the highest bidder in a well publicized sealed bid process. Hemeyer stated the plan presented does not have enough information to enable the Commission to make a decision. He pointed out deficiencies include a road cross section, the size of the proposed pond, topography, slope of the proposed road, existing and proposed drainage and grades and the cul-de-sac radius to mention a few. The Commission agreed there was not enough information to make a decision based on this plan. They suggested the item be postponed until the special meeting on July 28, 2014. Hemeyer said he will not be able to attend that meeting and suggested the Township engineer review the plan prior to that meeting.

Motion to postpone action on this item to July 28, 2014 due to lack of information on the site plan presented.

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

Motion carried

**R14-002 DeAcres LLC, 255 N. Alloy Fenton:**

06-12-300-012

vacant land Fenton Rd.

Requesting to rezone from R-3, single family residential to AG, Agriculture  
Secretary McGuirk reviewed the file. Brent DeGayner, 12350 Windsor Bch. was sworn in and explained his request to rezone this property to AG, to build a pole barn and use this property for his hobby farm and recreation area for riding their four wheels and dirt bikes. Chairperson Pro-Tem Tucker called for public comments. The following people spoke; Tammy Beck, 1297 Victoria and Anthony Rinks, 13044 Fenton Rd. Beck said she did not have a problem with the four wheelers or a pole barn but stated concerns about living in close proximity to a farm with the smells, pesticides and fertilizers. Rinks said they are already riding cycles and four wheelers. He added concerns about the location of the pole barn and what could be done with the property once it is zoned AG. Tucker asked about the location of the pole barn. DeGayner said that has not been determined and added there are several areas of the property that have good soils and he has planted some small areas of crop plants. Richards questioned the applicants definition of a hobby farm. DeGayner replied he does not plan to make a living farming and at this time does not plan on having farm animals. He wants to use the land for recreation and the plots that have been planted are for wildlife and he needs a building on the property to store the four wheelers and a tractor and plow. McGuirk stated all of the things DeGayner has stated he wants to do with the property can be done in R-3 zoning except the barn which would require a variance in AG as well as R-3, he said he does not see the need for rezoning. DeGayner said he does not intend to develop the land. Tucker referred the Future Land Use plan which designates this land a medium density residential. Tucker asked where his tractor and recreational vehicles are currently stored. DeGayner said at he and his families homes. He noted that crossing Fenton Rd. at this property is dangerous and he would prefer to leave the equipment there but fears vandalism. Tucker stated concerns about zoning 80 acres AG and the consequences of uses allowed by the Right to Farm Act with so much of the surrounding property zoned residential. Warren stated she did not see the need to rezone for DeGayner to use his property as it is zoned as he has stated. Franz agreed. McGuirk said the request is not consistent with the Future Land Use plan.

Motion to recommend the Township Board deny request to rezone from R-3, single family residential to AG, Agriculture because it is not consistent with the Future Land Use plan

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

Motion carried

**PUBLIC COMMENT CONCERNING ITEMS NOT ON THE AGENDA:** 5 Minute Limit - None

**COMMUNICATIONS:** Reminder Special Meeting July 28, 2014

Fox Chase Farms

Zoning Administrator, Doug Piggott explained that a problem has come up with set back issues in the Fox Chase Farms Development at the corner of Linden and Owen Roads. He described the problem is in 2000 the Planning Commission approved a site plan for this development that showed a small drawing of a typical unit with a 40 ft. front set back and 25 ft. rear set back for units that back up to common areas. The property is zoned R-3 and the Planning Commission does not have the authority to reduce the rear yard set back from the required 35 ft. Piggott said he has researched the issue and there is nothing in the minutes of the Planning Commission meetings at which the preliminary or final site plans were discussed and approved indicating that the Planning Commission was approving set backs different then what was required by the zoning ordinance. Piggott said based on this information it is his determination that current zoning ordinance set backs apply to all of the units in Fox Chase Farms regardless of whether they back up to common area. He asked the if the Planning Commission remembered this differently or if they supported his determination. The Commission stated they did not remember nor could they reduce a set back in the R-3 zoning district. They voted unanimously that they supported Piggott's determination. Piggott went on to state that the Fox Chase Farms Association could enforce the 40 ft. front set back but that would be a civil matter between the association and the applicant. Building and zoning permits will be issued with a 30 ft. front yard set back and a 35 ft. rear yard set back.

**MINUTES:** June 12, 2014 stand approved as submitted

**ADJOURN:** 10:39 p.m.

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John Tucker, Chairperson Pro-Tem  
Minutes Posted 07/24/14

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Jim McGuirk, Secretary