

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF AUGUST 14, 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 7:00 pm

Present: Hemeyer, McGuirk, Richard, Tucker, Warren
Recording Secretary: Zoning Administrator Piggott
Absent: Franz

APPROVAL OF AGENDA:

There being no corrections, the agenda was approved as submitted

Chairperson Pro-Tem Tucker explained meeting procedure.

PUBLIC HEARINGS:

LS14-001 Donald & Shirley Williams, 15114 Roberts Dr. Fenton:

06-27-501-032 & 06-27-501-034

15114 Roberts Dr.

Requesting to divide platted lots 61 & 62 of Supervisor Plat of Ponemah Bch.

The applicant was not in the audience so a motion was made by Tucker, seconded by Richard to table consideration until later in the meeting.

SUP14-004/SP14-004 Joseph W. Hood/Joseph Auto Sales, 17195 Silver Parkway #412, Fenton:

06-02-300-050

11293 Torrey Rd.

Requesting a special use permit and site plan approval for rental and sales of automobiles.

Richard disclosed that he works for the applicant and requested he be allowed to abstain.

Motion to allow Richard to abstain from participation in SUP14-004/SP14-004

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

Secretary McGuirk reviewed the file and noted that no sealed plans were included in the application. Joe Hood, Joseph Auto Sales was sworn in. Mr. Hood began his presentation describing the series of circumstances involving GM's bankruptcy and the elimination of the Pontiac brand that result in the closing of his dealerships, and which ultimately resulted in him operating by lease from a small building on the site of his former dealership. His lease is up and he is looking for a new site to begin a new enterprise of Uncle Joe's Used Car lots featuring Cars4Kids™. It will be a series of used car lots specializing in affordable cars for young, first time car buyers. The site he is proposing to acquire and develop as one of the first sites is currently owned by First Merit Bank located at 11293 Torrey Road. The operations will consist of "sales only" and will not include any repair facilities or house any chemicals relative to the automobile business. Cars arriving on the lot will be delivered one at a time. There will be no "haul-a-way" trucks impeding any traffic on Torrey or Thompson roads. The dealership is expected to sell 65-70 cars per month and anticipate the volume of consumers on the lot being in the area of 150 to 200 guests per month. The store will not display

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blow up creatures, open hoods, balloons, flags, streamers typically associated with "used car lots". There would be no outside paging by loud speakers.

The project would be in three phases;

- Phase one of the plan is to utilize the property as it is with 26 parking spaces of which seven will be designated for consumer parking
- Phase two would involve a site plan application for an additional 10% impervious surface to be installed this winter
- Phase three, anticipated in the spring of 2015 would involve an additional site plan application for full expansion of the impervious surface and complete the landscape in order to maximize the lot and the available display parking

McGuirk asked if the applicant was requesting Special Use Permit approval at this time or site plan approval. Hood responded that he is only requesting SUP approval for the site as is. Tucker asked how confident he is that he will be expanding to the full site this spring. Mr. Hood stated he was 100% confident. Tucker stated he was concerned that the current proposal has the landscaping tied to the Phase three only and if Phase three does not get built until much later the site would be operating without proper landscaping. He noted that the ROW and 10% site landscaping requirements of Article 10 would need to be met. Mr. Hood indicated he would prefer the landscaping not be required until at least Phase two because he did not want to impact drainage on the site. Tucker noted that because there was a resident to the east, that the buffer requirements of Article 10 would also apply. McGuirk asked about hours of operation and Mr. Hood replied they would be Tues, Wed and Friday 9 am to 6pm, Mon and Fri 9 am to 8 pm, Sat 10 am to 4 pm. Warren asked if the offer referred to in the application has been accepted and asked him to describe restrictions referred to. Mr. Hood indicated that the offer has been accepted by the bank and the restriction is that he cannot sell the building to another bank for the next 10 years. Warren asked about signage. Mr. Hood said that they are proposing a monument sign to replace the current pole sign and he understands he would need to apply for a sign permit before erecting one. Warren asked if the vehicles would be brought in by transport truck. Mr. Hood responded that the vehicles are prepped in their facility in Warren and then driven individually to their sales lots. Chairperson Pro-Tem Tucker called for public comments. There were none.

Motion to grant SUP and site plan approval to Phase I of the proposed use with the following conditions:

- Retail sales of automobiles only, no repair work
- The site is to be brought into compliance with Sections 10.03, 10.05 and 10.07 of the zoning ordinance by 7/1/15
- The store will not display blow up creatures, open hoods, balloons, flags, streamers typically associated with "used car" lots other than a US Flag
- No outdoor paging speaker system
- The hours of operation shall be Tues, Wed and Friday 9 am to 6pm, Mon and Fri 9 am to 8 pm, Sat 10 am to 4 pm.
- The existing pole sign shall be replaced with a monument sign following submission of a sign permit

Under discussion of the motion Hemeyer asked for clarification of what site plan approval was being granted. Consensus was that it was site plan approval of the facility "as is", any changes to the site proposed as part of Phases 2 or 3 would require further site plan approval. Warren asked if the side buffer should be required now. Consensus was that the current sales area was set far enough back on the site that it is buffered by existing vegetation.

Motion by: Tucker

Seconded by: McGuirk

Ayes: Hemeyer, McGuirk, Tucker, Warren

Nays: None

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Abstain: Richard
Absent: Franz
Motion carried

LS14-001 Donald & Shirley Williams, 15114 Roberts Dr. Fenton:

06-27-501-032 & 06-27-501-034 15114 Roberts Dr.

Requesting to divide platted lots 61 & 62 of Supervisor Plat of Ponemah Bch.

The item tabled previously in the meeting was brought back to the Planning Commission. Secretary McGuirk reviewed the file and stated it was complete. Diane Huber, daughter of the applicant was sworn in. Ms. Huber explained that her parents wanted to add 80' on to the frontage of the lot their house sits on in order to keep the driveway that serves their home on the lot with the home. Tucker asked about specific buildings that showed up on the aerial of the property. Some of what looked like small buildings was actually farm equipment. All of the buildings will be on the Williams property with the home and appear to comply with side yard setback requirements. Chairperson Pro-Tem Tucker called for public comments. There were none.

Motion to approve the division of platted lots 61 & 62 of Supervisor Plat of Ponemah Bch. As presented

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

NEW BUSINESS

SP14-003 Al Morrison/Phoenix Dental, 3452 Thompson Rd. Fenton:

06-03-100-006 11224 Phoenix Dr.

Requesting a special use permit and site plan approval for a storage facility (indoor & outdoor) for watercraft/marine vehicles.

Secretary McGuirk reviewed the file and stated it was complete. Al Morrison and Jeffery Cox were sworn in. They explained that they currently store their boats and boats for friends and others at their current business next door at 3452 Thompson Road. They would like to use the property for a mixture of private and commercial storage, including boats and RV's. Piggott noted that commercial storage is a different use that is not permitted in the M-2 zoning district as either a permitted use or a use allowed by special use permit. They indicated they understood and would only be storing marine vehicles or their own personal vehicles. Shawn Africa commented that there is a need for additional boat storage in the community. McGuirk asked about fencing. Mr. Morrison replied that a portion of the site would be fenced but that access to a portion of the site is impeded by the Indian Creek reservoir. Hemeyer accessed about connection to water, sewer or electricity. Mr. Morrison noted that the site is intended for cold storage at this time although electricity and heat might be added. Chairperson Pro-Tem Tucker called for public comments. There were none.

Motion to approve the special use permit for marine services as presented

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

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Motion to grant preliminary site plan approval for marine services as presented

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

PUBLIC COMMENTS CONCERNING ITEMS NOT ON THE AGENDA: 5 Minute Limit

There were none

COMMUNICATIONS: Letter from Steve Bailey requesting clarification as to the definition of neighborhood commercial.

Mr. Steve Bailey discussed the letter he had submitted to the Planning Commission. He reminded the Planning Commission that he had previously submitted a rezoning for a parcel to C-1 and during the Planning Commission discussion of his request at their public hearing, some of the Planning Commission members had stated that they did not believe that one of the proposed uses (window sales) was a permitted use in C-1 under the classification Retail Sales, Neighborhood. He discussed this with Piggott and Piggott recommended that before he resubmitted his rezoning request he should have the issue clarified. McGuirk stated that he felt that the use was not a local type of use, but more of a retail use. Tucker noted that when the Master Plan discussed local uses in areas planned for medium density commercial neighborhoods that this was the not type of use that was intended. McGuirk noted that it was more of a C-2 use. Bailey asked what the position of the Planning Commission if he revised his request to C-2. McGuirk responded that in his opinion C-2 would be spot zoning. Tucker asked if there was any member of the Planning Commission who felt that window sales fell under the classification Retail Sales, Neighborhood. There were none. Bailey stated that his next option would be to go to the ZBA and ask them to classify his use as either a C-1 or C-2 use.

Piggott described the proposed amendment to Section 5.03 Non-conforming Structures. It is intended to allow owners of nonconforming residences with relief when they cannot get bank financing due to their nonconforming status. It would allow nonconforming residences destroyed due to fire or natural disasters to be rebuilt on the same footprint provided they began with a year of the destruction.

Motion to initiate the amendment with a public hearing next month:

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

MINUTES: July 10, 2014 stand approved as submitted
July 28, 2014 stand approved as submitted

ADJOURN: 8:28 p.m.

John Tucker, Chairperson Pro-Tem
Minutes Posted 09/01/14

Jim McGuirk, Secretary