

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF APRIL 16, 2015**

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

Chairperson McGuirk called meeting to order at 7:00 pm

Present: Franz, Hemeyer, McGuirk, Richard, Tucker, Warren
Recording Secretary: McDonald
Absent: Cypher

APPROVAL OF AGENDA:

Chairperson McGuirk explained that item number SP15-001 Crystal Pointe Homeowners Association will not take as long as the public hearings and suggested this item of new business be moved to the beginning of the agenda. The Commission concurred.

Motion to approve agenda as amended

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

Motion carried the agenda stands as amended

NEW BUSINESS:

SP15-001 Crystal Pointe Homeowners Association:

06-24-626-019 through 06-24-626-024

Crystal Pointe Ct.

Site Plan Amendment: convert 6 units never built into the general common element

Secretary Warren reviewed the file. Julie Lutz, 1247 Crystal Pointe Cir., board member Crystal Pointe Homeowners Association was sworn in. She explained the request to add 6 units that were not built into the general common element. She stated the association had purchased these units and would like to see the area left undeveloped. Chairperson McGuirk called for public comments. There were none.

Motion to grant approval of a site plan amendment to convert 6 units that were never built into general common element

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

Motion carried.

PUBLIC HEARINGS:

R15-001 Phillip R. Hagerman, Trustee JH GST Trust, 15171 Pinewood Tr. Linden:

06-28-200-043

15135 Pinewood Tr.

Rezoning from R-3, Single Family Residential to AG, Agriculture, with conditions

Secretary Warren reviewed the file. Phillip Hagerman, 15171 Pinewood Tr. was sworn in. He explained his intention to purchase this property currently referred to as Sail Away Farms and continue to use the property and the barn for equine activities as it has been for the past 20 years. He noted he is asking for a conditional rezoning to limit the uses to those equine related only. Chairperson McGuirk called for public comments. George Rizik, attorney for the Churchill's (current owners of the property) stated they are selling the property to Hagerman, he

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requested that if a motion to recommend approval is passed they wish to have language added to the conditions that the rezoning of the property will not become effective until a statement of the conditions is accepted by the township and is executed and recorded by the fee simple owner of the property within 120 days after the expiration of the 7 day period for filing of a referendum. The language also stated that if the fee simple owner of the property has not recorded the statement of conditions within the 120 day period the rezoning will not take place. Franz noted a reference in the statement of conditions on page 2 that states upon approval of the city. Tucker asked why they were seeking rezoning. Hagerman stated the rezoning would allow for maintenance and management of the facility in a manner consistent with it's current use. He deferred to his legal consultant James Adams, Butzel Long Attorneys, 301 East Liberty Street, Ann Arbor who explained Hagerman's intent to improve the property and make it a first class equine facility. He noted the barn needs to be maintained and there is a possibility that it may be enlarged. He added there will be new and possibly additional fencing and aesthetic changes. Tucker asked if Adams had looked at the Future Land Use Plan. Adams said he did not see any reference to AG zoning in the plan. Tucker explained the Township recognizes that there are existing parcels that are zoned AG but this area is future land use planned for residential. Adams explained that the request is to continue to use it as it has been historically used and the surrounding zoning is comprised partly of larger parcels that are still zoned AG, the 13 acres to the north is part of this purchase and just to the west there are several acreage parcels that are zoned AG as well. He added this parcel will be used in conjunction with the 13 acres to the north. He also noted that using this parcel for residential development is not economically feasible. Tucker noted the conditions offered do not speak to the number of equine units that will be on the parcel. Hagerman stated he is not sure how many horses he will have. Lee Churchill, 15145 Pinewood Tr. (owner of the property) stated there are 28 stalls currently. He said the property was rezoned to residential at some point in time without their knowledge. Richard stated concerns about the odor and asked how the spoils would be handled. Churchill explained the spoils are mixed with saw dust and spread on the field, there is very little odor and it dissipates very rapidly. Richard said that his concern is the number of horses increasing and the ability for the disposal of the manure. Hagerman said he has no intention of having more horses than the property can handle he just did not know how many they would have at this time. There was discussion about the number of horses and Hagerman offered a limit of 50 horses. He emphasized he did not know the number but would be comfortable in stating that the number would not exceed 50. Adams offered to include this in the statement of conditions. Tucker noted there were a couple of language changes he wanted to see in the statement. These changes are not substance related just the wording. Adams said he would work directly with Tucker to clarify the verbiage.

Motion to recommend approval to rezone from R-3 to AG with the presented statement of conditions including a maximum number of horses not to exceed 50, include the language Rizik presented and minor language changes that Tucker referred to.

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

R15-002 Corlin Builders, 3407 Torrey Rd. Flint:

06-11-200-030, 06-11-100-001, 06-11-504-009 & 06-11-504-010 Sonora (former Lang's Marina)

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Rezone from C-2, General Business and R-5, Single Family Residential to PUD, Planned Unit Development

Secretary Warren reviewed the file. She indicated there was a letter in the file that would be read at the time of public comment. Kevin Cook, Engineer, CHMP, 5196 Territorial, Grand Blanc was sworn in. He explained he is representing Khalil & Elizabeth Saab in this proposal to redevelop the former Lang's Marina to a residential development. He explained the request is for 6 attached single family units that will front on Ford St., 3 detached single family lake front units and 2 single family detached non lake front units. He explained the issues with Sonora Dr. are mainly with the sharp turn and the fact that the road is partially public and partially private. He indicated the benefit offered by the developer is to improve Sonora Dr. eliminate the public boat launch and improve the property as a whole. He indicated the lake front units would each have their own dock and the 6 attached units and 2 off lake units would share a common dock that is within the guidelines of the ordinance with regard to redevelopment of a PUD for marina properties. Chairperson McGuirk called for public comments. Jeff Polidan, 12085 Brown St. stated concerns about the units fronting on Ford St. He stated his property is on the corner of Ford St. and Brown, his concerns were off street parking for the attached units, the set back from Ford St. the condition of Ford St. blocking his views of the lake and the dock location. Charlie Kuta, 2273 Sonora, stated concerns about relocating the entrance to the sailing club. He noted his house is the last house before that entrance and if the road is moved in that area he has concerns with access. Cook explained there is no plan to change the sailing club entrance. Kuta said that was his only concern and he supports the redevelopment. Dave & Marian Farner, 2326 Sonora stated concerns about the condition and maintenance of Sonora, the lack of parking and access to their property during construction and relocation of the road. Dave also stated concerns about protecting lake views and the 10 ft. set backs from the water for the units that front the lake. Tom Wittbrodt-Smith, 2316 Sonora stated he supported the redevelopment but has concerns about the 10 ft. set back also. Dan Crannie, 2283 Ford, stated he supported the redevelopment but noted concerns about the location of the common dock. Secretary Warren read letter from Guy Wedell, 2265 Sonora, his concerns are water run off from Bowels down Sonora, set backs, the drawing shows a 10 ft. easement for sanitary sewer the county requires the easement be 20 ft. the retaining wall being adequate for the road relocation at the sailing club, assurance that the residents of Sonora do not have the cost burden for a new road and he questioned the ability for the developer to install speed bumps to slow the traffic down, the use of the property to operate a public marina and installation and location of a service drive while the property is being redeveloped. Tucker asked about the proposed density. Cook said it is 6.1 units per acre. Tucker noted the increase in density is .1 which is a fair trade off for the improvements. He also indicated the units not fronting on the water having access is a reduction from the public marina. Tucker asked if the road would be public or private. Cook explained he has been working with the county and township to resolve this and other issues with the road but he can not answer that at this time. He did say it is unlikely the county would except it. Warren asked what they are proposing to do to provide access to the existing homes on Sonora during the construction. Cook stated the attached units will likely be built first and their access is from Ford Rd. it will only take a couple of weeks to realign Sonora and they will make sure there will be access, however it may be inconvenient for a short time. Hemeyer stated concerns about the size of the units, he noted in the R-5 zoning district a minimum of 12,000 sq. ft. is required and these units are considerably short of that. He also stated concerns about not having 100 ft. on the water. There was discussion about eliminating one of the water front units. The conclusion was that this is a trade off for the improvements and the developer needs the revenue from the additional unit in order to pay for the improvements. Richard stated concerns that Ford Rd. needs to improved to handle the additional traffic. Cook said that is a county road and there is

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no plan to reconfigure it. Tucker stated the elimination of the marina is one of the benefits for the Township. McGuirk asked if the dock could be relocated or reconfigured. Saab stated it is located in the way shown to take advantage of the common area, however they would look at ways to improve the location. Franz stated he supported the areas of comprise to redevelop the property and eliminate the marina and problems that exist with drainage and Sonora. Saab stated that when they purchased the property in 2006 the gas tanks had been removed and they had to do remediation because of some leaking. All of the testing was complete so there are no existing problems with contamination. Warren stated concerns about the 10 ft. set back from the water she encouraged a greater set back. McGuirk said he would love to see the improvements however it seems very tight. There was conversation about adjusting the set backs. There was an agreement reached that the front yard set back for the attached units on Ford would be 25 ft. and the detached units would be 15 ft. the rear yard set back for the units on water will be a minimum of 15 ft. The Commission and developer went through the conditions of the PUD as follows:

1. Permitted principal uses shall be restricted to the following: Single Family Residential attached & detached
2. Permitted accessory uses shall be restricted to those permitted in the single family residential attached and detached zoning districts.
3. The maximum number of residential dwellings to be constructed on the subject parcel shall not exceed 11.
4. The maximum building height shall not exceed 29 feet.
5. Minimum front yard set back shall be 25 feet for the attached units.
6. Minimum front yard set back shall be 15 feet for the detached units.
7. Minimum side yard set back shall be 5 feet.
8. Minimum rear yard setback shall be 15 feet.
9. Minimum floor area per unit shall be 1,250 square feet.
10. Attached single family units will be consistent with elevations shown on the concept plan dated 3-23-15 and submitted as part of this rezoning amendment.
11. Total number of dock slips shall not exceed 8.
12. Dock slips shall be for the exclusive use of the owner/occupants of the units in the PUD.
13. Common dock shall be restricted to one watercraft per slip for the non riparian units.
14. Common dock configuration shall be reviewed and approved as part of the site plan approval process.
15. During construction the developer of the PUD project shall provide adequate ingress and egress to all dwelling units fronting on Sonora Dr./Minerva St.
16. Units 1-6 (the attached units) shall be accessed from Ford St.
17. Surface water runoff shall be captured and stored in a detention basin with metered outlet to Lake Fenton in accordance with the Genesee County Drain Commission and MDEQ and be reviewed and approved by Fenton Township Engineer.
18. The existing boat launch shall remain with gate and knox box lock for the exclusive use of the Fenton Township Fire Department.
19. A dry hydrant shall be constructed and placed near relocated roadway for the use of and be approved by the Fenton Township Fire Department.
20. The developer of the PUD project shall pay to Fenton Township the total cost of any necessary upgrades to the sanitary sewer system, as determined by Fenton Township.

Motion to recommend approval to rezone from C-2 and R-5 to PUD with the above stated conditions:

Motion by: Tucker

Seconded by: Franz

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

Zoning Ordinance Amendments:

Article 8, Site Plan Review, Section 8.01 to add language for administrative authority to require performance guarantees.

Chairperson McGuirk confirmed the Commission had reviewed and understand the amendment reminding them this was discussed at the December meeting. He then called for public comments. There were none.

Motion to recommend approval as presented

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

Article 4, General Provisions, Section 4.02 to add language requiring the principal structure be built prior to the construction of the accessory structure and that the principal structure be habitable or occupied.

Chairperson McGuirk read the amendatory ordinance. There was a lot of discussion about why and how the Township would implement this ordinance. The Commission decided to postpone action until after the workshop schedule for May 7, 2015 at 6:30 to allow time to think it through and have further discussion with the Zoning Administrator and possibly some of the Township Board members.

POSTPONED

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

MINUTES: December 11, 2014 Stand approved as submitted

COMMUNICATIONS: Workshop scheduled for May 7, 2015 at 6:30 p.m.

ADJOURN: 9:38 p.m.

Jim McGuirk, Chairperson

Minutes Posted 04/20/15

Donna Warren, Secretary