

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF AUGUST 13, 2015**

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

Chairperson McGuirk called meeting to order at 7:05 pm

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

APPROVAL OF AGENDA:

Motion to approve the agenda as presented

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

PUBLIC HEARINGS:

SUP15-001 Fred H. Hensler LLC, 12272 Fenton Rd.

06-03-200-028

12272 Fenton

Special use permit for rental and sales of automobiles

Secretary Warren reviewed the file. Fred Hensler, 12272 Fenton Rd. was sworn in. He explained he is the president and CEO of Sapphire Blue Investments located at 12272 Fenton Rd. He added that he is an automobile enthusiast and has been buying and selling cars as a hobby for the past 30 yrs. the last 7 to 8 yrs. from this Fenton Rd. location. He explained that he has always had a wholesale dealers license but recently the State of Michigan is requiring that if you have a wholesale license you must sell at least 24 vehicles per year. Hensler said he does not buy and sell that many cars so he must apply for a used vehicle dealer license. He said he does not display the cars. He buys these cars to drive for a while and then sells them and buys something different. They are for his and his companies personal use while in his possession. He indicated he buys and sells approximately 5 per year. Because he does not buy or sell 24 vehicles the State is cancelling his wholesale license and he has to apply for the used car dealer license to continue doing the buying and selling that he has always done. He added the used car dealer license requires that he have the ability to display 6 vehicles. He stated he has no intention to display any vehicles but he does have the ability to do so at his business at 12272 Fenton Rd. Chairperson McGuirk called for public comments. The following people spoke, Judy & Lawrence Crawley, 1426 Eden Gardens and Brenda & Emil Schatz, 1418 Eden Gardens. Their concerns were overcrowding the parking lot, the current business center turning into a used car lot and they expressed fear that if it becomes a used car lot it would have a negative effect on their property values and their quality of life in their residential neighborhood. McGuirk said Hensler has stated he did not intend to display any vehicles he only needed to have the ability to display. McGuirk noted the special use permit could limit him to a maximum of 6 if the Commission felt that was appropriate. Hensler stated he did not have a problem with that limitation. Cypher asked how may parking spaces were allocated for the business currently occupying the center. McDonald stated those parking spaces are on file with the Township, however she did not have that information. Hemeyer asked the Zoning Administrator review that information. Hensler stated again he has no intention of displaying any vehicle. Hensler added he runs a multi-million dollar business out of his office at this location and collects rents from the Retreat Salon, and an attorney that would exceed what he would ever make as a used car dealer. He wanted to assure the neighbors that he has no intention of turning this site into a used car lot. Richard asked if Hensler has the required fleet insurance and maintenance agreement. Hensler said he did, his fleet insurance is with Wiesen Insurance and his maintenance agreement is with Tuffy Muffler on Owen Rd. Hensler

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stated no type of maintenance will take place at this site. McGuirk asked if Hensler intended to have any signage for the sale of automobiles. Hensler said no additional signage will be on the site. Richard stated concerns about the special use permit running with the land. The Commission asked if Hensler could agree to terminate the special use permit if he sold the property. Hensler said that would not be a problem. Cypher suggested this be reviewed in 1 year to insure the conditions of the permit (if approved) are being met. McGuirk stated the following conditions have been discussed:

- Ability to display no more 6 vehicles
- Zoning Administrator to review parking calculations to insure the ability to display 6 vehicles
- No automobile repair or oil changes can take place at the site
- No additional signage advertising the sale of automobiles
- The special use permit will be terminated if the property is transferred to another owner

McGuirk asked if Hensler was comfortable with these conditions. Hensler said he is comfortable with the conditions and once again stated the vehicles are bought and sold at auction and will not be displayed on site.

Motion to approve a special use permit for rental and sales of automobiles with the following conditions:

- Ability to display no more 6 vehicles
- Zoning Administrator to review parking calculations to insure the ability to display 6 vehicles
- No automobile repair or oil changes can take place at the site
- No additional signage advertising the sale of automobiles
- The special use permit will be terminated if the property is transferred to another owner

Motion by: Cypher

Seconded by: Hemeyer

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

Nays: None

Absent: Tucker

Motion carried

Zoning Ordinance Amendments:

Article 4, General Provisions, Section 4.31, Street and road frontage, required to address easement access for not more than 2 existing parcels and require review by the Zoning Administrator and Township Assessor.

McDonald explained this amendment is to ensure that these easement agreements get recorded and to assign the Zoning Administrator as the approving agent in a case where an easement to no more than 2 parcels is necessary to promote public health safety and welfare.

Motion to approve the language with a minor typographical error corrected

Motion by: Cypher

Seconded by: Hemeyer

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

Nays: None

Absent: Tucker

Motion carried

Article 4, General Provisions, Section 4.22, Porches, decks and patios, to clarify the placement of patios that are less than 9" above the ground.

McDonald explained that the Township does not require permits for work that is level with the ground and some sidewalks and patios are not flush with the ground, they are raised slightly. The Commission discussed the issues that could arise from a raised paved area extending to ones property line. They

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talked about run off and decided we may want to have some type of set back. This amendment was postponed for further investigation.

Article 2, Definitions, Lot width to clarify that the width is measured at the road right of way.

McDonald explained this amendment was proposed because of the exception to the side yard set back for lots with 60 ft. or less road frontage. She explained that the only measurement available to staff in reviewing a zoning permit is the road frontage at the road. The ordinance defines the frontage at the building set back line. She said after much thought the best way to handle this is to require the burden of proof that a person qualifies for the exception and the reduction in the side yard set back be upon the applicant that would need provide a survey to show the measurement at the building set back line. The Commission agreed this would be the best course of action and decided not to act on this amendment.

PUBLIC COMMENT CONCERNING ITEMS NOT ON THE AGENDA: 5 Minute Limit – There were none.

MINUTES: June 11, 2015 stand approved as submitted
July 23, 2015 stand approved as submitted

ADJOURN: 8:02 p.m.

Jim McGuirk, Chairperson
Minutes Posted 08/17/15

Donna Warren, Secretary