

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF DECEMBER 14, 2017**

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

Chairperson Pro-Tem Tucker was chosen

Chairperson Pro-Tem Tucker called the meeting to order at 7:08 p.m.

Present: Cypher, Hemeyer, Marko, Mustola, Tucker, Warren

Recording Secretary: McDonald

Absent: McGuirk

APPROVAL OF AGENDA:

Motion to approve the agenda as written

Motion by: Tucker

Seconded by: Marko

Ayes: Cypher, Hemeyer, Marko, Mustola, Tucker, Warren

Nays: None

Absent: McGuirk

Motion carried

PUBLIC HEARINGS:

R17-003 Charles Mueller, 6036 Lobdell, Linden:

06-31-400-003

16362 Linden

Recommendation to the Township Board to rezone from R-3, Single Family Residential to AG, Agriculture

Secretary Warren reviewed the file. Charles Mueller was sworn in. He explained his request to rezone this parcel of land to combine it with the orchard to be able to use the farmhouse for housing workers and the barn as part of the orchard operations. He noted the farmhouse is used by a single worker now and the barn has been used strictly for storage because the property is zoned residential. Chairperson pro-tem Tucker called for public comment. Levi Schultz, 11420 Fairbanks and Sandra Easler, 14181 Swanee Bch. both expressed support of the request and of Mueller both as a person and as the operator of the orchard which they called an asset to the community. Tucker explained that the current master plan for the Township calls for the continuation of agricultural activities but discourages new agricultural operations. He further explained the history and development trends that were taking place before in early 2000 when the agricultural land was being bought and developed as residential subdivisions. He noted that work is currently underway on a new master plan and the public input so far is trending in a different direction. He said this request is to be able to continue a long standing farm operation so a point can be made that it is in keeping with the master plan. Warren asked what benefit the combining of this property with the orchard would provide. Mueller explained to be able to use the property as part of the farm would be a benefit as well as creating one piece of property that would be eligible for relief from some tax based on the agricultural exemptions that are available. Marko stated he is involved with the new master plan and all the public input collected so far emphasizes the desire of the residents to maintain the Townships rural character.

Motion to recommend approval to the Township Board to rezone from R-3, Single Family Residential to AG, Agriculture

Motion by: Mustola

Seconded by: Marko

Ayes: Cypher, Hemeyer, Marko, Mustola, Tucker, Warren

Nays: None

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Absent: McGuirk

Motion carried

R17-005 Ridgway White, 13521 Haddon, Fenton:

06-23-530-026

14090 Swanee Bch.

Recommendation to the Township Board to rezone from R-3, Single Family Residential to AG, Agriculture

Secretary Warren reviewed the file. She noted the file contained a letter for public input. Ridgway White was sworn in. He explained his request to rezone from R-3 to AG with conditions to be able to have an orchard and a specific list of animals on the property. He said he purchased the land for a small family farm. He indicated that the property was historically farmed. His primary use for 10 to 15 acres of the upland area will be an apple orchard. Chairperson pro tem Tucker called for public comment. Karen King, 2379 Grove Park, stated concerns about where the animals will be located on the property. She stated the property is not fenced and she has concerns about the animals and the power that has already been run to the property. David Allen, 2324 Grove Park, said he is not opposed to the orchard but he has concerns about the animals and their smell. Tucker read the list of animals White is requesting including five horses, ten chickens, two goats, five cows and a donkey. Allen stated he is particularly concerned about cows and their smell as well as public access to the property and water runoff. Tucker explained the water does drain from this property to the Shiawasee River and eventually to Lake Ponemah. He noted the amount of wetlands on this property. Residents on Grove Park stated concerns about the traffic on Grove Park and additional traffic if this becomes a commercial orchard. Andrea stated concerns about where the animals would be located on the property. Tucker explained conditional rezoning, stating that any conditions must be offered by the applicant. Sandra Easler, 14181 Swanee Bch., spoke in support of the request. She stated she has a farm on Fairbanks Road where she houses many more animals. She indicated the smell is minimal if any and her neighbor agreed. She said she is opposed to the property being zoned residential and a subdivision being built on it. Eric Slone, 2322 Grove Park objected to the request stating concerns about it becoming a commercial orchard and traffic. John Klammer, 14090 Woodview Ct., stated he had no concerns with the orchard or the animals. Charles Mueller, 6036 Lobdell stated the DEQ is very responsive to matters of run off for farms. Robert Stoddard, 2340 Grove Park stated he grew up on a farm and the animals do smell. Secretary Warren read letter from Jo-Lee Wambach, 2349 Grove Park, stating she supported the request to rezone. White explained he invited Michigan Department of Agriculture and Rural Development to assess the property and they found the farm complies with all of their regulations. He said this was a voluntary action on his part. Marko stated though he is concerned about the animal smells he and many Township residents want the Township to maintain a rural character. He said he would rather the property be a farm than another subdivision. Mustola agreed. Cypher said he agrees with Marko and Mustola however he would like to see some type of setback provision for the animals. Hemeyer agreed. Tucker stated a setback for the animals would be a good provision but the Planning Commission cannot impose a condition. It would have to be offered by the applicant. Warren agreed stating the smell is a valid concern.

Motion to recommend approval to rezone from R-3 to AG with the following conditions:

1. The primary farming activity will be an orchard.
2. Animals will be limited to include the following:
 - a. Household pets
 - b. Wildlife
 - c. Farm animals up to the following limits
 - i. Five (5) horses

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- ii. Ten (10) chickens
- iii. Two (2) goats
- iv. Five (5) cows
- v. One (1) donkey

Motion by: Marko
Seconded by: Cypher
Ayes: Cypher, Hemeyer, Marko, Mustola
Nays: Tucker, Warren
Absent: McGuirk

Motion carried

SUP17-005 Robert Stoddard, 2340 Grove Park, Fenton:

06-02-300-050

11293 Torrey

Amend the special use permit SUP14-004 for used car sales to allow additional vehicles to be parked on the property

Secretary Warren reviewed the file. Robert Stoddard was sworn in. He said that when he bought the property a special use permit was in place but it limited the number of cars on the property to 19 vehicles for sale, 4 employee parking spaces and 2 customer spaces. He asked that he be allowed to display for sale an additional 9 cars. He noted on the site plan that all vehicles can be parked on the paved surface. Chairperson pro-tem Tucker called for public comments. Greg Maki, 2501 Thompson stated concerns that Stoddard regularly has more than 19 cars, he said he has not been in compliance with the limitations of the special use permit. Maki also stated that the property has been surveyed and no buffer has been provided for the residential property to the west of the corner. Amy Barry, stated concerns about the buffering stating she has a pool and there is no privacy in her back yard. David Allen, 2324 Grove Park, stated he drives by this property everyday it is always neat and clean. Tucker asked Stoddard if he has more cars than allowed on the property. Stoddard says he tries to keep it at 19 but the car business is such that sometimes they get one in and with Thompson Rd. closed it has been hard to get them off the lot. He said there were definitely more cars when it was a bank. Stoddard said he would be happy to provide a buffer on the west side. He said that property has been surveyed and the west property line runs though part of the neighbor's circle driveway. Tucker stated there is no expansion of the hard surface and the site plan does show there is room for the additional cars to be displayed. Marko and Cypher concurred.

Motion to amend the Special Use Permit with the following conditions:

Number of vehicles limited to 28

A privacy fence or landscape berm shall be erected/installed on the west property line

Motion by: Mustola

Seconded by: Marko

Ayes: Cypher, Hemeyer, Marko, Mustola, Tucker, Warren

Nays: None

Absent: McGuirk

Motion carried

R17-006 Kal Nemer, 6005 Miller Rd., Swartz Creek:

06-09-300-036

4486 Lahring

Requesting recommendation to the Township Board to amend the PUD, planned unit development for an attached and detached condominium development.

Secretary Warren reviewed the file. Kal Nemer was sworn in. He explained that after the last meeting they decided to reduce the number of units and reconfigure the layout to provide an even better development. He indicated the new layout provides an opportunity for most of the

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homes to have walkout basements or daylight windows. The new layout also keeps the development away from the overhead power line that runs through the property. Chairperson pro-tem Tucker called for public comments. Steve Egelhoff, 13044 Alyssa Ct., stated he moved to the Township several years ago because he loved the area. He said that he has experienced many problems with storm water in his yard and throughout the development. He said he has done a lot of research into this problem and has found that the developer of Linden Crossing subdivision did not follow through with the proper engineering and now there are numerous issues. He stated his concern that anything done to develop this property will make matters worse for the residents. He urged the Planning Commission to make sure that if and when this property develops it is done to make things better not worse. Tucker explained that these concerns can and will be addressed at the time of site plan approval. Robert Thornton, 4468 Lahring, stated concerns about drainage. He asked that the Commission make sure they are not setting this development up for failure. He said it should be designed to make the property better and to maintain quality infrastructure. Daniel Pointer, 4410 Lahring, stated concerns about density, privacy, location of the driveway entrance. He added he is opposed to the development. Bruce Walker, 5010 Whispering Oaks, said he shares a common property line of 1728 ft. He has concerns about lighting, privacy and storm water runoff. He said he does support the PUD zoning because between that and the condominium association good controls can be put into place. Levi Schultz, 11420 Fairbanks, said he is completely opposed to the development. He said he has 40 acres and he moved into the area because of the open rural area. He added he is concerned about hunting and trespass. John Perkowski, 12246 Fairbanks, stated concerns about storm water runoff, wells, buffering for the surrounding property, hunting and trespass. Steve Sera, 5012 Lahring, stated the same concerns and asked if any federal, state or local money is being spent to develop this. Nemer said it is a private venture. Justin Jensen, stated concerns about traffic on Lahring and making sure this is not partially developed and then just sit there with so many vacant parcels still in the Township's inventory. Kim Carlson, Flint Surveying and Engineering, said they wanted to reduce the number of curb cuts on Lahring. Hemeyer asked about the open space calculations, stating the open space must be usable. He asked how they are proposing to access the upland on the north of the property. Carlson said they are considering a wood chip path. Hemeyer said some of the property is flood plain. He cautioned it may be very costly to access that part of the property. Tucker explained this property is already zoned for residential development and there is an approved PUD concept. He noted this request is to amend that zoning to allow for attached and detached units.

Motion to recommend approval to amend the PUD with the following conditions:

1. Permitted principal uses shall be restricted to detached single family residential and attached single family residential.
2. Permitted accessory uses shall be restricted to those permitted in the R-3 zoning district.
3. The maximum number of units to be constructed on the subject parcel shall not exceed 90.
4. Minimum setbacks shall be as follows:

Front yard	25 feet
Side yard	30 feet between structures
Side yard	35 feet for any side abutting an open space area
Rear yard	35 feet
5. The maximum building height shall not exceed 29 feet.
6. The minimum floor area per dwelling unit for the detached units shall be 1,250 square feet.
7. A minimum of 50% of the development area shall remain as dedicated open space in the areas shown on the concept plan.

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8. Access shall be provided to the isolated upland area at the northeast corner of the development.
9. 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.
10. The Planning Commission & Township Board will evaluate this request in 2 years and may initiate a rezoning of the property if the developer has not demonstrated that suitable, continual progress has been made to develop the property.

Motion by: Warren

Seconded by: Marko

Ayes: Cypher, Hemeyer, Marko, Mustola, Tucker, Warren

Nays: None

Absent: McGuirk

Motion carried

COMMUNICATION: Election of Officers next month

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

MINUTES: November 9, 2017 stand approved as corrected

ADJOURN: 9:37 p.m.

Jim McGuirk, Chairperson

Minutes Posted 12/19/17

Donna Warren, Secretary