

**FENTON PLANNING COMMISSION MEETING
City Hall Council Chambers
Thursday, January 26, 2006
7:00 P.M.**

Chairman Morey called the meeting to order at 7:07 p.m.

Present: Clement, Grossmeyer, King, McHale, Morey, Ogger, Riggs, Stickel.
Absent: Carpenter.
Others Present: Brad Hissong, Building/Zoning Administrator; Abe Munfakh, Munfakh & Associates; Carmine Avantini, Sara Schillinger, LSL & Associates; Nancy Padgett, Building/Zoning Secretary.

Motion Grossmeyer, seconded by McHale, to approve the minutes of the regular meeting of November 17, 2005, as amended and the Special meeting held January 12, 2006. Voice vote, motion carried.

REZONING - Vacant Land, Torrey Road - Public Hearing

Jerry Tomczak, Rhoads & Johnson, described the proposed rezoning. Mr. Tomczak also introduced the owner, Mr. Peabody, and referenced the LSL review letter of December 14, 2005. Mr. Tomczak explained that this is the third of three phases on the property, which is now the site for the RE/MAX office and Smith-Peabody-Styles Insurance. Mr. Tomczak explained that Mr. Peabody wishes to rezone the 3.7 acre parcel from MDR (Medium Density Residential), to OSD (Office Service District), and construct another office building, keeping with the zoning in the area.

Chairman Morey then opened the Public Hearing. Mr. Andrew Lucas, Pastor of the Parkway Community Church, 2940 Georgetown Parkway, addressed safety concerns with the increased traffic generated by the proposed office building. Mr. Avantini explained that the City Ordinance requires buffering with trees and shrubs and that an office building is a low intensity use compared to what could be proposed at the site. Being no further questions or concerns, Chairman Morey then closed the Public Hearing.

There was discussion amongst the Planning Commission regarding the land contouring and the neighboring auto salvage. Mr. Tomczak stated that in the spring he would submit to Genesee County for soil erosion and that all issues with water quality would then be addressed.

Motion Stickel, seconded by Grossmeyer, to recommend approval to City Council, the rezoning at 1190 Torrey Road, from MDR to OSD, based on the December 14, 2005 review letter from LSL Planning.

YEAS: Clement, Grossmeyer, King, McHale, Morey, Ogger, Riggs, Stickel.

NAYS:

Motion carried.

PRELIMINARY PLANNED UNIT DEVELOPMENT- Owen Road BP- Public Hearing
Mr. Pat Mannor, CEO, Anthony Patrick, Inc., introduced the rezoning request by Adam Teer, Owen Road BP, to rezone from IND (Industrial), to GBD, (General Business District), through a PUD (Planned Unit Development.). Mr. Mannor went over the proposed improvements to the site. Mr. Mannor then introduced Mr. Keith Lutz, A.P.I. Mr. Lutz went over the basic major improvements which include removal of tanks, underground storm water with architectural catch basin, and drive-way improvements. It is proposed that the driveway on the west will be a right in/out only and the driveway on the south will connect with Taco Bell. Mr. Lutz also said there would be landscaping improvements with the addition of the 4,500 square foot addition. Mr. Mannor said that a Tim Horton's would be occupying the new building. Mr. Mannor also pointed out that if a fast food restaurant were to be located at the site it would cause much more traffic than would Tim Horton's. Mr. Avantini then commented from the LSL review letter of January 10, 2006. Mr. Avantini said that the project is in compliance with the master plan and that the proposed PUD site plan provides more flexibility for a better project at the site. Mr. Avantini also pointed out that MDOT also favors the right turn in/out only and that the installment of a swirl concentrator at the site will treat the water in the MDOT right-of-way. Mr. Avantini also said that the project would be an improvement to the Taco Bell site and create safer pedestrian circulation with the new traffic signal.

The Planning Commission then discussed the project and asked questions of the applicant. There was discussion regarding traffic flow. Mr. Hissong informed the Commissioners that traffic consultant, Pete LaMourie, favors the proposed project as the best way to direct traffic at the site. Mr. Hissong also said that storm drainage currently flows directly into the MDOT storm right-of-way as proposed, and it was approved by the City environmental consultant that all drainage is to be filtered and sediment removed.

Chairman Morey then opened the Public Hearing. Being no public comment, Chairman Morey closed the Public Hearing and asked if there was a motion.

Motion Grossmeyer, seconded by McHale, to grant the preliminary PUD for Owen Road BP, with conditions and waivers as stated in the LSL letter of January 10, 2006, and also contingent upon the property being partially rezoned from IND (Industrial) to GBD (General Business District.).

YEAS: Grossmeyer, King, McHale, Morey, Ogger, Riggs, Stickel, Clement.

NAYS:

Motion carried.

SITE PLAN REVIEW - MTA Fenton - Remove From Table

Motion, Riggs, seconded by Grossmeyer, to remove the Site Plan Review for MTA Fenton from

the table. Voice vote, motion carried.

Jim Sporer, CHMP, Inc., introduced applicant/General Manager of MTA, Bob Foy. Mr. Sporer gave a brief history of the project. Mr. Avantini read from the LSL review letter of December 14, 2006, and highlighted the major points of the letter. Mr. Avantini reminded the Planning Commissioners that they could grant the request for front yard parking and a metal roof, which the current ordinance does not allow. Abe Munfakh, Munfakh & Associates, said that he had spoken with environment consultant, Kelly Karll, of ECT, Inc. Mr. Munfakh and Ms. Karll agreed that contingent to approval, the applicant could agree to install a swirl concentrator or a forbay at the sight. Mr. Munfakh said that if a forbay is installed a swirl concentrator is not necessary. Mr. Hissong stated that contingent to approval, staff will review the plans for full compliance. Mr. Foy explained that the project will begin with twenty employees utilizing parking and that with the anticipated growth and expected 50,000 passenger boardings, they will need enough parking for forty employees. Mr. Foy said that the employees will not arrive at the same time but that schedules will over-lap. Mr. Foy also explained that they are currently requesting the extra parking in order to not have to come back before the Planning Commission to request additional parking. Mr. Hissong said that all changes were made by the applicant once the review letters came back, and that all items will be administratively approved.

Moved by Stickel, seconded by King, to recommend approval of the final the site plan for MTA of Fenton, subject to the conditions of the LSL letter of December 14, 2005, and also that determinations be made that parking is appropriate in the front yard, the metal roof is compatible and the light poles can be thirty (30) feet high.

YEAS: King, McHale, Morey, Ogger, Riggs, Stickel, Clement, Grossmeyer.

NAYS:

Motion carried.

CONCEPTUAL REVIEW – Harbor Pointe PUD

Mr. Gary Howard, Howard Homes, introduced his conceptual plan for Harbor Pointe Condos. Mr. Howard explained that the current site of WaterSports Marine, Inc. is currently zoned GBD, (General Business District), and he proposes a condo cluster, which he hopes will be seen as an improvement to the City. Mr. Howard stated that the project would bring a six-million (\$6,000,000) tax base to the City of Fenton. Mr. Howard also said that the homes built there would be very high quality homes and that the plan shows eleven (11) units and Mr. Howard would actually like to see twelve (12) units there. Mr. Howard then welcomed questions from the Commissioners. The Commissioners expressed concerns of a wall of homes at the site and setbacks from the water. Mr. Avantini explained that the proposed development would replace a commercial operation with a less

intense use and also a limited number of boats at the boat launch, instead of a public launch as it currently stands. Mr. Howard said that the property is so

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expensive he needs to have at least eleven (11) units in order to make the project work. The Commissioners discussed parking, play area and traffic generated by the project. It was the overall opinion of the Commissioners that they like the concept but that they would like to see fewer units and more open space on the site. Mr. Howard said that some of the benefits to the City include beautification of the City, increased tax base, elimination of some current marina traffic and less lake traffic.

CALL TO AUDIENCE

Linda Primeau, 927 State Road, Fenton, MI 48430. Ms. Primeau made favorable comments about the proposed Harbor Pointe Condo project.

Cherie Smith, 200 Union Street, Fenton, MI 48430. Ms. Smith asked questions of the applicant regarding the Marina and boat ramp.

Rudy Mora, 402 W. Shiawassee, Fenton, MI 48430. Mr. Mora spoke regarding the lot adjacent to Rockwell Assisted Living, being zoned CBD (Central Business District), and what could possibly be placed at the site. Chairman Morey referred the question to Mr. Hissong. Mr. Hissong said the site is not currently approved for a convenience store and there is a fifty (50) foot setback in the current zoning. Hissong said he would research the history of the property file and he and Mr. Avantini would consult the City Attorney regarding the property and report back to the Commissioners at the next meeting.

Commissioner King formally apologized to Chairman Morey for setting up the meeting at the Council Chamber chairs without first consulting him.

Linda Primeau, 927 State Road, Fenton, MI 48430. Ms. Primeau made comments regarding the zoning of the Rockwell Assisted Living property.

ADMINISTRATIVE ITEMS

Mr. Hissong went over the information in the packets regarding the Open Meetings Act. There was brief discussion of the 2006 meeting dates and it was agreed that the December meeting should be moved from the 28th to the 14th, due to holiday conflicts.

Moved by Riggs, seconded by McHale, to accept the amended 2006 Planning Commission meeting schedule; moving the December Planning Commission meeting from the (28th) twenty-eighth to the (14th) fourteenth of December, 2006.

LSL ITEMS

Mr. Avantini commented that the meeting room sound system set-up bothered him and he felt that it was more formal and intimidating for applicants having the Commissioners up

in the Council Chamber seats. Mr. Avantini also said he liked the old way it had been done for years. Mr.

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Avantini also said that himself, Mike Senyko and Brad are coordinating the April MML Big Box Development. All of the Commissioners but King agreed that the old way of conducting meetings was better. Hissong said he would research a way of arranging microphones at the table for the Planning Commissioners.

COMMISSION MEMBER ITEMS

None.

ADJOURNMENT

Meeting adjourned at 9:55 p.m.

**Nancy M. Padgett
Recording Secretary**