

FENTON PLANNING COMMISSION MEETING
City Hall Council Chambers
Thursday, April 27, 2006
7:00 P.M.

Chairman Morey called the meeting to order at 7:10 p.m.

Present: Clement, Grossmeyer, King, Morey, Ogger, Stickel.

Absent: Carpenter, McHale, Riggs.

Others Present: Brad Hissong, Building/Zoning Administrator; Pete LaMourie, Progressive AE;
Carmine Avantini, LSL Planning; Nancy Padgett, Building/Zoning Secretary.

Moved by Stickel, seconded by Grossmeyer, to approve the minutes of the regular meeting held March 23, 2006. Voice vote, motion carried.

Moved by Grossmeyer, seconded by Ogger, to amend the agenda to include the resolution for the Southern Lakes Planning Initiative, under New Business after item number five. The item had been a Commission Member Item at the March 23, 2006 meeting and therefore was not added to the April 27, 2006 meeting agenda as New Business, rather the information was included in the packets, which were distributed to the Commissioners prior to the meeting. Hissong explained that the item was included in the packets but that a memo needed to come from the City Manager, requesting that the item be placed on the agenda for discussion. Grossmeyer and Ogger rescinded the motion to amend the agenda to include the item. Motion King, seconded by Grossmeyer, to include the Southern Lake Planning Initiative Resolution as an agenda item for the May 25, 2006 Planning Commission meeting.

Chairman Morey briefed the Commission on the position of Wal-Mart, concerning the proposed expansion. Chairman Morey informed the Commission that he and Administration had met with Wal-Mart to discuss reconsideration. Chairman Morey said that Wal-Mart was informed that a reconsideration would be dependent upon what was presented as changes for reconsideration and that Wal-Mart was given no guarantees, nor did Chairman Morey speak for the Planning Commission as a whole.

SPECIAL LAND USE – The Shoppes of Fenton – TSC (Tractor Supply Company) – Public Hearing. Mr. John Healey, Park West Development, 3231 Central Park West, Suite 106, Toledo, OH 43617. Mr. Healey opened with an overview of the proposed TSC store and drawings of the building. Mr. Healey gave a history of TSC and showed the Commission pictures of current TSC stores. Mr. Healey explained the need for the Special Land Use to permit for outdoor sales and storage, due to the expansion of the store. Mr. Healey also explained that the proposed store, within the Shoppes of Fenton, is an upscale shopping environment, which better fits in Fenton, as opposed to the existing TSC store on N. Leroy. Mr. Healey further explained that the proposed TSC mirrors the Target store with its elevations and the use of more brick and an aluminum fence. Mr. Healey explained that a wrought iron fence is almost impossible to maintain over a long period of time. Mr. Healey handed out a sample of the screening to be used in the

outdoor storage area and pointed out the location of the storage area on a site map. Mr. Healey said the outdoor storage area is for large pieces of equipment and all products that are used outdoors. Mr. Healey expressed that the proposed TSC is comparable to that of the current Joseph Pontiac on Silver Parkway. Mr. Healey also said that an agreement would be provided to the City which would prevent any stacking of product at the site.

Mr. Avantini went over the LSL review letter of April 18, 2006. Mr. Avantini explained that the letter strictly pertained to outdoor display/storage. Mr. Avantini explained that originally, the proposed TSC was on a separate out lot and was not looked at favorably by the Planning Commission. Mr. Avantini also said that the project is now a part of the Target project and materials such as more brick have been added in order to make a much more attractive site from US-23. Mr. Avantini touched on the major points of the letter which included: compatibility with the Cities Master Plan and Zoning Ordinance, character of the area, review by City engineers and products detrimental to public health, safety or welfare. Mr. Avantini stated that administration is recommending there be no storage in front of the building. Mr. Avantini then went over the specific standards for outdoor storage. Mr. Avantini explained that the applicant is requesting a waiver from the PUD requirement of being thirty (30) feet from the property line and the north corner of the property is five (5) feet from the property line. Because it does not affect the surrounding properties, it is recommended that the waiver be granted. The letter stated that there would be no open outdoor storage of such materials such as soil, sand, mulch or fertilizer. The letter also stated that as a condition, the setback distance for outdoor storage be equal to the height of the obscuring screen. Mr. Avantini added that that if approved, a list of conditions for the store manager be posted in the TSC store and that there is no storage in front of the building and limit the display pods to five (5) with one (1) item on each pod. Mr. Avantini listed the conditions of approval which included: Site Plan approval, adequate information on the outdoor display area, removal of the display area along the sidewalk, the Planning Commission granting a waiver to permit outdoor storage within the thirty (30) foot setback area along US-23 and approval from all other consultants, agencies and departments involved in the project.

There was discussion among the Commissioners regarding the display area, store hours and the location of the sign from US-23. Mr. Healey confirmed that the TSC on N. Leroy is relocating to the Shoppes of Fenton site. Mr. Healey also confirmed the current store hours of 8:00 a.m. to 9:00 p.m., which will remain the same. Chairman Morey then opened the public hearing.

Mr. Greg Martuch, 1211 Vista Drive, Fenton, MI 48430. Mr. Martuch expressed his concerns with the noise issues having the store so close to his residence. Mr. Martuch also said that he did not want his house visible from the building due to crime issues. Mr. Martuch requested that a six (6) foot, acoustically sealed wall is installed on top of the berm/retaining wall.

Mr. Albert Thomas, 1218 Lori Lane, Fenton, MI 48430. Mr. Thomas said he is concerned with what kind of landscaping will be used in order to prevent their view of the proposed TSC store.

Chairman Morey then closed the public hearing and brought the issue back before the Planning Commission. There was discussion regarding screening of the project and its impact on storm water. The

applicant requested to be tabled until the May 25, 2006 meeting, in order to make necessary changes that had been brought to light by the Planning Commissions current discussions regarding screening.

Motion King, seconded by Clement, to table the Special Land Use approval for TSC until the May 25, 2006 Planning Commission meeting.

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

NAYS:

ABSENT: Carpenter, McHale, Riggs.

Motion carried.

Motion, Grossmeyer, seconded by Ogger, to table the Site Plan for TSC until review of the Special Land Use at the May 25, 2006 Planning Commission meeting.

YEAHS: Clement, Grossmeyer, King, Morey, Ogger, Stickel.

NAYS:

ABSENT: Carpenter, McHale, Riggs.

Motion carried.

Mr. Healey asked for a list of items to address so that they could make the appropriate changes prior to the May meeting. Hissong said that he would provide the applicant with a summarized list from the meeting minutes.

CALL TO AUDIENCE

None.

ADMINISTRATIVE ITEMS

Hissong went over current issues in the building department involving policing the language of the sign ordinance regarding political signs.

LSL ITEMS

Carmine Avantini went over the April 19, 2006 letter pertaining to the lot for sale next to Rockwell Assisted Living. Mr. Avantini explained that he and administration had gone through all the records for the property from the 1970's to present day. Mr. Avantini said that the lot was originally zoned commercial and set-up as two (2) separate lots. In 1974 the zoning for both properties was R-1, Single Family Residential and there was a request to rezone to R-M, Multiple Family Residential, in order to accommodate the nursing home. Several residents were present at the meeting who were opposed to the rezoning at that time because they did not want a business to change the residential character of the neighborhood. City Council felt that zoning the property to R-M would just be an extension of the nursing home and not have an impact on the adjacent neighborhood. Mr. Avantini further explained that at that time the RM zoning had side yard setback requirements, which meant that the lot had to be considered as a part of the entire development in order to meet the setbacks and that the two (2) lots were never consolidated. Mr. Avantini also said that at one point in time the lots were zoned HBD (Historical Business District), which allowed a wide variety of more traditional type developments and uses. In 1987 there was a proposed second expansion of the nursing

home which was never built and the lots were included in that request. Mr. Avantini explained that the zoning is now CBD (Central Business District), which does not require side yard setbacks. Mr. Avantini said the lots are also in a Planned Unit Development and that the DDA is working on design guidelines that would call for that area to be residential not commercial. Mr. Avantini said the recommendation is to have the Planning Commission hold a public hearing and recommend to City Council that the lots be rezoned to MHR (Medium High Density Residential), due to the fact that it would basically be putting the property back to the original zoning. Nursing homes are allowed in this zoning and this would be correcting the initial zoning of HBD. Mr. Avantini also said this would be the safest rezoning request that would not create a non-conforming lot or allow commercial uses to be applied at that location. Hissong said that he would give the review letter to the attorney and request a written response. Mr. Avantini said this is being looked at from a Planning point of view and that keeping the property zoned residential is the right thing to do. Mr. Hissong said the Planning Commission had agreed in the past that each rezoning be handled one on one and a public hearing be held where a group of rezonings would be addressed. When the bed number was lowered the nursing home became known as assisted living. Hissong said the egress issue is an MDOT decision, not the Cities. Hissong said he would create a list of rezonings that need to be addressed. Mr. Avantini suggested discussing a list at the next meeting and recommending that a public hearing be set-up following the discussion, for the next meeting if there is time for a public hearing notice to the paper. Mr. Avantini said that if someone purchased the home and lot they could come in with any of the uses allowed in CBD (Central Business District). Mr. Avantini also informed the Commission of the Big Box Uses that he, Mr. Senyko and Hissong had attended. Mr. Avantini said it was a very successful presentation which had generated interest.

COMMISSIONER MEMBER ITEMS

None.

ADJOURNMENT

The meeting adjourned at 9:33 p.m.

Nancy M. Padgett
Recording Secretary