

**FENTON PLANNING COMMISSION MEETING**  
**City Hall Council Chambers**  
**Thursday, May 25, 2006**  
**7:00 P.M.**

Chairman Morey called the meeting to order at 7:05 p.m.

Present: Grossmeyer, King, McHale, Morey, Riggs, Stickel.  
Absent: Carpenter, Clement, Ogger.  
Others Present: Brad Hisson, Building/Zoning Administrator; Kelly Karll, ECT, Inc., Pete LaMourie, Progressive AE; Carmine Avantini, LSL Planning; Sara Schillinger, LSL Planning; Nancy Padgett, Building/Zoning Secretary.

Moved by King, seconded by Grossmeyer, to approve the minutes of the regular meeting as presented held April 27, 2006. Voice vote, motion carried.

**SPECIAL LAND USE – The Shoppes of Fenton – Owen Road BP – Public Hearing.**

Mr. Pat Mannor, CEO, Anthony Patrick, Inc., 8445 S. Saginaw Street, Grand Blanc, MI 48439. Mr. Mannor introduced the project and said that A.P.I. was working with Adam Tier of BP and Tim Horton's on the Special Land Uses for the project, which includes a drive-thru window that is not an existing Special Land Use. Mr. Mannor explained the concern with keeping the project aesthetically pleasing, as the site location is a gateway into the City. Mr. Mannor explained that the project is consistent with the Master Plan and the intent is to tear down the existing gas station, leaving the canopy and pumps and construct a 4,500 square foot building toward the back of the property. Mr. Mannor also said that the construction of the new gas station would be similar to the Wireless Toyz building at 913 N. Leroy Street. Mr. Mannor said the look of the building would be a major improvement with a screened rooftop and the pumps and canopy remaining the same. Mr. Mannor addressed the landscaping, which exceeds ordinance requirements, improvements to drainage issues with the addition of an aqua swirl sediment and oil separator/catch basin. Additionally, Mr. Mannor said that traffic improvements met MDOT approval by the addition of a right in/out only at the western drive and two (2) cross access drives to the neighboring Taco Bell. Mr. Mannor also addressed the parking spaces being at fifty-one (51), when only forty-one (41) are required and state-of-the-art drainage at the site. Mr. Mannor spoke to the requested waivers. A waiver is being requested for stacking at the site, which is two (2) spaces short of the fifteen (15) car requirement. The parking lot setback is eighty (80) feet on the east side adjacent to Taco Bell. Mr. Mannor also said the proposed retaining wall and landscaping is better than the actual thirty (30) foot buffer zone requirement. Mr. Mannor also stated that a ground sign, versus a pole sign will be installed at the site. Mr. Mannor also said the ten (10) foot setback from the right-of-way cannot be achieved.

Mr. Mannor then introduced June Machala, Director of Real Estate, Tim Horton's. Ms. Machala addressed the stacking issue at the site and the reason for the thirteen (13) versus fifteen (15) car request for the drive-thru. Ms. Machala said the average car stacking is eight (8) and most people are only there for coffee from 6-10 a.m. The stacking at the Silver Lake Road Tim Horton's was said to be approximately eight (8) to ten

(10) people, most of whom are being waited upon by the restaurant for payment.

Carmine Avantini, LSL Planning went over the review letter of May 18, 2006 and three (3) Special Land Use requests for the Drive-thru, Car wash and Automobile Service Stations. Mr. Avantini explained that the Special Land Uses must be compatible with the City Master Plan and Zoning Ordinance. Mr. Avantini explained that the proposed plan is compatible with the surrounding character of the area being a highly traveled area. Mr. Avantini then went over the specifics of each Special Land Use. Mr. Avantini said there is adequate stacking capacity for the drive-through and that the applicant would need a waiver for a two (2) space inadequacy and that a bypass lane is included. Chairperson King pointed out that MDOT supercedes any other entity with regard to approval of road projects. Mr. Avantini commented that the site plan shows what is dictated by MDOT. Mr. Avantini went over the other major items of the review letter including overhead canopies with brick added to the columns and the drive-thru speakers having volume control. Mr. Avantini then went over the Special Land Use request for the automobile wash. Mr. Avantini gave a brief history of the carwash and said there is adequate stacking space at the site. Mr. Avantini covered the Special Land Use for Automobile Gas stations saying that the lot is just under the required two (2) acre minimum and meets with the intent of the Master Plan. Mr. Avantini also said there would be no outdoor storage and that a PIPP (Pollution Incident Protection Plan) would be reviewed by the environmental consultants. Hissong added that the PIPP is done automatically with the soil erosion permit through Genesee County. Pete LaMourie, Progressive AE, said that the pass-by traffic generated by the site would be minimal and that the impact study generated by the Target store included the site.

Being no further comments, Chairman Morey then opened the Public Hearing. Having no comment from the public, Chairman Morey brought the issue back before the Planning Commission for discussion.

Motion Stickel, seconded by Grossmeyer, to approve the Special Land Use request for Owen Road BP, for Automobile Gas Stations, subject to the recommendations in the LSL review letter dated May 18, 2006.

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

NAYS:

ABSENT: Carpenter, Clement, Ogger.

Motion carried.

Motion Stickel, seconded by McHale, to approve the Special Land Use for Owen Road BP for Automobile Carwash, subject to the conditions of the conditions of the LSL letter dated May 18, 2006.

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

NAYS:

ABSENT: Carpenter, Clement, Ogger.

Motion carried.

Motion Stickel, seconded by Grossmeyer, to approve the Special Land Use for Owen Road BP for Drive-thru Facilities, subject to the conditions in the LSL letter dated May 18, 2006.

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

NAYS:

ABSENT: Carpenter, Clement, Ogger.

**SPECIAL LAND USE – The Shoppes of Fenton – Speedway/Marathon – Public Hearing.**

Elizabeth Young, Marathon Petroleum, 539 S. Main Street, Findlay, OH 45840. Ms Young introduced Mr. Gene Larsen, Engineering Supervisor. Ms. Young said that Speedway does not intend to use brick on the columns due to visibility difficulties for the attendants and persons fueling. Ms. Young added that maintenance and repair for the brick is both timely and costly. Commissioner King said she would like to see the use of brick on the columns just as the Commission had requested BP to do. Mr. Larsen said that Speedway would agree to use brick, due to the uniqueness of the area. Mr. Avantini gave a brief history of the project, referring to the lengthy process Speedway had gone through to get where they are and that the proposed building should have a dramatic effect on the entire center area and that administration has been pushing for a long time to upgrade the area. Sara Schilling, LSL Planning, went over the Special Land Use review letter dated May 4, 2005. Ms. Schillinger said that the complete replacement of what currently exists at the site is consistent with the Master Plan and Zoning Ordinance designations for the surrounding area. Ms. Schillinger said the applicant is asking for a waiver to have the pump islands twenty-six (26) feet from the right-of-way. Ms. Schillinger added that the applicant is also requesting a waiver to have the canopy sixteen (16) feet, as opposed to twenty (20) feet from the right-of-way. Ms. Schillinger also said the drive-way has been improved from two entrances to a right in only off of Owen Road, with an exit off of the Shoppes Drive. The lighting must be reduced as a condition of approval. Ms. Schillinger then summarized the conditions of approval: Site Plan approval; brick columns on the canopy; the Planning Commission grant a waiver to have pump islands twenty-six (26) feet from Owen Road; the Planning Commission grant a waiver for the canopy to be sixteen (16) feet from Owen Road, the Planning Commission grant a waiver to allow the canopy to be lit; submittal of a lighting plan that complies with ordinance requirements; submittal of a PIPP, acceptable by the Fire Chief and environmental and wellhead consultants and approval from all other consultants, agencies and departments involved in the review. Mr. Avantini added that the lighting plan can be handled administratively and that the BP station does have some lighting on the canopy that is not obtrusive. Hissong said there are some exceptions in the ordinance to approve the lighting. Mr. Avantini said that a gabled roof was not as much of a concern as having the brick on the pillars. Hissong said that MDOT is very glad to have the right in only. Commissioner Riggs asked about the lighting on the canopy. Hissong said most canopies in the City do have some lighting on them. Chairman Morey then opened the Public Hearing.

Mr. Tom Murphy, 469 Andover Woods, Fenton, MI 48430. Mr. Murphy stated that he has concerns regarding retention plans that are very thorough and keep spills on the property of the gas station due to the pollution of the Shiawassee and the Egyptian Drain.

Zef Dedivanaj, Owner, Mega Coney Island, 3251 Owen Road, Fenton, MI 48430. Mr. Dedivanaj expressed concerns with safety issues.

Being no further comment, Chairman Morey brought the item back for discussion among the Planning Commission.

Motion Riggs, seconded by Grossmeyer, to approve the Special Land Use for Speedway/Marathon, for Automobile Gas Stations, subject to the conditions and recommendations contained in the LSL review letter dated May 4, 2006, specifically Site Plan approval, the addition of brick columns, granting of a waiver for the pump islands to be twenty-six (26) feet from the front lot line along Owen Road, a waiver for the canopy to be located sixteen (16) feet from the front lot line along Owen Road, illuminated signs on the canopy be administratively reviewed, other items contained on the lighting plan and the submission of the PIPP and approval from all other consultants, agencies and departments.

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

NAYS:

ABSENT: Carpenter, Clement, Ogger.

Motion carried.

**SPECIAL LAND USE – The Shoppes of Fenton – TSC (Tractor Supply Company) – Remove From Table**

Motion, McHale, seconded by King to remove from table the TSC (Tractor Supply Company) for the Shoppes of Fenton Special Land Use. Voice vote, motion carried.

John Healey, 3231 Central Park West Drive, Suite 106, Toledo, OH 43617. Mr. Healey gave a brief history of the project and the request for Special Land Use for Outdoor Storage and Display. Mr. Healey explained the existing TSC store just outside of the City limits is a 14,000 square foot building with a 9,000 square foot side yard on two (2) acres. Mr. Healey explained that the proposed TSC is 24,000 square feet with a 22,000 square foot side yard. Mr. Healey gave a general overview of the proposed TSC. Mr. Healey said the architectural materials are similar to those of the current Target store in order to blend in and balance with the overall appearance of the store. Mr. Healey went over the landscape plan and the garden wall and sidewalk area. Mr. Healey provided a sample of the fabric proposed to enclose the storage area. Mr. Healey said that an aluminum, rather than wrought iron fence, was proposed to enclose the storage area due to the fact that wrought iron cannot be protected from rust on a consistent basis. Mr. Healey pointed out the sidewalk area on a display map, where larger types of equipment would be loaded/unloaded. Mr. Healey said the back wall plan was changed from 24” to 48” in height (36” wall with 12” matching aluminum railing across the top). Mr. Healey stated that the only people who would see the front sidewalk display area will be the customers and that the area will be virtually invisible from a distance. Mr. Healey then passed out more current renderings of the site to the Commissioners. Mr. Healey said TSC regards its display area similar to that of a car lot with the rows of garden tractors and trailers. Mr. Healey also said that by increasing the wall to four (4) feet in height they virtually eliminate all visibility. Mr. Healey said that TSC provided text in the packets which is ready to commit to the PUD. Mr. Healey said the text also addresses the outdoor lighting in the display area, which includes half a dozen six (6) foot lights in the display area only. Mr. Healey also said there is a four (4) foot fence surrounding the area. Mr. Healey said there will be two (2) pods visible from the expressway. Mr. Healey went over the equipment that would be stored in the display area. Mr. Healey added that after the meeting with administration, TSC came back with a more aesthetically pleasing plan with more landscaping and improved building material. Mr. Healey said there is a sophisticated sound barrier fence (like the one used by Target) and that TSC will provide that information to the neighbors for review.

Carmine Avantini, LSL Planning, addressed the review letter dated May 19, 2006, to speak to the supplemental information. Mr. Avantini said there will be some visibility from US-23, but it will be minimal. Mr. Avantini said the screen wall extends all the way to the large display screening area to create double screening and double storage. Mr. Avantini said the LSL letter recommends that the display area not be in front of the building. Hissong said that staff echoes the concerns of the LSL letter regarding the storage in front of the building. Hissong said that even though there is a wall present, product would still be visible. Mr. Healey said the proposed display/storage location is more architecturally pleasing. Mr. Avantini asked why tractors cannot be stored inside of the building or in the storage area. Mr. Healey said outdoor storage is a fundamental practice of TSC.

Ms. Schillinger, LSL Planning, said the architectural design matches that of Target and asked if there is a way to organize the building foundation/landscaping that is more consistent with the rest of the center. There was discussion amongst the Commissioners that the proposed four (4) foot fence is too low. Mr. Riggs expressed concerns that a five (5) foot fence may not even be enough. There was discussion regarding the number of tractors stored outside. Mr. Healey confirmed that outdoor display/storage is seasonal. Mr. Grossmeyer said that he had been to the current TSC store and saw large square metal bins. Mr. Grossmeyer asked if these bins were used to store used motor oil. Mr. Healey said he was unable to answer that. Mr. Grossmeyer also agreed that the outdoor storage should be located in one enclosed area. Mr. Healey said that most of the product located in the front yard is product that is moved into the store on a regular basis. Ms. King asked if it was possible to meet with a manager from the Leroy Street store. Hissong expressed that outdoor storage would be a policing issue and that TSC is not matching up with the Target store. Not having much support, Mr. Riggs asked if the applicant would prefer to table the issue once more and go over the landscaping with LSL Planning. Mr. Avantini reminded the Commission that they recommended approval of the request for the enclosure next to the building and also the north side of the building but not in front of the building. Ms. Schillinger referred to the April 18, 2006, letter which referenced the required waiver for side yard setback. Ms. King said she would like to meet with someone from the corporate office rather than just the developer/applicant, in order to create a win/win for all parties involved. Ms. Schillinger confirmed that the recommendation is for the outdoor storage, including the two pods and the storage area. Mr. Healey said that the City is asking TSC to change its method of business. Hissong stated that the neighboring property is a concern and the outdoor storage is the only concern. Mr. Stickel said he felt the Commissioners owed the applicant an explanation of what would be accepted.

Motion Stickel, seconded by Riggs, to approve the Special Land Use for TSC with 20,000 feet of outdoor storage, with the elimination of the outdoor display in front of the building and the north pod area, with the exception of the two expressway pods.

YEAS: Riggs, Stickel, Grossmeyer.

NAYS: Morey, King, McHale.

ABSENT: Carpenter, Clement, Ogger.

Motion died.

Motion McHale, seconded by King, to approve the Special Land Use for TSC, conditioned upon the LSL review letter dated April 18, 2006, with north end display pods and the pod along the expressway, also displays behind the five (5) foot wall in front of the building and granting the waiver for the two (2) display pods at the north end and the two (2) pods along US-23 having no more than five (5) displays.

YEAS: McHale.

NAYS: Stickel, Riggs, Morey, King, Grossmeyer.

ABSENT: Carpenter, Clement, Ogger.

Motion not carried.

Mr. Healey requested that both the Special Land Use and Site Plan requests for TSC be tabled until the next meeting. Mr. Healey said that he would contact the owners in Nashville and have them present for a meeting with the Planning Commission.

Motion King, seconded by Grossmeyer, that the Special Land Use and Site Plan requests for TSC be tabled until the next meeting, or in the future when the applicant is prepared to go before the Planning Commission for reconsideration.

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

NAYS:

ABSENT: Carpenter, Clement, Ogger.

Motion carried.

#### **FINAL SITE PLAN/PUD APPROVAL – The Shoppes of Fenton – Owen Road BP**

Mr. Avantini went over the Site Plan review letter dated May 18, 2006. Mr. Avantini briefly went over the major points of the letter, including property line waivers, lot coverage, parking/loading, vehicular pedestrian circulation, landscaping and the proposed sign. Mr. Avantini read the recommended conditions which included: the canopy design should better complement the building design through the addition of columns; the submittal of an access easement agreement with both Taco Bell and Atlas Oil Company; the extension of the sidewalk to the western property line; the removal of any illuminated signage on the canopy; verification that the footcandles under the canopy do not exceed 20 footcandles is required; the submittal of detail sheets for all of the light fixtures satisfactory to the City; the submittal of a PUD Agreement in accordance with *Section 13.06.h. and 13.08.c.*; and approval from all other consultants, agencies and departments involved in the project review.

Mr. Avantini also listed the recommended waivers which included: decrease in parking setback from 20 feet to 8 feet along the eastern property line (side yard); decrease in the amount of restaurant stacking spaces from 23 spaces to 21 stacking spaces; decrease in buffer width from 30 feet to 13 feet with the proposed wall along the northern property line (rear yard); decrease in ground sign setback from 10 feet to 0 feet along Owen Road; and unless canopy signage is under 2 sq. ft. a variance will be needed to permit canopy signage.

Motion McHale, seconded by King, to approve the Site Plan/PUD for Owen Road BP subject to the LSL letter dated May 18, 2006, to include conditions 1-3 and 5-8, omitting number 4 and to include waivers 1-4 of the same letter and approval from all other consultants, agencies and departments.

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

NAYS:

ABSENT: Carpenter, Clement, Ogger.

Motion carried.

#### **SITE PLAN APPROVAL – The Shoppes of Fenton – Speedway/Marathon**

Elizabeth Young, Marathon/Speedway, went over the May 4, 2006 LSL review letter and explained the requirements they are unable to meet. Ms. Young said there is a shared agreement with Mega Coney Island and Speedway. Ms. Young also described the building materials. Ms. Schillinger read the LSL review letter dated May 4, 2006. Ms. Schillinger explained that the applicant does not meet the parking setback due to the shared drive access with Target and Mega. Ms. Schillinger listed the conditions in the review letter including: the canopy should better complement the building design through the addition of brick columns and the addition of a gabled roof; the amount of proposed parking is reduced to meet Ordinance standards unless the applicant provides written documentation to justify the actual use and demand of parking; the replacement of some of the Andora Juniper with a different type of shrub; the removal of illuminated signage on the canopy; the addition of a planter box at the base of the ground sign consisting of a mixture of cast and utility brick and filled with appropriate landscaping; submittal of a revised lighting plan that satisfies Ordinance requirements; submittal of a shared agreement between Mega Coney Island site and Speedway to permit the waste receptacles as depicted; and approval from all other consultants, agencies and departments involved in the project review.

Ms. Schillinger also went over the waivers which included: decrease in building setback from 40 feet to 27 feet along the northern property line (front yard); decrease in parking setback from 20 feet to 4 feet along the northern property line (front yard); decrease in building setback from 40 feet to 15 feet along the eastern property line (front yard); and decrease in parking setback from 10 feet to 5 feet along the western property line (side yard).

Motion Grossmeyer, seconded by King, to approve the Site Plan for Speedway/Marathon referencing the conditions in the May 4, 2006 LSL letter. Conditions 2 and 3, 5-8 and waivers 1-4, and approval of all other consultants, agencies and departments.

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

NAYS:

ABSENT: Carpenter, Clement, Ogger.

Motion carried.

#### **SOUTHERN LAKES PLANNING INITIATIVE**

David Lossing, Mayor City of Linden, gave the Commissioners an overview of the project. Mr. Lossing said that the initiative involves the surrounding municipalities of Argentine Township, Fenton Township, City of Linden, City of Fenton, Mundy Township and Tyrone Township. Mr. Lossing spoke about the growth in the area and how the merging of the neighboring communities would create a cheaper tax base and better schools, etc. Mr. Lossing put up two large display maps and located the areas of priority. Mr. Lossing stated that in thirty-eight (38) years the area would be totally built up and that it is important for the neighboring communities to be connected. Mr. Lossing then introduced Leyla Sanker, Project Manager for C.A.E.R (Center for Applied Environmental Research) at the University of Michigan. Ms. Sanker addressed the issue of keeping the lakes and streams protected in lieu of water quality issues. Ms.

Sanker said that they would like to create a shared vision of the downtown and that the steering committee is currently working on funding with public education and outreach. Mr. Lossing and Ms. Sanker asked the Planning Commission to pass the resolution for the Planning Initiative and send to City Council for final action. Mr. Lossing explained that the cost would be \$3,500.00 per municipality if all of the involved communities participated.

McHale left the meeting at 11:37 p.m.

Mr. Lossing also said they are the first in Genesee to launch the initiative and that this is done statewide. There was discussion amongst the Commissioners regarding liability, growth and the cost to taxpayers.

Motion Riggs, seconded by Grossmeyer, to recommend that the resolution be sent to City Council for final approval.

YEAS: Morey, Riggs, Grossmeyer.

NAYS: King, Stickel.

ABSENT: Carpenter, Clement, McHale, Ogger.

Motion carried.

#### **CALL TO AUDIENCE**

None.

#### **ADMINISTRATIVE ITEMS**

None.

#### **LSL ITEMS**

None.

#### **COMMISSIONER MEMBER ITEMS**

None.

#### **ADJOURNMENT**

The meeting adjourned at 11:57 p.m.

Nancy M. Padgett  
Recording Secretary