

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

Chairman Morey called the meeting to order at 7:04 p.m.

Present: Carpenter, Grossmeyer, King, McHale, Morey.  
Absent: Clement, Ogger, Riggs, Stickel.  
Others Present: Brad Hissong, Building/Zoning Administrator; Carmine Avantini, LSL Planning;  
Sherrin Hood, LSL Planning; Nancy Padgett, Building/Zoning Secretary.

Moved by Grossmeyer, seconded by McHale, to approve the minutes of the regular meeting as presented held June 22, 2006. Voice vote, motion carried.

Mr. Avantini, LSL Planning, introduced Ms. Sherrin Hood. Mr. Avantini said that Ms. Hood would be replacing Ms. Schillinger of LSL, due to the fact that Ms. Schillinger was recently appointed as office manager of LSL Planning.

**REZONING – Vacant Land Torrey Road – Public Hearing**

Mr. Avantini went over the July 19, 2006, review letter for the rezoning. Mr. Avantini explained that the request by the City is for a split zoning designation which would bring the property in compliance with the zoning map. Mr. Avantini said the property meets all criteria to be rezoned from RDR (Rural Density Residential) to GBD (General Business District). It was confirmed that the property to be rezoned is approximately one third (1/3) of an acre and that the rezoning would bring the rear of the property to conformity. Chairman Morey then opened the Public Hearing. Being no comment from the audience, Chairman Morey closed the Public Hearing and brought the item back before the Planning Commission.

Motion McHale, seconded by Grossmeyer, to change the zoning for parcel #53-23-300-026 (Vacant Land Torrey Road), from RDR (Rural Density Residential) to GBD (General Business District), and site the July 19, 2006 LSL Planning letter.

YEAS: Carpenter, Grossmeyer, King, McHale, Morey.

NAYS: None

ABSENT: Clement, Ogger, Riggs, Stickel.

Motion carried.

**REZONING – Vacant Land Shiawassee Avenue – Public Hearing**

Mr. Avantini went over the LSL letter dated July 19, 2006. Mr. Avantini explained that the rezoning is consistent with the Master Plan and that the property is considered part of the downtown by the DDA. Mr. Avantini also explained that the area is predominantly residential and this rezoning will be more compatible with the surrounding neighborhood. Mr. Avantini went on to say that the property was rezoned from R-1 (Single Family Residential) to R-M (Multiple Family Residential) in 1974 to

accommodate an addition to the original convalescent home. Council meeting minutes indicate that some of the adjacent residents were against the rezoning, citing the potential impact on property values and the concern about future commercial uses. Mr. Avantini also said that at some point in time, both lots were rezoned to HBD (Historic Business District), along with other properties to the east along Shiawassee. During the last zoning ordinance update, the HBD zone was eliminated and combined into the CBD (Central Business District) with a Planned Unit Development (PUD) overlay. This action was taken because the uses permitted in both districts were essentially the same. At the time of the rezoning and construction of the nursing home addition, the R-M District had side yard setback requirements and the adjacent lot was needed to meet those requirements. In addition, a second expansion was requested in 1987 and was never built. In that application, the second lot was considered part of the nursing home site and used toward meeting ordinance requirements. The current zoning designation does not have side yard setback requirements but any development must be in keeping with the overall PUD plan, which is currently being developed by the DDA and Planning Commission. Mr. Avantini said that based on the above findings, LSL Planning recommends approval of the request to rezone the property from CBD (Central Business District), to MHR (Medium High Density Residential) to the City Council. This zoning classification is comparable to the original rezoning request to R-M and allows adult care facilities as special land uses. There was discussion amongst the Commissioners regarding the \*\*rezoning. Chairman Morey then opened the Public Hearing.

Mr. Rudy Mora, 402 W. Shiawassee, Fenton, MI 48430. Mr. Mora said he is against commercial use of the property. Mr. Mora said he would like to see the zoning remain as is or be rezoned to residential. Mr. Mora also said that sixty (60) property owners in the surrounding area support his opinion on the rezoning.

Mr. Tom North, 401 W. Elizabeth, Fenton, MI 48430. Mr. North asked the zoning of the nursing home and it was confirmed that it is CBD (Central Business District). It was also confirmed that if the property were zoned residential and someone purchased the property that they would have to go back before the Planning Commission to rezone the property.

Ms. Marian Neely, 214 W. Shiawassee, Fenton, MI 48430. Ms. Neely expressed concerns regarding trying to keep her home looking good and kept up and that it would be a mistake to allow a parking lot to be located on the vacant lot.

Ms. Cherie Smith, 200 Union Street, Fenton, MI 48430. Ms. Smith asked if they had to rebuild, couldn't the owner request a variance? Mr. Avantini confirmed that it would be very difficult.

Being no further comment, Chairman Morey brought the item back before the Planning Commission.

Motion King, seconded by Carpenter, to table the rezoning request until the August 24, 2006 Planning Commission meeting.

YEAS: Carpenter, Grossmeyer, King, McHale, Morey.  
NAYS: None

\*\*King suggested that the rezoning be strictly residential, due to the zoning of the neighboring properties being residential.

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ABSENT: Clement, Ogger, Riggs, Stickel.  
Motion carried.

**SPECIAL LAND USE – The Shoppes of Fenton – TSC (Tractor Supply Company) – Final Approval**

Mr. Avantini addressed the major changes made to the Special Land Use that the applicant had made. Mr. Avantini said that all of the outdoor storage will be enclosed in a display area or behind a wall. Items on pods would be stored behind a screen and contain only one item. Mr. Avantini listed the conditions of approval from the review letter, which include: site plan approval, limiting the outdoor display to the fenced in area designated on the site plan between the planter boxes, approval of all other agencies, consultants and departments.

Motion Grossmeyer, seconded by King, to remove the Special Land for The Shoppes of Fenton – TSC from the table. Voice vote, motion carried.

Motion Grossmeyer, seconded by Carpenter, to approve the Special Land Use for the Shoppes of Fenton TSC, noting the conditions of the July 18, 2006 LSL letter, with removal of number three (3): *The Planning Commission granting a waiver to permit outdoor storage within the thirty (30) foot setback along US-23.*

YEAS: King, McHale, Morey, Carpenter, Grossmeyer.

NAYS: None

ABSENT: Clement, Ogger, Riggs, Stickel.

Motion carried.

**SITE PLAN APPROVAL – The Shoppes of Fenton – TSC (Tractor Supply Company) – Final Approval**

Mr. Avantini read from the LSL letter dated July 18, 2006, which recommends approval of the site plan based on the following: the building elevations are in conformance with number three (3), removal of the two (2) northern most parking spaces on the rear portion of the site, clarification of the landscaping to be provided within the planter boxes, information on the square footage of the front façade must be provided to verify Ordinance requirements are being met (the letters and symbols on all wall signs shall be internally lit so that the background of the sign is not visible at night), the submittal of detail sheets for all light fixtures, approval from all other consultants, agencies and departments involved in the project review. A final condition of approval is a waiver granted by the Planning Commission for a decrease in parking setback from twenty (20) feet to ten (10) feet along the northeastern property line (front yard).

Motion Grossmeyer, seconded by McHale, to remove the Site Plan for the Shoppes of Fenton – TSC from the table. Voice vote, motion carried.

Motion Grossmeyer, seconded by McHale, to approve the final Site Plan for The Shoppes of Fenton, TSC, noting the conditions and the waiver to increase the parking setback from twenty (20) feet to ten (10) feet, mentioned in the July 18, 2006 LSL letter.

YEAS: McHale, Morey, Carpenter, Grossmeyer, King.  
NAYS: None  
ABSENT: Clement, Ogger, Riggs, Stickel.  
Motion carried.

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### **NEW BUSINESS**

Hissong introduced Jeff Pitt from DAP Investments, representing Murray's Auto. Hissong informed the Commissioners that Murray's is proposing a store on the out lot in front of Michael's, just south of the old Bank One, which is now Chase Bank, and that the applicant had deposited monies into an escrow account in order to have an administrative review conducted and go before the Planning Commission to get an idea of how the Planning Commission viewed the proposal prior to proceeding with the project. Jeff Pitt, DAP Investments, 26105 Lannys Road, Suite A, Novi, MI 48375-1025. Mr. Pitt addressed the Planning Commissioners. Mr. Pitt introduced Dan Kukes, also with DAP Investments and Dan LeClair, with Alpine Engineering, Inc. Mr. Pitt explained that Murray's is an after market retail auto store. Mr. Pitt then had Dan LeClair explain the proposed plan, located on the west side of Silver Parkway. Mr. LeClair explained that the shopping center is located to the south of the site and the bank is to the north. Mr. LeClair said that one of the proposed concepts involves sliding the service drive to the west and remove the island in front of Michael's. This would locate the driveway closer to the detention basin. Mr. LeClair informed the Commission that the applicant had submitted a site plan to traffic consultant, Pete LaMourie. Mr. LeClair said that per Mr. Lamourie's concerns, a right in/out only drive would be installed at the site. There was also mention of a heavily screened dumpster and a thirty-one (31) parking space parking lot. It was confirmed that the proposed Murray's site would share a driveway with Michael's. Hissong addressed traffic consultant concerns of the turning radius in the parking lot and semi trucks. Traffic consultant, Pete LaMourie, was concerned that the lot could only accommodate panel trucks. Hissong made reference to the dumpster enclosures materials used in some of the surrounding projects on Silver Parkway, such as Apple Bees, Panera Bread and Bob Evans and said that the Planning Commission would like to see the enclosures made of the same cement block as the building. There was further discussion regarding the views of the Planning Commission with the proposed administrative review. Mr. Avantini reminded the applicant that the initial review did not address lot coverage requirements and that prior to submitting plans for an administrative review, they address these issues on the plan. Mr. LeClair said they would take the Commissioners comments and suggestions and apply with a revised drawing for review.

### **CALL TO AUDIENCE**

None.

### **ADMINISTRATIVE ITEMS**

Hissong informed the Commission that Mr. Ogger's Mother had passed away and McHale had a card for everyone to sign. Hissong also said that Councilman, Ed Angeluski, had fallen and broken his hip. King said he was having surgery and should be on his feet again within days. Hissong also said he had received

plans from the Arby's office on Owen Road. When asked about the Wal-Mart Board of Appeals application, Mr. Avantini said that after the applicant had applied to the Board of Appeals, it was brought to administrations attention by LSL Planning that the Board of Appeals cannot overturn determinations made by the Planning Commission. Mr. Avantini also explained that had it only been a Site Plan application the Board of Appeals could hear the case, but not in the case of Special Land Use. Mr. Avantini also said that the next step would be to go to court if the applicant so chooses. Hissong said the applicant could ask for reconsideration or take the case to court.

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### **LSL ITEMS**

Mr. Avantini told the Commission that he is continuing to work on the zoning ordinance amendments and identifying items that need to be changed.

### **COMMISSIONER MEMBER ITEMS**

King brought up the issue of attendance by Planning Commission members. King said that it is not fair that people do not call in prior to absences when there are important decisions to be made by the Planning Commission. Chairman Morey asked Padgett to provide the Planning Commission with a list of attendance history of the Planning Commissioners for the next meeting. Chairman Morey asked that 'Elections' be placed on the next meeting agenda. Chairman Morey asked Hissong the status of the Target sign along US-23 and if the sign is too bright. Hissong said that Target had placed monies in the escrow account to cover all of the final reviews/approvals of the project. Mr. Avantini pointed out that the lighting levels on the sign had been turned down on the lower panels. Mr. Avantini asked the Commissioners to review the plan and call administration with any concerns/questions. King asked the status of Speedway permits. Hissong said that Speedway is being held up due to the fact that they do not wish to comply with the suggested ten (10) candle power or less for site lighting. Hissong updated the Commissioners on the Rite Aid project and said that the vacant building on the property had been demolished. King told the Commission that River Place had come before City Council at a work session with a preliminary plan. King said the project involves seventy-two (72) condos with businesses and restaurants that have living quarters upstairs. King said that due to the fact that the site is located within the DDA district, City Council encourages such projects. Carmine informed the Commissioners that he would be unavailable for the September meeting. Hissong said he would not be present at the August meeting.

### **ADJOURNMENT**

The meeting adjourned at 9:21 p.m.

Nancy M. Padgett  
Recording Secretary