

CITY OF FENTON COUNCIL PROCEEDINGS

**Monday, March 25, 2013
City Hall Council Chambers
301 South Leroy Street**

Mayor Osborn called the meeting to order at 7:30 PM.

The invocation for the evening was the Lord's Prayer and was followed by the Pledge of Allegiance.

Present: Bland, Jacob, King, Lockwood, Osborn, Piacentini, Smith.
Absent: None.
Others Present: Lynn Markland, City Manager; Stephen Schultz, Legal Counsel; Brad Hissong, Zoning Administrator.

CITY MANAGER'S REPORT

Markland reported that the administration is still working on the budget for fiscal year 2014, as well as the five year financial forecast. Markland requested that the Council pull the item for 112 Mill Street until more information can be gathered on the topic. The Council agreed to this.

COUNCIL MEMBER COMMENTS

Piacentini questioned if there was a plan in place to address local road improvements because some of the streets in the City are in really bad shape. Markland stated that he is working with Director Czarnecki on this issue and they are trying to develop a long-range plan for funding.

Lockwood stated that the Freedom Festival Committee has named Bob Harris, Sr. as the 2013 Grand Marshal and a reception will be held for him at the Fenton Hotel on July 3, 2013. Lockwood also reported that funding for the Fenton Community and Cultural Center is coming along and several presentations have been made to non-profit entities.

King stated that the buffering on Owen Road for the entrance ramp to US-23 needs attention again.

LEAGL COUNSEL'S REPORT

Schultz stated that the Cornerstone Agreement language has been finalized and just needs to be executed.

MAYOR'S COMMENTS

Osborn wished everyone a Happy Easter.

CITIZENS COMMENTS - None.

CONSENT AGENDA

Osborn reviewed all of the items on the consent agenda which include:

- Council authorize payment of invoices in the amount of \$45,258.11.
- Approve and place on file the minutes of the February 7, 2013 Special Planning Commission meeting.
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A motion was made by Bland and seconded by Smith to approve the Consent Agenda containing all of the aforementioned items.

YEAS: Bland, Jacob, King, Lockwood, Osborn, Piacentini, Smith.
NAYS: None.
ABSENT: None. Motion carried.

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE PINE CREEK NORTH PLANNED UNIT OF DEVELOPMENT.

Brad Strader, of Langworthy, Strader, and LeBlanc, reviewed the original PUD for this property as it was approved in 1999. Strader explained that the economy took a downturn which forced the developer to come to a halt on the planned development. Strader stated that a new use has been proposed for the ground to open and extended care facility and possible senior independent living. Planning Commission has recommended the Council's approval of this request. Strader stated that the implementation of an extended care facility at this location will not be possible unless the Council approves the amended PUD. Hissong stated that the staff has reviewed this request very carefully and the developers are very clear about what is expected of them. Be typical of nursing home activities. Markland confirmed that there are plans to conduct some outpatient therapy at this site as well.

Pete LeMourie, traffic engineer for the City, addressed some traffic concerns. LeMourie acquired data on a traffic study in this area and suggested that some possible internal controls for traffic will be helpful in this situation. Bland confirmed that the traffic generated for this project will be less than what was originally proposed. Lockwood confirmed that the applicant made some changes to services since the original application in order to accommodate the situation but the facility will still be typical of a nursing home. Piacentini questioned if the traffic impact data was quantified for emergency vehicle use as well as residential traffic. LeMourie stated that this facility did not require a traffic impact study but emergency vehicle use would be hard to quantify. Piacentini confirmed that the City could not really restrict commercial vehicle use within the residential subdivision. Osborn confirmed that the amended plan is designed to have 44 new condos added to the existing 8. Osborn also confirmed that the proposed facility will be around 68,000 square feet in size.

The architect of the proposed facility, of JW Design Firm, stated that this project received unanimous approval from the Planning Commission and they have met with some of the surrounding residents as well. The architect stated that the building will be a single story brick building that is conducive to the existing neighborhood surrounding it. The facility proposed will have only inpatient rehabilitation services with some possible follow up required from patients. They will not offer outpatient services. This facility will have mostly private rooms and is considered to be the next generation of nursing homes. The developer may proceed with constructing the condos proposed if there is a market for them. Lockwood confirmed that they are not proposing construction of the condos at this time but the plans had to reflect the maximum density for the completed project. Lockwood confirmed that the facility will not be expanded into the proposed area for condos and the applicant will return to Council if and when they plan to construct condos.

King confirmed that the owners could require employees to enter the facility from Eddy Lake Road, but they cannot restrict visitors as to what route they take to get there. The architect added that there is extensive landscaping planned for the project. King stated that there is a need for this type of facility in the City. Smith confirmed that Pine creek Drive will be required to meet City specifications before it is accepted by the City. Bland stated that the roads need to be completed within a specific amount of time or the developer should be required to bond for the completion of the roads. Hissong stated that a certificate of occupancy will not be issued if the streets are not completed. Strader stated that most of the details will be addressed through site plan review. Markland confirmed that the Planning Commission will require landscaping for the transitional areas in the development as well.

Mayor Osborn opened the public hearing at 8:15 PM.

Jeff Brewster, of 724 Pine Creek Drive, expressed concern about visitor traffic in the neighborhood.

Mike Ebee, of Eddy Lake Road, stated that his opposition caused by the proposed use of the land, not the facility itself. Ebee stated that there has been no acceptable solution proposed to address traffic concerns or the destruction this project will cause to Eddy Lake Road due to construction traffic.

Sara Barnett, of 505 Sixth Street, stated that she is concerned with preserving the existing natural environment around her home and does not object to the facility itself. Strader stated that the landscaping will need to be preserved or replaced.

Cherie Smith, of 200 Union Street, stated that speeding is a factor in a lot of neighborhoods in the City and added that new jobs will be created here and those people will be spending money in the City and may actually move here as well.

Kate Ebee, of Eddy Lake Road, expressed her concern about the traffic and getting in and out of her driveway. Ebee also expressed her concern for the child foot traffic from Tomek Elementary. Ebee stated that a traffic signal may be necessary.

Tim Turzen, of 811 Oakwood Circle, questioned Oakwood Circle was planned to be paved as part of the project plan as well. Jim Galbraith, the Developer, stated that it is his intent to finish the paving during the coming construction season. Turzen questioned if the existing homeowners association could merge with the new one once the development is completed and he confirmed that it would depend on how the by-laws of the original association are written and what the master deed states. Turzen questioned how the property values surrounding the site would be affected. Markland stated that no guarantees can be made about property values; however, the City's Code and Zoning regulations have a positive impact on maintaining values. King stated that it caused a buzz in Linden when Caretel was built and it is next to a school as well. King further stated that no increased traffic was generated there and the business has been very successful in the community.

Jacob confirmed that the property east of the development will be maintained as well. Jacob stated that he is not convinced that increased traffic will be an issue here and there is no documentation of a property value decrease due to the construction of this type of facility nearby.

Rachel Oberlee, of 716 Pine Creek Drive, expressed her concern about increased traffic and questioned if there are future plans for sidewalks in the area. Hissong stated that the development will be required to have sidewalks on both sides of the street because it will be a City street and these will be constructed as the properties are developed. Oberlee stated that sidewalks should be put in during the construction and questioned who would be responsible for constructing them. Galbraith stated that the single family homes are platted lots and once the final cap is put on the street it will be accepted by the City as a public street. Galbraith stated that the sidewalks will be installed as the lots are built out. Galbraith further stated that he would be willing to construct a temporary asphalt walkway during the construction. Schultz stated that the City cannot require this of the developer. Galbraith was not opposed to it.

Doug Gangwer, of 618 Cherry Blossom, stated that he has no issue with the company but rather the placement of the facility because he doesn't feel it fits the vision of the area. Gangwer also expressed concern for child pedestrian traffic. Lockwood stated that vacation of the street could be an agreeable solution here. Markland stated that emergency vehicle access needs to be considered before a street vacation occurs.

Mayor Osborn closed the public hearing at 9:17 PM.

Bland stated that the City can require the developer to fix any damage caused to Eddy Lake Road because of construction of the facility. King stated that the City needs to keep quality roads. King also stated that she likes the project and feels it is advantageous. King further stated that the people who will be staying at the facility deserve to feel like they are part of the community too. Lockwood requested a review of items to be required upon approval of the amendment to the PUD. The following is a list of conditions presented:

- Extensive landscaping plans
- Maintain the open space adjacent to the facility
- Wearing course to be completed on Oakwood Circle
- Repairs to Eddy Lake Road if damaged due to construction
- Require an additional traffic count before additional construction
- Preservation of natural environment

Galbraith stated that he would still seriously consider a temporary asphalt walkway even though it is not conditional of the development. Piacentini suggested that the developer consider moving the entrance farther towards Eddy Lake Road. Schultz reviewed that the Council will amend the PUD then the plan will go back to the Planning Commission for site plan review and then return to the Council for final approval.

A motion was made by Smith and seconded by Bland to approve the proposed amendments to the Pine creek North Preliminary PUD for parcel #53-25-400-011, under the conditions agreed to throughout the public hearing, to be known as Fenton Wellness Center. Motion carried by voice vote.

308 ROSE STREET

Markland reviewed that the City was notified that it was eligible for grant funding from Genesee County in order to complete the demolition of 308 Rose Street. Markland recommended that the City accept the grant from the Genesee County metropolitan Planning Commission.

A motion was made by Bland and seconded by Lockwood to accept a Blight Elimination Grant from the Genesee County Metropolitan Planning Commission to demolish the structure at 308 Rose Street in the City of Fenton. Motion carried by voice vote.

CALL TO THE AUDIENCE – None.

Meeting adjourned at 9:38 PM.

Mayor Sue Osborn

City Clerk, Jennifer Naismith