



**Thursday, March 23, 2023
7:00 P.M.**

Vice-Chair Csapo called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Steffey, Grossmeyer, Campbell, Siwik, Senyko, Csapo
Absent: Anderson, Rossmassler
Others Present: Jason Payne, Building/Zoning Administrator, Carmine Avantini
CIB Planning & Consulting, Steve Guy, Fenton Water Plant
Supervisor

MINUTES

Motion by Grossmeyer, supported by Senyko, to approve the minutes from the February 23, 2023. Motion passed.

TABLED ITEMS

A. PSPR23-0001 – Site Plan for 315 Walnut Street. Corlin Builders is requesting to construct a new building, along with adding on to 121 First Street building.

Motion by SENYKO, supported by GROSSMEYER, to bring the 315 Walnut Street Site Plan back to the table for review. Motion passed.

Carmine Avantini, CIB Planning, gave the following report:

Per your request, we have completed our review of the above *revised* final PUD site plan to construct a two (2) story, traditional mixed-use building in downtown Fenton. The first floor will be occupied by 3,560 s.f. of retail space; an additional 814 s.f. of one-story storage space for the retail shops on First Street; and the second floor with three (3) residential units, two (2)

at 1,007 s.f. each and one (1) at 1,422 s.f. Five (5) on-street parallel parking spaces are proposed on Walnut Street, along with landscaped areas and a pedestrian walkway.

The property is zoned CBD/PUD and Retail Businesses & Centers up to 18,000 sq. ft. GLA as well as offices and multiple-family dwellings are permitted uses in the CBD, Central Business District. As part of a PUD, Downtown Fenton is also covered by a Preliminary Planned Unit Development Plan that requires multi-story traditional buildings. This plan is in compliance with the Preliminary PUD Plan and can therefore move directly to Final PUD Site Plan Review.

DISCUSSION

Section 36-16.05 of the City of Fenton Zoning Ordinance lists the submittal requirements for site plan

review and the Downtown Design Guidelines also apply. Based on our review of the proposal, meetings with the applicant, a review of the zoning ordinance and design guidelines, comments at the previous Planning Commission meeting, and discussions with Mr. Jason Payne, Building Official/Zoning Administrator, we offer the following comments for your consideration:

1. Area and Bulk Requirements. The only area and bulk requirement in the CBD District is a maximum building height of 35 feet. The application proposes a building that is two (2) stories in height, with a maximum height of 25 feet. The building must also maintain a floor to area ratio of four to one, which is met. Please note that the building has been brought closer to Walnut Street and lines up with the existing building fronting First Street. This revised layout better meets the Downtown Design Guidelines by utilizing a “zero lot line” building.

2. Development Agreement. *Section 36-13.08(c), Final PUD site plan submittal requirements,* calls for the submission of a written PUD development agreement, unless the Building Official/Zoning Administrator determines that one is not necessary. Since this is a relatively small building, we are of the opinion that a development agreement is not needed and make that recommendation.

3. Building Design. The proposed building is attractive, complements surrounding structures, and meets the requirements of the Downtown Design Guidelines. It is anticipated that the building exterior will utilize a “brick masonry wall surface” as the primary material along with decorative wall tiles along the base of the building. Material samples must be submitted for Planning Commission review and approval. In addition, the east side of the existing building is in need of maintenance and the mechanical equipment is not screened from Walnut Street. The applicant should indicate what improvements are proposed for that façade on the existing building to make it blend in with the new structure.

4. Rooftop Mechanical Unit Screening. A note must be added to the construction drawing building elevations indicating that all rooftop units will be fully screened.

5. Signage. Any building-mounted signage must utilize either indirectly illuminated signs or those with individual internally illuminated letters, per the Downtown Design Guidelines, and box signs are prohibited.

6. Parking. The parking calculations should be updated to indicate that 18 parking spaces are required (12 for the retail and 6 for the residential) and that five (5) improved on-street spots are to be provided on Walnut Street. *Section 36-19.02, General requirements*, of the ordinance state that “*Within the CBD, off-street parking shall be either on the same lot, lot(s) under the same ownership and control, open public parking lots, or on the street within 500 feet of the building it is intended to serve, measured from the nearest point of the building entrance to the nearest point of the off-street parking lot.*” A public parking lot is located within approximately 300 feet of the subject site and parking supply information is needed to ensure that adequate spaces are available. The Planning Commission must find that there are adequate parking spaces available both on-street and in the public parking lot to accommodate the proposed development.

7. Trash Storage. The originally proposed dumpster enclosure has been removed and replaced with a closet for the storage of trash containers, with access via a door on Walnut Street. We find this to be a much better solution that is more sympathetic to the traditional design of downtown and abutting residential properties.

8. Other Approvals. The proposed site plan must be reviewed and approved by the appropriate city departments, consultants, and agencies.

RECOMMENDATION

Based upon the above review, **we recommend approval of the Final PUD Site Plan for 121 First Street-315 Walnut Street**, conditioned upon the following items:

- (1) The applicant submitting an acceptable plan for improvement of the east elevation of the existing building, facing Walnut Street;
- (2) A note being added to the construction drawing building elevations indicating that all rooftop units will be fully screened;
- (3) Planning Commission approval of the parking supply, utilizing both on-street and public parking lots spaces; and
- (4) Approvals being obtained from all agencies, departments and consultants.

Ghassan Saab, applicant, added that after their meeting, they agreed to the best solutions for the building were to make these adjustments, along with adding another residential unit, and adding another 1,200 square feet of office space to the first floor. They will also replicate the downtown streetscape look with parallel parking and pavers. With the added changes, they feel they have met everyone’s concerns.

There was some discussion regarding the type of doors being used on the building for the trash receptacle room. It was stated that using steel doors would be more durable for the use. It was suggested to use a color to compliment the building. The following motion was then made:

MOTION by GROSSMEYER, supported by STEFFEY, to APPROVE the site plan for 315 Walnut Street, conditioned upon the items listed in the CIB

letter dated March 8, 2023, including the east facing wall of the existing building will be refinished in some sort of brick.

MOTION PASSED (6-0) Grossmeyer – yes, Campbell – yes, Steffey – yes, Csapo – yes, Siwik – yes, Senyko - yes

PUBLIC HEARING/BUSINESS

A. Public Hearing – To allow public comment to consider a special land use for Mason Motors, to be located at 1538 N. Leroy St., Fenton, MI, who is requesting to operate a used car lot where car lots/dealerships are special land uses in the General Business District.

The public hearing was opened at 7:15 pm. There were no speakers and the hearing was closed.

B. PSLU23-0001 – Special Land Use request from Mason Motors, who is requesting approval to operate a used car lot at 1538 N. Leroy Street. The district is zoned GBD, General Business District.

Avantini gave the following report:

We have reviewed the above special land use request to occupy an existing approximate 700 square foot building and lot as a used automobile dealership. The property was previously occupied by a used car dealership and has been vacant for some time. The application does not propose any site improvements and the request indicates that all activity will take place on the subject site. The property is zoned GBD, General Business District, where car dealerships are special land uses in that District.

The opinions in this report are based on a review of the site plan submitted by the applicant and conformance to City plans and ordinance standards. Please note that the applicant and their design professionals shall be responsible for the accuracy and validity of information presented with the application. In reaching a decision on the application, the Planning Commission should consider our comments along with those from other staff and consultants, additional information provided by the applicant, input provided during the public hearing, and your own findings based on ordinance standards as part of your deliberation.

GENERAL SPECIAL LAND USE STANDARDS

According to *ARTICLE 14*, any special land use must adhere to all of the following general standards listed in the Zoning Ordinance:

1. Be compatible and in accordance with the goals, objectives, and policies of the City of Fenton Master Plan and promote the intent of the zoning district in which the use is proposed.

Finding - In compliance: The subject site is located in an area designated commercial and one of the Master Plan goals is to “eliminate or minimize impacts of existing land use conflicts and prevent new conflicts from occurring through sound planning and zoning.” The surrounding uses are primarily retail commercial in nature and the property to the immediate rear of the site is also commercial. The intent of the current designation GBD district is to “accommodate commercial establishments that serve community-wide shopping and service needs, including motorists using US-23. This district is intended to create cohesive commercial areas that take advantage of access provided by the city’s roadway system but also provide convenient vehicular access between businesses in attractive settings, thereby ensuring the safety and discouraging undesirable commercial development.” This site meets the above intent of the GBD District with convenient road access from North Leroy Street. The proposed use therefore meets the objectives of the Master Plan as well as the intent of the zoning district.

2. Be constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.

Finding - In compliance: The proposed auto dealership site has been operated with similar uses in the past and maintains the existing and intended character of the area.

3. Be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools.

Finding - In compliance: The subject site will be adequately served by existing facilities and roads.

4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance.

Finding - In compliance: The special use should not have a negative impact on the above items through the excessive production of noise, traffic, etc. This is conditioned on the number of sales vehicles being limited to the number of display spaces shown on the sketch plan, and being located on-site.

SPECIFIC SPECIAL LAND USE STANDARDS

The special land use application has been reviewed utilizing the following specific standards outlined in *Section 36-14.08, Special land use specific requirements*, of the Fenton Zoning Ordinance.

1. *Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.*

In Compliance with PC Approval – Display vehicles are located in the required front and rear yard, but the layout of the dealership is existing, as are the display areas.

2. *All parking and outdoor storage areas shall be paved with a permanent and durable surface. Curbing around all parking and storage areas shall be provided.*

In Compliance – The entire site is paved with asphalt and wooden planter boxes separate the parking area from the sidewalk. The existing parking lot does not have curbing and was approved previously by the Planning Commission.

3. *Any use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile repair and/or service establishments.*

(a) *All principal and accessory structures shall be set back a minimum of 500 feet from a single-family residential district. **Meets Standard.***

(b) *There shall be a minimum lot frontage on a paved road of 200 feet. **This standard is not met but the site is existing.***

(c) *All maintenance and repair work shall be conducted completely within an enclosed building. **Not applicable-no maintenance or repair work will be done on-site.***

(d) *There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment. **Meets Standard.***

(e) *Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted in a designated area. Such area shall be appropriately screened from public view as determined by the planning commission. **Meets Standard.***

(f) *The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the City of Fenton Fire Department. **Not applicable.***

(g) *Any use with gasoline sales shall also meet the standards for automobile gasoline stations. **Not applicable.***

4. *Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed 20 footcandles within the site or one footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of 0.5 footcandles is permitted.*

In Compliance – There are currently no light fixtures on the property and if any new ones are proposed, they must meet ordinance requirements.

5. Flags, banners, and streamers shall not be permitted unless approved by the planning commission.

In Compliance – Flags, banners and streamers will not be used, unless under conditions permitted elsewhere in the ordinance.

RECOMMENDATION

Based upon the above analysis, **we recommend approval of the special land use for Mason’s Motors**, conditioned upon the following:

- (1) The number of sales vehicles being limited to the number of display spaces shown on the sketch plan, and being located on-site; and
- (2) Review and approval from all applicable consultants, departments and agencies.

The applicant, Mason Lynn, stated he is aware of the previous issues with the car lot that was there prior to him, and Mr. Lynn will make sure he stays within the guidelines. He also has a lot at the corner of Torrey and Thompson Roads. He is excited about having another lot in the City of Fenton.

Commissioner Grossmeyer questioned the 8 foot parking spaces for these vehicles when the ordinance calls for 9 feet. Avantini added that these spaces are for display vehicles only, not for parking and they will not be stripped.

MOTION by GROSSMEYER, supported by CAMPBELL, to APPROVE the Special Land Use for Mason Motors.

MOTION PASSED (6-0) Grossmeyer – yes, Campbell – yes, Steffey – yes, Csapo – yes, Siwik – yes, Senyko - yes

C. SIGN ORDINANCE CHANGES

Avantini stated that he has reviewed these changes many times with the City Attorney; there have been court cases that have directed the City in how these ordinances need to be written. There are some changes with definitions, they have improved the graphics, and terms within the ordinance.

After some discussion over some of these changes, Avantini added that if any Commission Members have questions, concerns, or ideas to email them to him. There still will be more discussion with changes, along with a public hearing regarding the sign ordinance. After which, it goes to City Council for review and approval.

CALL TO THE AUDIENCE

Josh Ingersoll stated he is a member of the Fenton Chamber of Commerce, and just wanted to say he appreciates what the Planning Commission does.

ADMINISTRATIVE ITEMS

A. Planning Commission Applicants for Vacancy

Jason Payne stated there is a vacancy that needs to be filled on the Planning Commission and there are two applicants to be reviewed: David Stickel and Will Stiverson. After some discussion, the following motion was made:

MOTION by GROSSMEYER, supported by STEFFEY, to Recommend David Stickel to be appointed to the Planning Commission.

MOTION PASSED (6-0) Grossmeyer – yes, Campbell – yes, Steffey – yes, Csapo – yes, Siwik – yes, Senyko - yes

Payne also announced that we will be having a meeting next month, there are already three items to be reviewed.

CIB ITEMS

Nothing this evening.

COMMISSION MEMBER ITEMS

Nothing this evening.

ADJOURNMENT

The meeting was adjourned at 7:50 p.m.

Respectfully submitted by,

Linda Davis

Recording Secretary