

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR SPECIAL MEETING OF NOVEMBER 12, 2001**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER  
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Gabrielson called the meeting to order at 7:00 p.m.

Present: Gabrielson, Mueller, Garfield, Krug, Mathis, McKenna, Rowe and Office  
Manager Broecker

Absent: None

**PLEDGE OF ALLEGIANCE:**

Supervisor Gabrielson led the pledge of allegiance to the flag.

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Rezoning #356, Kingsway Builders Inc, 06-17-200-013; R-1A to PUD/2<sup>nd</sup> Reading**

Supervisor Gabrielson reviewed the proposed rezoning ordinance, which includes 6 conditions. Treasurer Garfield stated that she opposes R-T and R-1C requirements included in the conditions. She also asked about the use of detention vs. retention ponds for stormwater and the location of the sewer easement in relation to the development. Supervisor Gabrielson responded that those are both site plan issues and would be addressed by the Planning Commission. Due to the number of people in attendance a request was made to allow public comment, even though public comment is not usually permitted for the second reading of a proposed ordinance.

**Public Comment:**

Walt Bohland, 16516 West Horseshoe Trail

Mr. Bohland owns a large parcel of land adjacent to the subject parcel. He stated that he is concerned about the capacity of the sewer line servicing this area of the township. With the number of units in already approved developments in the area, the sewer line may run out of capacity before all properties have the opportunity to develop. Trustee McKenna responded that sewer availability is not a consideration for zoning decisions. If at some point sewer were not available, it would be up to the developer to provide the additional capacity. Supervisor Gabrielson agreed that sewer capacity is not an issue for a rezoning decision, although the capacity will be verified.

Sue Piddington, 13150 Ripley Road

Ms. Piddington stated that she is not opposed to the development of the subject property, however she feels it should be at the current permitted density of 1-1½ units per acre. To allow a greater density would not be consistent with the surrounding developments and would negatively impact the character of the neighborhood. She feels her only recourse is to appeal to the elected officials to not approve a project with this density. Supervisor Gabrielson clarified that the increase to the allowable density to 2½ units per acre was based on an amendment to the Land Use Plan approved by the Planning Commission. A property must meet seven criteria before it can be considered for this higher density. Clerk Mueller added that the clustered development in the PUD conceptual plan is much more desirable than a traditional “cookie-cutter” plan.

Donald Deaver, Kingsway Builders, Inc.

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Mr. Deaver stated that the proposed development would be upscale and would fit well into the surrounding neighborhood. The density of the proposed project is comparable to many of the surrounding developments. Additionally, Kingsway Builders has met with officials from Spring Meadows Country Club, who have stated support for the project.

Lou Iordanou, 1333 Birdie Court

Mr. Iordanou also expressed concerns about the density of the project and inquired as to the size of the attached units in the proposed development.

Joseph Asher, Kingsway Builders

Mr. Asher, in response to Mr. Iordanou's question, stated that the smallest attached unit would be approximately 1,400 square feet. Some will be as large as 2,400 square feet. He reiterated Mr. Deaver's statements that the development will fit the character of the surrounding neighborhood.

Theresa Williams, 13215 Merganser Court

Ms. Williams asked if Kingsway Builders were to sell the property after it has been zoned, would a new developer be able to build to just the minimum requirements. Trustee McKenna confirmed that the zoning stays with the property, regardless of ownership. Kingsway Builders, or any other potential developer, would have to comply with the conditions of the rezoning ordinance.

Patrick Carmody, 16245 Silvershore Drive

Mr. Carmody also stated concerns about the density issue. He believes that the Crossings of Silver Ridge development on Owen Road and the accompanying strip mall served as a springboard for the extensive commercial development by the City of Fenton in that area. He sees similarities in this proposed development. He also expressed concern over the adversarial tone of the proceedings. He believes the board should give serious consideration to the concerns of the residents.

Dominic DiCiccio, 4361 Lahring Road

Mr. DiCiccio, the developer of the Linden Crossings, stated that the frustrations of the area residents aren't necessarily directed at this particular development, but at the overall level of development in the area. He also stated that he disagreed with the Planning Commission's decision to amend the Land Use Plan to allow up to 2½ units per acre for residential development. He also commented that the entire process seemed to be approved very quickly. Supervisor Gabrielson stated that the process of amending the Land Use Plan did not occur quickly but actually took several months and several public meetings.

Lewis Walterhouse, 13191 Ripley Road

Mr. Walterhouse stated that he attended the Planning Commission meetings on the proposed project and was left with the impression that the Land Use Plan would be upheld and the proposed density would not be allowed. He urged the board to consider the area residents when making their decision.

Bob Anderson, 13139 Ripley Road

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Mr. Anderson questioned the rezoning process and notification to residents. Supervisor Gabrielson reviewed the entire process, which includes:

- ❑ a public hearing by the Planning Commission with newspaper publication and notification of property owners by mail
- ❑ a first reading by the Township Board
- ❑ a second reading and final action by the Township Board

Trustee Krug stated that he is most concerned about the infrastructure and its ability to accommodate the development in this area. There was no further discussion.

Motion to deny the requested rezoning for the following reasons:

- ❑ concerns raised by township residents
- ❑ proposed density is too high
- ❑ proposed plan is inconsistent with surrounding development
- ❑ the high number of PUD developments already approved in Fenton Township
- ❑ approving this rezoning at the proposed density will lead to additional requests from developers for higher density

Motion by: Mathis

Seconded: Garfield

Ayes: Garfield, Krug, Mathis

Nays: Gabrielson, Mueller, McKenna, Rowe

Motion failed.

Motion to adopt Ordinance No. 585, an amendment to Zoning Ordinance No. 186 to rezone parcel 06-17-200-013 from R-1A to PUD, as presented.

Motion by: McKenna

Seconded: Rowe

Ayes: Gabrielson, Mueller, McKenna, Rowe

Nays: Garfield, Krug, Mathis

Motion carried. Ordinance declared adopted.

**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

None

**ADJOURN:** Meeting adjourned at 8:50 p.m.

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Carl Gabrielson, Supervisor

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Charles Mueller, Clerk

**Minutes Posted 11/14/01**