

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF AUGUST 10, 2010**

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

Chairperson Tucker called meeting to order at 7:07 p.m.

Present: Franz, Lorraine, McGuirk, Richard, Tucker

Recording Secretary: McDonald

Absent: Carlson, Spees

**APPROVAL OF AGENDA:**

Motion to approve the agenda presented

Motion by: McGuirk

Seconded by: Tucker

Ayes: Franz, Lorraine, McGuirk, Richard, Tucker

Nays: None

Absent: Carlson, Spees

Motion carried

**PUBLIC HEARINGS**

**R10-002 AGE Inc., P.O. Box 8154, 4410 S. Dort Hwy, Flint:**

06-11-200-027, 06-11-200-028 and 06-11-200-029

Lilac Lane and Lilac Trail

Rezone: PUD to R-6

3.25 +/- Acres

Secretary McGuirk reviewed the file. Michael Jablonski, 4410 S. Dort Highway, attorney for the applicant sworn in. Jablonski explained that he is a partner in AGE, Inc., as well as their provider of legal counsel. Jablonski stated they have a purchase agreement for the property contingent upon the rezoning. McGuirk asked for a copy of the purchase agreement for the file as well as a letter of representation from the bank. Jablonski provided a copy of the purchase agreement and said he would obtain the letter prior to the next meeting. Jablonski introduced Randy Legault, President of the corporation who was present at the meeting. Jablonski explained the first "Pines" assisted living home was opened in 2001 with the goal of providing superior service to the residents based on the principals of Compassion, Dignity, & Respect. He added unlike many of their competitors, their philosophy is not based on the premise that "bigger is better". He said all of their assisted living homes are licensed for 20 residents, large enough to be cost effective and provide residents with superior service options and yet small enough to provide that homey atmosphere. Jablonski indicated that all of the Pines facilities are community orientated providing a needed service for the residents and their families. He said since the operation of the first facility began their record is perfect with the State and all of the communities in which they are located. He explained the request to rezone this property to add a memory care facility to the current assisted living facility here in Lake Fenton. He noted that 30 to 40 percent of their residents move from assisted living to memory care. He described the proposed building to be a single story, 11,000 to 13,000 sq. ft. building on a slab similar in style and architecture to the current building, the only exception is that for memory care the outdoor patio space will be secured with a fence or wall. The memory facility also provides double locking door system to prevent the residents from wandering from the building and grounds. There is very little traffic as these residents do not drive and minimal noise in keeping with an adult residential setting. The staff are all hands on partners in the operation and address any and all concerns immediately. Jablonski submitted brochures emphasizing the goal of providing attractive interior spaces not a sterile hospital setting. He noted the Pines facilities have an 87.5% occupancy rate.

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Jablonski explained they are building the memory facilities in conjunction with the assisted living facilities because of the residents and their families needs for a familiar place and familiar staff. Chairperson Tucker called for audience comments. Roland Wykes, 2161 North Long Lake stated concerns that there is an underground drain tile that runs through this property to the wetland for the purpose of mitigating water on his property that could be disturbed or eliminated during construction on the site. Tucker suggested Wykes obtain an easement from the owners once the property is purchased. Jablonski assured Wykes that they will work with him to maintain the drainage. Ben Moffett, 2181 Lilac Lane asked why they desired this location. Jablonski stated they are finding that many of the residents and families they serve want to stay with the same group of staff in the same location. Sue Moffett, 12246 Mantawauka stated concerns about R-6 zoning and the other uses permitted. She indicated a concern about how much the applicant can change the plan from what they are presenting. Tucker explained the uses permitted by right and uses permitted by special use permit. He said that once a property is zoned any of the uses can be built. He added those that require a special use permit undergo a second scrutiny and conditions may be placed on the permit. Tucker explained that the size and scope of the project can change in accordance with the schedule of regulations. He said a basic rezoning provides for a wide range of uses and special use permit offers more specific development and operation constraints. Franz asked if Randy Legault if he manages all of the facilities. Legault explained he is involved in all of them but each facility has its own manager. Lorraine asked about the security measures for a memory facility, specifically if the entire property would be fenced. Legault stated all security measures are within the building with the exception of the barrier around the outdoor patio. McGuirk asked if the concept plan shows the footprint of a facility with a maximum of 20 units. Legault said the plan is only conceptual, however it is the intent to have a 20 unit facility. Franz asked if the applicants anticipate a problem with drainage. Jablonski said they did not. Lorraine asked about the resident staff ratio. Legault said there is typically 1 or 2 staff per shift with the exception of kitchen staff, an activity director and housekeeping. Tucker asked for an estimated number. Legault said there are typically 3 caregivers, 1 manager, 1 cook and an activities director. He noted that number generally goes down after 8:00 p.m. when the residents are beginning to retire for the night. Lorraine asked if they were anticipating using 2 entrances. Legault said the planned to utilize the existing and the gravel driveway located to the east. Tucker noted that the future land use plan calls for medium density residential in this location. He indicated the proposed use could be considered to have a lesser impact than 4 single family homes with respect to traffic generation and noise. He said permitted uses in the medium density include uses associated with residential development such as churches schools, day care and recreational facilities. Tucker indicated he was not opposed to the concept but was not comfortable with a rezoning to R-6 without some assurances that a small assisted living facility would be built. Jablonski assured the Commission that this is what they are purchasing the property to build. Tucker noted that they do not own the property yet and the ownership is always subject to change after the zoning change takes place. Tucker explained conditional rezoning as a possibility. He explained the the applicant would have to offer conditions be placed on the zoning, the Township cannot place conditions. Jablonski stated an offer of conditions would include the building of a single story, 20 unit structure for memory care/assisted living similar in architecture to exiting building. Tucker noted the Commission's desire to consider the offered conditions after they have been presented by the applicant. Jeffery Moffett, 12246 Mantawauka apologized for his late arrival, stated concerns about using the single lane driveway located very close to his sons

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new home at 2181 Lilac Lane as well as a commercial building being built in such close proximity to the home. Lorraine shared Moffett's concern about that driveway and asked the applicants to consider using only the existing driveway for ingress/egress to both facilities, if approved by the Fire Chief. Franz and Richard concurred. Tucker asked if the applicants would like to postpone to propose a request for conditional rezoning. Jablonski indicated a problem with postponing because the financing is based on specific time frames. The Commission indicated that they are aware of the market and difficulties in obtaining financing but needed to have the proposed conditions to be able to consider the request. After a discussion of time frame and the required hearings the matter was postponed until August 31, 2010 at 7:00 p.m.

**Postponed until 8-31-10 @ 7:00 p.m.**

**ZONING ORDINANCE AMENDMENTS**

**This amendatory Ordinance contained both of the following amendments**

**Amendment to Article 2 to modify the definition of a parking space to include car boat/trailer combinations.**

Chairperson Tucker explained the Commission had asked the Zoning Administrator to draft language to define a car boat/trailer combination parking space. He called for audience comments. George Dyball, 2462 Cranewood, supported the amendment. The Commission stated the definition was what they had requested.

**Amendment to Article 8 Sections 8.02B adding 5 or more combined trailer vehicle spaces**

As a continuation this section of the amendatory Ordinance adds the car boat/trailer combination to the site plan review section of the Ordinance. Chairperson Tucker called for audience comments. George Dyball, 2462 Cranewood, supported the amendment. Tucker stated the language should mirror the definition by calling the spaces car boat/trailer combination spaces. He also explained the justification of the number 5 came from the fact that 10 single car spaces are equal to 5 car boat/trailer combination spaces. The Commission agreed.

Motion to recommend approval as amended

Motion by: Lorraine

Seconded by: Tucker

Ayes: Franz, Lorraine, McGuirk, Richard, Tucker

Nays: None

Absent: Carlson, Spees

Motion carried

**COMMUNICATION**

Memo from Doug Piggott – Lake Activity Ordinance

The Commission did not see a need to make any changes to the Lake Activity Ordinance. George Dyball, 2462 Cranewood, supported the Commissions position.

Letter from Benjamin Green, 3422 Ponemah and letter from City of Linden

The Commission acknowledge receipt of both.

**PUBLIC COMMENT & COMMUNICATION CONCERNING ITEMS NOT ON THE AGENDA:**

5 Minute Limit

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Kelly Flynn and Norman Faulkner, 3394 Ponemah submitted a log of the nights the band has played at Tee Bone'z, the weather conditions and their perception of the reasonableness of the sound level. They stated it fluctuates greatly depending on many variables. They said there is still a problem and many nights the sound level is unbearable. Rochelle Molyneaux, 3384 Ponemah agreed with Flynn and Faulkner stating some nights you don't know they have a band and others you can not carry on a conversation across the table on the deck at Tee Bone'z. Tucker stated the Township will be purchasing its own decibel meter to monitor the situation. He noted Commissions must stay committed to monitoring the nights when the band plays. He said he and Supervisor Mathis along with code enforcement staff had met with the owner of the restaurant who did indicate that on one occasion the equipment was not plug in properly when the band started to play, however as soon as the staff became aware of the problem it was corrected. The owner stated he would, as he has been doing, whatever the Township asks of him. Franz stated concerns about the system being able to operate without all of the components plugged in and functioning and the rubber cover that has been placed over the microphone that picks up the sound at the property line. Lorraine stated concerns about their ability to manipulate the equipment to produce a different reading.

**MINUTES**     June 15, 2010 stand approved as submitted  
                     July 13, 2010 stand approved as submitted

**ADJOURN**     9:17 p.m.

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John Tucker, Chairperson  
Minutes Posted 08/13/10

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James McGuirk, Secretary