

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR SPECIAL MEETING OF AUGUST 31, 2010**

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

Chairperson Tucker called meeting to order at 7:02 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 gave a brief explanation of what took place at the last meeting, stating the applicant has provided the letter of representation from Oxford Bank and has proposed the following 4 conditions after hearing the concerns of the Commission and the residents:

1. That AGE, VII Inc. will construct a single story building in the style and character of the building located on the adjacent property;
2. The building being constructed will operate as an Assisted Living/Memory Care/Adult Foster Care building;
3. That AGE, VII Inc. will work with the adjacent land owner (Wykes) regarding the drainage issue as discussed at the last meeting;
4. That AGE, VII Inc. will work with the adjacent land owner (Moffetts) to create a berm or some other type of barrier to separate the properties;

Chairperson Tucker confirmed that all Commissioners received the documents Jablonski referred to and called for audience comments. Evie Moffett, 2181 Lilac Lane stated concerns that the proposed conditions do not address the use of the Lilac Trail, the existing gravel driveway that runs along the western edge of her property. She asked the Commission to require the applicant to use the existing entrance for the Pines facility, adding concerns about the narrowness of the drive, it's proximity to her home and the Road Commission allowing access for this operation so close to other curb cuts and on a curve on North Long Lk. Rd. She stated that when she and her husband purchased their home, they had expectations that only 3 other homes could be built on the surrounding property, as part of the approved PUD. She expressed her surprise that the Commission would even be considering a request to allow a commercial use in this predominantly residential area. She noted other surrounding property owners were opposed to the request. She indicated that she has collected 40 signatures. She said she will continue to collect signatures to present to the Township Board, many residents she approached were out of town. Tucker explained that the placement of the driveway is a site plan issue and will be discussed once more specific plans can be formulated. He noted that a rezoning request is considered based upon the use of the property. A formal site plan will be developed and considered as part of their special use permit and site plan approval if the request for rezoning is granted. He addressed Moffett's concerns about the Commission considering the application by stating the Commission and Board must consider any application made by a property owner. Tucker added additional conditions can be placed on both the special use permit and the site plan, if the rezoning request is approved. Ben Moffett, 2181

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Lilac Lane, asked if the Township has set back requirements for a commercial driveway. Jablonski stated the conditions of the rezoning offered by the applicant include working with the Moffett's to address their concerns. Tucker asked if the applicant has considered using some other means of ingress/egress. Randy Legault, AGE Inc. stated, without further engineering, other possibilities are an unknown. He stated the retention area and wetlands may prevent them from using the existing Pines access point. Tucker asked what the Moffett's considered to be the front of their home. Ben Moffett said the front of the house faces south toward Mantawauka Dr. Moffett asked that, if the request moves forward, the front of the house be buffered and requested the building be moved back away from the property lines. Jablonski stated the applicant will consider different placement of the facility with these concerns in mind. Jablonski noted one of the partners is in the landscape business and they will work closely with Moffett's to provide buffering between their home and the facility. Moffett stated concerns about a berm, with regard to placement and drainage issues that berming can exacerbate. Scott Gormley, 2486 Crane Wood, stated concerns about the change in zoning from residential to commercial. He stated concerns that, because the meetings will not be packed with objecting residents, this proposal will be more readily excepted. He also stated concerns about the use and placement of the existing gravel driveway (Lilac Trail). He noted it does not appear to be wide enough for 2 lane traffic. He stated concerns that many of questions about the site can not be answered at this time. Tucker explained the zoning change is to R-6 which is a residential zoning classification, the proposed use is a residential use, however because of the many other permitted uses allowed in the R-6 classification the applicant is proposing a conditional rezoning to specify the use as an assisted living facility. Tucker added the Road Commission and Fire Chief will have a voice in the placement of ingress/egress. Richard said he spoke with the Fire Chief who confirmed that he will review access as well as maneuverability of emergency equipment. Evie Moffett, stated she is surprised the Township is considering an application from an applicant that does not own the property. Tucker explained that it is not unusual for the applicant to be in the process of purchasing property contingent on Township approvals for zoning, site plans or even variances. He noted that is why the applicant was required to get the letter of representation from the owner. Franz cautioned the audience about Lilac Trail, stating there are 2 way streets that are only 22 ft. wide. Tucker asked about an easement from Lilac Lane to one of the properties the applicant is purchasing. McDonald explained that Lilac Lane was planned to serve the Moffett's property as well as the property address 2173 Lilac Lane. Tucker asked if the Moffett's would prefer the applicant have access on the east side of their property. They stated that would not be the preferred point of access. Jablonski said they never considered access from Lilac Lane and would vacate their easement rights. Richard stated he is not opposed to the concept, however the Moffett's paid a substantial amount for their home and property with expectations of only 3 homes would be built. He stated he did not know what impact this would have on their value but it would have an impact on the views from the front of their home. Lorraine stated he would like to see alternatives to the placement of the access. Franz agreed. Tucker noted the Commission can take a look at alternative when a site plan is submitted. Richard cautioned the applicant that if they are granted the zoning they may not get approval of the special use permit or the site plan. Jablonski stated this is a risk they are willing to take. Lorraine asked what the Moffett's main concern is. Evie said all of the concerns mentioned are critical to their quality of life. She said the main concern is this commercial drive right next to their home. She added when they purchased the home they expected the driveway to service 2 single family homes. Franz noted this area is a mixed use area, located on a main road, next to an existing assisted living facility, a fire station, high density residential, a bar and a party store. McGuirk asked if any preliminary studies have been done with regard to the access placement and the location of the wetlands. Jablonski replied they have not been done at this point. McGuirk asked if the Road Commission has seen the proposed access. Jablonski said they have not prepared a site plan, the plan submitted is a concept only. He noted they are following the procedures and going through the process of obtaining the zoning so that they fulfill the conditions of the purchase agreement in the time the bank has allotted them. He added many of these concerns and issues will be addressed when a site plan is prepared. Wetlands studies and engineered plans are an expense the applicant is not able to justify if they do not own the property. McGuirk stated there could be some preliminary work done without a great deal of expense. Jablonski said that is true

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but, given the strict time constraints placed on the applicant by the bank, they would not have enough time to prepare and present additional information. McGuirk suggested the Commission send the request on to the Township Board without a recommendation. Tucker said that the access is definitely a concern, he suggested the applicant work diligently on an alternative to mitigate the impact on the Moffetts. Legault emphasized that this use does not generate a lot of traffic. He noted that all deliveries are made with largest vehicle being a van or UPS truck. They receive groceries once a week and medication once a month. Richard asked if the bank would extend the time limit to allow for some additional information regarding alternative plans. Jablonski explained that they were delayed because of the postponement of last meeting and were told, by the bank, as late as today an extension is not an option. Richard supported McGuirk's suggestion that this be forwarded without a recommendation. Lorraine and Tucker disagreed, stating the Board looks to the Commission for guidance.

Motion to recommend approval of the rezoning of parcels 06-11-200-027, 06-11-200-028 and 06-11-200-029 from PUD to R-6 with the following conditions:

That AGE, VII Inc. will construct a single story building in the style and character of the building located on the adjacent property;

1. The building being constructed will operate as an Assisted Living/Memory Care/Adult Foster Care building;
2. That AGE, VII Inc. will work with the adjacent land owner (Wykes) regarding the drainage issue as discussed at the last meeting;
3. That AGE, VII Inc. will work with the adjacent land owner (Moffett's) to create a berm or some other type of barrier to separate the properties;

as requested.

Motion by: Lorraine
Seconded by: Franz
Ayes: Franz, Lorraine, McGuirk, Tucker
Nays: Richard
Absent: Carlson, Spees

Motion carried

COMMUNICATIONS: McDonald explained there are no formal applications for the September 14th meeting and there is a request for a special for September 21st and asked for the Commissions direction. Tucker asked that the regular meeting for September be cancelled and the special meeting be scheduled for September 21st.

ADJOURN 8:35 p.m.

John Tucker, Chairperson
Minutes Posted 09/01/10

James McGuirk, Secretary