

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JULY 11, 2013**

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

Chairperson Carlson called meeting to order at 7: p.m.
Present: Carlson, Franz, Hemeyer, McGuirk, Richard, Tucker, Warren
Recording Secretary: McDonald
Absent: None

APPROVAL OF AGENDA:

Motion to approve agenda as presented

Motion by: Franz
Seconded by: Tucker
Ayes: Carlson, Franz, Hemeyer, McGuirk, Richard, Tucker, Warren
Nays: None
Absent: None
Motion carried the agenda stands as presented

Chairperson Carlson explained meeting procedure.

PUBLIC HEARINGS:

R13-002 Steven Bailey, 9098 Dean Rd. Fenton:

06-33-400-002 southwest corner of Jennings Rd. and Autumnwood Dr.
Recommendation to the Township Board to rezone: AG to C-1
Secretary McGuirk reviewed the file noting it contained a letter from Tim and Rhonda Forsthoff, 16222 Aspen Hollow and a letter from the City of Fenton's requesting the Commission deny the rezoning request. Steven Bailey sworn in explained request to rezone to construct a building for he and his wife's business. He explained he is leasing a building in the City of Fenton currently located on Silver Lake Rd. His business is Northern Window and Door established in 2009. The business is a full service window and door distributor and installer. His proposal is to build a 8,000 sq. ft. structure half of which would be used for his window and door business for an office showroom and incidental warehousing of product the other half would be for his wife's dance studio. The building will have a up north style timber façade with base construction of a foundation and slab with 2X6 frame construction with a red standing seam roof system to match the window framing, cedar sided entrances and steel side wall, timber framed gables and cultured stone frontage. It will sit on 3 wooded acres with only the necessary trees removed from the site. Unit 1 will consist of 1200 sq. ft. dedicated for the showroom and office and 2800 sq. ft. of warehousing. Unit 2 will be 3500 sq. ft. dedicated for the dance studio, changing rooms, restrooms and 3 studio rooms. Chairperson Carlson called for audience comments. Lillian Kateman, 16465 Jennings stated she has lived at her property for 15 years and there have been numerous problems with the Egyptian Drain that runs from the Fenton Oaks Development. She said she has contacted the City of Fenton and Genesee County and no one responds to a request to keep the drain cleaned. She and a neighbor have had to continually maintain the drain at their expense. She stated concerns about additional run off with this development. Carmine Avantini, Planner for the City of Fenton, stated concerns about classifying this as neighborhood commercial, he stated there is plenty of neighborhood commercial in this area. He stated he considered this, if approved, a spot zone and he added concerns about the Township following proper procedure for rezoning and amending the Master Plan. He added concerns about this land being rezoned then sold and cautioned any use would then be allowed that would be permissible in the C-1 zoning district. Steven Bailey then offered a statement of 2 conditions that would be part of the rezoning. The

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JULY 11, 2013**

following was presented specifically in detail the condition the Owner(s) are offering as part of the rezoning application for the above described parcel of land.

The building will only be used for the application of the business i.e. (Dance studio)

The building will only be used for show room and clearly incidental warehousing i.e. (Sales office and clearly incidental warehousing) The statement said these conditions will run with the land unless otherwise specified in the Fenton Township Zoning Ordinance. Avantini stated concerns about renouncing the request because of the statement. He asked the Commission to recommend denial of the rezoning request to C-1 because it fails to meet the Townships Ordinance standard (specifically the use more fits a contractors establishment permitted by special use permit in the C-2 district). He added the rezoning would promote commercial sprawl in an area not planned accordingly and be contrary to the approved Fenton Township Master Plan/Future Land Use Plan. Scott Tarkleson, 4306 W. Baldwin Rd. stated the Fenton Township Future Land Use Plan has provisions for small clusters of commercial in the medium density residential designation if the request meets the following criteria, access to sanitary sewer and paved county primary road, at or near an intersection, property is of adequate size to provide buffering from all adjacent residential uses and close to a concentration of residences, intended to be served by the use. He also read from the Townships Future Land Use Plan "this could be accomplished by zoning to Office or Local Commercial and will not constitute a "spot zone". Tarkleson stated the request meets this criteria, the applicant has submitted a statement of conditions to ensure this type of business would be built and he urged the Commission to recommend approval. The follow residents also spoke: Fred Thompson, 4067 Autumnwood, Doug & Leslie Hansen, 16205 Aspen Hollow, Kimberly Frieling, 16190 Aspen Hollow Ct., Terry Howley, 4073 Autumnwood, Kathy Dexter, 4084 Bennett Lake Rd., Paula Howlett, 16226 Aspen Hollow, Andy Bozoian, 16185 Aspen Hollow and Marilyn Reibel, 16095 Aspen Hollow. There concerns were as follows: drainage, traffic, their wells, the condition and use of Autumnwood Drive, lack of environment or wetlands studies, the letter of representation not being notarized, the property not being staked, future uses of the property, creating a spot zone, public health safety and welfare, other properties available in the area better suited are available, they had questions about notice requirements and conditional rezoning, the speed limit on Jennings Rd., this incompatible mix of uses, need for more green space and less development, children's bus stops in the area and home values decreasing in the subdivision with a commercial business at the entrance. Nick Flynn, 72 Chateaux Du Lac and Jim Bacon, 16379 Silver Landings spoke in favor of the request. Flynn stated the Township should welcome young entrepreneurs. Bacon stated Bailey is a man of character who has built a good and successful business. Bacon said this is the highest and best use of the property. He stated it is not a piece of property that would be desirable for home sites, it is on a busy road with a commercial development to the north and a manufactured home community to the east. They supported the request to rezone. Piggott addressed several issues stating the Township Ordinance addresses neighborhood commercial with regard to the size of the retail business rather than what the service the retail business provides. He state in his opinion the rezoning would not require another notice because the request is to rezone to C-1, which is the same request, the statement of conditions further restricts the C-1 zoning. He suggested this question be presented to the Township Attorney for his position. Warren asked if the Bailey's currently own this portion of the property. Steven Bailey said they did. Chairperson Carlson explained many of the concerns expressed by the residents with regard to site issues would be addressed if the rezoning request is approved and a plan for development of site is presented. Tucker explained that with a conditional rezoning the conditions must be offered by the applicant. He noted the conditions offered would not be enough to convince him that this site should be rezoned. McQuirk stated the window and door business has more of a regional draw than that of a neighborhood business. He added there are many services available in this immediate

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION
MINUTES FOR REGULAR MEETING OF JULY 11, 2013**

area. Carlson stated concerns that this would be a spot zone. Franz, Richard and Hemeyer concurred with the other Commissioners concerns.

Motion recommend denial on the finding that the proposed use is not consistent with a neighborhood commercial use.

Motion by: Tucker

Seconded by: McGuirk

Ayes: Carlson, Franz, Hemeyer, McGuirk, Richard, Tucker, Warren

Nays: None

Absent: None

PUBLIC COMMENT & COMMUNICATION CONCERNING ITEMS NOT ON THE AGENDA:

5 Minute Limit – There were none

MINUTES: June 13, 2013 stand approved as submitted

ADJOURN: 10:40 p.m.

Sandra Carlson, Chairperson
Minutes Posted 07/12/13

Jim McGuirk, Secretary