



AGENDA  
**CHARTER TOWNSHIP OF FENTON  
PLANNING COMMISSION MEETING  
THURSDAY FEBRUARY 11, 2021 – 7:00 PM  
MEETING HELD ELECTRONICALLY VIA ZOOM MEETING**  
The public may participate in the meeting via the following web link:  
<http://bit.ly/FentonPC>  
Or by telephone by calling into the following number:  
**Phone Number: (312)626-6799  
Meeting ID: 998 2931 8197  
Passcode: 258667**

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**CALL TO ORDER**

**ROLL CALL:** Cypher, Lewis, Marko, McGuirk, Mustola, Tucker

**APPROVAL OF AGENDA:**

**PUBLIC HEARINGS:**

**R21-001 Lake Fenton Community Schools 11425 Torrey Road, Fenton MI 48430:**

Requesting a parcel split of 11425 Torrey Road, Parcel No. 06-02-300-047 of 1.43 acres and to rezone the resulting parcel from R-4, Single Family Residential to C-1 Local Business to satisfy EGLE requirements.

**NEW BUSINESS**

None

**UNFINISHED BUSINESS:**

None

**DISCUSSION:**

None

**PUBLIC COMMENT CONCERNING ITEMS NOT ON THE AGENDA:** 5 Minute Limit

**COMMUNICATIONS:**

None.

**MINUTES:**     October 8, 2020  
                  January 14, 2021

**ADJOURN:**

# CHARTER TOWNSHIP OF FENTON

12060 Mantawauka Drive  
Fenton, MI 48430-8817



Vince L. Lorraine, Supervisor  
Robert E. Krug, Clerk  
John R. Tucker, Treasurer  
Mark A. Goupil, Trustee

Phone: (810) 629-1537

Fax: (810) 629-9736

Website: www.fentontownship.org

E-mail: info@fentontownship.org

Kade C. Katrak, Trustee  
Robert C. Kesler, Trustee  
Christine M. Reid, Trustee

**APPLICATION NUMBER**

R21-001

**APPLICANT/PROPERTY OWNER:**

Lake Fenton Community Schools

**PUBLIC HEARING DATE:**

February 11, 2021

**PROPERTY ADDRESS/LOCATION:**

11425 Torrey Road, Fenton MI 48430  
06-02-300-047

**BRIEF SUMMARY OF REQUEST**

The applicant is requesting a parcel split of 11425 Torrey Road, Parcel No. 06-02-300-047 of 1.43 acres and to rezone the resulting parcel from R-4, Single Family Residential to C-1 Local Business to satisfy EGLE requirements. The change in zoning will allow the School to leave soil impacted by the removal of underground storage tanks from 1998 to remain in place.



MAP SOURCE: Fenton Township GIS 2021

EXISTING ZONING:	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-4, Single Family Residential	School	North: R-4, Residential South: R-3 Residential East: R-4 Residential West: R-3/C-23/M-1 Residential/ Commercial. Industrial	None	1.43-acre new lot 23.6 acres total

STAFF RECOMMENDATION

**APPROVE**

**APPROVE WITH CONDITIONS**

**Postpone for Additional Information**

**DENY**

FUTURE LAND USE CLASSIFICATION	COMPATIBILITY with the MATER PLAN
School	<p>The intent of this Future Land Use District is to designate specific areas for school facilities that are served by sanitary sewer and are not located adjacent to incompatible land uses.</p> <p>The primary use is school campuses including the building and the athletic facilities.</p> <p>The use of the property will not be changing. The</p>

	applicants will attach a restrictive covenant to the deed to prevent the LFCS from selling or leasing the property to another entity for commercial purposes.
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**COMPATIBILITY** with the ZONING ORDINANCE

Educational institutions are allowed as a Special Land Use in both the R-4 and C-1 zoning districts. The proposed rezoning is consistent with previous approvals and the zoning ordinance.

The C-1 zoning district has an 80-foot side yard setback when adjacent to a residential zoning district. The Planning Commission can reduce this requirement to 50 feet. The proposed lot split will not meet that standard. The applicant will be on the February 23, 2021 ZBA meeting seeking a side yard setback variance. The applicant did not want to do a Conditional Rezoning due to the EGLE Permit.

<b>ATTACHMENTS</b> (CIRCLE)	<b>SUBMITTED PLANS</b>	<b>PUBLIC HEARING PETITION/ APPLICATION FORM</b>	<b>LEGAL NOTICE</b>	<b>LEGAL DESCRIPTION</b>
	<b>PUBLIC COMMENTS</b>	<b>AGENCY COMMENTS</b>	<b>RESPONSE TO STANDARDS</b>	
<b>OTHER</b> (DESCRIBE)				



Application No: \_\_\_\_\_  
 Date Filed: \_\_\_\_\_  
 Hearing Dates \_\_\_\_\_  
 Planning Commission: \_\_\_\_\_  
 Township Board: \_\_\_\_\_ and \_\_\_\_\_  
 Review Fee: \_\_\_\_\_

## CHARTER TOWNSHIP OF FENTON REZONING REQUEST APPLICATION

**Applicant Information**

Name: <u>Nicholas Marcelletti</u> <u>of Arch Environmental Group</u>		Date: <u>12-18-20</u>
Address: <u>37720 Interchange Drive</u>		Phone: <u>248-765-7038</u>
City: <u>Farmington Hills</u>	State: <u>MI</u>	ZIP: <u>48335</u>

*Property Owner (if different from applicant-if more than 1, list on separate sheet)*

Name: <u>Lake Fenton Community Schools</u>		Date: <u>12-18-20</u>
Address: <u>11425 Torrey Road</u>		Phone: <u>810-591-4141</u>
City: <u>Fenton</u>	State: <u>MI</u>	ZIP: <u>48430</u>

*Property for which Rezoning is Requested*

Street Address: <u>11425 Torrey Rd, Fenton MI 48430</u>	
Location: <u>NE corner of Torrey Rd &amp; N Long Lake Rd</u>	
Parcel ID #: <u>02-02-300-047</u> <i>To be split from see Attached Survey Map</i>	Zoning District: _____

**Requested Zoning Change**

From: <u>R-4 "Single Family Residential"</u> <i>(Current Zoning Classification)</i>	To: <u>C-1 "Local Business"</u> <i>(Requested Zoning Classification)</i>
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I hereby affirm that the above information is correct to the best of my knowledge and grant permission for Township Officials and/or Township Staff to conduct on-site inspection.

Signature of Property Owner \_\_\_\_\_  
Nicholas Marcelletti  
 Signature of Applicant

Print Name \_\_\_\_\_  
Nicholas Marcelletti  
 Print Name

Date \_\_\_\_\_

3/31/2002

----- FENTON TOWNSHIP OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE -----

\_\_\_\_\_ Date notice of Planning Commission meeting published

\_\_\_\_\_ Date notice of Planning Commission meeting was mailed to property owners within 300'

**Planning Commission Recommendation**

- Recommend Approval  
 Recommend Approval with Changes

Date of Hearing \_\_\_\_\_ Time \_\_\_\_\_

- Recommend Denial  
 Other: \_\_\_\_\_

**Township Board Decision**

- Approved

Date of Hearing \_\_\_\_\_ Time \_\_\_\_\_

- Denied

Remarks: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**TO THE HONORABLE MEMBERS OF FENTON TOWNSHIP PLANNING COMMISSION**

Lake Fenton Community Schools (LFCS), wishes to perform a parcel split of Parcel No. 06-02-300-047 (See attached proposed parcel maps prepared by Field to Finish). Once the parcel split is completed LFCS wishes to change the zoning for the new parcel from R-4 "Single Family Residential" to C-1 "Local Business". LFCS has no plans to sell this parcel off for commercial purposes. The purpose of this zoning change is to satisfy Michigan Department of Environment, Great Lakes, and Energy (EGLE), requirements for the Closure of the Release No. C-667-98, that was reported during the removal of Underground Storage Tanks (USTs), that were removed from the property on July 28, 1998. The change from a residential to commercial zoning will allow LFCS to leave the soil impacted by this release in place saving the district much needed funds with-out putting Human Health, Safety, and the Environment at additional risk.

This commercial restriction will require that a restrictive covenant be attached to the deed for the new parcel. This document will not only limit the uses of the property, such as the construction and/or expansions of enclosed buildings but it will also include wording to effect that that as long as the property maintains commercial zoning LFCS can neither sell nor lease the property to another entity for commercial purposes.

Respectfully,

A handwritten signature in black ink, appearing to read "Nicholas Marcelletti, P.G.", written in a cursive style.

Nicholas Marcelletti, P.G., C.P.  
Senior Geologist Arch Environmental Group 12-18-2020



**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR MEETING OF OCTOBER 8, 2020**

**MEETING HELD BY ZOOM ONLINE CONFERENCE CALL PER MICHIGAN  
EXECUTIVE ORDER 2020-154**

Chairperson McGuirk called the meeting to order at 7:00 p.m.

Present: Cypher, Marko, McGuirk, Mustola, Tucker, Lewis  
Zoning Administrator: Deem  
Absent: None

**APPROVAL OF AGENDA:**

Agenda approved as presented.

**PUBLIC HEARINGS:**

**R20-004 DMK Development Group, 9300 Shelbyville Rd, Suite 800, Louisville, KY  
40222:**

Requesting a rezoning to allow a senior living facility on vacant land on Silver Lake Road, north of Price's Airport, parcel # 06-29-200-007.

Ross Oberhausen, DMK Development Group, reviewed the request. The proposed assisted living facility will be a 63,000 sq. ft. building, single story building. There will be 83 units with of those units dedicated to memory care. The project will have 65-80 full time employees.

Chairperson McGuirk opened the public comment. Julie Swartz noted that there was feedback on the Zoom Meeting and that it would be beneficial for those not speaking to mute their microphones. There were no other public comments.

Mr. Deem reviewed the staff report noting that an assisted living facility is consistent with the Master Plan classification of Low Density Residential, as the project would allow for ageing in place for community residents. The site plan meets requirements for preliminary site plan approval. There is no access to Silver Lake Road, access will be provided form Amelia Earhart drive. Additional information regarding landscaping, dumpster detail, and lighting will be required prior to final site plan approval. Mr. Deem explained that the applicant had originally wanted to connect to the City of Linden for water, but the Township Engineers state that the is not possible. A well similar to the one built for Vicinia Gardens will be required.

Treasurer Tucker disagreed that the proposed assisted living facility was compliant with the Master Plan. Treasurer Tucker explained that an assisted living facility would be more consistent with the Medium Density Residential classification. Having said that, Treasurer Tucker expressed that the proposed use could work at this location and the Planning Commission should consider revising the Master Plan for this property.

Commissioner Marko expressed concern about the sewer capacity with for the project. Chairperson McGuirk informed the applicant of a previous issue with Vicinia Gardens relating to sewer usage. Treasurer Tucker further informed the applicant that the issue could be addressed with "septic traps" similar to Vicinia Gardens. The traps allow for additional time for the decomposition of material prior to the sewage reaching the lift

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR MEETING OF OCTOBER 8, 2020**

stations. The applicant stated that they will work with Township Engineers to make sure the issue is properly addressed.

Motion to recommend approval to the Township Board for a rezoning to allow a senior living facility on vacant land on Silver Lake Road, north of Price's Airport, parcel # 06-29-200-007 with the condition that the Township review and amend the Master Plan to be consistent with the rezoning request.

Motion by: Tucker  
Seconded by: Marko  
Ayes: Cypher, McGuirk, Lewis, Marko, Tucker, Mustola  
Nays: None

**NEW BUSINESS**

**SPR20-003 DMK Development Group, 9300 Shelbyville Rd, Suite 800, Louisville, KY 40222:**

Requesting PRELIMINARY SITE PLAN REVIEW for the construction of a senior living facility on vacant land on Silver Lake Road, north of Price's Airport, parcel # 06-29-200-007.

Motion to grant PRELIMINARY SITE PLAN REVIEW for the construction of a senior living facility on vacant land on Silver Lake Road, north of Price's Airport, parcel # 06-29-200-007 with the following conditions:

1. The applicant receive approval for the PUD rezoning request from the Township Board;
2. The applicant receive approval from the Township Engineer and Fire Chief; and
3. The applicant receive approval from the Genesee County Road Commission, Drain Commission, and Health Department.

Motion by: Tucker  
Seconded by: Marko  
Ayes: Cypher, McGuirk, Lewis, Marko, Tucker, Mustola  
Nays: None

**UNFINISHED BUSINESS:**

**R20-003 Josh Park, Gables of North Shore Condominium Association**

The request is to rezone the property south of the Gables of North Shore Condominium on Bowles Road from R-5 Single Family Residential, to Gables of North Shore PUD, parcel # 06-11-527-029

Treasurer Tucker recused himself from the meeting noting the conflict of interest that the applicant is a client, which was noted at the previous meeting.

Richard Hamilton, attorney for the Gables of North Shore Condominium Association reviewed the request to amend the PUD to added property to allow for the construing of garages for association member use.

Mr. Deem explained that the Planning Commission had requested an opinion from the Township Attorney as to whether the Association had the authority to amend



**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR MEETING OF OCTOBER 8, 2020**

the PUD, if the Planning Commission was following the correct procedure to amend the PUD, and if a copy of the new Master Deed was required at this point in the review process. Mr. Deem reviewed the Township Attorney letter stating that the Association has the authority to amend the PUD, the Planning Commission was following the correct procedure and although the updated Master Deed was not required at this point in the process, the Planning Commission could require a draft of the new Master Deed if the Planning Commission felt there was a benefit.

Chairperson. McGuirk opened public comment.

Christine Reid, 12020 Bowles, explained she has had multiple questions for the Association regarding design and costs for the project that have gone unanswered. Further, their house would be most affected by the proposed garages and would prefer to have a residence next door.

Gerald Hutto, 12012 Bowles Street, explained that the Association has had numerous meetings regarding the proposed garages. The proposed garages will enhance the properties by providing additional storage.

Chairperson McGuirk closed the public comment.

Commissioner Lewis expressed concerns relating to the concept plan that seven garages may be too many for the site. As the project moves forward, detailed plans will be required to ensure it is consistent with the existing PUD.

Motion to approve the request to rezone the property south of the Gables of North Shore Condominium on Bowles Road from R-5 Single Family Residential, to Gables of North Shore PUD, parcel # 06-11-527-029

Motion by:	Cypher
Seconded by:	Marko
Ayes:	Cypher, McGuirk, Lewis, Marko, Mustola
Nays:	None

Motion carried.

**DISCUSSION:**

None

**PUBLIC COMMENT CONCERNING ITEMS NOT ON THE AGENDA:** 5 Minute Limit

**COMMUNICATIONS:**

None.

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR MEETING OF OCTOBER 8, 2020**

**MINUTES:** September 10, 2020  
Minutes approved as amended.

**ADJOURN:**  
**8:08 pm.**

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR MEETING OF JANURARY 14, 2021**

**MEETING HELD BY ZOOM ONLINE CONFERENCE CALL PER MICHIGAN  
EXECUTIVE ORDER 2020-154**

Chairperson McGuirk called the meeting to order at 7:00 p.m.

Present: Cypher, Marko, McGuirk, Tucker, Mustola, Lewis  
Zoning Administrator: Deem  
Absent: None

**APPROVAL OF AGENDA:**

The agenda was approved as submitted.

**PUBLIC HEARINGS:**

None

**NEW BUSINESS**

Election of Officers

Motion to nominate Commissioner McGuirk to Chairperson.

Motion by:	Tucker
Seconded by:	Marko
Ayes:	Cypher, McGuirk, Marko, Tucker, Lewis, Mustola
Nays:	None
Absent:	None

Motion to nominate Commissioner Treasurer Tucker to Vice Chairperson.

Motion by:	McGuirk
Seconded by:	Marko
Ayes:	Cypher, McGuirk, Marko, Tucker, Lewis, Mustola
Nays:	None
Absent:	None

Motion to nominate Commissioner Lewis to Secretary

Motion by:	Tucker
Seconded by:	Marko
Ayes:	Cypher, McGuirk, Marko, Tucker, Lewis, Mustola
Nays:	None
Absent:	None

**UNFINISHED BUSINESS:**

Master Plan Revision

The Planning Commission held discussion to review the 2018 Fenton Township Future Land Use Map for the area around parcel 06-29-200-007 on Silver Lake Road, part of the Horizon Airpark PUD. The discussion included review of the previous Master Plan, existing land use, and site proximity to the airport and highways. The Planning Commission confirmed that the current Future Land Use classification was Low-Density Residential and Airport. In addition, the

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR MEETING OF JANURARY 14, 2021**

Planning Commission considered access to utilities for the property. The Planning Commission identified additional properties along Silver Lake Road to consider changing their Future Land Use classification in the future, including property around the Township's DPW facility.

Motion by Treasurer Tucker that the Planning Commission's review of the Future Land Use Map found the following:

- Under the previous Master Plan's Future Land Use Map, this area was originally classified as High Density Residential. With the surrounding area classified as Medium Density Residential.
- The existing land use to the north in the City of Linden is consistent with Fenton Township's Medium and High Density Residential classification.
- The parcel's proximity to the airport, the highway and on a county primary are more consistent with Medium Density Residential and High Density Residential.

Furthermore, based on these findings, the Planning Commission has determined that the Future Land Use Map classification of Low Density Residential was in error for the Silver Lake Road Assisted Living Facility property. The correct classification is Medium Density Residential and that the use of an assisted living facility at parcel # 06-29-200-007 is consistent with the Master Plan.

Motion by:	Tucker
Seconded by:	Marko
Ayes:	Cypher, McGuirk, Marko, Tucker, Lewis, Mustola
Nays:	None
Absent:	None

**DISCUSSION:**

None

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

None

**COMMUNICATIONS:**

None.

**MINUTES:**    October 8, 2020  
                  December 10, 2020

Treasurer Tucker asked to postpone the October 8, 2020 minutes to the February 11, 2021 meeting. The Planning Commission agreed.

The Planning Commission approved the minutes of December 10, 2020 as presented.

**ADJOURN:** Meeting adjourned at 7:30 p.m.