

**CITY OF FRASER PLANNING COMMISSION SPECIAL MEETING
MUNICIPAL BUILDING ~ 33000 GARFIELD ROAD
Wednesday, February 3, 2021
MINUTES DRAFT**

PRESENT: CHAIRPERSON: WARUNEK, MEMBERS: BARR, FARINA, KEIL, CZARNECKI, PERRY, COOK

EXCUSED ABSENCE: NONE.

ALSO PRESENT: DONALD DENAULT, CITY ATTORNEY
CLARK ANDREWS, CITY ATTORNEY
ALYSSA ALBRIGHT, CITY ATTORNEY
DYLAN CHURCH, CITY ATTORNEY
SARAH TRAXLER, McKENNA
PAUL URBIEL, McKENNA
DANIELLE BOUCHARD, McKENNA
BRUCE ECK, McKENNA BUILDING OFFICIAL

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE:

Chairperson WARUNEK called the meeting to order at 7:02 PM

2. ROLL CALL:

Members:	Barr	Audio was muted
	Cook	Present (participating from Macomb County, City of Fraser, Michigan)
	Czarnecki	Present (participating from Macomb County, City of Fraser, Michigan)
	Farina	Present (participating from Macomb County, City of Fraser, Michigan)
	Keil	Present (participating from Macomb County, City of Fraser, Michigan)
	Perry	Present (participating from Macomb County, City of Fraser, Michigan)
	Warunek	Present (participating from Macomb County, City of Fraser, Michigan)

3. APPROVAL OF AGENDA ~ Regular meeting of February 3, 2021:

Motion by Member: KEIL **Support by Member:** FARINA

To: Approve the agenda of February 3, 2021 as presented.

**AYES 6
NAYS 0
MOTION CARRIED**

4. CHAIRPERSON'S OPENING REMARKS:

Chairperson WARUNEK read the formal statement relative to the powers of the Planning Commission and the facts and conditions for granting site plan approval. Chairperson WARUNEK read the formal statement relative to virtual public meetings and remote participation.

5. APPROVAL OF MINUTES January 6, 2021:

Motion by Member: FARINA **Supported by Member:** KEIL

To: Approve the minutes of the January 6, 2021 as presented.

**AYES 7
NAYS 0
MOTION CARRIED**

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6. New Business

PUBLIC HEARING:

- A. SLU 20-001 / Jim Butler on behalf of A&A Management / Part of 34400 Utica Road / To obtain a Special Land Use Approval for a fast-food restaurant in the “CG – Commercial General” Zoning District.**

The public hearing was opened at 7:28pm

DISCUSSION: URBIEL began the discussion by explaining the general project details. The applicant is proposing to develop 1.46 acres in an outlot located within the existing Fraser Hockeyland parking lot. The proposed development is the construction of two retail buildings – one Big Boy restaurant with a drive-through window on the north side, and a Beyond Juice store with two additional retail spaces (tenants to be determined) on the south side. The applicant submitted a site plan for City review that includes a landscaping plan and lighting plan. The applicant received a variance in 2019 for reduced parking. The applicant is in the process of securing the necessary shared parking agreements and also provided an updated traffic study.

URBIEL noted that mitigation for traffic during extreme events is necessary for approval of the application. To address this, the applicant submitted an Extreme Event Plan to the City for review. It was also noted that the applicant has been working to resolve fire safety violations for the existing Hockeyland site, and has successfully resolved about 95% of those violations.

URBIEL stated that the proposed restaurants at the outlot site are in compliance with the GC, General Commercial, District because a restaurant is a permitted use by right. The proposed drive-through at the Big Boy lot is the component that resulted in Special Land Use Approval by the Planning Commission.

Jim BUTLER, civil engineer for the project, noted that the proposed drive-through window is intended to function as a drive-up window for takeout purposes. FARINA questioned BUTLER if a Starbucks Coffee is proposed on the site because it is mentioned on the site plan. BUTLER noted that was a typo and Starbucks will be removed from the site plan. FARINA also noted concern for the existing parking lot needing repairs. Bud KOWALSKI, Hockeyland General Manager, noted that the entire parking lot is planned to be repaved. FARINA asked if the proposed easement agreements for parking lot cross-access will be filed with the City Attorney’s office for review and BUTLER confirmed. COOK questioned if there will be enough parking on the site with the new outlot development. BUTLER responded that the easement agreement for shared parking will address this issue. FARINA questioned when the Hockeyland site will be 100% fire protection compliant. KOWALSKI responded that the fire protection compliancy will be complete within the next few weeks. WARUNEK suggested to add 100% fire protection compliancy as a condition for approval.

CZARNECKI noted that the new retail sites should have hours of operation between 6am and 11pm, as per the City’s Zoning Ordinance states and if the applicant could clarify the plan for the entire Hockeyland parking lot. KOWALSKI noted that the entire Hockeyland parking lot is planned to be resurfaced, restriped, and repaved.

The City received one public comment in regards to SLU 20-001 from a resident at Gardenia Drive. The resident expressed concern for increased noise and smell of food as a result of the new outlot retail development. KEIL noted that ventilation units are more advanced now and will not likely have adverse effects on surrounding residential properties. COOK stated that there is a “hum” noise emitted from Hockeyland’s heating and cooling infrastructure so it is not likely residents on Mulvey will be able to hear drive-through noises from their homes. FARINA questioned if a noise study has been done. KOWALSKI noted that a noise study has not been conducted. ANDREWS stated that the current shared parking agreements submitted by the applicant are not recordable in their present state and must be in recordable form.

No other comments were received by the public regarding SLU 20-001.

The Public Hearing was closed at 8:04pm

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Motion by Member: KEIL **Supported by Member:** FARINA

To: Approve SLU 20-001 / Jim Butler on behalf of A&A Management / Part of 34400 Utica Road / To obtain a Special Land Use Approval for a fast-food restaurant in the "CG – Commercial General" Zoning District. with the following conditions:

1. The applicant must provide a 60-day advance notice of significant events (which include Extreme Events) and a plan to handle parking, traffic and safe pedestrian circulation. A plan for Extreme Events must be submitted by the Applicant to the City's Development Review Team at least 60 days in advance of the proposed Extreme event to be reviewed administratively by the City.
2. The applicant agrees to comply with the Plan for Extreme Events and all additional requirements imposed by the Development Review Team relating to the proposed parking management strategy for large-scale special events.
3. The applicant agrees to employ adequate City Public Safety personnel at the Applicant's sole expense to handle traffic congestion and circulation problems and facilitate orderly parking at Extreme Events and other events where traffic congestion and the need for overflow parking is anticipated in accordance with the past practice reimbursement process.
4. The applicant must adhere to the North Parking Lot improvement plan as submitted.
5. Agreements for easements for cross access, shared parking and utilities for the parcels proposed as part of this development application are required. These agreements for easements must be reviewed and approved by the City, executed, and recorded with the Macomb County Register of Deeds.
6. Applicant must give the City 60 days advance notice prior to the expiration or termination of any Shared Parking and Lease Agreements, provide alternate shared parking arrangements for review and approval by the City, and be subject to revocation if no suitable shared parking arrangement is provided.
7. All agreements and site plans must be reviewed and approved by all applicable government departments and agencies, by the City Attorney, and City Engineers.
8. The applicant achieves 100% fire protection and safety approval from the City of Fraser Fire Marshal.
9. Retail operations may only be conducted between 6am and 11pm.
10. The applicant agrees to completely resurface, restripe, and re-asphalt the entire Hockeyland parking lot (i.e., the entirety of parking lots in proposed Parcels A, B and C, including the north lot) and the parking lot must provide adequate stormwater management.
11. Shared Parking and Lease Agreements with Total Soccer, the Lions' Club, Meijer, and Fraser Schools must be reviewed and approved by the City Attorney, executed, and recorded with the Macomb County Register of Deeds.

**AYES 7
NAYS 0
MOTION CARRIED**

B. SP 20-006 / Jim Butler on behalf of A&A Management / Part of 34400 Utica Road / Proposed Site Retail

DISCUSSION: FARINA questioned if the existing sanitary sewer is capable of accommodating new retail development. Michael VIGERNON, City Engineer, responded that the sanitary sewer and other utilities will be determined in the engineering phase of the project. ANDREWS questioned if the proposed outdoor seating is

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planned to be utilized during winter months as well. BUTLER noted that it is possible the outdoor seating may become permanent fixtures. ANDREWS stated that outdoor seating on this site shall comply with State regulations and Macomb County Health Department regulations.

Motion by Member: KEIL **Supported by Member:** FARINA
To: Approve SP 20-006 / Jim Butler on behalf of A&A Management / Part of 34400 Utica Road / Proposed Site Retail with the following conditions:

1. The applicant must adhere to the conditions as required for the approval of SLU 20-001.
2. The parking lot must be re-paved and meet all standards for proper drainage, as determined by the City Engineers.
3. The site must comply with all requirements as set forth by the City Engineers.

**AYES: 7
NAYS: 0
MOTION CARRIED**

12. UNFINISHED BUSINESS:

A. 01-19SUB / Max Mancini / Garfield Park – SUB Parcels 1-10 / Site Plan Amendment

DISCUSSION: URBIEL explained the proposed site plan amendment submitted by the applicant, Max MANCINI, to eliminate the required extension of Anita Drive further east and not develop parcel 5 (planned to be located at the easternmost end of Anita Drive). URBIEL noted that the site plan was originally approved in 2006. To date, the applicant has constructed 9 out of 10 of the planned homes along Anita Drive. Further, Planning Commission discussion in 2019 noted concern for the ability for emergency vehicles to turn around in the VFW parking lot located on the north side of Anita Drive if the road extension was not completed.

URBIEL explained that upon review of the proposed site plan amendment, parcel 5 would be rendered unbuildable, would result in reduced road connectivity in the City, may increase impediments to emergency vehicle access on Anita Drive, and lack of public sewer in front of parcel 5 would likely result in a required connection in front of parcel 4 and 5 to the sanitary sewer system if development were to take place. URBIEL noted that McKenna recommends denial of the proposed site plan amendment.

MANCINI stated that Fraser Road to the north was vacated in 1992. Emergency vehicles have been utilizing the VFW parking lot for years as a turn-around when called to any site on Anita Drive. Additionally, Parcel 5 is located in the FEMA floodplain, making the high watermark a flood hazard for a road extension off Anita Drive. MANCINI noted that conversations are being had with the adjacent property owner to purchase Parcel 5 and combine it with Parcel 4 so Parcel 5 will no longer be non-conforming. MANCINI stated that developing Parcel 5 is not a viable option.

VIGERNON noted that the FEMA floodplain has been changed since the original site plan was approved in 2006. Today, it would typically be required that all infrastructure was constructed prior to building homes on each parcel. The floodplain map shown in the presentation notes that water leads across Anita Drive, and it would be the City Engineer's preference that water and sewer lines were extended to Parcel 5.

ECK noted that the abrupt end of Anita Drive may become a safety hazard for patrons of the VFW. ECK explained that if the VFW's parking lot were to be changed in the future, a cul-de-sac or dead-end signage at the end of Anita Drive would be desirable.

FARINA noted that the Planning Commission requested the applicant construct a cul-de-sac or hammerhead at the end of Anita Drive during the previous review in 2019. MANCINI denied the request at the time. CZARNECKI explained that the role of the Planning Commission is to preserve the safety of City residents and a safe turnaround for emergency vehicles on Anita Drive is necessary. CZARNECKI inquired what the safety

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factors would be for emergency vehicles if Parcel 5 were purchased and developed. MANCINI explained that future development cannot occur until the road is extended.

WARUNEK noted that the site plan should be developed as it was approved. KEIL noted that the floodplain prevents the buildable area for a new home to be constructed on Parcel 5. WARUNEK explained that it may be possible to build within the floodplain, but the development will be different than the original site plan shows.

TRAXLER stated that MANCINI submitted a site plan that set the expectations to the City for development. The applicant is requesting a site plan amendment to would result in Parcel 5 being non-conforming. The Planning Commission is not permitted to approve the site plan, given that the non-conforming lot is in violation of the City's Zoning Ordinance. MANCINI may seek to combine Parcels 4 and 5, or seek a variance. COOK suggested the Planning Commission postpone the site plan amendment application so the applicant can continue working with property owner at Parcel 4 to purchase Parcel 5 and combine it to Parcel 4.

Motion by Member: FARINA

Supported by Member: COOK

To: Postpone 01-19SUB / Max Mancini / Garfield Park – SUB Parcels 1-10 / Site Plan Amendment for a period of 6 months, until the August 4, 2021 City of Fraser Planning Commission meeting, or sooner, depending if the applicant is able to combine Parcel 4 and Parcel 5 prior to August 4, 2021.

AYES: 6

NAYS: 1

MOTION CARRIED

B. 2020 City of Fraser Planning Commission Annual Planning Report

DISCUSSION: URBIEL presented the 2020 Planning Commission Annual Planning Report. CZARNECKI questioned why information on variances were included in the report when that is a ZBA matter. TRAXLER noted that the Michigan Planning Enabling Act requires that an annual report on the ZBA must also be submitted to City Council. FARINA noted that McKenna should add ZBA to the title of the Report.

Motion by Member: FARINA

Supported by Member: CZARNECKI

To: Postpone forwarding the 2020 City of Fraser Planning Commission Annual Planning Report to City Council until the March 3, 2021 Planning Commission meeting.

AYES 7

NAYS 0

MOTION CARRIED

C. City of Fraser 2021 Master Plan

DISCUSSION: BOUCHARD began the discussion by explaining the changes made since the January 2021 Planning Commission meeting. The changes include the addition of a document acronym page, additional case studies, and general text edits and reviews. FARINA questioned if the McKenna included text changes pertaining to enhanced sidewalk connectivity, updating the City's sign ordinance, and including information on the current parks system. BOUCHARD noted that additional information on the City's park system still needs to be added to the next draft. TRAXLER explained the remaining tasks and project schedule.

Motion by Member: KEIL

Supported by Member: CZARNECKI

To: Forward the City of Fraser 2021 Master Plan to City Council to open the 63-day comment period.

AYES 7

NAYS 0

MOTION CARRIED

9. PUBLIC COMMUNICATIONS ON NON-AGENDA ITEMS:

DISCUSSION: None.

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10. ZONING BOARD OF APPEALS MEMBER LIASION REPORT:

DISCUSSION: FARINA noted the ZBA meetings for February 2021 and March 2021 were canceled.

11. COMMISSIONERS' COMMENTS AND ITEMS OF INTEREST / CONCERNS:

Member Barr:	None.
Member Cook:	Wished the group a good evening and great job to WARUNEK for first meeting as chair.
Member Czarnecki:	Great job to the group on the meeting and kudos to Master Plan team.
Member Perry:	Great job to WARUNEK for first meeting as chair.
Member Farina:	Welcomed Bruce Eck as Building Official and congratulations to Master Plan team and to WARUNEK for first meeting as chair.
Member Kiel:	Great job to WARUNEK on first meeting as chair and to the Master Plan team.
Chair Warunek:	Thanked the group for a good meeting.
McKenna:	The March 2021 meeting will include an agenda item on the CIP.
City Attorney:	None.

12. ADJOURNMENT:

Motion by Member: KEIL **Support by Member:** PERRY

To: ADJOURN THE MEETING OF February 3, 2021 at 10:42 PM

AYES 7

NAYS 0

MOTION CARRIED

Audience members: None.