

**CITY OF FRASER PLANNING COMMISSION MEETING
MUNICIPAL BUILDING ~ 33000 GARFIELD ROAD
Wednesday, June 2, 2021
MINUTES APPROVED AS CORRECTED August 4, 2021**

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

EXCUSED ABSENCE: None.

ALSO PRESENT: CLARK ANDREWS, CITY ATTORNEY
ALYSSA ALBRIGHT, CITY ATTORNEY
DYLAN CHURCH, CITY ATTORNEY
MICHAEL VIGNERNON, CITY ENGINEER
PAUL URBIEL, McKENNA
DANIELLE BOUCHARD, McKENNA

1. CALL MEETING TO ORDER / PLEDGE OF ALLEGIANCE:

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

2. ROLL CALL:

Members:	Barr	Present (participating from Macomb County, City of Fraser, Michigan)
	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 June 2, 2021:

Motion by Member: FARINA

Support by Member: KEIL

To: Approve the agenda of June 2, 2021 as amended. Amendments include:

1. Including discussion under Agenda Item #7, "New Business", to discuss the status of the Taco Bell development located at 34835 Utica Road.

AYES: 7 (BARR, COOK, CZARNECKI, FARINA, KEIL, PERRY, WARUNEK)

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 May 5, 2021:

Motion by Member: FARINA

Supported by Member: KEIL

To: Approve the minutes of the May 5, 2021 as presented.

AYES: 7 (BARR, COOK, CZARNECKI, FARINA, KEIL PERRY, WARUNEK)

NAYS: 0

MOTION CARRIED

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6. NEW BUSINESS

A. PUBLIC HEARING: SLU 21-01 / Jim Butler on Behalf of A&A Management / Part of 34400 Utica Road / To obtain a Special Land Use approval for a proposed fast-food restaurant with a drive-through window in the "CG – Commercial General" Zoning District.

DISCUSSION: URBIEL described details of SLU 21-01. The applicant is proposing to amend the previously approved site plan to redevelop an outlot area of the current Hockeyland site located at 34400 Utica Road. The proposed outlot development is a Big Boy restaurant with a drive-through window. A drive-through restaurant is permitted in the CG, Commercial General, District subject to special land use approval. Thus, a public hearing is required. Other proposed site improvements include:

- Landscaping (including 12 trees fronting Utica Road and 30 parking lot trees)
- Repaving and restriping the entire Hockeyland parking lot

JIM BUTLER, PEA, noted that the drive-through lane can be described as more of a pick-up window than a conventional drive-through operation. The function of the pick-up window is for patrons to order online in advance and utilize the drive-through lane to pick-up the order when it is ready. ANDREWS noted that for the purposes of the Special Land Use approval, the review is conducted as a drive-through.

The Public Hearing was opened at 7:14pm

PUBLIC COMMENTS: None

DISCUSSION:

URBIEL explained that the proposed restaurant is located on a 0.9-acre outlot on the Hockeyland parking lot. The proposed dimensional standards for the site meet Ordinance requirements. Points of ingress and egress onto the site will remain the same. Additionally, the applicant received a variance in 2019 to reduce the amount of required parking to 525 spaces. A proposed shared parking agreement with two neighboring properties will add another 247 parking spaces to the site. In terms of lighting, fencing, dumpster, building design, and pedestrian safety and circulation, all Ordinance requirements are met.

CZARNECKI questioned the applicant on why the proposed development only includes one building. Applicant BUTLER responded that one building resulted in a better overall layout for the site. BARR questioned if a traffic light should be placed at the site to assist motorists with entering and existing the Hockeyland site. FARINA noted that a traffic study completed by Macomb County concluded that a traffic light is not needed at that location. PERRY questioned the applicant on the drive-through lane configuration. If one order is not ready on time, it would likely be difficult to pull out of the line. BUTLER noted that the parking plan includes 3 spaces designated for waiting for pick-up orders to be ready.

FARINA questioned if there was any portion of the special land use request that did not meet Ordinance standards. URBIEL responded that the special land use request meets all Ordinance standards.

FARINA questioned the status of water retention on the lot. VIGERNON noted that City Engineers will be reviewing the stormwater plans for the site prior to any construction.

The Public Hearing was closed at 7:45pm

Motion by Member: FARINA

Supported by Member: KEIL

To: Approve SLU-21-01 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 with a drive-through window in the "CG – Commercial General" Zoning District provided that the standards for special land use have been met and that the applicant must also comply with site plan approval and all of the conditions as set forth in it, which conditions are incorporated by reference as if fully set forth in this special land use approval.

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NAYS: 0

MOTION CARRIED

B. SP 21-04 / Jim Butler on Behalf of A&A Management / Part of 34400 Utica Road / Proposed site retail

DISCUSSION: URBIEL noted that the proposed site plan has 13 recommended conditions. The proposed site plan meets Zoning Ordinance requirements and the application is fully complete. The recommended conditions are based on the applicant's prior site plan approval. ANDREWS questioned if the cross-access with an adjacent site was eliminated from the site plan. BUTLER confirmed that the site plan was reconfigured to eliminate the need for a shared or joint access agreement with the south adjacent property owner.

Motion by Member: KEIL **Supported by Member:** WARUNEK

To: Approve SP 21-04 / Jim Butler on Behalf of A&A Management / Part of 34400 Utica Road / Proposed site retail 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. The applicant must combine the three (3) subject parcels (i.e., the Hockeyland arena and the two parcels constituting the north lot) into a single property prior to the division of an outlot parcel as proposed.
6. 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.
7. 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.
8. All agreements and site plans must be reviewed and approved by all applicable government departments and agencies, by the City Attorney, and City Engineers. The City shall be reimbursed by the property owner, or their designee, for any fees incurred by the City attorney(s) for the reviews and/or recommendations of all applicable agreements.
9. The applicant achieves 100% fire protection and safety approval from the City of Fraser Fire Marshall.
10. Retail operations may only be conducted between 6am and 11pm.
11. 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.
12. 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.
13. The applicant obtains written approvals from all applicable City departments and agencies prior to construction.

AYES: 7 (BARR, COOK, CZARNECKI, FARINA, KEIL, PERRY, WARUNEK)

NAYS: 0

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C. Discussion Regarding Returning to In-Person Meetings

DISCUSSION: URBIEL noted that the health and human services orders have been shifting. The City of Fraser still has a state of emergency order and ~~is~~ (corrected: are) permitted to meet virtually until the end of the year. The mask mandate and indoor gathering restrictions are changing by July 1st. WARUNEK noted that the Planning Commission will wait until City Council makes a decision on when to return to in-person meetings.

7. UNFINISHED BUSINESS:

DISCUSSION: FARINA explained that the Taco Bell site located at 34835 Utica Road has a condition as part of the site plan approval to include a break as so headlights do not shine into oncoming traffic. URBIEL noted that the applicant has been reminded of that site plan condition. The applicant submitted a proposed solution to that condition to the City for review. FARINA questioned what the process is to make sure that site plan conditions are met before occupancy certificates are received. URBIEL explained that moving forward, the City planner will check each site against the required site plan conditions prior to a site receiving final occupancy.

8. PUBLIC COMMUNICATIONS ON NON-AGENDA ITEMS:

DISCUSSION: None.

9. ZONING BOARD OF APPEALS MEMBER LIASION REPORT:

DISCUSSION: FARINA noted the ZBA meeting is scheduled for June 3, 2021. In May, the ZBA approved two (2) variances and postponed one (1) variance.

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

Member Barr:	None.
Member Cook:	Good Fellows is hosting the Tour De Fraser on August 7 th and golf outing September 18 th
Member Czarnecki:	Questioned McKenna on the status of the AutoZone development.
Member Perry:	None.
Member Farina:	Knights of Columbus is hosting an auto show in August.
Member Kiel:	Terry Cardwell passed away and visitation is Saturday, June 5 th at Resurrection Funeral Home at 40800 Hayes in Clinton Township.
Chair Warunek:	Hank Dolland passed away and the visitation is Saturday, June 5 th at Faulmann & Walsh.
McKenna:	AutoZone is planning to request an extension. The apartment building on the east side of Utica, south of Mulvey, is not completely stalled. The inspection for the basement concrete pour was completed, but no more inspections have been scheduled. Beams were set the week prior.
City Attorney:	None.

11. ADJOURNMENT:

Motion by Member: KEIL **Support by Member:** COOK

To: ADJOURN THE MEETING OF JUNE 2, 2021 at 8:45 PM

AYES 7 (BARR, COOK, CZARNECKI, FARINA, KEIL, PERRY WARUNEK)

NAYS 0

MOTION CARRIED

Audience members: None.