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City of Fraser

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**CITY OF FRASER
PLANNING COMMISSION MEETING MINUTES
33000 GARFIELD, FRASER, MI 48026
October 4, 2023
AS APPROVED**

A regular meeting of the City of Fraser Planning Commission Meeting was held on Wednesday, October 4, 2023 at 7:00 P.M. The meeting was held in City Council Chambers, 33000 Garfield Road, Fraser, MI 48026.

1. CALL MEETING TO ORDER

Chairman Czarnecki called the meeting to order at 7:00 p.m.

Chairman Czarnecki led the Pledge of Allegiance.

2. ROLL CALL

PRESENT: Barr, Czarnecki, Farina, Keil, Meyer, Perry, Warunek

ABSENT: None

OTHERS: City Attorney Alyssa Ericson, City Planner Lauren Sayre, City Clerk Greenia

3. APPROVAL OF AGENDA – REGULAR MEETING October 4, 2023

Motion by Keil seconded by Warunek to approve the agenda as presented with

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AYES: Barr, Czarnecki, Farina, Meyer, Keil, Perry, Warunek
NAYS: None Motion Carried

4. CHAIRPERSON'S OPENING REMARKS

Chairperson CZARNECKI read the formal statement relative to the powers of the Planning Commission and the facts and conditions for granting site plan approval.

5. APPROVAL OF MINUTES – REGULAR MINUTES September 6, 2023

Motion by Farina seconded by Warunek to approve the September 6, 2023 meeting minutes as presented.

AYES: Barr, Czarnecki, Farina, Keil, Meyer, Perry, Warunek
NAYS: None Motion Carried

6. NEW BUSINESS

A. Public Hearings: None

B. Site Plan and Other Reviews: None

7. UNFINISHED BUSINESS

A. Review, Discussion and Possible Modification of Site Plan Approval for Fraser Hockeyland/Big Boy Restaurant; 34400 Utica Road, Fraser, MI 48026

Neither City Attorney Ericson nor City Planner Sayre had a report on this matter at this time.

Randi Hirmez, Novi, Michigan, attorney for applicant appeared before the Planning Commission at this time. He shared that they were at the September Planning Commission meeting to discuss this with the Commission. Since that time, they have run into a couple of issues mainly dealing with the shared parking agreements that were conditions of the site plan approval.

He indicated that after that meeting, they reached out to the City Administration, inclusive of the Attorney and Planner, and discussed how to best move forward.

They were given a list of all the shortcomings of the project as it was prior to the discussions. There were a couple of major issues. One was the required deceleration lane and the other was the shared parking agreements that were required. He felt there was a way in which the specific language of the site plan

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could be amended in order to accommodate what they would need to obtain site plan approval but still keep the spirit of the City's wishes intact.

He then reviewed the history of this site and how they got to the place they are at this time as well as the concerns that the Planning Commission had in regard to these issues. Many of these were regarding the "Extreme Events" that may be held over the years. He stated that they were more than able to meet the needs for parking for "Extreme Events" with an agreement with and assurances by the Fraser Public Schools. They would not need to have agreements with any other business/entity for this purpose.

As to the deceleration lane, it was originally recommended but not required by the County of Macomb. With the reduced size of the buildings both Macomb County Department of Roads and our engineer Mike Vigneron have agreed that they do not need one. He understood that they would have to update the plans to show no deceleration lane.

Discussion was now had on the parking agreements that were required in the conditions of the site plan. He stated that the parking agreements would be used when the applicant would host an "Extreme Event". This event, prior to being held, would need to come before City Administration for items such as safety, security, an overflow parking plan, and how they intend to pay for the event. The mechanism is already in place to provide for overflow parking for "Extreme Events" and how that will be addressed during those times.

They would be asking to have Planning Commission remove the requirement for shared parking agreements that are in recordable form outside of certain cross-easement, cross access, and utility easement agreements. Those would all still be required. He would like to see the site plan approval conditions tweaked.

Jim Butler, 1849 Pond Run, Auburn Hills, MI was present to address questions regarding the required amount of parking at this site. He stated that the ZBA gave them a variance that would allow them to have 525 parking spaces; currently they have 534 parking spaces. He also reviewed the deceleration lane at this site as well as other items they would need to address on the site plan.

Chair Czarnecki expressed her frustration that the Planning Commission had no documents in front of them at this time to help make a determination on this site plan.

Commissioner Farina noted he did not care who was on the agreements, he just wanted to make sure that there was an agreement with someone to give them the required number of spaces for the "Extreme Events" requirement. Further discussion was had on this requirement. The City Attorney also discussed this with the Planning Commission.

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Commissioner Meyer had questions regarding what an “Extreme Event” is. She had other questions regarding the site plan including what the Lion’s Club lot was going to be developed as.

A lengthy discussion was now had on the approved conditions to the Site Plan for 34400 Utica Road as it was adopted. The agreement, with the changes he was seeking on behalf of the applicant, was up on the projector at this time for all Planning Commission members to see. Mr. Hirmez reviewed the amendments he would like to see. He stated he understood from the City’s attorney, that this could be changed by the Commission at tonight’s meeting without plans in front of them. Ms. Ericson then reviewed that if the Planning Commission agreed to amend the site plan conditions the applicant would still need to meet all the requirements put on it by our Building Department, engineer, public safety, etc.

Commissioner Warunek indicated he felt the amendments made sense for this site. He trusted that our legal team was involved in this. The Planning Commission had to rely on them and their opinion regarding this. Commissioner Farina and Attorney Ericson reviewed the agreements that were referred to in the conditions.

Commissioner Keil stated he was not sure why this parking matter was becoming such a big issue. The applicant would have to contact the City in the case of any “Extreme Event” and the parking would be addressed prior to any approval that may be given.

Keil stated he would be willing to make a motion to remove Item #11 on the Conditions of Site Plan Approval as well amend Item #5 and Item #6 as requested; City Attorney Ericson stated she had a few other tweaks she would need to make to the conditions prior to final approval of the amendments.

Motion by Farina supported by Meyer to postpone action on Site Plan #21-08 until the Planning Commission gets written recommendations from the City Attorney and City Planner.

Discussion was had on what a recommendation would look like. Commissioner Farina indicated he was looking for a written account on what was discussed and decided and what they felt was the safest path forward for the City of Fraser in this case.

VOTE ON MOTION:

AYES: Barr, Czarnecki, Farina, Meyer

NAYS: Keil, Perry, Warunek

At this time Commissioner Barr indicated she was struggling with her vote and would like to withdraw her support to postpone this decision and vote no on that motion. Attorney Ericson agreed that Commissioner Barr could withdraw her support of the motion at this time.

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UPDATED VOTE ON MOTION TO POSTPONE:

AYES: Czarnecki, Farina, Meyer
NAYS: Barr, Keil, Perry, Warunek

MOTION TO POSTPONE FAILED

Motion by Keil supported by Perry to modify the Site Plan Approval Conditions for Site Plan #21-08, Hockeyland and Big Boy, 34400 Utica Road, Fraser, Michigan to read as follows:

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 easement for cross access, shared parking, and utilities between the existing Hockeyland parcel (including the North Parking Lot) and the Fraser Hockeyland Property, LLC properties (including the out-lot parcel proposed as part of this development application and the northern vacant lot) are required. These agreements must be reviewed and approved by the city, executed, and recorded with the Macomb County Register of Deeds.
6. Applicants must give the City 60 days advance notice prior to the expiration or termination of any Shared Parking Agreements.
7. All agreements and site plans must be reviewed and approved by all applicable government departments and agencies, by the City Attorney, and the 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 6 a.m. and 11 p.m.
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 storm water management.

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11. The applicant obtains written approvals from all applicable City departments and agencies prior to construction.
12. All review fees shall be reimbursed to the City by the applicant for any costs incurred by the City Attorney.
13. No Certificates of Occupancy are to be issued prior to the executed and recorded cross-access, shared, parking and utilities agreements.
14. All other conditions from Site Plan #21-08 Approval remain the same.

AYES: Barr, Czarnecki, Keil, Perry, Warunek

NAYS: Farina, Meyer

Motion Carried

B. Sign Ordinance Discussion

The Planning Commission was beginning their review, in earnest, on the Sign Ordinance. In following with the schedule prepared by Mr. DeNault at the meeting tonight Planner Sayre and Attorney Ericson would be reviewing General Regulations, Signs that are allowed in all Zoning Districts and Signs that are always prohibited in all Zoning Districts. These were pages 2 – 11 in the Chart they were presented.

Planner Sayre read the instances and thoughts regarding all three (3) subjects referred to above. The Planning Commission had comments that were recorded by both Planner Sayre and Attorney Ericson that would be considered when drafting the new Ordinance.

Commissioner Barr left the meeting at 8:37 p.m.

C. Training Date Discussion

City Clerk Greenia reviewed that Planning Commission and Zoning Board of Appeals had been talking about having a joint training soon. She was asking for dates of availability for Planning Commission members and stated she would be asking the same of Zoning Board of Appeals Members at tomorrow's meeting. She would contact the Planning Commission once she had some dates that everyone was available.

8. PUBLIC COMMUNICATIONS ON NON-AGENDA ITEMS

There was no public comment at this time.

9. ZONING BOARD OF APPEALS MEMBER LIAISON REPORT

Commissioner Farina indicated there was a Zoning Board of Appeals meeting tomorrow night and he would not be there as he was going on vacation.

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10. COMMISSIONER'S COMMENTS AND ITEMS OF INTEREST/CONCERNS

Commissioner Warunek stated he would like to see the City of Fraser address the amount of concrete and/or asphalt surfaces they require in the Ordinance. Our current Ordinance did not lend itself to good drainage. He would like to see the City of Fraser take a different approach than most other municipal units at this time.

He would like to see that added to the list for review to the Ordinance.

Nothing from Commissioner Keil.

Nothing from Commissioner Farina.

Nothing from Commissioner Perry.

Nothing from Commissioner Meyer.

Chair Czarnecki asked if the City was receiving calls about the parking at Jon Pablos. City Clerk Greenia indicated that they were.

11. AJDOURNMENT

Motion by Farina seconded by Meyers to adjourn at 9:08 p.m.

AYES: Barr, Czarnecki, Farina, Keil, Meyer, Perry, Warunek

NAYS: None

Motion Carried.

Respectfully
Submitted:

Cindi Greenia, Clerk
City of Fraser