



CITY MANAGER

Elaine Leven

CITY CLERK

Cynthia Greenia

City of Fraser

CENTENNIAL COMMUNITY

MAYOR

Michael Lesich

MAYOR PRO-TEM

Dana Sutherland

COUNCIL

Amy Baranski

Patrick O'Dell

Kenny Perry

Patrice Schornak

Sherry Stein

**Fraser Planning Commission Agenda
City Council Chambers
33000 Garfield, Fraser, MI 48026
Wednesday, January 3, 2024 @ 7:00 p.m.**

- 1. Call Meeting to Order/Pledge of Allegiance**
- 2. Roll Call**
- 3. Approval of Agenda – January 3, 2024**
- 4. Chairperson's Opening Remarks**
- 5. Approval of Minutes – December 6, 2023**
- 6. New Business**
 - a. Public Hearings:**

RZ23-02 32981 (32971) & 32875 Utica Road, Conditional Rezoning of two (2) parcels from Community Business District (CBD) to Commercial General (CG) for the purposes of constructing and opening a 24-hour fast food and gas station business.
 - b. Site Plan and Other**

RZ23-02 32981 (32971) & 32875 Utica Road, Conditional Rezoning Review and Recommendation to City Council.
 - c. Election of Officers**
 - d. Interview of Candidate**
- 7. Unfinished Business:**
 - a. Sign Ordinance Discussion**
- 8. Public Communication on Non-Agenda Items**
- 9. Monthly Report – December 2023**
- 10. Zoning Board of Appeals Member Liaison Report**

11. Commissioners' Comments and Items of Interest/Concern

12. Adjournment

POSTED: 12/28/2023

City of Fraser; 33000 Garfield; Fraser, MI 48026 (586) 293-3100; www.micityoffraser.com



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**CITY OF FRASER
PLANNING COMMISSION MEETING MINUTES
33000 GARFIELD, FRASER, MI 48026
DECEMBER 6, 2023
DRAFT**

A regular meeting of the City of Fraser Planning Commission Meeting was held on Wednesday, December 6, 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, Warunek

ABSENT: None

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

3. APPROVAL OF AGENDA – REGULAR MEETING DECEMBER 6, 2023

Motion by Farina seconded by Keil to approve the agenda as presented.

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

NAYS: None

Motion Carried

FRASER PLANNING COMMISSION MEETING MINUTES

December 6, 2023 7:00 P.M.

4. CHAIRPERSON'S OPENING REMARKS

Chair 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 NOVEMBER 1, 2023

Motion by Keil seconded by Warunek to approve the November 1, 2023 meeting minutes as presented.

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

6. NEW BUSINESS

A. Public Hearings: None

B. Site Plan and Other Reviews:

1. Adopt 2024 Meeting Calendar for Planning Commission

Discussion was had on the proposed meeting dates for the City of Fraser Planning Commission. The Commission agreed that they would change the meeting date for July 2024 from July 3 to July 15. Commissioner Farina noted that all “alternate” dates were the third Monday of the month for Planning Commission.

Motion by Czarnecki supported by Warunek to adopt
The City of Fraser 2024 Planning Commission Meeting Calendar as follows:

January 3, 2024	February 7, 2024	March 6, 2024
April 3, 2024	May 1, 2024	June 5, 2024
July 15, 2024	August 7, 2024	September 4, 2024
October 2, 2024	November 6, 2024	December 4, 2024

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

7. UNFINISHED BUSINESS

1. Discussion of Sign Ordinance

City Planner Sayre and Attorney Ericson reviewed the portions of the Sign Ordinance Review dealing with enforcement, standards for permanent freestanding signs and wall signage. Commission had suggestions for verbiage they would like to see in the Ordinance once drafted. Some of these concerns were the amount of time a message

FRASER PLANNING COMMISSION MEETING MINUTES

December 6, 2023 7:00 P.M.

could stay up on an Electronic Message Board, requirements for enforcement of pylon signs older than ten (10) years – maybe reinspection required. 15' being very high for signs other than in the commercial district – all district with their heights allowed should be noted in the new Ordinance, home occupation and ground signs – are they allowed – what about rope LED lights in windows of businesses.

Planner Sayre and Attorney Ericson stated they would make sure to encompass those in the draft of the Ordinance.

8. PUBLIC COMMENT ON NON-AGENDA ITEMS

Nothing at this time.

9. MONTHLY REPORT

Chair Czarnecki had a question on the current status of Hockeyland. Attorney Ericson stated they were not using the drive-thru so the Special Land Use and the Conditions put upon it were no longer in play. The City issued a Temporary Occupancy Permit with the condition that Hockeyland must meet outstanding planning and engineering site plan items within thirty (30) days of the temporary permit issuance. If at that time all outstanding items are met, a Certificate of Occupancy will be issued.

10. ZONING BOARD OF APPEALS LIAISON REPORT

Commissioner Farina reported that last month the Zoning Board of Appeals held a meeting at which the applicant for the variance did not show up to the meeting nor notify anyone they were not coming. City Planner Sayre indicated that she had emailed them it would be best for someone to attend the meeting so if the Board had questions they could answer them and hopefully move on the agenda item. Commissioner Farina noted that in the future all public hearings should be opened and a date set for the variance request to come before the Board. Commissioner Farina said the Zoning Board of Appeals would set a Public Hearing date at their December 7, 2023, meeting.

Also, former ZBA Chairman Mark Stimac was being presented a Special Tribute signed by Governor Whitmer and presented to him by State Senator Klinefelt. Commissioner Farina invited everyone to the December 7, 2023 Zoning Board of Appeals meeting and to a small celebration at the Fraser Knights of Columbus after the meeting.

Commissioner Farina said Mr. Stimac was his mentor and an exceptional professional that other City representatives would come to watch ZBA meetings to see how good a meeting was run.

Commissioner Farina indicated that the ZBA was currently down two (2) Board Members and indicated that we were looking for residents to step up and volunteer for this Board.

FRASER PLANNING COMMISSION MEETING MINUTES

December 6, 2023 7:00 P.M.

11.COMMISSIONER'S COMMENTS AND ITEMS OF INTEREST/CONCERN

Nothing from Commissioner Meyer at this time.

Nothing from Commissioner Farina at this time.

Commissioner Keil asked Commissioner Farina about the possibility of the ZBA having alternates. Commissioner Farina noted they were looking at this as well.

Commissioner Warunek congratulated Mr. Stimac on his many years of service to the City. He wished everyone a joy filled holiday season and a Merry Christmas.

Commissioner Barr wanted to formally thank the City of Fraser Department of Public Safety for their assistance over the past few months with some issues with a family member. She said they were extremely professional and did great work.

City Clerk Greenia wished everyone a Merry Christmas and thanked Planning Commission for always being so good to her.

Chair Czarnecki stated that Planner Sayre was doing a great job with the Sign Ordinance. She noted that both Commissioner Farina and Commissioner Keil had been approved for reappointment by the City Council. Chair Czarnecki stated that she, too, learned a lot from Mr. Stimac while employed at the City of Troy.

Chair Czarnecki suggested consideration by the Board and administration to place signage at proposed developments, especially developments that require a public hearing such as a proposed zoning change. The signage would offer transparency to residents of proposed new developments that are being considered by the Planning Commission.

12.ADJOURNMENT

Motion by Keil seconded by Meyer to adjourn at 8:10 p.m.

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

NAYS: None

Motion Carried.

Respectfully
Submitted:

Cindi Greenia, Clerk
City of Fraser



City of Fraser

Building & Code Enforcement Department

NOTICE OF CONDITIONAL REZONING PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Fraser Planning Commission will meet on **Wednesday, January 3, 2024** at 7:00 p.m. in the Fraser City Hall Council Chambers at 33000 Garfield Road, located at the southeast corner of Fourteen Mile and Garfield Roads, Fraser, Michigan for the purpose of conducting a Public Hearing and making a decision on the following request:

APPEAL #RZ 23-02

CONDITIONAL REZONING REQUEST / SHEETZ

BY REASON OF:

SECTION 32-261-F, PROVISIONS PERTAINING TO CHANGES AND AMMENDMENTS AND PURSUANT TO THE MICHIGAN ZONING ENABLING ACT, P.A. 110 OF 2006.

PURPOSE OF REQUEST:

TO CONDITIONALLY REZONE TWO PARCELS FROM CENTRAL BUSINESS DISTRICT (CBD) TO COMMERCIAL GENERAL (CG) FOR THE PURPOSES OF CONSTRUCTING AND OPENING A 24-HR FAST FOOD AND GAS STATION BUSINESS. WITHIN THE CONDITIONAL REVIEW PROCESS, SPECIAL LAND USE REQUESTS AND VARIANCE REQUESTS MAY BE APPROVED OR DENIED BY CITY COUNCIL. THE PLANNING COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS AS PART OF THEIR RECOMMENDATION ON THE CONDITIONAL REZONING. THE FOLLOWING SPECIAL LAND USE REQUESTS FOR THE CG DISTRICT SHALL BE CONSIDERED DURING THE PUBLIC HEARING:

- FAST-FOOD RESTAURANTS (SECTION 32-135-2-E & 32-170)
- GASOLINE SERVICE STATIONS (SECTION 32-135-2-F & 32-172)
- TWENTY-FOUR HOUR OPERATIONS (SECTION 32-135-2-K & 32-190)

THE FOLLOWING VARIANCE REQUESTS SHALL BE CONSIDERED DURING THE PUBLIC HEARING:

- TO ALLOW A DRIVE THROUGH RESTAURANT ON A PROPERTY CONTIGUOUS TO A ONE-FAMILY RESIDENTIAL DISTRICT, AND WITHIN 200 FEET OF THE PROPERTY LINE (SECTION 32-168-B-1)
- TO ALLOW A 24-HOUR OPERATION ON A PROPERTY CONTIGUOUS TO A RESIDENCE AND RESIDENTIAL DISTRICT (SECTION 32-190-B-1)
- TO ALLOW A SECOND FREESTANDING FUEL PRICING SIGN (ON 14 MILE ROAD FRONTAGE) ON THIS SITE, WHERE THE ORDINANCE ONLY ALLOWS THE SECOND SIGN TO BE AN IDENTIFICATION SIGN (SECTION 32-85-1-S).
- TO ALLOW 5 WALL SIGNS WHERE THE ORDINANCE ONLY ALLOWS 1 WALL SIGN (SECTION 32-85-1-S).
- TO ALLOW TO ALLOW A SIGN SETBACK OF 52 FEET FROM THE MAJOR ROAD CENTERLINE OF BOTH UTICA ROAD AND 14 MILE ROAD FOR THE FREESTANDING FUEL PRICING SIGNS, WHICH IS A 18-FOOT VARIANCE FROM THE 70 FOOT REQUIRED SETBACK (SECTION 32-85-3-B-2).

PROPERTY IN QUESTION:

32981 (32971) & 32875 UTICA ROAD, FRASER MICHIGAN, 48026 (PIN: 14-06-226-028 & 14-06-226-029)

NOTICE IS FURTHER GIVEN that any interested person may appear and comment upon the proposed request in person, or by agent or attorney during the public hearing to be held on the date and time of the meeting. Pertinent information relating to the application may be reviewed at the Fraser Building Department during regular business hours which are 8:00 a.m. to 4:30 p.m., Monday through Friday at the Fraser City Hall, 33000 Garfield Road, Fraser, Michigan. Questions regarding the requested conditional rezoning can be directed to the Planner, c/o Building Department at 586-293-3100. Written comments may be submitted to the Fraser Building Department at 33000 Garfield Road, Fraser, Michigan 48026, or email to the Building Department at zoning@micityoffraser.com up to 4:30 p.m. of the meeting date.

The City of Fraser will provide necessary, reasonable auxiliary aids and services to individuals with disabilities at the meeting upon four (4) days' notice to the Building Department at the phone number set forth above.

Conditional Rezoning Review Summary

Preliminary Site Plan dated December 13, 2023

RZ 23-02

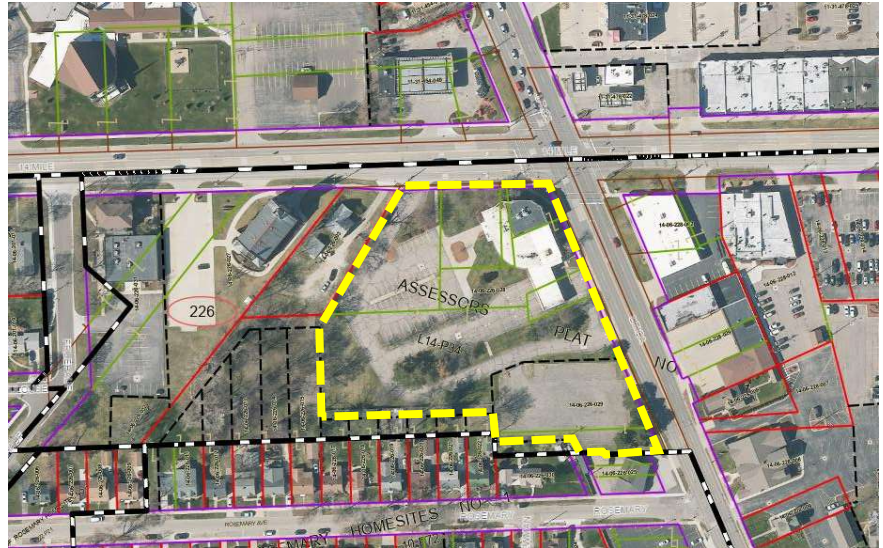
City of Fraser, Michigan



SITE ADDRESS / LOCATION 32981 (32971) & 32875 Utica Road	APPROVING BODY City Council	PUBLIC HEARING DATE January 3, 2024
STAFF REPORT CONTACT INFORMATION Building Clerk – Kayshe Johnson– (586) 293-3100 ext. 155 Planning Consultant – Lauren Sayre, AICP – (586) 293-3100 ext. 153	APPLICANT / PROPERTY OWNER Sheetz	

BRIEF SUMMARY OF REQUEST:

The applicant, Sheetz, proposes to rezone a 3.3-acre site from Community Business District (CBD) to Commercial General (CG) for the purpose of building and operating a 24-hour fast-food restaurant and gas station that is operational 24 hours daily. The site, shown in red with black dashed outline to the right, includes two parcels, 32981 (32971) & 32875 Utica Road, and is located on the southwest corner of Utica Road and 14 Mile Road. The existing site includes the vacant former State Bank of Fraser building and a vacant parking lot. While the State Bank of Fraser building is historic in nature, it is not included on the National Register of Historic Places. The applicant has submitted a preliminary plan showing how they propose to redevelop the site if the conditional rezoning is approved.



	SITE ZONING + LAND USE	SURROUNDING ZONING + LAND USE	SITE IMPROVEMENTS	SIZE OF SITE + FRONTAGE
EXISTING SITE INFORMATION:	Community Business District (CBD) - Vacant	North – CBD South – RM (residential)/CBD East – CBD West – RM (residential)	Various renovations	Total site area = 3.3 acres 443.95 ft. frontage on Utica Rd. & 230.75 ft. frontage on 14 Mile Rd.

PLANNER RECOMMENDATION

- ☐ APPROVE
- ☐ TABLE
- ☐ REVISE AND RESUBMIT
- ☐ DENY

ATTACHMENTS

- ☒ SUBMITTED PLANS
- ☒ APPLICATION
- ☒ PUBLIC HEARING NOTICE
- ☒ PROOF OF OWNERSHIP
- ☒ PUBLIC COMMENTS
- ☐ AGENCY COMMENTS
- ☒ ZONING ORDINANCE STANDARDS REVIEW
- ☒ SPECIAL LAND USE REVIEW

Review Against Zoning Standards



CONDITIONAL REZONING PROCESS AND REQUEST

Conditional Rezoning Overview

The Michigan Zoning Enabling Act (MZEA) provides that an owner of land may voluntarily offer, in writing, specific uses and development of the land as a condition to a rezoning of the land. These conditions must be voluntarily offered by the applicant and cannot be initiated by the City. However, the City is permitted to establish a time period for which the conditions apply to the land. Section 32-261(f)(5)(h) of the Fraser Zoning Ordinance (Zoning Ordinance) provides that the conditions expire two (2) years from the effective date of the conditional rezoning, unless extended by the City for good cause.

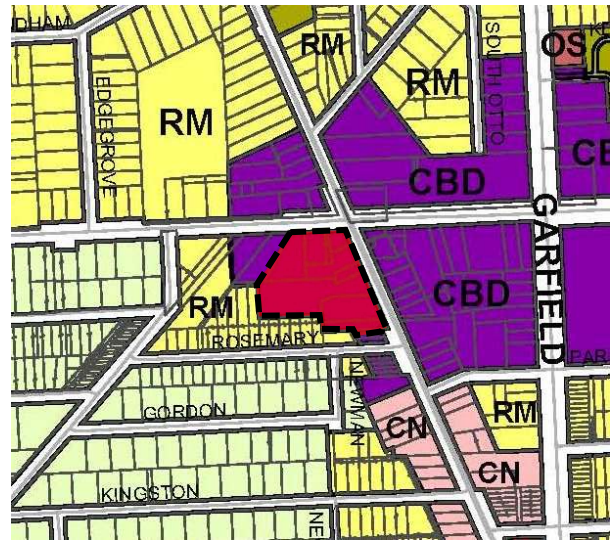
Pursuant to 32-261(f)(4) of the Zoning Ordinance, the Planning Commission is required to conduct a public hearing, deliberate, and make a recommendation of approval or denial of the conditional rezoning to the City Council. Thereafter, a conditional rezoning agreement shall be drafted by the applicant, and approved by the City Attorney's Office. After approval of the draft conditional rezoning agreement, the City Council will consider the proposal.

Although not required, the City Council may hold a second public hearing. When considering the proposed conditional rezoning, the City Council has the authority to review, approve, or deny any special land use and any variance(s) needed for the proposed development or use of the property. Under the Zoning Ordinance, the Planning Commission and the Zoning Board of Appeals do not have authority to grant special land uses or variances respectively relating to developments that are the subject of a conditional rezoning.

If approved by the City Council, the zoning district classification and zoning map will be changed.

Conditional Rezoning Request

The applicant, Sheetz, proposes to rezone a 3.3-acre site from Community Business District (CBD) to Commercial General (CG) for the purpose of building and operating a 24-hour fast-food restaurant and gas station that is operational 24 hours daily. The site, shown in red with black dashed outline to the right, includes two parcels, 32981 (32971) & 32875 Utica Road, and is located on the southwest corner of Utica Road and 14 Mile Road. The existing site includes the vacant former State Bank of Fraser building and a vacant parking lot. While the State Bank of Fraser building is historic in nature, it is not included on the National Register of Historic Places. The applicant has submitted a preliminary plan showing how they propose to redevelop the site if the conditional rezoning is approved.



Voluntary Conditions

Below are the voluntary conditions offered by the applicant.

1. The Property shall only be used for the following purposes:
 - a. Fuel service station
 - b. Fast-food restaurant with or without drive-through
 - c. Open for business to the general public for up to 24 hours

The City Attorney would like clarification from the applicant is the fuel-service station and fast food restaurant will be open 24 hours daily, or if they would just like the ability to do so.

2. The Property will be developed in accordance with approved site plans that substantially conform to the attached conditional rezoning plans, subject to any site plan modifications required by the City to comply with City ordinances and design requirements applicable to the Commercial General District (CG).

3. The architecture and materials of the building and the fuel pump canopy will be substantially in accordance with the elevations included in the conditional rezoning plans, with brick on all sides of the building and high-quality finishes.
4. Trees and other landscaping will be added to the Property in excess of zoning ordinance requirements as shown on the conditional rezoning plans.
5. The development will be designed to alleviate drainage problems to the residential neighbors to the south by collecting all storm water drainage in the detention pond for discharge into the public storm water drainage system. The Applicant will maintain the drainage system and enter into a storm water maintenance agreement with Macomb County to do so.
6. The Applicant is repurposing a vacant, abandoned property, including the purchase of the vacant parking lot to the south of the bank site to be developed with a pond and public park area.

The City Attorney would like to note that it is their understanding that the proposed “public park area” cannot be characterized as a public park unless Sheetz intends to convey ownership of that area to the City, which will reduce the development site and change the application of the site plan standards (setbacks, parking, etc.) to that smaller reduced site, which they do not believe is Sheetz’s intent.

7. The Applicant will construct and maintain for public use a park area with a gravel surface, picnic tables, trash receptacles, shade trees and ornamental plantings overlooking the pond and walkway as shown on the conditional rezoning plans. Such park area shall be at least 3,000 square feet.
8. The Applicant will construct and dedicate to the City a pedestrian plaza at the corner of 14 Mile and Utica Road where indicated on the conditional rezoning plans to commemorate the location of the former State Bank of Fraser. A portion of the façade materials of the Bank will be preserved and incorporated into a plaza area, which shall be comprised of dry-laid pavers, a concrete seating wall and formal planting beds. A historical marker shall be mounted in the plaza. The Applicant will design a plan for the plaza in consultation with the City and the Fraser Historical Society. Such area shall be at least 1,925 square feet.

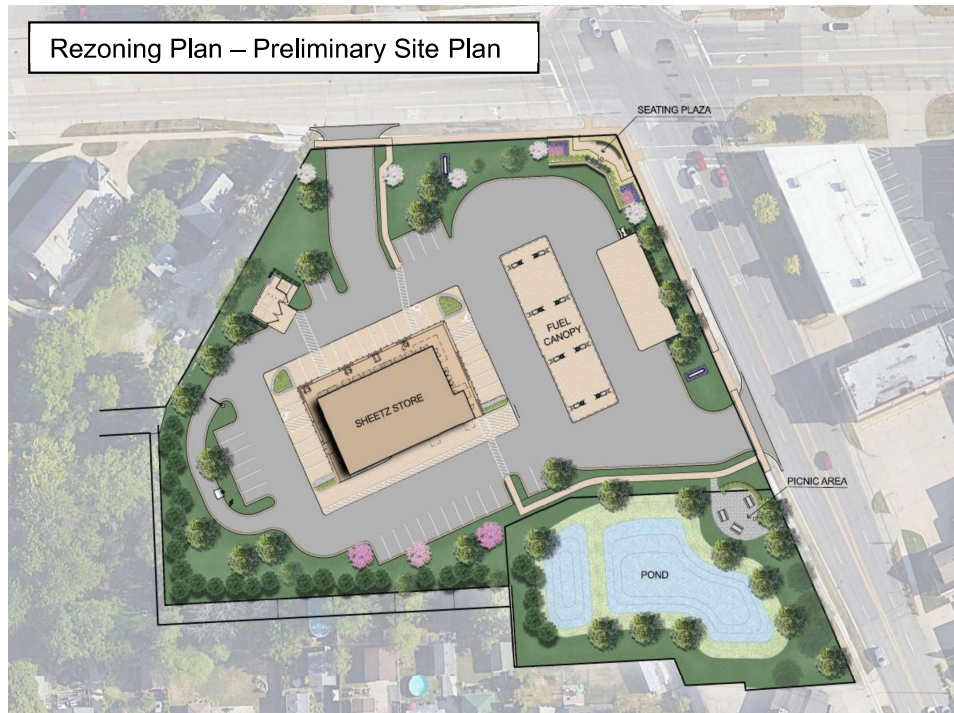
The City Attorney would like clarification on the proposed pedestrian plaza, and if the intent is that this pedestrian plaza is to be conveyed to the City by deed or is some sort of conversation easement being granted to the City, with title retained by Sheetz. Additionally, who will be responsible for maintenance once established and what is the role and extent of the Fraser Historical Society’s involvement.

9. The applicant will grant and convey by quit claim deed to adjacent property owners excess land and areas where adjacent properties encroach onto the site, in the areas cross-hatched on the attached GIS Map.

The City Attorney would like clarification from the applicant on what is meant by “excess” and how many properties are included.

10. The applicant will replace the existing wood fence on the western boundary of the site with a new fence six (6) feet in height.

The City Attorney would like clarification on the fence material.



CONDITIONAL REZONING REVIEW – ORDINANCE STANDARDS

Section 32-261(f)(4)(i) provides the conditional rezoning standards.

The conditional rezoning, conditional rezoning agreement, and conditional rezoning plan will result in development of the property or establishment of a land use that

a. is beneficial to the applicant, the city, and the public.

The applicant has indicated that the proposed rezoning will result in a vibrant mixed-use development that will serve residents of the City by providing gas, food, and convenience items. Additionally, it will provide park amenities for public use and replace asphalt on the southern parcel with landscaping and greenspace. The State Bank of Fraser building façade will be repurposed into a pedestrian plaza to commemorate the former use. Additionally, drainage issues that have been causing issues for neighbors to the south will be mitigated through the installation of a detention pond.

b. will not be detrimental to neighboring properties or the public.

The proposed 24-hour operation may be disruptive to neighboring residential properties. The applicant has provided a plan to minimize adverse effects to neighboring properties including an existing 6' concrete wall, a detention pond, a park area, trees and other landscape screening. The drive-through will have a touch screen menu board, rather than a speaker box. Additionally, lighting will be shielded and directed downward to avoid spill over at the property line.

c. will enhance the area in a way that would be unlikely to be achieved or would not be assured in the absence of the use of conditional rezoning.

The applicant has indicated that without the conditional rezoning, another commercial property would likely develop the two parcels separately and would not address adverse effects.

Staff would note that the State Bank of Fraser Building has been vacant for approximately 2 years.

d. is in the public interest, considering the benefits reasonably expected to accrue from the proposal as compared with foreseeable detriments associated with it.

The applicant has provided that the project includes numerous public benefits due to the purchase of the second

parcel to add the detention pond and public open space recreation area, the historical monument plaza at the corner, the building materials and landscaping that exceed ordinance requirements, and the correction of existing storm water deficiencies. The applicant maintains that these benefits outweigh any potential detriments.

CONDITIONAL REZONING REVIEW – ADDITIONAL CONSIDERATIONS

The following section reviews the conditional rezoning request against best practices. While these considerations are not explicitly stated in the ordinance, they provide additional guidance on the potential impact of a rezoning.

1. Consistency with Master Plan

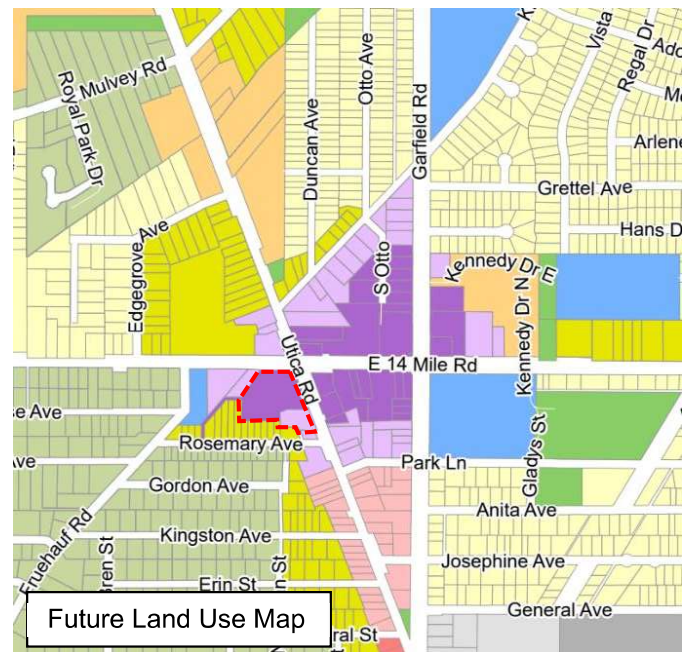
The City of Fraser adopted its Master Plan in 2021. Rezoning should be consistent with the intent, goals, and future land use plan included in the Master Plan. The northern parcel is designated as Central Business District Core on the Future Land Use Map. The intent for this district is:

“... designed to encompass mixed uses to promote live/work/play elements in the City of Fraser. In mixed use areas, developments can include first-floor restaurants, offices, and businesses with upper floor dwelling units or businesses. The goal of this future land use category is to encourage walkability, livability, and economic growth in the CBD with a downtown-like feel.”

The southern parcel is designated as Central Business District Fringe, and the intent is as follows:

“The CBD Fringe areas are a new future land use designation designed to integrate single-use mixed use areas transitioning into the planned Downtown Core. For example, existing low-intensity commercial and residential sites located immediately adjacent to the CBD Core are planned for CBD Fringe. The primary purpose of this Future Land Use designation is to provide a practical and pragmatic transition of lower-intensity mixed uses (that tend to be automobile focused) into higher-intensity mixed-uses in the Downtown Core that, is planned for more pedestrian activity.”

While this project does improve walkability and offer pedestrian considerations such as picnic area and seating plaza, this use would not be considered low intensity. The Master Plan specifies low intensity uses, such as small retail, personal services, and offices, as appropriate uses for this land use designation.



LEGEND

Large Lot Single Family Residential	Central Business District Fringe
Small Lot Single Family Residential	Light Industrial
Transitional Residential	General Industrial
Multi-Family Residential	Public/Semi-Public
Neighborhood Commercial	Park/Open Space
General Commercial	Flex Corridor District Overlay
Central Business District Core	

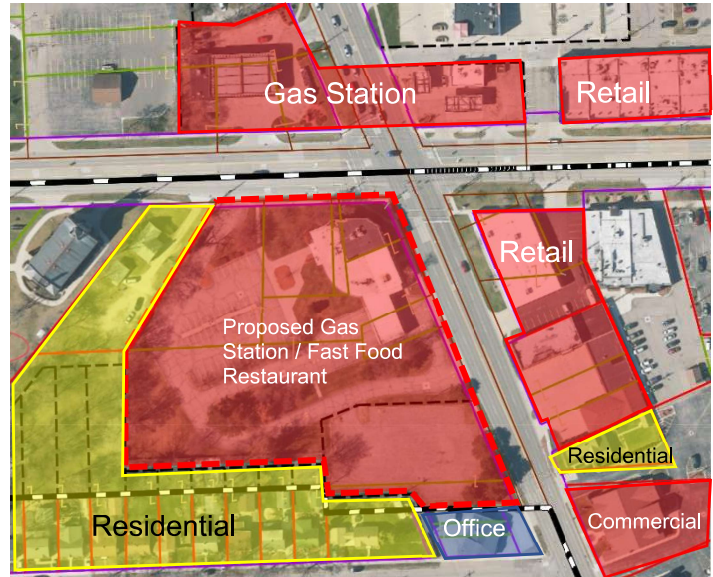
2. Adjacent Land Uses

The adjacent land uses are shown to the right.

While the site abuts residential, the current zoning district would also support commercial development. The proposed land use is consistent with adjacent land use patterns, but the current land use patterns do not align with the Master Plan.

3. Area and Surrounding Districts

Another consideration is the compatibility of the current and proposed zoning designations with surrounding designations. The parcels to the north and east are zoned CBD, as well as the parcel fronting Utica Road to the south and adjacent parcels in the northwest. The south and southwestern parcels are zoned RM, Residential Medium – One Family.



There are no CG parcels adjacent to or nearby the subject site. However, the current zoning would permit a gas station as a special land use, provided that it is developed on a site where a gas station existed as a lawful nonconforming use.

Notably, businesses of a primarily drive-thru nature are prohibited within the CBD. It could be argued that the business is not primarily drive-thru and should be noted that there do exist businesses with drive-thrus included in the CBD (CVS).

It also should be noted that proposed rezoning would leave discontinuous CBD parcels to the south and west.

4. Economic Need and Development Potential

Determining if there is an identifiable public economic need for the rezoning is another factor that may help in determining whether to recommend approval or denial. Similarly, understanding if there is development potential under the existing zoning may also be helpful.

This site has been vacant for about 2 years. As discussed herein, the site was previously occupied by the State Bank of Fraser. Recently, the Fraser Public Library considered relocating to the site, but the renovation costs made the project economically unfeasible. While there have been issues with developing the site in the past, it should be noted that this is not attributable to the zoning designation, but rather the conditions on the site itself.

SPECIAL LAND USE REVIEW

The following special land use approvals have been requested in connection with the conditional rezoning request. These are all special land uses in the Commercial General (CG) district (Section 32-135(2)).

1. Fast-food restaurants (Section 32-170)
2. Gasoline self-service stations (Section 32-172)
3. Twenty-four hour operations (Section 32-190)

This review is primarily background information relating to the conditional rezoning request, as the special land use review will actually be done by City Council, not the Planning Commission, since this is a conditional rezoning.

As provided in Section 32-153(1), the special land use approval standards are as follows:

a. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the

zoning district in which it is to be located.

The site is located on a large street corner in a commercial area. In addition to the State Bank of Fraser parcel, the proposed development would also include the vacant parking lot to the south, which would include a historical plaza commemorating the State Bank of Fraser, a public park, a detention pond, picnic tables, and vast landscaping. The proposal would result in a redevelopment of a vacant, blighted property in the heart of the City, spurring economic development that will hopefully lead to other commercial redevelopment in the area. The development, with the historical plaza and park area, will further the City's objective of creating a walkable community area along Utica Road.

b. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle interfaces in residential districts.

The applicant proposes vehicular drives located away from the intersection in an effort to minimize conflict from turning movements on Utica Road and 14 Mile Road, where sight distances are more than adequate. Proposed pedestrian walkways are also located in green space areas where possible. Notably, any potential conflict areas between pedestrian and vehicles are clearly signed and striped.

c. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be offensive to the occupants of any other nearby uses permitted, whether by reason of dust, noise, fumes, vibration, smoke or lights.

The applicant has indicated that the development is designed so that the fuel pumps are located close to the intersection, away from adjacent properties. The building is centered on the site, with the detention pond and open space public recreation area on the south side adjacent to neighboring properties to minimize any adverse effects. The applicant is also proposing to retain the six (6) foot concrete wall on site to screen the neighboring residential properties. Likewise, the detention pond, park area, trees, and other landscape screening proposed to be installed will also minimize adverse effects for the neighboring residential properties. Additionally, the drive-thru will have a touch screen menu board with no speakers or amplified sound to place orders. The lighting is proposed to be LED and will be shielded and directed downward so as not to spill over at the property line. Further, the building is proposed to include brick on all 4 sides with high quality architectural features and finishes, which exceeds ordinance requirements. All equipment is proposed to be rooftop-mounted in order to minimize noise and odors.

d. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

The applicant has provided that the development would repurpose a vacant, blighted site. The proposed site layout, building material, architectural and landscape design in excess of ordinance requirements will enhance the aesthetic appeal of the neighborhood and encourage the development of similar upscale businesses.

e. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.

According to the applicant, the proposed development will service the needs of both residential residents in the area and employees of commercial businesses for gas, a meal, food and other convenience items, in a one-stop mixed use location not currently available anywhere else in the City.

f. The proposed use is necessary for the public convenience at the proposed location.

The applicant has indicated that the proposed development will service the needs of both residential residents in the area and employees of commercial businesses for gas, a meal, food and other convenience items, in a one-stop mixed use location not currently available anywhere else in the City.

g. The proposed use is so designated, located, planned and to be operated that the public health, safety

and welfare will be protected.

The applicant has indicated that the repurpose of a vacant blighted site, the site layout, building design and materials, historical plaza, pond park area, landscaping and drainage improvements, traffic circulation and the other benefits of this convenient, high-quality business servicing the needs of area residents and business employees will enhance the public health, safety and welfare.

h. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

The applicant has provided that the proposed use will not be detrimental to the neighboring properties, but will provide benefits, with a high-quality development, the historical plaza, pond park area, landscaping and drainage improvements that are not currently available and would benefit the neighboring properties. With these benefits, the proposed use should not adversely impact the value of adjacent properties.

VARIANCE REVIEW

The following variances have been requested in connection with the conditional rezoning request that will have to be considered by City Council as part of the conditional rezoning:

1. From 32-168(b)(1) To allow a drive-thru restaurant on a property contiguous to a one family residential district, and within 200 feet of the property line.
2. From 32-190(b)(1) To allow a 24-hour operation on a property contiguous to a residence and residential district.
3. From 32-85(1)(s) To allow a second freestanding fuel pricing sign (on 14 Mile Road frontage) on the site, where the ordinance only allows the second sign to be an identification sign.
4. From 32-85(3)(b)(2) To allow to allow a sign setback of 52 feet from the major road centerline of both Utica Road and 14 Mile Road for the freestanding fuel pricing signs, which is a 18-foot variance from the 70 foot required setback.
5. From 32-85(1)(s) To allow 5 wall signs on the building when only 1 front wall sign is permitted.

The standards for variance requests to be applied by City Council are found in Section 32-228(a)(2). The table below shows the applicants responses to the standards for each requested variance.

Standards	Variance Requests				
	To allow a drive through restaurant on a property contiguous to a one family residential district.	To allow a 24-hour operation on a property contiguous to a residence and residential district.	To allow a second freestanding fuel pricing sign (on 14 Mile Road frontage).	To allow to allow a sign setback of 52 feet from the major road centerline of both Utica Road and 14 Mile Road.	To allow 5 wall signs on the building.
That there are exceptional or extraordinary circumstances or conditions applying to the property in question or as to the intended use of the property that do not apply generally to other properties in the same zoning district.	The property is commercial property on a large corner lot that accommodates a drive through use. The former bank on the property operated a drive through for years on the property.	The intended use of the property for a mixed use 24-hour operation promotes safety by ensuring the property is staffed and secured during the hours between midnight and 6:00am, so it does not become a desired location for loitering. Sheetz provides several security cameras that are monitored by personnel at a centralized location to ensure there are no issues at the site. Sheetz also proudly services many emergency service workers during the late night hours, when dining options are limited.	The property is located at the intersection of two major roads, 14 Mile Road and Utica Road, with an entrance drive on each road. A full size fuel pricing sign on both road frontages would be appropriate, otherwise customers would not be able to see the gas prices on both signs. This could lead to safety problems, as cars on the road that lacks the fuel pricing sign may decide to visit Sheetz only after they can see the fuel price on the sign on the other road, which could lead to unsafe turning movements into the site, drivers changing lanes and other unintended consequences. Having a clear full size fuel price sign on each road frontage would alleviate these concerns.	The property is located at the intersection of two major roads, 14 Mile Road and Utica Road, with an entrance drive on each road. Complying with the 70-foot setback would result in the signs being too far away from the roadway, making them more difficult for drivers to see.	The property is located at the intersection of two major roads, 14 Mile Road and Utica Road, with an entrance drive on each road, so the building practically has two (2) different frontages, one on each road. Further, the intended use of the property is for a mixed-use building, which is used for both restaurant and convenience store purposes. Therefore, identification signs on both road frontages would be appropriate to identify the Sheetz building to drivers on both 14 Mile Road and Utica Road. The advertising signs (24-hour drive through and "MTO – Made to Order" food) allow drivers unfamiliar with the location to identify Sheetz and its offerings in a very succinct manner.

Standards	To allow a drive through restaurant on a property contiguous to a one family residential district.	To allow a 24-hour operation on a property contiguous to a residence and residential district.	To allow a second freestanding fuel pricing sign (on 14 Mile Road frontage).	To allow to allow a sign setback of 52 feet from the major road centerline of both Utica Road and 14 Mile Road.	To allow 5 wall signs on the building.
That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.	A drive through would enable the Applicant to operate its restaurant business by providing this convenience for the driving public, just like any other drive through restaurant in the area. A restaurant without a drive through would put the Applicant at a competitive disadvantage.	The variance would allow Sheetz to compete with other late night drive through restaurants, gas stations and convenience stores in the area.	The Speedway gas station on the corner across from the subject location has a full size fuel pricing sign on each road frontage, so the variance is necessary to treat similar properties the same way.	The other commercial uses on Utica Road and 14 Mile Road Speedway in the vicinity have signs that are approximately 52 feet from the center of centerline of such road frontage, so the variance is necessary to treat this property owner in a similar manner to the other commercial businesses in the vicinity.	the requested variance would allow drivers to identify that the development is a Sheetz and to understand quickly what the Sheetz store offers. The variances therefore enable Sheetz to communicate via signage to its potential customers the identity of the development and its offerings. Other properties in the vicinity are not located on corners and do not offer a mixture of uses like Sheetz, so less signage is required for such businesses. Therefore, the variances allow Sheetz and its mixed uses the ability to be quickly understood by potential consumers, just as other businesses are able to do with fewer signs.

Standards	To allow a drive through restaurant on a property contiguous to a one family residential district.	To allow a 24-hour operation on a property contiguous to a residence and residential district.	To allow a second freestanding fuel pricing sign (on 14 Mile Road frontage).	To allow to allow a sign setback of 52 feet from the major road centerline of both Utica Road and 14 Mile Road.	To allow 5 wall signs on the building.
That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest.	The drive through will not be a detriment to the adjacent property owners. This drive through is limited to few cars, with the peak period at lunchtime being the busiest time of the day with a peak of 11 cars. The Sheetz drive through is low volume compared to McDonald's, Starbucks, etc. The menu board is a touch pad, so driver interaction is very quiet. Further, The Applicant is willing to donate the rear 15 feet of its site to the adjacent residential property owners to provide additional buffering and distance from the drive through.	The 24-hour operation will not be a detriment to the adjacent property owners. Customer traffic is lower in the late night hours. The Sheetz drive through is low volume compared to McDonald's, Starbucks, etc. The menu board is a touch pad, so driver interaction is very quiet. Further, The Applicant is willing to donate the rear 15 feet of its site to the adjacent residential property owners to provide additional buffering and distance from the drive through.	Allowing a second full size fuel pricing sign should not cause any detriment to adjacent property owners, as it creates a safer condition and impacts the roadway, not adjacent properties.	Authorizing the requested variance would not be a detriment to the adjacent properties on Utica Road or 14 Mile Road, as the 52-foot setback distance is the prevailing actual signage setback distance in the area.	This is a large, corner site with a mixture of uses that comprise the Sheetz development. It provides Sheetz the ability to have potential customers quickly identify the establishment and its offerings. Other businesses in the area are able to accomplish these objectives with fewer signs, so the intent and purpose of this ordinance requirement are not impaired.

Standards	To allow a drive through restaurant on a property contiguous to a one family residential district.	To allow a 24-hour operation on a property contiguous to a residence and residential district.	To allow a second freestanding fuel pricing sign (on 14 Mile Road frontage).	To allow to allow a sign setback of 52 feet from the major road centerline of both Utica Road and 14 Mile Road.	To allow 5 wall signs on the building.
That the conditions or situation of the specific piece of property, or the intended use of the property for which the variance is sought, is not of so general or recurrent in nature as to create a general rule for such condition or situation.	The corner location, size and configuration of this site, together with the former occupant operating a drive through, make this site distinct from other sites pursuing a drive through restaurant in the area. The proposed mixed use with gas, meals, food and other convenience items also distinguishes the intended use of the property from most other similar users of only some of these offerings.	The proposed mixed use with fuel, meals, food and other convenience items distinguishes the intended use of the property from most other similar users of only some of these offerings.	The condition of the corner location with two major road frontages is not a general condition found on most properties, so it would not cause a precedent.	The condition of the corner location with two major road frontages is not a general condition found on most properties, so it would not cause a precedent.	This is a large, corner site with a mixture of uses that comprise the Sheetz development. It provides Sheetz the ability to have potential customers quickly identify the establishment and its offerings. Other businesses in the area are able to accomplish these objectives with fewer signs, so the intent and purpose of this ordinance requirement are not impaired.

That the modification to setback, location, site or building requirements is sponsored by the planning commission for a specific proposal that benefits the city by providing better design or efficient use of the site or results in a more creative development (all fees to be paid by the applicant).

The Applicant would request that the Planning Commission sponsor the proposed use and development, as the proposed development provides community benefits by redeveloping a vacant blighted property in the heart of the City, providing a historical wall plaza commemorating the First State Bank of Fraser Heritage, providing a public park area with a pond, picnic tables, trees and landscaping on the south side, next to residential homes, and providing a mixed use stop for fuel, a meal, food and other convenience items. If the Planning Commission does so, then the Applicant need not meet the variance standards in a.– d. above.

That phasing of required site plan improvements may be warranted because the cost of such improvements are relatively high in relation to the total cost of the applicant's development or addition. planning commission recommendations shall be required, together with a financial security in the amount of the deferred improvements.

Not applicable.

RECOMMENDATION

Given the analysis above, Staff recommends the Planning Commission consider the conditional rezoning standards, as well as whether City Council should approve the special land use and variance requests as part of its review in making a recommendation to City Council to approve or deny the conditional rezoning request.

Below is a table with potential bases for recommendation of approval or denial to City Council. This is not an all-encompassing list, but rather considerations for Planning Commission to review before making a recommendation.

Potential Basis for Approval Recommendation	Potential Basis for Denial Recommendation
- Meets Master Plan goals for improving pedestrian access. - Consistent with Master Plan goals of reducing parking and increasing green space. - Consistent with land uses (gas service stations) to the north. - Site improvements, such as fixing drainage issues. - Promotion of economic development in previously vacant site.	- Not consistent with Future Land Use Map. - Requiring rezoning, 3 special land uses, and 5 variances may be indicative that this site is not the most compatible for the use. - It would create discontinuous CBD parcels to the south and west of the site. - Concerns for level of intensity near residential uses. - Preservation of historically significant building.

Please feel free to reach out with any questions at lsayre@mcka.com

Respectfully,

McKENNA



Lauren Sayre, AICP
Assistant Planner

Cc: City of Fraser: Building Official, City Attorney, City Engineer



MICHIGAN GROUP

Account: **644878**
 Name:
 Company: **CITY OF FRASER**

Address: **33000 GARFIELD
 FRASER, MI 48026**

Telephone: **(586) 293-3100**
 Fax: **(586) 296-1045**
 Description: **CITY OF FRASER Building & Code Enfor**

Date: **12/15/23**
 Start Date: **12/17/23** Stop Date: **12/17/23**
 Class: **1201 - Legal Notices**
 Ad ID: **2550047**
 Ad Taker: **CRLHAMLIN**
 Sales Person: **Linda Hamlin (200308)**
 Words: **540**
 Lines: **75**
 Agate Lines: **252**
 Depth: **9.25**
 Inserts: **2**
 Blind Box:
 PO Number:

Ad sample


CITY OF FRASER
 Building & Code Enforcement Department
NOTICE OF CONDITIONAL REZONING PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Fraser Planning Commission will meet on **Wednesday, January 3, 2024** at 7:00 p.m. in the Fraser City Hall Council Chambers at 33000 Garfield Road, located at the southeast corner of Fourteen Mile and Garfield Roads, Fraser, Michigan for the purpose of conducting a Public Hearing and making a decision on the following request:

APPEAL #RZ 23-02**CONDITIONAL REZONING REQUEST / SHEETZ****BY REASON OF:**

SECTION 32-261-F, PROVISIONS PERTAINING TO CHANGES AND AMMENDMENTS AND PURSUANT TO THE MICHIGAN ZONING ENABLING ACT, P.A. 110 OF 2006.

PURPOSE OF REQUEST:

TO CONDITIONALLY REZONE TWO PARCELS FROM CENTRAL BUSINESS DISTRICT (CBD) TO COMMERCIAL GENERAL (CG) FOR THE PURPOSES OF CONSTRUCTING AND OPENING A 24-HR FAST FOOD AND GAS STATION BUSINESS. WITHIN THE CONDITIONAL REVIEW PROCESS, SPECIAL LAND USE REQUESTS AND VARIANCE REQUESTS MAY BE APPROVED OR DENIED BY CITY COUNCIL. THE PLANNING COMMISSION WILL CONSIDER THE FOLLOWING REQUESTS AS PART OF THEIR RECOMMENDATION ON THE CONDITIONAL REZONING. THE FOLLOWING SPECIAL LAND USE REQUESTS FOR THE CG DISTRICT SHALL BE CONSIDERED DURING THE PUBLIC HEARING:

- FAST-FOOD RESTAURANTS (SECTION 32-135-2-E & 32-170)
- GASOLINE SERVICE STATIONS (SECTION 32-135-2-F & 32-172)
- TWENTY-FOUR HOUR OPERATIONS (SECTION 32-135-2-K & 32-190)

THE FOLLOWING VARIANCE REQUESTS SHALL BE CONSIDERED DURING THE PUBLIC HEARING:

- TO ALLOW A DRIVE THROUGH RESTAURANT ON A PROPERTY CONTIGUOUS TO A ONE-FAMILY RESIDENTIAL DISTRICT, AND WITHIN 200 FEET OF THE PROPERTY LINE (SECTION 32-168-B-1)
- TO ALLOW A 24-HOUR OPERATION ON A PROPERTY CONTIGUOUS TO A RESIDENCE AND RESIDENTIAL DISTRICT (SECTION 32-190-B-1)
- TO ALLOW A SECOND FREESTANDING FUEL PRICING SIGN (ON 14 MILE ROAD FRONTAGE) ON THIS SITE, WHERE THE ORDINANCE ONLY ALLOWS THE SECOND SIGN TO BE AN IDENTIFICATION SIGN (SECTION 32-85-1-S).
- TO ALLOW 5 WALL SIGNS WHERE THE ORDINANCE ONLY ALLOWS 1 WALL SIGN (SECTION 32-85-1-S).
- TO ALLOW TO ALLOW A SIGN SETBACK OF 52 FEET FROM THE MAJOR ROAD CENTERLINE OF BOTH UTICA ROAD AND 14 MILE ROAD FOR THE FREESTANDING FUEL PRICING SIGNS, WHICH IS A 18-FOOT VARIANCE FROM THE 70 FOOT REQUIRED SETBACK (SECTION 32-85-3-B-2).

PROPERTY IN QUESTION:

32981 (32971) & 32875 UTICA ROAD, FRASER MICHIGAN, 48026
 (PIN: 14-06-226-028 & 14-06-226-029)

NOTICE IS FURTHER GIVEN that any interested person may appear and comment upon the proposed request in person, or by agent or attorney during the public hearing to be held on the date and time of the meeting. Pertinent information relating to the application may be reviewed at the Fraser Building Department during regular business hours which are 8:00 a.m. to 4:30 p.m., Monday through Friday at the Fraser City Hall, 33000 Garfield Road, Fraser, Michigan. Questions regarding the requested conditional rezoning can be directed to the Planner, c/o Building Department at 586 293 3100. Written comments may be submitted to the Fraser Building Department at 33000 Garfield Road, Fraser, Michigan 48026, or email to the Building Department at zoning@micityoffraser.com up to 4:30 p.m. of the meeting date.

The City of Fraser will provide necessary, reasonable auxiliary aids and services to individuals with disabilities at the meeting upon four (4) days' notice to the Building Department at the phone number set forth above.

Total:

Paid Amount:

Amount Due:

Publication

Macomb Daily, macombdaily.com

We Appreciate Your Business!
Thank You !

CONTACT US:

Macomb Daily: **(866) 288-2989**
 Heritage: **(877) 332-1898**

Daily Tribune: **(866) 288-2989**
 Morning Star: **(877) 483-3450**

Oakland Press: **(877) 271-1272**
 Voice: **(877) 463-9893**



CITY OF FRASER
PETITION FOR REZONING
_____ RZ

Office Use Only

Date Received: _____

Review Fee Paid: _____

APPLICANT'S NAME: Sheetz Inc.

ADDRESS: 630 Morrison Road

CITY: Gahanna, OH ZIP: 43230 PHONE: 740.497.2326

PROPERTY FRONTAGE: Utica Road and 14 Mile SIDEWELL NO: 14-06-226-028
14-06-226-029

COMPLETE LEGAL DESCRIPTION (Use opposite side or attach separately).

EXISTING ZONING: CBD PROPOSED ZONING: CG SIZE (In Acres): 3.54

PROPERTY FRONTAGE: 443 PROPERTY DEPTH: 471

PURPOSE FOR REZONING: Development of a Sheetz Restaurant and Gas Station

LEGAL OWNER:	<u>Wexford Capital, 8000 Brooktree Road, Suite 300, Wexford, PA 15090</u>	<u>(814)823-6777</u>
	Name	Address Phone

If the petitioner is not the sole legal owner, state all others with interest in properties and title by name and address (attach to application).

The applicant is required to submit a sketch plan, demonstrating the feasibility of developing the property for its intended use. The following information shall be required:

- Parcel size and shape.
- Size and general location of building(s), which may be located on site.
- Access to the site and arrangement of the parking area.
- Location and use of adjacent buildings.

INSTRUCTIONS:

1. Print or type application.
2. Fifteen (15) copies of this application, sketch plan, and attachments must be submitted to the Fraser Building Dept. by the deadline date, call for deadline date 586-293-3920.
3. All sketch plans must be submitted are to be a size of 8 ½ x 11 inch, or of a size that is reduced by folding to the same. (ALL BLUEPRINTS MUST BE FOLDED)
4. One (1) copy of a drawing for the Public Hearing Notice, showing the location in relation to the nearest roads.
5. Add comments on separate paper and attach to application.
6. Return to City of Fraser Building Department.

Drew Miller

Signature of Applicant

Drew Miller (as Agent for Sheetz)

(Please print/type name below signature)

Paul Fedorko

Signature of Legal Owner (if not Applicant)

Paul Fedorko, CEO

(Please print/type name below signature)



CITY OF FRASER
PETITION FOR REZONING
_____ RZ

Office Use Only

Date Received: _____

Review Fee Paid: _____

APPLICANT'S NAME: Sheetz Inc.

ADDRESS: 630 Morrison Road

CITY: Gahanna, OH ZIP: 43230 PHONE: 740.497.2326

PROPERTY FRONTAGE: Utica and 14 Mile SIDEWELL NO: 14-06-226-028
14-06-226-029

COMPLETE LEGAL DESCRIPTION (Use opposite side or attach separately).

EXISTING ZONING: CBD PROPOSED ZONING: CBD SIZE (In Acres): 3.54

PROPERTY FRONTAGE: 443 PROPERTY DEPTH: 471

PURPOSE FOR REZONING: Conditional Rezone to Commercial General

LEGAL OWNER: _____
Name Address Phone

If the petitioner is not the sole legal owner, state all others with interest in properties and title by name and address (attach to application).

The applicant is required to submit a sketch plan, demonstrating the feasibility of developing the property for its intended use. The following information shall be required:

- Parcel size and shape.
- Size and general location of building(s), which may be located on site.
- Access to the site and arrangement of the parking area.
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INSTRUCTIONS:

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3. All sketch plans must be submitted are to be a size of 8 ½ x 11 inch, or of a size that is reduced by folding to the same. (ALL BLUEPRINTS MUST BE FOLDED)
4. One (1) copy of a drawing for the Public Hearing Notice, showing the location in relation to the nearest roads.
5. Add comments on separate paper and attach to application.
6. Return to City of Fraser Building Department.

Signature of Applicant

(Please print/type name below signature)

Authentisign

Deborah Vorce

Signature of Legal Owner (if not Applicant)

Deborah Vorce

(Please print/type name below signature)



**CITY OF FRASER
APPLICATION FOR APPEAL
ZONING BOARD OF APPEALS**

Office Use Only

APPEAL # _____

DATE OF MTG. _____

DATE REC'D _____

RECEIPT #: _____

CIRCLE ALL THAT APPLY:

VARIANCE

APPEAL

TEMPORARY

INTERPRETATION

GENERAL LOCATION OF PROPERTY:

ADDRESS 32981 and 32875 Utica Road CROSS STREETS: 14 Mile Road

LEGAL DESCRIPTION (Lot number, subdivision, metes/bounds or attach on a separate sheet):

See Attached

BASIS FOR REQUEST: (Hardship or practical difficulty imposed by Ordinance):

See Attached

SECTION OR ORDINANCE INVOLVED: See Attached

ZONING DISTRICT OF PROPERTY: CBD, seeking Conditional Rezone to CG

APPLICANT

NAME AND ADDRESSES OF PARTIES OF INTEREST AND/OR APPLICANT SETTING FORTH THE LEGAL INTEREST IN SAID PREMISES:

APPLICANT: Sheetz Inc.

ADDRESS: 630 Morrison Road Gahanna, OH 43230

PHONE: 740.497.2326 INTEREST: Lessee

APPLICANT: _____

ADDRESS: _____

I (We) hereby request a hearing on the above-mentioned matter before the City of Fraser Zoning board of Appeals. The undersigned swear(s) the foregoing statements and answers herein contained and accompanied information and data are in all respects true and complete. I (we) grant permission to Members of the Zoning Board of Appeals and to the City of Fraser Administration to enter the land in order to view the outside premises in preparation for hearing our case.

Signature of Applicant: _____ Date: _____

Signature of legal property owner (if not applicant): Pam Halverson Date: 12/13/23

CONDITIONAL REZONING STANDARDS

CONDITIONAL REZONING APPLICATION FRASER, MICHIGAN

Property:

Address: 32981 & 32875 Utica Road

Parcel ID Nos.: 14-06-226-028 & 14-06-226-029

Section 32-261(f)(4)(i) sets forth the rezoning standards which the Applicant must demonstrate are met for approval of a conditional rezoning. The Applicant provides the following responses to such standards to demonstrate that they have been satisfied:

1. The conditional rezoning will result in development of the property that is beneficial to the applicant, the city, and the public.

Response – The conditional rezoning will result in a vibrant mixed use of the property at a visible intersection, restoring the life into a blighted site. The use will service the needs of area residents for gas, a meal, food and other convenience items. The Applicant is also purchasing the vacant parking lot parcel south of the bank site to provide a pond with park amenities for public use and enjoyment, as well as enhanced landscaping to replace much of the “sea of asphalt” that currently exists with landscaping and green space. The development also pays tribute to the history of the site and the community by creating a plaza at the corner featuring the repurposing of façade masonry from the Fraser State Bank building into a monument to commemorate the former use of the property. The development will also alleviate storm water drainage problems the site causes to the neighbors to the south.

2. The conditional rezoning will result in development of the property that will not be detrimental to neighboring properties or the public.

Response – The property is zoned and will likely be redeveloped for a commercial use. The Applicant has offered a conditional rezoning plan that will minimize any adverse effects to the residential neighbors as they will be screened by the existing 6’ concrete wall, as well as the detention pond, park area, trees and other landscape screening to be installed. The drive through lane will have a touch screen menu board with no speakers or amplified sound. The lighting will be shielded and directed downward so as not to spill over at the property line. The building will also be brick on all 4 sides with high quality architectural features and finishes, which exceed ordinance requirements. These are concessions beyond what the zoning ordinance requires, which another development is not likely to provide.

Further, the development will have a positive impact on the neighboring properties when considering the addition of both the park with the pond, picnic tables and trees for public use and enjoyment and the corner pedestrian plaza with the historical commemoration of the former use of the property by the Fraser State Bank. The

development will also alleviate storm water drainage problems the site causes to the neighbors to the south.

3. The conditional rezoning will result in development of the property that will enhance the area in a way that would be unlikely to be achieved or would not be assured in the absence of the use of conditional rezoning.

Response – As discussed above, another commercial use is likely to develop in accordance with the zoning ordinance requirements, and would not offer to minimize adverse effects as discussed in #2 above, or add the community benefits as discussed in #4 below. Further, it is highly likely that the 2 existing parcels would be developed separately, with 2 different commercial uses.

4. The conditional rezoning will result in development of the property that is in the public interest, considering the benefits reasonably expected to accrue from the proposal as compared with foreseeable detriments associated with it.

Response – As discussed above, the public interest is served by the redevelopment of an unused, blighted property, the Applicant's purchase of the second parcel to add the detention pond and public park area, the historical monument plaza at the corner, the building materials and features and landscaping which exceed ordinance requirements, and the correction of existing storm water deficiencies the site causes to the neighboring properties. These public benefits exceed any potential detriments of the development.

5. The discretionary standards set forth in this zoning ordinance for approval of a special land use have been met.

Response – Please see the Special Land Use Statement the Applicant has submitted with this Conditional Rezoning Application, which explains how the special land use criteria are satisfied.

6. The standards for any variance or temporary use set forth in this zoning ordinance have been met.

Response – Please see the Variance Statement the Applicant has submitted with this Conditional Rezoning Application, which explains how the variance criteria are satisfied.

STATEMENT OF CONDITIONS

CONDITIONAL REZONING APPLICATION FRASER, MICHIGAN

Property:

Address: 32981 & 32875 Utica Road

Parcel ID Nos.: 14-06-226-028 & 14-06-226-029

Below please find the conditions voluntarily offered by the Applicants relating to the use and/or development of the above Property, in accordance with Section 32.261(f) of the Fraser Zoning Ordinance:

1. The Property shall only be used for the following purposes:
 - a. Fuel service station
 - b. Fast-food restaurant with or without drive-through
 - c. Open for business to the general public for up to 24 hours
2. The Property will be developed in accordance with approved site plans that substantially conform to the attached conditional rezoning plans, subject to any site plan modifications required by the City to comply with City ordinances and design requirements applicable to the Commercial General District (CG).
3. The architecture and materials of the building and the fuel pump canopy will be substantially in accordance with the elevations included in the conditional rezoning plans, with brick on all sides of the building and high-quality finishes.
4. Trees and other landscaping will be added to the Property in excess of zoning ordinance requirements as shown on the conditional rezoning plans.
5. The development will be designed to alleviate drainage problems to the residential neighbors to the south by collecting all storm water drainage in the detention pond for discharge into the public storm water drainage system. The Applicant will maintain the drainage system and enter into a storm water maintenance agreement with Macomb County to do so.
6. The Applicant is repurposing a vacant, abandoned property, including the purchase of the vacant parking lot to the south of the bank site to be developed with a pond and public park area.
7. The Applicant will construct and maintain for public use a park area with a gravel surface, picnic tables, trash receptacles, shade trees and ornamental plantings overlooking the pond and walkway as shown on the conditional rezoning plans. Such park area shall be at least 3,000 square feet.

8. The Applicant will construct and dedicate to the City a pedestrian plaza at the corner of 14 Mile and Utica Road where indicated on the conditional rezoning plans to commemorative the location of the former State Bank of Fraser. A portion of the façade materials of the Bank will be preserved and incorporated into a plaza area, which shall be comprised of dry-laid pavers, a concrete seating wall and formal planning beds. A historical marker shall be mounted in the plaza. The Applicant will design a plan for the plaza in consultation with the City and the Fraser Historical Society. Such area shall be at least 1,925 square feet.
9. The Applicant will grant and convey by quit claim deed to adjacent property owners excess land and areas where adjacent properties encroach onto the Property, in the areas cross-hatched on the attached GIS Map.
10. The Applicant will replace the existing wood fence on the western boundary of the Property with a new fence six feet (6') in height.

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That **JUDITH A. FOSTER**, Successor Trustee of the Michael R. Foster Revocable Living Trust Agreement dated July 21, 2003,

of 35885 Monterey, Clinton Township, MI 48035

Quit Claim(s) to:

JILL AUBRY, an undivided One-Third (1/3) Interest;
DEBORAH VORCE, an undivided One-Third (1/3) Interest; and
CHRISTINE CLOUSER and SARAH CLOUSER, an undivided One-Third (1/3) Interest

of 35397 Lucinda, Clinton Township, MI 48035

the following described premises situated in the City of Fraser, County of Macomb, and State of Michigan, to-wit:

Part of Lot 24 and all of Lot 23, Assessor's Plat No. 1, according to the recorded Plat thereof, as recorded in Liber 14 of Plats, Page 34, Macomb County Records, and more particularly described as follows: Commencing at the Northeast corner of Lot 27 of said Assessor's Plat No. 1; Thence South 23 degrees 10' 14" East, 9.66 feet along the Northeast line of said Lot 27; thence South 88 degrees 12' 20" West, 9.66 feet along the Southerly line of 14 Mile Road (1/2 = 42 feet wide); Thence South 23 degrees 10' 14" East, 287.70 feet along the Southwesterly line of Utica Road (1/2 = 42 feet wide) to the point of beginning; thence continuing South 23 degrees 10' 14" East 156.22 feet along the said Southwesterly line; thence along the Southerly line of said Lot 23 the following three (3) courses: (1) South 86 degrees 57' 38" West, 83.34 feet, (2) North 06 degrees 20' 19" West, 5.82 feet, (3) South 88 degrees 08' 07" West, 172.61 feet (recorded) 172.74 feet (measured); thence North 04 degrees 59' 10" West (recorded), North 03 degrees 11' 00" West (measured), 34.30 feet; thence continuing North 03 degrees 11' 00" West, 89.29 feet along the said Westerly line as extended; thence North 67 degrees 17' 19" East, 53.28 feet; thence North 88 degrees 31' 39" East, 152.82 feet to the point of beginning. Contains 32,458 sq. feet, or 0.745 acres of land, more-or-less.

Parcel Identification No. 50-33-004-052-10
Commonly known as: 32875 Utica Road

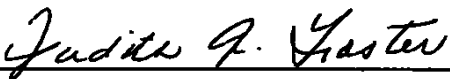
2 H

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together with all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining for the sum of no consideration. This instrument exempt from taxation pursuant to MCL 207.505(a) and 207.526(6)(a).

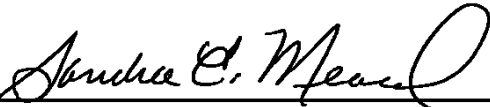
Dated this 13th day of June, 2019

Signed by:


 JUDITH A. FOSTER, Successor Trustee
 under the Michael R. Foster Revocable
 Trust Agreement Dated July 21, 2003

STATE OF MICHIGAN)
) ss.
 COUNTY OF MACOMB)

The foregoing instrument was acknowledged before me this 13TH day of June, 2019, by Judith A. Foster, Successor Trustee under the Michael R. Foster Revocable Trust Agreement Dated July 21, 2003.


 Sandra E. Measel, Notary Public
 Macomb County, Michigan
 My Commission Expires: 07/30/2024

Drafted by: Michael J. Murray, Esquire
 65 Southbound Gratiot Ave.
 Mount Clemens, MI 48043

Send subsequent tax bills to: GRANTEES

Recording Fee: \$30.00

When Recorded Return to: GRANTEES
 c/o Jill Aubry, 35397 Lucinda
 Clinton Twp. MI 48035

Tax Parcel No.: 03-14-06-226-029

COVENANT DEED

PNC BANK, NATIONAL ASSOCIATION, a national banking association, and successor by merger to The State Bank of Fraser (the “Grantor”), whose mailing address is c/o PNC Realty Services, The Tower at PNC Plaza – 22nd Floor, 300 Fifth Avenue, Mail Stop: PT-PTWR-22-1, Pittsburgh, PA, 15222-2401, for the full consideration of One Million Fifty Thousand and No/100 Dollars (\$1,050,000.00) paid in hand, conveys to 32981 UTICA ROAD, LLC, a Pennsylvania limited liability company (“Grantee”), whose mailing address is 8000 Brooktree Road, Wexford, PA 15090, the following described real property, situated in the City of Fraser, County of Macomb, State of Michigan (the “Property”):

See **Exhibit A** attached hereto and made a part hereof.

Property Address: 32981 Utica Road, Fraser, Macomb County, Michigan 48026
Tax Parcel No. 14-06-226-028

The Property is conveyed subject all encumbrances, limitations, restrictions, and other matters (collectively, the “Permitted Encumbrances”) set forth on **Exhibit B** attached hereto and made a part hereof. The Grantor may enforce the Permitted Encumbrances by injunctive relief in addition to other rights and remedies available at law or in equity.

The Grantor covenants and agrees that the Grantor has not previously done or committed or willingly suffered to be done or committed any act, matter, or thing that would cause the Property or any part of thereof to be charged or encumbered in title, estate, or otherwise, except as set forth on Exhibit B.

Further, the Grantor grants to the Grantee the right to each and every division to which the Grantor is currently entitled under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

[Signature on following page]

PNC BANK, NATIONAL ASSOCIATION, a
national banking association, successor by
merger to The State Bank of Fraser

By: Kathleen A. Taylor

Name: Kathleen A. Taylor

Its: Vice President

Date: 7-18-2023

COMMONWEALTH OF PENNSYLVANIA)

) SS:

COUNTY OF ALLEGHENY)

This instrument was acknowledged before me on July 18, 2023, by Kathleen A. Taylor, Vice President
of PNC Bank, National Association, a national banking association, on behalf of such entity.

Carol J. Vasselo
Notary Public, State of Pennsylvania

This instrument prepared by:

Michael A. Huber, Esq.
Dinsmore & Shohl LLP
255 E. 5th Street, Suite 1900
Cincinnati, OH 45202

Commonwealth of Pennsylvania - Notary Seal
Carol J. Vasselo, Notary Public
Allegheny County
My commission expires April 18, 2025
Commission number 1171180
Member, Pennsylvania Association of Notaries

Return after recording to:

EXHIBIT A

Legal Description

Land Situated in the State of Michigan, County of Macomb, City of Fraser.

PARCEL 1:

Lot(s) 25 and 26, EXCEPT part taken for Utica Road, Lot 27, EXCEPT part taken for Utica Road and 14 Mile Road, Lots 28, 29 and 30, EXCEPT part taken for 14 Mile Road, ASSESSOR'S PLAT NO. 1, according to the recorded plat thereof, as recorded in Liber 14 of Plats, Page 34, Macomb County Records.

PARCEL 2:

Land in Assessors Plat No. 1 of part of Lots 5, 6, 7, 8, 9 and 10 of the subdivision of the Northwest 1/4 of Section 5 and Northeast 1/4 of the Northwest 1/4 of Section 6, Town 1 North, Range 13 East, described as: Lot 24 of Assessors Plat No. 1 except that portion thereof beginning at the Northwest corner of Lot 23 of said Assessor's Plat, thence South 88 deg. 01' 12" West 518.1 feet along the South line of Lot 24; thence North 37 deg. 51' 12" East 223.60 feet along the Southerly line of Court Street; thence North 87 deg. 45' 04" East 108.3 feet along the South line of Court Street; thence South 01 deg. 28' 48" East 142.20 feet along the East Line of Lot 38 of Rosemary Homesites Number 1 as extended to the North; thence North 88 deg. 01' 12" East 267.18 feet; thence South 3 deg. 11' East 30.05 feet to the point of beginning.

Also described as:

All the part of Lot 24 of the Assessor's Plat No. 1 of part of Lots 5, 6, 7, 8, 9 and 10 of the Subdivision of Northwest 1/4 of Section 5 and Northeast 1/4 and Northeast 1/4 of Northwest 1/4 of Section 6, Town 1 North, Range 13 East, City of Fraser, Macomb County, Michigan, as recorded in Liber 14, Page 34 of Plats, Macomb County Records, described as: Beginning on the Westerly line of Utica Road, 66 feet wide, at the Northeasterly corner of said Lot 24; thence along the Westerly line of Utica Road, South 23 deg. 10' 14" East 224.16 feet; thence along the Southerly line of said Lot 24, South 87 deg. 41' 38" West 251.30 feet to the Northwesterly corner of Lot 23 of Assessor's Plat No. 1; thence North 3 deg. 11' 00" West 30.05 feet; thence South 88 deg. 01' 12" West 267.18 feet; thence along the Northerly extension of the Easterly line of Lot 38 of Rosemary Homesites No. 1 Subdivision (recorded in Liber 10, Page 72 of Plats, Macomb County Records), North 1 deg. 28' 48" West 142.20 feet; thence along the Southerly line of the proposed Court Street, South 87 deg. 45' 04" West, 108.30 feet; thence along the Easterly line of said Court Street South 37 deg. 51' 12" West 223.60 feet; thence along the Southerly line of said Lot 24, South 88 deg. 01' 12" West 31.36 feet; thence along the Westerly line of said Lot 24, North 39 deg. 22' 33" East 253.69 feet; thence along the Northerly line of said Lot 24, North 87 deg. 45' 04" East 441.41 feet and South 5 deg. 03' 34" East 23.66 feet and North 67 deg. 12' 13" East 117.00 feet to the point of beginning, EXCEPT that part taken for Utica Road.

ALSO EXCEPT:

Part of Lot 24 and all of Lot 23, Assessor's Plat No. 1, according to the recorded plat thereof, as recorded in Liber 14 of Plats, Page 34, Macomb County Records, and more particularly described as follows: Commencing at the Northeast corner of Lot 27 of said Assessor's Plat No. 1; thence South 23 deg. 10' 14" East, 9.66 feet along the Northeast line of said Lot 27; thence South 88 deg. 12' 20" West, 9.66 feet along the Southerly line of 14 Mile Road (1/2 = 42 feet wide); thence South 23 deg. 10' 14" East, 287.70 feet along the Southwesterly line of Utica Road (1/2 = 42 feet wide) to the point of beginning; thence continuing South 23 deg. 10' 14" East, 156.22 feet along the said Southwesterly line; thence along the Southerly line of said Lot 23 the following three (3) courses: (1) South 86 deg. 57' 38" West, 83.34 feet, (2) North 06 deg. 20' 19" West, 5.82 feet, (3) South 88 deg. 08' 07" West, 172.61 feet (record) 172.74 feet (measured); thence North 04 deg. 59' 10" West (record) North 03 deg. 11' 00" West (measured), 34.30 feet; thence continuing North 03 deg. 11' 00" West, 89.29 feet along the said Westerly line as extended; thence North 67 deg. 17' 19" East, 53.28 feet; thence North 88 deg. 31' 39" East, 152.82 feet to the point of beginning.

PARCEL 1 and PARCEL 2 also being described by survey as:

A parcel of land situated in the City of Fraser, County of Macomb, State of Michigan, being all of Lots 25-30 and part of Lot 24 of Assessor's Plat No. 1, as recorded under Liber 14, Page 34, Macomb County Records, EXCEPT that part taken for 14 Mile Rd and Utica Rd, and is more particularly described as follows;

COMMENCING at the Northwest corner of Lot 27 of said Assessor's Plat; thence along the East line of said Lot 27 S24°06'21"E, 9.66 feet; thence S87°16'13"W, 9.66 feet to the Westerly Right-of-way line of Utica Rd (Variable Width) and the POINT OF BEGINNING; thence along said line S24°06'21"E, 287.70 feet; thence S87°35'32"W, 152.82 feet; thence S66°21'12"W, 53.28 feet; thence S04°07'07"E, 59.25 feet to the Northerly Extension of said Rosemary Homesites; thence along said line S87°05'05"W, 267.18 feet; thence N02°24'55"W, 142.20 feet; thence S86°48'57"W, 108.30 feet; thence S36°55'05"W, 223.60 feet to the south line of said Assessor's Plat; thence along said line S87°05'05"W, 28.71 feet; thence along the west line of Lot 32 of said Assessor's Plat No. 1 N37°59'19"E, 251.95 feet to the south line of Lot 31 of said plat; thence along said line N86°48'57"E, 128.00 feet to the west line of Lot 30 of said plat; thence along said line N30°03'33"E, 220.21 feet to the South Right-of-way line of 14 Mile Rd; thence along said line N87°16'13"E, 230.75 feet to the POINT OF BEGINNING.

PARCEL 3:

The West 20.0 feet of Lot 33, for street purposes of Rosemary Homesites No. 1, according to the recorded plat thereof, as recorded in Liber 10 of Plats, Page 72, Macomb County Records.

Parcel Number: 03-14-06-226-028

EXHIBIT B

Permitted Encumbrances

1. Possible additional assessments for taxes, either prospective or retroactive, for new construction or for any major improvements, as well as for current year's taxes levied or to be levied and not yet certified.
2. Unrecorded easements, discrepancies, or conflicts in boundary lines, shortages in area and encroachments which an accurate and complete survey would disclose, or which are not shown by the public records.
3. Rights or claims of any parties in possession.
4. Unfiled municipal claims.
5. Easements and rights granted for utilities.
6. Rights, public and private, in and to any portion of the Premises that lies within the right of way of any public street or alley abutting the Premises.
7. Zoning and building laws, ordinances, and regulations.
8. From the date of the Deed and continuing thereafter for a period of five (5) years, the Premises shall not be used for the purpose of conducting or in connection with (A) the business of a commercial bank, savings bank, savings and loan association, credit union or mortgage bank, or other financial services organization, including, without limitation the installation and operation of an automated teller machine or machines, and/or a night depository or safe deposit boxes; provided, however, that Seller and its successors and assigns shall not be subject to such restrictions; or (B) any marijuana-related use (including, without limitation, a medical marijuana dispensary). These restrictions shall appear in the deed to the Premises and may include statements regarding Seller's ability to enforce such restrictions by injunctive relief in addition to other rights and remedies available at law or in equity.
9. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the documents recorded in Liber 219, Page 539 and Liber 244, Page 37 (as to Assessor's Plat No. 1) of the Macomb County, Michigan land records.
10. Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document recorded in Liber 240, Page 125 (as to Assessor's Plat No. 1) of the Macomb County, Michigan land records.
11. Notice of Taking and Statement of Estimated Just Compensation recorded in Liber 4232, page 944 of the Macomb County, Michigan land records.
12. Interest of Pelagia Kaminski, as disclosed by Quit Claim Deed recorded in Liber 3210, page 316 of the Macomb County, Michigan land records.

13. Easement in favor of the Board of County Road Commissioners and the Covenants, Conditions, and Restrictions contained in Instrument recorded in Liber 19302, page 525.
14. Right of Way in favor of Michigan Bell Telephone Company and the Covenants, Conditions and Restrictions contained in Instrument recorded in Liber 1126, page 15.
15. Terms and Conditions contained in Agreement as disclosed by Instrument recorded in Liber 307, page 621.

PARCEL 1 LEGAL DESCRIPTION:

Per Fidelity National Title Insurance Company, Commitment No. A0791820, Effective Date, May 12th, 2023.

Land Situated in the State of Michigan, County of Macomb, City of Fraser.

Land in Assessors Plat No. 1 of part of Lots 5, 6, 7, 8, 9 and 10 of the subdivision of the Northwest 1/4 of Section 5 and Northeast 1/4 of the Northwest 1/4 of Section 6, Town 1 North, Range 13 East, described Lot 24 of Assessors Plat No.1 except that portion thereof beginning at the Northwest corner of Lot 23 of said Assessor's Plat, thence South 88 deg. 01' 12" West 518.1 feet along the South line of Lot 24;thence North 37 deg. 51' 12" East 223.60 feet along the Southerly line of Court Street; thence North 87 45' 04" East 108.3 feet along the South line of Court Street; thence South 01 deg. 28' 48" East 142.20 feet along the East Line of Lot 38 of Rosemary Homesites Number 1 as extended to the North; thence North 88 deg. 01' 12" East 267.18 feet; thence South 3 deg. 11' East 30.05 feet to the point of beginning.

Also described as:

All the part of Lot 24 of the Assessor's Plat No. 1 of part of Lots 5, 6 ,7 ,8, 9 and 10 of the Subdivision of

Northwest 1/4 of Section 5 and Northeast 1/4 and Northeast 1/4 of Northwest 1/4 of Section 6, Town 1 North, Range 13 East, City of Fraser, Macomb County, Michigan, as recorded in Liber 14, Page 34 of Plats, Macomb County Records, described as:

Beginning on the Westerly line of Utica Road, 66 feet wide, at the Northeasterly corner of said Lot 24; thence along the Westerly line of Utica Road, South 23 10' 14" East 224.16 feet; thence along the Southerly line of said Lot 24, South 87 deg. 41' 38" West 251.30 feet to the Northwesterly corner of Lot 23 of Assessor's Plat No. 1; thence North 3 deg. 11' 00" West 30.05 feet; thence South 88 deg. 01' 12" West 267.18 feet; thence along the Northerly extension of the Easterly line of Lot 38 of Rosemary Homesites No. 1 Subdivision (recorded in Liber 10, Page 72 of Plats, Macomb County Records), North 1 deg. 28' 48" West 142.20 feet; thence along the Southerly line of the proposed Court Street, South 87 deg. 45' 04" West, 108.30 feet; thence along the Easterly line of said Court Street South 37 deg. 51' 12" West 223.60 feet; thence along the Southerly line of said Lot 24, South 88 deg. 01' 12" West 31.36 feet; thence along the Westerly line of said Lot 24, North 39 deg. 22' 33" East 253.69 feet; thence along the Northerly line of said Lot 24, North 87 deg. 45' 04" East 441.41 feet and South 5 deg. 03' 34" East 23.66 feet and North 67 deg. 12' 13" East 117.00 feet to the point of beginning, and the West 20.0 feet of Lot 33, for street purposes of Rosemary Homesites No. 1 subdivision in the City of Fraser, Macomb County, Michigan, as recorded in Liber 10 of Plats, Page 72, Macomb County Records.

EXCEPTING THEREFROM THE FOLLOWING:

PARCEL B: Part of Lot 24 and all of Lot 23, Assessor's Plat No. 1, according to the recorded plat thereof, as recorded in Liber 14 of Plats, Page 34, Macomb County Records, and more particularly described as follows: Commencing at the Northeast

corner of Lot 27 of said Assessor's Plat No. 1; thence South 23 deg. 10' 14" East, 9.66 feet along the Northeast line of said Lot 27; thence South 88 12' 20" West, 9.66 feet along the Southerly line of 14 Mile Road (1/2 = 42 feet wide); thence South 23 deg. 10' 14" East, 287.70 feet along the Southwesterly line of Utica Road (1/2 = 42 feet wide) to the point of beginning; thence continuing South 23 deg. 10' 14" East, 156.22 feet along the said Southwesterly line; thence along the Southerly line of said Lot 23 the following three (3) courses: (1) South 86 deg. 57' 38" West, 83.34 feet, (2) North 06 deg. 20' 19" West, 5.82 feet, (3) South 88 deg. 08' 07" West, 172.61 feet (record) 172.74 feet (measured); thence North 04 deg. 59' 10" West (record) North 03 deg. 11' 00" West (measured), 34.30 feet; thence continuing North 03 deg. 11' 00" West, 89.29 feet along the said Westerly line as extended; thence North 67 deg. 17' 19" East, 53.28 feet; thence North 88 deg. 31' 39" East, 152.82 feet to the point of beginning.

14-06-226-028

PARCEL 2 LEGAL DESCRIPTION:

(Per Chicago Title Insurance Company, Commitment No. 501218187NTS, Effective Date, October 25, 2023.)

Land Situated in the State of Michigan, County of Macomb, City of Fraser.

Part of Lots 24 and Lot 23, Assessor's Plat No. 1, according to the recorded plat thereof, as recorded in Liber 14 of Plats, page 34, Macomb County Records, and more particularly described as follows: Commencing at the Northeast corner of Lot 27 of said Assessor's Plat No. 1; thence South 23 degrees 10 minutes 14 seconds East, 9.66 feet along the Northeast line of said Lot 27; thence South 88 degrees 12 minutes 20 seconds West, 9.66 feet along the Southerly line of 14 Mile Road (1/2 = 42 feet wide); thence South 23 degrees 10 minutes 14 seconds East, 287.70 feet along the Southwesterly line of Utica Road (1/2 = 42 feet wide) to the Point of Beginning; thence continuing South 23 degrees 10 minutes 14 seconds East, 156.22 feet along the said Southwesterly line; thence South 86 degrees 57 minutes 38 seconds West, 83.34 feet along the Southerly line of said Lot 23; thence North 06 degrees 20 minutes 19 seconds West, 5.82 feet along Lot 23; thence South 88 degrees 08 minutes 07 seconds West, 45.09 feet along Lot 23; thence North 21 degrees 57 minutes 07 seconds West 21.57 feet; thence South 87 degrees 58 minutes 28 seconds West 119.70 feet to the Westerly line of said Lot; thence North 03 degrees 11 minutes 00 seconds West, 103.66 feet along the said Westerly line as extended; thence North 67 degrees 17 minutes 19 seconds East, 53.28 feet; thence North 88 degrees 31 minutes 39 seconds East, 152.82 feet to the Point of Beginning.

14-06-226-029

SPECIAL APPROVAL LAND USES

CONDITIONAL REZONING APPLICATION FRASER, MICHIGAN

Property:

Address: 32981 & 32875 Utica Road

Parcel ID Nos.: 14-06-226-028 & 14-06-226-029

Below are the special land use approvals being requested in connection with the Conditional Rezoning for the Property pursuant to Section 32.261(f)(3)(e) of the Fraser Zoning Ordinance:

1. Fast-food restaurants (Section 32-170)
2. Gasoline service stations (Section 32-172)
3. Twenty-four hour operations (Section 32-190)

Following please find the Applicant's responses showing how the discretionary standards for the requested special land use approvals have been satisfied as required pursuant to Section 32-261(f)(4)(i)(2) of the Fraser Zoning Ordinance:

Section 32-153(1) Special approval land use standards:

- a. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.

Response – The property is located in a commercial area, on a large corner site. The development includes the vacant parking lot parcel to the south, adding to the site, and giving the ability to install both the historical wall plaza commemorating the First State Bank of Fraser heritage, as well as the public park area with the pond, picnic tables and landscaping on the south side, next to residential homes. The project results in the redevelopment of a vacant, blighted property in the heart of Fraser, spurring economic development that will hopefully lead to other commercial redevelopment in the area. The development, with the historical plaza and park area, will further the City's objective of creating a walkable community area along Utica Road.

- b. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle interfaces in residential districts.

Response – Vehicular drives are located away from the intersection in a position to minimize conflict from turning movements on Utica and 14 Mile Roads, where site distances are more than adequate. Pedestrian walkways are located in green space areas

where possible. Any potential conflict areas between pedestrian and vehicles are clearly signed and striped.

- c. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be offensive to the occupants of any other nearby uses permitted, whether by reason of dust, noise, fumes, vibration, smoke or lights.

Response – The development is designed so that the fuel pumps are located close to the intersection, away from adjacent properties. The building is centered on the site, with the pond park area on the south side adjacent to neighboring properties to minimize any adverse effects. The neighbors will be screened by the existing 6’ concrete wall, as well as the detention pond, park area, trees and other landscape screening to be installed. The drive through lane will have a touch screen menu board with no speakers or amplified sound to place orders. The lighting will be LED, and will be shielded and directed downward so as not to spill over at the property line. The building will be brick on all 4 sides with high quality architectural features and finished, which exceed ordinance requirements. All equipment is rooftop mounted to minimize noise and odors.

- d. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

Response – The development repurposes a vacant, blighted site. The proposed site layout, building material, architectural and landscape design in excess of ordinance requirements will enhance the aesthetic appeal of the neighborhood and encourage the development of similar upscale businesses.

- e. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the city.

Response – The proposed development will service the needs of both residential residents in the area and employees of commercial businesses for gas, a meal, food and other convenience items, in a one-stop mixed use location not currently available.

- f. The proposed use is necessary for the public convenience at the proposed location.

Response – The proposed development will service the needs of both residential residents in the area and employees of commercial businesses for gas, a meal, food and other convenience items, in a one-stop mixed use location not currently available.

- g. The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.

Response – As discussed above, the repurpose of a vacant blighted site, the site layout, building design and materials, historical plaza, pond park area, landscaping and drainage improvements, traffic circulation and the other benefits of this convenient, high-quality business servicing the needs of area residents and business employees will enhance the public health, safety and welfare.

- h. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

Response – The proposed use will not be detrimental to the neighboring properties, but will provide benefits, with a high-quality development, the historical plaza, pond park area, landscaping and drainage improvements that are not currently available and would benefit the neighboring properties. With these benefits, the proposed use should not adversely impact the value of adjacent properties.

Sec. 32-170. - Fast-food restaurants.

- a. The site and use shall be located on a major or secondary thoroughfare having a right-of-way equal to, or greater than, one hundred twenty (120) feet, as specified by the master plan.

Response – Satisfied, see site plan.

- b. Adequate ingress and egress to handle the traffic anticipated to be generated by the use shall be provided.

Response – Satisfied, as discussed above.

- c. Any fast-food restaurant located in a shopping center shall be aesthetically compatible in design and appearance with the other buildings, tenant spaces, and uses located in the shopping center. In making this determination, the planning commission shall consider the architectural design of the building, the signage and the landscaping to ensure that the design and appearance of the developed fast-food restaurant use is compatible with the design and appearance of the remainder of the shopping center.

Response – N/A, not in a shopping center.

- d. Drive-thru service shall be permitted only if a satisfactory traffic pattern for the drive-thru lane can be established to prevent traffic congestion and the impairment of vehicular circulation for the remainder of the development. Vehicle stacking lanes shall not cross any maneuvering lanes, drives or sidewalks.

Response – Satisfied, see site plan.

- e. Devices and controls adequate to ensure that no smoke, odor or gases are emitted so as to constitute a nuisance to adjoining tenants or to the public shall be provided.

Response – Satisfied. Any such emissions would be from the top of the building, away from the neighboring properties.

- f. Devices for electronically amplified voices or music shall be directed or muffled to prevent any such noises from being audible at any lot line.

Response – Satisfied. No speakers or amplified sound is used in the drive through or on the building. The menu board for the drive through is a touch screen menu for placing orders.

- g. Environmental provisions and parking requirements. Environmental provisions and parking requirements shall be as required in Articles V and VI, respectively.

Response – Satisfied.

Sec. 32-172. - Gasoline self-service stations.

- a. The site for the gasoline self-service station shall have one hundred fifty (150) feet of frontage on the principal street serving the station.

Response – Satisfied, see site plan.

- b. The site shall contain an area of not less than twenty-one thousand (21,000) square feet.

Response – Satisfied, see site plan.

- c. All buildings shall observe front or street-side setbacks, as specified in section 14.40.C. [32-133(3)], area and placement requirements, plus fifteen (15) feet. For purposes of this section, canopies, gasoline pumps and pump islands shall not be considered buildings, but shall observe the setbacks of the CG district.

Response – Satisfied, see site plan.

- d. Curbs, curb-cuts, driveway widths (and) acceleration or deceleration lanes shall meet the requirements of the city or other agencies having jurisdiction thereof.

Response – Satisfied. City and County standards will be met.

- e. In order to facilitate safe pedestrian circulation and safety, no parking or standing of customer vehicles shall be permitted in the area immediately adjacent to any customer entrance or payment window.

Response – Satisfied, see site plan.

- f. Canopies used to shelter pump islands and adjacent service lanes shall be required, provided such canopies do not encroach into the required front yard, and provided, further, that such canopies

shall have a minimum height of fourteen (14) feet and be located to ensure clearance for and access to the site by fire-fighting equipment.

Response – Satisfied, see site plan.

- g. Environmental provisions and parking requirements. Environmental provisions and parking requirements shall be as required in Articles V and VI, respectively.

Response – Satisfied.

Sec. 32-190. - Twenty-four-hour operations.

- a. The site shall not be contiguous to any residence or residential district and shall not be located within three hundred (300) feet of the property line of any public or private school, or playground.

Response – The site is contiguous to a residential district. The Applicant has applied for a variance to this requirement. The site is more than 300 feet from any public or private school or playground.

- b. The site shall be so located as to abut a major or secondary thoroughfare right-of-way and all ingress and egress to the site shall be directly from said thoroughfare.

Response – Satisfied, see site plan.

- c. The building, or part thereof, devoted to such use or activity shall be designed and constructed in such a manner that no audible sound may be heard by adjoining tenants or at the lot line.

Response – Satisfied.

- d. Such uses shall be conducted in accordance with all applicable regulatory ordinances of the city.

Response – Satisfied.

- e. Environmental provisions and parking requirements. Environmental provisions and parking requirements shall be as required in Articles V and VI, respectively.

Response – Satisfied.

VARIANCES

CONDITIONAL REZONING APPLICATION FRASER, MICHIGAN

Property:

Address: 32981 & 32875 Utica Road

Parcel ID Nos.: 14-06-226-028 & 14-06-226-029

Below are the variances being requested in connection with the Conditional Rezoning for the Property pursuant to Section 32.261(f)(3)(f) of the Fraser Zoning Ordinance:

1. From 32-168(b)(1): To allow a drive through restaurant on a property contiguous to a one-family residential district, and within 200 feet of the property line.
2. From 32-190(b)(1): To allow a 24-hour operation on a property contiguous to a residence and residential district.
3. From 32-85(1)(s): To allow a second freestanding fuel pricing sign (on 14 Mile Road frontage) on this site, where the ordinance only allows the second sign to be an identification sign.
4. From 32-85(3)(b)(2): To allow to allow a sign setback of 52 feet from the major road centerline of both Utica Road and 14 Mile Road for the freestanding fuel pricing signs, which is a 18-foot variance from the 70 foot required setback.
5. From 32-85(1)(s): To allow 5 wall signs on the building when only a front wall sign is permitted.

Following please find the Applicant's responses showing how the standards for the requested variances have been satisfied as required pursuant to Section 32-261(f)(4)(i)(3) of the Fraser Zoning Ordinance, which are found in Section 32-228(a)(2).

Variance #1 – Allow Drive-Through Restaurant Contiguous to Single Family

Variance Requested – The Applicant requests a variance from Section 32-168(b)(1) to allow a drive through restaurant on a property contiguous to a one-family residential district, and within 200 feet of the property line.

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or as to the intended use of the property that do not apply generally to other properties in the same zoning district.

Response – The property is commercial property on a large corner lot that accommodates a drive through use. The former bank on the property operated a drive through for years on the property.

- b. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Response – A drive through would enable the Applicant to operate its restaurant business by providing this convenience for the driving public, just like any other drive through restaurant in the area. A restaurant without a drive through would put the Applicant at a competitive disadvantage.

- c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest.

Response – The drive through will not be a detriment to the adjacent property owners. This drive through is limited to few cars, with the peak period at lunchtime being the busiest time of the day with a peak of 11 cars. The Sheetz drive through is low volume compared to McDonald's, Starbucks, etc. The menu board is a touch pad, so driver interaction is very quiet. Further, The Applicant is willing to donate the rear 15 feet of its site to the adjacent residential property owners to provide additional buffering and distance from the drive through.

- d. That the conditions or situation of the specific piece of property, or the intended use of the property for which the variance is sought, is not of so general or recurrent in nature as to create a general rule for such condition or situation.

Response – The corner location, size and configuration of this site, together with the former occupant operating a drive through, make this site distinct from other sites pursuing a drive through restaurant in the area. The proposed mixed use with gas, meals, food and other convenience items also distinguishes the intended use of the property from most other similar users of only some of these offerings.

- e. That the modification to setback, location, site or building requirements is sponsored by the planning commission for a specific proposal that benefits the city by providing better design or efficient use of the site or results in a more creative development (all fees to be paid by the applicant).

Response – The Applicant would request that the Planning Commission sponsor the proposed use and development, as the proposed development provides community benefits by redeveloping a vacant blighted property in the heart of the City, providing a historical wall plaza commemorating the First State Bank of Fraser Heritage, providing a public park area with a pond, picnic tables, trees and landscaping on the south side, next to residential homes, and providing a mixed use stop for fuel, a meal, food and other convenience items. If the Planning Commission does so, then the Applicant need not meet the variance standards in a. – d. above.

Variance #2 – Allow 24-Hour Operation Contiguous to Single Family

Variance Requested – The Applicant requests a variance from Section 32-190(b)(1) to allow a 24-hour operation on a property contiguous to a one-family residential district, and within 200 feet of the property line.

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or as to the intended use of the property that do not apply generally to other properties in the same zoning district.

Response – The intended use of the property for a mixed use 24-hour operation promotes safety by ensuring the property is staffed and secured during the hours between midnight and 6:00am, so it does not become a desired location for loitering. Sheetz provides several security cameras that are monitored by personnel at a centralized location to ensure there are no issues at the site. Sheetz also proudly services many emergency service workers during the late night hours, when dining options are limited.

- b. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Response – The variance would allow Sheetz to compete with other late night drive through restaurants, gas stations and convenience stores in the area.

- c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest.

Response – The 24-hour operation will not be a detriment to the adjacent property owners. Customer traffic is lower in the late night hours. The Sheetz drive through is low volume compared to McDonald's, Starbucks, etc. The menu board is a touch pad, so driver interaction is very quiet. Further, The Applicant is willing to donate the rear 15 feet of its site to the adjacent residential property owners to provide additional buffering and distance from the drive through.

- d. That the conditions or situation of the specific piece of property, or the intended use of the property for which the variance is sought, is not of so general or recurrent in nature as to create a general rule for such condition or situation.

Response – The proposed mixed use with fuel, meals, food and other convenience items distinguishes the intended use of the property from most other similar users of only some of these offerings.

- e. That the modification to setback, location, site or building requirements is sponsored by the planning commission for a specific proposal that benefits the city by providing

better design or efficient use of the site or results in a more creative development (all fees to be paid by the applicant).

Response – The Applicant would request that the Planning Commission sponsor the proposed use and development, as the proposed development provides community benefits by redeveloping a vacant blighted property in the heart of the City, providing a historical wall plaza commemorating the First State Bank of Fraser Heritage, providing a public park area with a pond, picnic tables, trees and landscaping on the south side, next to residential homes, and providing a mixed use stop for fuel, a meal, food and other convenience items. If the Planning Commission does so, then the Applicant need not meet the variance standards in a. – d. above.

Variance #3 – Second Freestanding Fuel Pricing Sign

Variance Requested – The Applicant requests a variance from Section 32-85(1)(s) to allow a second freestanding fuel pricing sign (on 14 Mile Road frontage) on this site, where the ordinance only allows the second sign to be an identification sign.

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or as to the intended use of the property that do not apply generally to other properties in the same zoning district.

Response – The property is located at the intersection of two major roads, 14 Mile Road and Utica Road, with an entrance drive on each road. A full size fuel pricing sign on both road frontages would be appropriate, otherwise customers would not be able to see the gas prices on both signs. This could lead to safety problems, as cars on the road that lacks the fuel pricing sign may decide to visit Sheetz only after they can see the fuel price on the sign on the other road, which could lead to unsafe turning movements into the site, drivers changing lanes and other unintended consequences. Having a clear full size fuel price sign on each road frontage would alleviate these concerns.

- b. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Response – The Speedway gas station on the corner across from the subject location has a full size fuel pricing sign on each road frontage, so the variance is necessary to treat similar properties the same way.

- c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest.

Response – Allowing a second full size fuel pricing sign should not cause any detriment to adjacent property owners, as it creates a safer condition and impacts the roadway, not adjacent properties.

- d. That the conditions or situation of the specific piece of property, or the intended use of the property for which the variance is sought, is not of so general or recurrent in nature as to create a general rule for such condition or situation.

Response – The condition of the corner location with two major road frontages is not a general condition found on most properties, so it would not cause a precedent.

- e. That the modification to setback, location, site or building requirements is sponsored by the planning commission for a specific proposal that benefits the city by providing better design or efficient use of the site or results in a more creative development (all fees to be paid by the applicant).

Response – The Applicant would request that the Planning Commission sponsor the proposed use and development, as the proposed development provides community benefits by redeveloping a vacant blighted property in the heart of the City, providing a historical wall plaza commemorating the First State Bank of Fraser Heritage, providing a public park area with a pond, picnic tables, trees and landscaping on the south side, next to residential homes, and providing a mixed use stop for fuel, a meal, food and other convenience items. If the Planning Commission does so, then the Applicant need not meet the variance standards in a. – d. above.

Variance #4 – Setback Variance for Freestanding Fuel Pricing Signs

Variance Requested – The Applicant requests a variance from Section 32-85(3)(b)(2) to allow a sign setback of 52 feet from the major road centerline of both Utica Road and 14 Mile Road for the freestanding fuel pricing signs, which is a 18-foot variance from the 70 foot required setback.

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or as to the intended use of the property that do not apply generally to other properties in the same zoning district.

Response – The property is located at the intersection of two major roads, 14 Mile Road and Utica Road, with an entrance drive on each road. Complying with the 70-foot setback would result in the signs being too far away from the roadway, making them more difficult for drivers to see.

- b. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Response – The other commercial uses on Utica Road and 14 Mile Road Speedway in the vicinity have signs that are approximately 52 feet from the center of centerline of such road frontage, so the variance is necessary to treat this property owner in a similar manner to the other commercial businesses in the vicinity.

- c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest.

Response – Authorizing the requested variance would not be a detriment to the adjacent properties on Utica Road or 14 Mile Road, as the 52-foot setback distance is the prevailing actual signage setback distance in the area.

- d. That the conditions or situation of the specific piece of property, or the intended use of the property for which the variance is sought, is not of so general or recurrent in nature as to create a general rule for such condition or situation.

Response – The condition of the corner location with two major road frontages is not a general condition found on most properties, so it would not cause a precedent.

- e. That the modification to setback, location, site or building requirements is sponsored by the planning commission for a specific proposal that benefits the city by providing better design or efficient use of the site or results in a more creative development (all fees to be paid by the applicant).

Response – The Applicant would request that the Planning Commission sponsor the proposed use and development, as the proposed development provides community benefits by redeveloping a vacant blighted property in the heart of the City, providing a historical wall plaza commemorating the First State Bank of Fraser Heritage, providing a public park area with a pond, picnic tables, trees and landscaping on the south side, next to residential homes, and providing a mixed use stop for fuel, a meal, food and other convenience items. If the Planning Commission does so, then the Applicant need not meet the variance standards in a. – d. above.

Variance #5 – Five (5) Wall Signs

Variance Requested – The Applicant requests a variance from Section 32-85(1)(s) to allow five (5) identification and advertising signs when one (1) front wall sign is permitted.

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or as to the intended use of the property that do not apply generally to other properties in the same zoning district.

Response – The property is located at the intersection of two major roads, 14 Mile Road and Utica Road, with an entrance drive on each road, so the building

practically has two (2) different frontages, one on each road. Further, the intended use of the property is for a mixed-use building, which is used for both restaurant and convenience store purposes. Therefore, identification signs on both road frontages would be appropriate to identify the Sheetz building to drivers on both 14 Mile Road and Utica Road. The advertising signs (24-hour drive through and “MTO – Made to Order” food) allow drivers unfamiliar with the location to identify Sheetz and its offerings in a very succinct manner.

- b. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Response – As discussed above, the requested variance would allow drivers to identify that the development is a Sheetz and to understand quickly what the Sheetz store offers. The variances therefore enable Sheetz to communicate via signage to its potential customers the identity of the development and its offerings. Other properties in the vicinity are not located on corners and do not offer a mixture of uses like Sheetz, so less signage is required for such businesses. Therefore, the variances allow Sheetz and its mixed uses the ability to be quickly understood by potential consumers, just as other businesses are able to do with fewer signs.

- c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this chapter or the public interest.

Response – This is a large, corner site with a mixture of uses that comprise the Sheetz development. It provides Sheetz the ability to have potential customers quickly identify the establishment and its offerings. Other businesses in the area are able to accomplish these objectives with fewer signs, so the intent and purpose of this ordinance requirement are not impaired.

- d. That the conditions or situation of the specific piece of property, or the intended use of the property for which the variance is sought, is not of so general or recurrent in nature as to create a general rule for such condition or situation.

Response – Please see the foregoing response to “c” above.

- e. That the modification to setback, location, site or building requirements is sponsored by the planning commission for a specific proposal that benefits the city by providing better design or efficient use of the site or results in a more creative development (all fees to be paid by the applicant).

Response – The Applicant would request that the Planning Commission sponsor the proposed use and development, as the proposed development provides community benefits by redeveloping a vacant blighted property in the heart of the City, providing a historical wall plaza commemorating the First State Bank of

Fraser Heritage, providing a public park area with a pond, picnic tables, trees and landscaping on the south side, next to residential homes, and providing a mixed use stop for fuel, a meal, food and other convenience items. If the Planning Commission does so, then the Applicant need not meet the variance standards in a. – d. above.

PRELIMINARY SITE PLANS

SHEETZ FRASER

32981 UTICA ROAD
CITY OF FRASER, MACOMB COUNTY, MICHIGAN



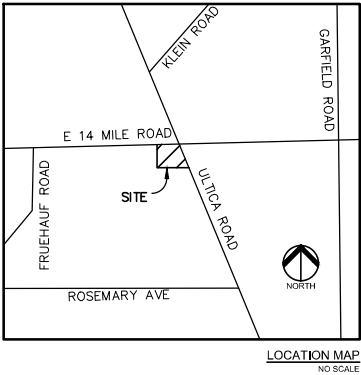
PERMIT / APPROVAL SUMMARY		
DATE SUBMITTED	DATE APPROVED	PERMIT / APPROVAL
12/15/2023		SITE PLAN APPROVAL

- VARIANCES REQUESTED:**
- FROM 32-168(B)(1): TO ALLOW A DRIVE THROUGH RESTAURANT ON A PROPERTY CONTIGUOUS TO A ONE-FAMILY RESIDENTIAL DISTRICT, AND WITHIN 200 FEET OF THE PROPERTY LINE.
 - FROM 32-190(B)(1): TO ALLOW A 24-HOUR OPERATION ON A PROPERTY CONTIGUOUS TO A RESIDENCE AND RESIDENTIAL DISTRICT.
 - FROM 32-85(1)(S): TO ALLOW A SECOND FREESTANDING FUEL PRICING SIGN (ON 14 MILE ROAD FRONTAGE) ON THIS SITE, WHERE THE ORDINANCE ONLY ALLOWS THE SECOND SIGN TO BE AN IDENTIFICATION SIGN.
 - FROM 32-85(3)(S)(2): TO ALLOW A SIGN SETBACK OF 52 FEET FROM THE MAJOR ROAD CENTERLINE OF BOTH UTICA ROAD AND 14 MILE ROAD FOR THE FREESTANDING FUEL PRICING SIGNS, WHICH IS A 16-FOOT VARIANCE FROM THE 70 FOOT REQUIRED SETBACK.

USE STATEMENT:

THE PROPOSED DEVELOPMENT WILL CONSIST OF A GAS STATION, CONVENIENCE STORE, AND RESTAURANT WITH DRIVE THROUGH.

THIS DEVELOPMENT WILL HAVE 24-HOUR OPERATIONS. THE DESIGN OF THE SITE, INCLUDING BUILDING ORIENTATION, SETBACKS, AND LANDSCAPING WILL HELP MITIGATE ANY IMPACTS OF THIS DEVELOPMENT TO THE SURROUNDING PROPERTY OWNERS. THE DEVELOPMENT IS ANTICIPATED TO CREATE 30 PERMANENT JOBS.



INDEX OF DRAWINGS	
NUMBER	TITLE
C-0.0	COVER SHEET
C-1.0	TOPOGRAPHIC SURVEY
C-3.0	PRELIMINARY SITE PLAN
C-4.0	PRELIMINARY GRADING PLAN
C-6.0	PRELIMINARY UTILITY PLAN
C-9.1	SHEETZ STANDARD DETAILS
C-9.2	NOTES AND DETAILS
C-9.3	NOTES AND DETAILS
L-1.0	PRELIMINARY LANDSCAPE PLAN
L-1.1	LANDSCAPE DETAILS LANDSCAPE RENDERING
PHOTOMETRIC PLANS	
RL-8871-S1-R5	PHOTOMETRIC PLAN (6 SHEETS)
ARCHITECTURAL PLANS	
A100 A110	FRAMING PLAN
A200	EXTERIOR ELEVATIONS
A201	EXTERIOR ELEVATIONS
AWNING	GAS AWNING ELEVATIONS AND DETAILS
SIGN	MONUMENT SIGN DETAILS
1	TRASH ENCLOSURE DETAIL

DESIGN TEAM

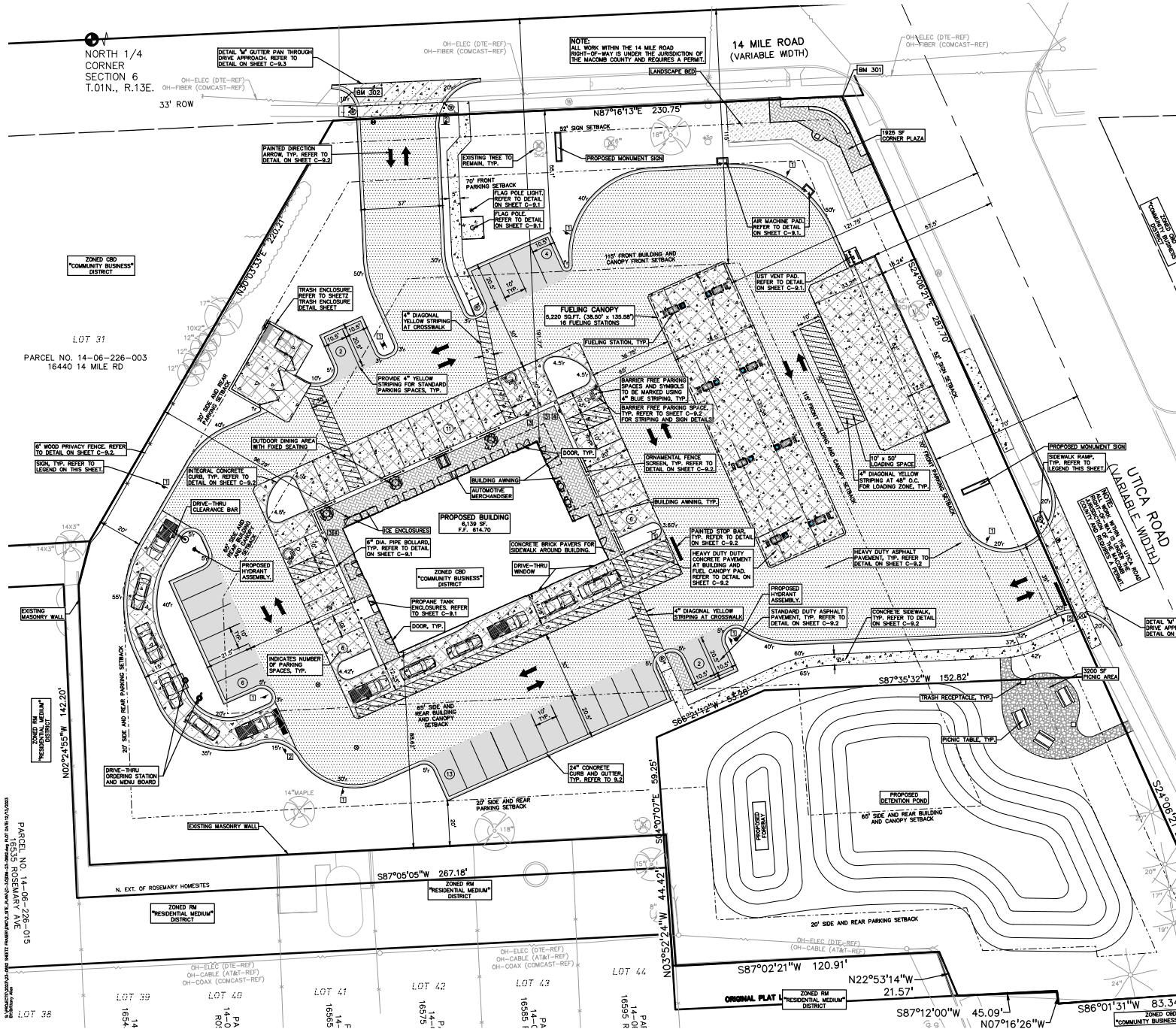
DEVELOPER	ARCHITECT	LANDSCAPE ARCHITECT
SKILKEN GOLD 4270 MORSE ROAD COLUMBUS, OHIO 43230 CONTACT: ASHLEY NATHAN PHONE: 248.752.3351 EMAIL: ANATHAN@SKILKENGOLD.COM	CONVENIENCE ARCHITECTURE AND DESIGN P.C. 351 SHEETZ WAY CLAYSBURG, PA 16625 PHONE: 814-234-8013 EMAIL: TCOLUMBUR@SHEETZ.COM	PEA GROUP 7827 NEMCO WAY, STE. 115 BRIGHTON, MI 48116 CONTACT: JANNET EVANS, PLA PHONE: 844.813.2949 EMAIL: JEYANS@PEAGROUP.COM
OWNER	CIVIL ENGINEER	
SHEETZ, INC. 630 MORRISON ROAD GAHANNA, OH 43230 CONTACT: DAVID DBRUCKELMEYER PHONE: 740-487-2326 EMAIL: DBRUCKEL@SHEETZ.COM	PEA GROUP 58105 VAN DYKE RD. WASHINGTON TWP., MI 48094 CONTACT: BECKY KLEN, PE, LEED AP BD+C PHONE: 844.813.2949 EMAIL: BKLEN@PEAGROUP.COM	

PEA
GROUP

REVISIONS	
DESCRIPTION	DATE
ORIGINAL ISSUE DATE	12/15/2023



NOT FOR CONSTRUCTION



SITE DATA TABLE:

SITE AREA: 3.30 ACRES (143,877 SF) NET AND GROSS
OPEN SPACE AREA: 1.03 ACRES
ADJACENT AREAS:
CORNER PLAZA: 1,925 SF
PICNIC AREA: 3,000 SF
ZONING: CBO CONDITIONAL REZONE TO CO, COMMERCIAL GENERAL
PROPOSED USE: RETAIL (3,770 SF RESTAURANT (715 SF GAS STATION (8 DISPENSERS))
DEVELOPED FRONT: UTICA ROAD
MINIMUM TREES TO BE PRESERVED ON SITE: 10%
PLANTING NUMBER OF TREES: 39
QUANTITY TO BE PRESERVED: 14 (20%)
BUILDING DIMENSIONS:
FOOTPRINT ALLOWABLE BUILDING HEIGHT = 25 FT. (2 STORES)
PROPOSED BUILDING HEIGHT = 1 STORY
MINIMUM CANOPY HEIGHT: 14 FT.
NUMBER OF DISPENSERS: 8
BUILDING FOOTPRINT AREA: 6,138 SF.
BUILDING LOT COVERAGE: 4.27%
NUMBER OF EMPLOYEES: 4
INDOOR DINING: 30 SEATS
CARRYOUT WAITING AREA: 200 SF
SETBACK REQUIREMENTS:
PARKING:
NORTH (SIDE-COLLECTOR ROAD): 70' 70'
EAST (FRONT-MAJOR ROAD): 70' 97.50'
WEST (REAR): 20' 20'
SOUTH (SIDE): 20' 20'
BUILDING AND CANOPY:
NORTH (SIDE-COLLECTOR ROAD): 110' 110'
EAST (FRONT-MAJOR ROAD): 110' 121.75'
WEST (REAR): 60' 88.39'
SOUTH (SIDE): 60' 88.42'
* REQUEST WALKER TO ALLOW A 12.5' ENCRoACHMENT INTO THE EAST PARKING SETBACK.
PARKING CALCULATIONS:
GAS STATION = ONE SPACE PER DISPENSER, PLUS ONE SPACE PER 100 SF RETAIL AREA, PLUS ONE SPACE PER EMPLOYEE.
TOTAL GAS STATION PARKING REQUIRED = 8 + 3770/100 + 4 + 30 SPACES
RESTAURANT = ONE SPACE PER TWO EMPLOYEES, PLUS ONE SPACE PER EVERY 2 DINING SEATS, PLUS ONE SPACE PER 20 SF WAITING AREA, PLUS 4 STAGING SPACES PER DRIVE THROUGH WINDOW.
TOTAL RESTAURANT PARKING REQUIRED = 382 + 200/20 + 8 X 2 STAGING
= 415 SPACES AND 12 STAGING SPACES
TOTAL PARKING REQUIRED = 75 SPACES AND 12 STAGING SPACES
TOTAL PROPOSED PARKING SPACES = 484 SPACES INC. 4 ADA SPACES*
* SPACES AT DISPENSERS COUNT TOWARDS TOTAL PARKING.
A VARIANCE TO ALLOW A SHORTFALL OF 11 SPACES WILL BE REQUESTED.
LOADING CALCULATIONS:
LOADING REQUIRED = ONE 10' X 50' SPACE
LOADING PROVIDED = ONE 10' X 50' SPACE
OPEN SPACE:
MINIMUM OPEN SPACE REQUIRED = 30.1%
PROVIDED OPEN SPACE = 37.83 SF (30.1%)

LEGEND:

CONCRETE PAVEMENT
ASPHALT PAVEMENT
GRAVEL
WETLAND
CONCRETE CURB AND GUTTER
POVERSE GUTTER PAN
SEWAGE LINE
SEWER LIGHTPOLE
FENCE
GUARD RAIL

GENERAL NOTES:

THESE NOTES APPLY TO ALL CONSTRUCTION ACTIVITIES ON THIS PROJECT.

1. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB, FACE OF SIDEWALK, OUTSIDE FACE OF BUILDING, PROPERTY LINE, CENTER OF MANHOLE/CAUTION BARRIERS OR CENTERLINE OF PIPE UNLESS OTHERWISE NOTED.

2. NO PARKING-FIRE LANE SIGNS SHALL BE POSTED ALONG ALL FIRE LINES AT 100 FOOT INTERVALS OR AS DIRECTED BY THE FIRE OFFICIAL.

3. REFER TO NOTES & DETAILS SHEET FOR ON-SITE PAVING DETAILS.

4. REFER TO NOTES & DETAILS SHEET FOR ON-SITE SIDEWALK RAMP DETAILS.

SIGN LEGEND:

NO PARKING FIRE LANE SIGN (1)
STOP SIGN (2)
BARRIER FREE PARKING SIGN (3)
VAN ACCESSIBLE SIGN (4)
CROSSWALK SIGN (5)
REFER TO DETAIL SHEET FOR SIGN DETAILS

SIDEWALK RAMP LEGEND:

SIDEWALK RAMP TYPE R (1)
CURB DROP ONLY (2)
REFER TO LATEST MOOT R-R STANDARD RAMP AND DETECTABLE WARNING DETAILS

PEA GROUP

1.844.813.2949
www.peagroup.com

SKILKEN GOLD

4270 MORSE ROAD
COLUMBUS, OH 43230

SHEETZ FRASER

3581 UTICA ROAD
FRASER, MI

SHEETZ

MADE TO ORDER

PRELIMINARY SITE PLAN

PEA JOB NO. 2023-0662
P.M. BK
DIN. BA
DES. BA
DRA. BA

ORIGINAL ISSUE DATE: DECEMBER 13, 2023
DRAWING TITLE: PRELIMINARY SITE PLAN
NOT FOR CONSTRUCTION

C-3.0

14 MILE ROAD
(VARIABLE WIDTH)

PREMIUM TRENCH BACKFILL NOTE:
ALL UTILITIES UNDER PAVEMENT OR WITHIN 3' OF THE EDGE OF PAVEMENT (OR WITHIN THE 45° LINE OF INFLUENCE OF PAVEMENT) SHALL HAVE M.D.O.T. CLASS II GRANULAR BACKFILL COMPACTED TO 95% MAX. DRY DENSITY (ASTM D-1557).

PARCEL NO. 14-06-226-003
16440 14 MILE RD

PARCEL NO. 14-06-226-015
16535 ROSEMARY AVE

LOT 38

[illegible]

CITY OF FRASER STORM SEWER
FRAME AND COVER NOTES

CATCH BASIN - CURB
FRAME: EJ 5082Z
COVER: TYPE "M1 5000" GRATE

CATCH BASIN - PAVEMENT
FRAME: EJ 5080Z
COVER: TYPE "M1 5000" GRATE

CATCH BASIN - YARD
FRAME: EJ 1042Z
COVER: TYPE "N"

MANHOLE
FRAME: EJ 1042Z
COVER: TYPE "A20" "B" OR "C"

PEA
GROUP
t: 844.813.2949
www.peagroup.com



0 10 20
SCALE: 1" = 20'

811 Before you dig, call 811.

CAUTION
THE LOCAL GAS AND ELECTRIC CODES OF RECORDING JURISDICTIONS
VARY AS TO THE TYPE OF GAS AND ELECTRIC CODES THAT
APPLY TO THE INSTALLATION OF THE UNIT. THE CONTRACTOR SHALL
BE RESPONSIBLE FOR OBTAINING THE LOCAL GAS AND ELECTRIC
CODES AND FOR OBTAINING THE NECESSARY PERMITS.

CLIENT
SKILKEN GOLD
4270 MORSE ROAD
COLUMBUS, OHIO 43230

SKILKEN | GOLD
Real Estate Development

PROJECT TITLE
SHEETZ FRASER
32951 UTICA ROAD
CRASER, MI



REVISIONS

ORIGINAL ISSUE DATE:
DECEMBER 13, 2023

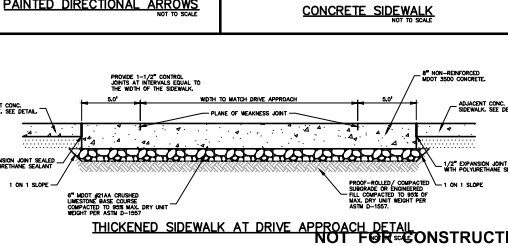
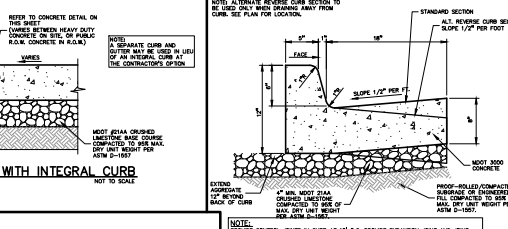
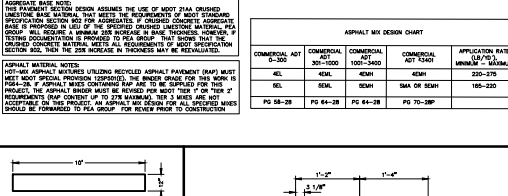
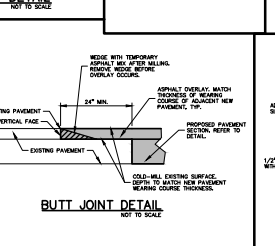
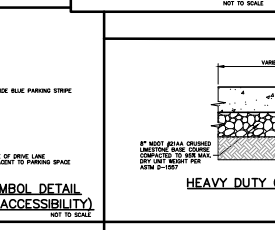
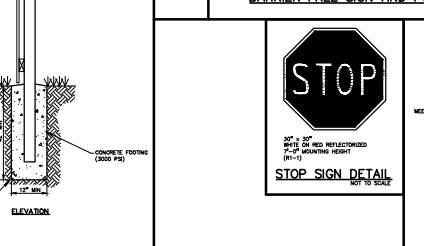
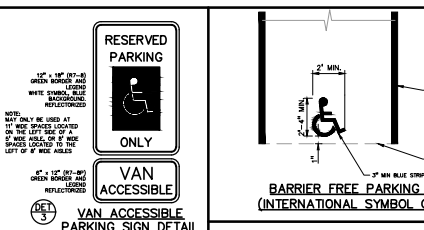
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**PRELIMINARY
UTILITY PLAN**

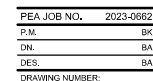
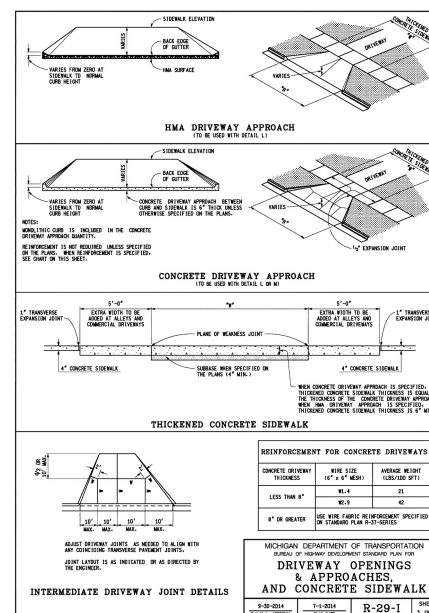
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THE FOLLOWING NOTES PROVIDE AN OUTLINE OF SOME OF THE REQUIREMENTS CONTAINED WITHIN THE "STANDARDS FOR ACCESSIBLE DESIGN - AMERICANS WITH DISABILITIES ACT 2010", AND "ACCESSIBLE AND USEABLE BUILDINGS AND FACILITIES", ICC/ANSI A117.1-2009. THE CONTRACTOR RESPONSIBLE FOR ALL OF THE REQUIREMENTS PRESENTED WITHIN THESE DOCUMENTS, WHICH ARE AVAILABLE IN FULL UPON REQUEST.

-
- Diagram illustrating the dimensions and requirements for a Barrier Free Parking Stall.
- Dimensions:**
- 8' MIN AT VAN
 - AT ACCESSIBLE STALL
 - 5'-0" MIN. STALL WIDTH
 - 6' OF PARKING SPACE
 - 6' OF PARKING SPACE
- Notes:**
- THE BARRIER FREE PARKING SPACES SHALL BE LOCATED IN THE CENTER OF THE PARKING SPACE AND ALONG THE EDGE OF THE ADJACENT DRIVE AISLE, TYP.
 - PARKING STRIPES SHALL HAVE A MINIMUM WIDTH OF 3".
 - CONTRACTOR SHALL ADHERE TO LOCAL/STATE REQUIREMENTS FOR ALL PARKING WITH ACCESSIBLE SPACES.
- Additional Notes:**
- BARrier FREE DRIVE AND PARKING SPACE TO BE LOCATED ON LEFT OR RIGHT (PROVIDE SIDE LOCATIONS FOR PLAN)
 - NOTE: ALL DIMENSIONS ARE TO CENTER OF DRIVE UNLESS OTHERWISE INDICATED
 - 4" WIDE BLUE PARKING STRIPES
 - 3'-0" MIN. TYP.
- Barrier Free Parking Stall Detail**





FOR ALL SEED MIXES, PROVIDE EROSION MAT ON SLOPES AND AREAS OF WASH OUT TYP. INSTALL AND PREP PER MANUFACTURER'S SPECIFICATIONS.

NATIVE SEED MIX: BY STATE/WHITE PLANT NURSERY (STAMAND) OR EQUAL, SPECIES TO BE NATIVE TO COUNTY, NO INVASIVE SPECIES ALLOWED.
FOR ALL SEED MIXES, PROVIDE EROSION MAT ON SLOPES AND AREAS OF WASH OUT TYP. INSTALL AND PREP PER MANUFACTURER'S SPECIFICATIONS.

Stormwater Seed Mix

Stantec Native Plant Nursery 574-586-2412
stantec.com/native-plant-nursery

Botanical Name	Common Name
Permanent Grasses/Sedges/Rushes:	
<i>Bolboschoenus fluvialis</i>	Flax Bulrush
<i>Carex cristatella</i>	Crested Owl Sedge
<i>Carex lurida</i>	Butterbrush Sedge
<i>Carex vulpinoidea</i>	Brown Fox Sedge
<i>Elymus virginicus</i>	Virginia Wild Rye
<i>Glyceria striata</i>	Fowl Mania Grass
<i>Juncus effusus</i>	Common Rush
<i>Leersia oryzoides</i>	Rice Cut Grass
<i>Panicum virgatum</i>	Switch Grass
<i>Scheuchzeria palustris</i>	Softstem Bulrush
<i>Scirpus atrovirens</i>	Dark Green Rush
<i>Scirpus cyperinus</i>	Wood Grass

Temporary Cover:	Common Cat
<i>Avena sativa</i>	<i>Lolium multiflorum</i>

Forbs & Shrubs:	Water Plantain (Various Mix)
<i>Alisma spp.</i>	<i>Asclepias incarnata</i>
<i>Asclepias incarnata</i>	<i>Bidens (Various Mix)</i>
<i>Bidens spp.</i>	<i>Silene acaulis</i>
<i>Helianthus annuus</i>	<i>Iris virginica</i>
<i>Iris virginica</i>	<i>Lycopus americanus</i>
<i>Lycopus americanus</i>	<i>Monarda didyma</i>
<i>Monarda didyma</i>	<i>Oligoneuron canadense</i>
<i>Oligoneuron canadense</i>	<i>Rudbeckia hirta</i>
<i>Rudbeckia hirta</i>	<i>Silene acaulis</i>
<i>Silene acaulis</i>	<i>Syringaphysalis tuberosa</i>
<i>Syringaphysalis tuberosa</i>	<i>Thalictrum dasycarpum</i>

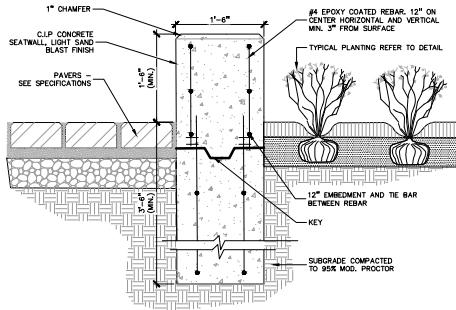
Swale Seed Mix

Stantec Native Plant Nursery 574-586-2412
stantec.com/native-plant-nursery

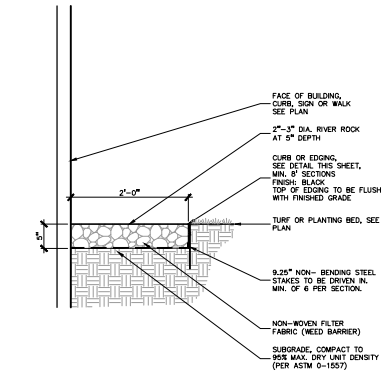
Botanical Name	Common Name
Permanent Grasses/Sedges:	
<i>Andropogon gerardi</i>	Big Bluestem
<i>Carex comata</i>	Brittly Sedge
<i>Carex cristatella</i>	Crested Owl Sedge
<i>Carex lurida</i>	Butterbrush Sedge
<i>Carex spp.</i>	Prairie Sedge Mix
<i>Carex vulpinoidea</i>	Brown Fox Sedge
<i>Elymus virginicus</i>	Virginia Wild Rye
<i>Glyceria striata</i>	Fowl Mania Grass
<i>Panicum virgatum</i>	Switch Grass
<i>Scirpus atrovirens</i>	Dark Green Rush
<i>Scirpus cyperinus</i>	Wood Grass
<i>Spartina pectinata</i>	Prairie Cord Grass

Temporary Cover:	Common Cat
<i>Avena sativa</i>	<i>Lolium multiflorum</i>

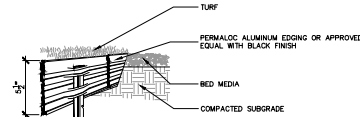
Forbs:	Water Plantain (Various Mix)
<i>Alisma spp.</i>	<i>Asclepias incarnata</i>
<i>Asclepias incarnata</i>	<i>Cornopsis triflorus</i>
<i>Cornopsis triflorus</i>	<i>Eutrochium maculatum</i>
<i>Eutrochium maculatum</i>	<i>Iris virginica</i>
<i>Iris virginica</i>	<i>Urtica dioica</i>
<i>Urtica dioica</i>	<i>Lobelia cardinalis</i>
<i>Lobelia cardinalis</i>	<i>Lobelia spicata</i>
<i>Lobelia spicata</i>	<i>Lycopus americanus</i>
<i>Lycopus americanus</i>	<i>Pycnanthemum virginicum</i>
<i>Pycnanthemum virginicum</i>	<i>Rudbeckia hirta</i>
<i>Rudbeckia hirta</i>	<i>Sagittaria latifolia</i>
<i>Sagittaria latifolia</i>	<i>Senna hebecarpa</i>
<i>Senna hebecarpa</i>	<i>Silphium terebinthinaceum</i>
<i>Silphium terebinthinaceum</i>	<i>Syringaphysalis tuberosa</i>
<i>Syringaphysalis tuberosa</i>	<i>Verbena hastata</i>
<i>Verbena hastata</i>	<i>Zizia aurea</i>



8 CONCRETE SEAT WALL DETAIL
SCALE: 1" = 2'-0"



7 STONE MAINTENANCE STRIP
SCALE: 1" = 1'-0"



SPECIFICATIONS FOR LANDSCAPE BED EDGING:
LANDSCAPE BED EDGING SHALL BE ALUMINUM AS MANUFACTURED BY PERMALOC, 1/2\"/>

EDGING SHALL BE 1/2" THICK X 4" DEPTH WHEN ADJ. TO MULCH AND 1/2" THICK X 5" DEPTH WHEN ADJ. TO ROCK, FINISH: BLACK DURAFLEX MEETING AAMA 2603

8" OR 16" SECTIONS SHALL BE USED WITH ONE STAKE PER 36" OF EDGING

STAKE SHALL SECURELY ENGAGE EDGING AND SHALL BE ENTIRELY BELOW TOP SURFACE OF EDGING

EDGING SHALL HAVE A MINIMUM OF 2" OF INTERLOCKING OVERLAP BETWEEN SECTIONS

INSTALL AS PER MANUFACTURER'S SPECIFICATIONS WITH TOP OF EDGING 1/2" ABOVE COMPACTED FINISH GRADE. FINISH GRADE TO BE COMPACTED ON BOTH SIDES OF EDGING TO MAINTAIN STABILITY

SCALE: 1/2" = 1'-0"

6 ALUMINUM EDGE DETAIL
SCALE: 1/2" = 1'-0"

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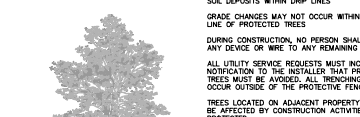
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SCALE: 1/2" = 1'-0"

3 TREE PROTECTION DETAIL
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PEA GROUP
t: 844.813.2949
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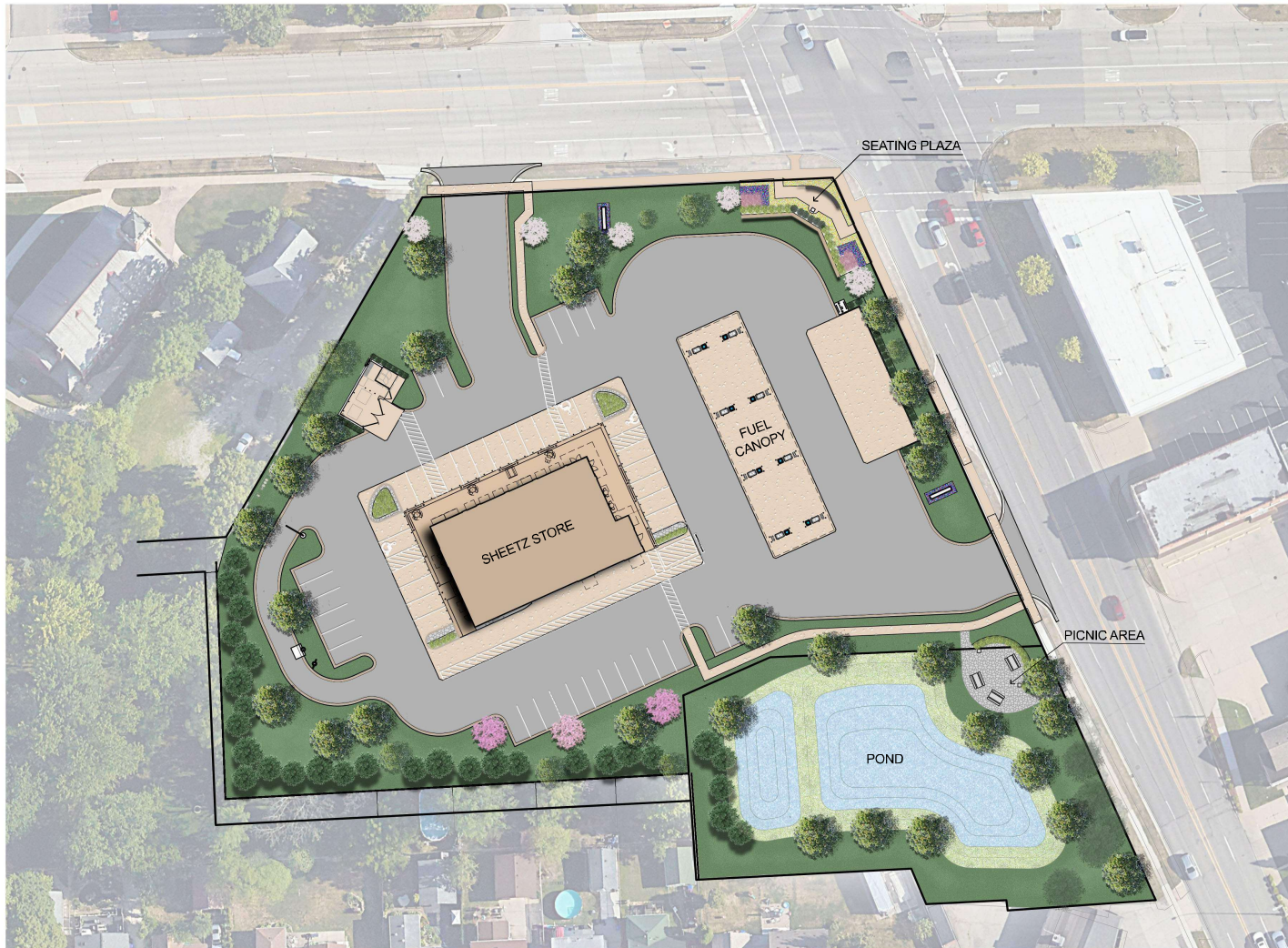


CAUTION!
This document is a preliminary design and is not to be used for construction. It is the responsibility of the user to verify the accuracy of the information and to obtain all necessary permits and approvals before construction begins.

CLIENT
SKILKEN GOLD
4270 MORSE ROAD
COLUMBUS, OH 43269

PROJECT TITLE
SHEETZ FRASER
3081 LTCO ROAD
FRASER, IL

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SHEETZ FRASER

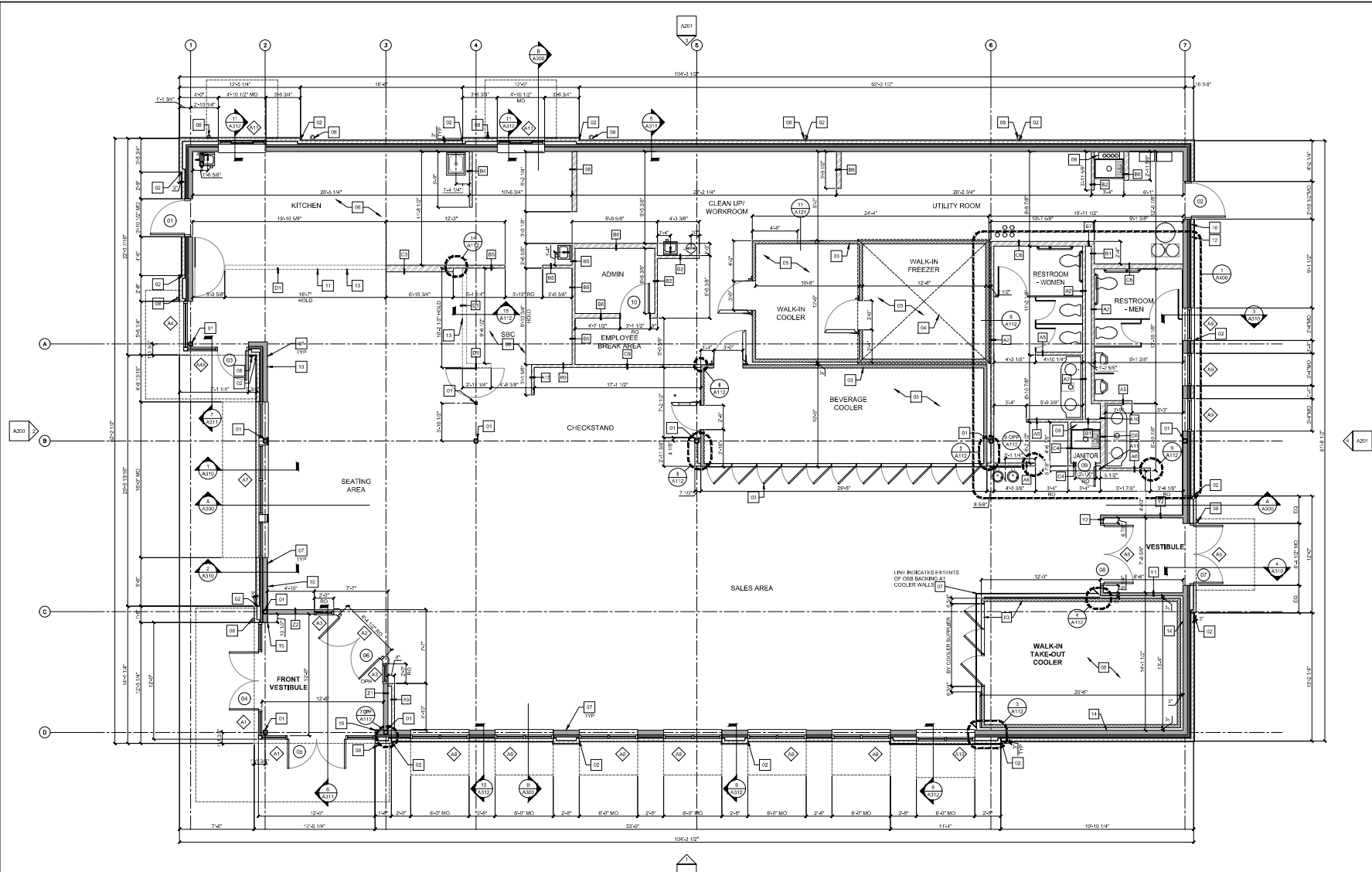
0 15 30 60
1 inch = 30 ft



Fraser, MI | December 2023

PEA GROUP
7927 Norwood Way, Ste 115
Brighton, MI 48116
T: 517.546.8583
F: 517.546.8973
www.peagroup.com

PEA
GROUP



FRAMING PLAN
1/4" = 1'-0"

GENERAL NOTES:

1. ALL DIMENSIONS ARE FACE OF STUD TO FACE OF STUD, UNLESS OTHERWISE NOTED.
2. REFER TO A100 FOR RECESSED ACCESSORIES ROUGH OPENINGS.

FRAMING PLAN KEYNOTE LEGEND:

- A100 COLUMNPOST, SEE STRUCTURAL DWGS
- A101 MASONRY CONTROL JOINT
- A102 COOLER/FREEZER BOX, DOORS, Sidelights, and TRIM PROVIDED BY OWNER
- A103 RECESSED SLAB AT WALK-IN FREEZER
- A104 INSTALL 2" RIGID INSULATION UNDER SLAB BENEATH WALK-IN COOLER/FREEZER BOXES
- A105 ALL KITCHEN AND SEC WALLS TO RECEIVE ONE LAYER OF 5/8" PLYWOOD (SIP AT REAR WALL) COVERED BY ONE LAYER OF 1/2" CEMENT BOARD AT ALL WALL TILE LOCATIONS
- A106 5/8" PLYWOOD MAY BE SUBSTITUTED FOR OSB AS A SUBSTITUTE BEHIND 7/8" SIPRA PANELING AT OWNERS DISCRETION
- A107 DOWNPOUT ALIGNED TO CENTER OF BUILDING'S MASONRY CONTROL JOINTS WHERE APPLICABLE - SEE EXTERIOR ELEVATIONS
- A108 CONCRETE INFILL BEHIND MOP SINK, SEE SHEET A100
- A109 PROVIDE BLOOKING AS REQUIRED FOR ARTICULATING TV WALL MOUNT, COORDINATE FINAL LOCATION IN FIELD
- A110 PROVIDE BLOOKING FOR DIGITAL DISPLAY WALL MOUNT(S) IN BULKHEAD, REFER TO REFLECTED CEILING PLAN AND INTERIOR ELEVATION, COORDINATE FINAL LOCATION IN FIELD
- A111 CO2 FILL BOX BY OWNER, BOTTOM AT 54" AFF
- A112 KNEEWALL FRAMED BY GC, GC TO FURNISH AND INSTALL 5/8" PLYWOOD OR SERVICE, SEE OF BOTH KITCHEN AND SEC SERVICE SIDE TRIP FURNISHED BY OWNER AND INSTALLED BY GC, SALES SIDE LAMINATED PANELS FURNISHED BY MALLWORK VENDOR AND INSTALLED BY GC
- A113 SUBSTITUTE 5/8" MOISTURE RESISTANT GYPSUM WALL BOARD ON ADJACENT EXTERIOR WALL FRAMING BEHIND COOLER
- A114 APPLY 7/8" HORIZONTAL Furring CHANNELS TO FACE OF BRICK STUD WALLS @ 16" OC FULL HEIGHT AND LENGTH OF WALL EXTENDING OVER ADJACENT ENTRANCE FRAMING
- A115 RTI FILL BOX BY OWNER, BOTTOM AT 54" AFF

Convenience Architecture
and Design P.C.
351 Sheetz Way, Claysburg, PA 16825
phone (814) 239-8913
email toclumb@sheetz.com
web site www.sheetz.com

PROJECT NAME:
**NEW SHEETZ STORE
STORE #XXX**

**CITY
STREET**

Address Line 1
Address Line 2
City, ST XXXXX

OWNER:
SHEETZ, INC.
5700 SIXTH AVE.
ALTOONA, PA 16602

CONSULTANT

PROFESSIONAL

KEYPLAN

ISSUE: 10.02.2023
SITE ID NO: 000000
AUTHOR BY:
REVIEW BY:
VERSION: 6139_v1.5

FRAMING PLAN

A110

6139 PROTOTYPE - FY24 v1.5



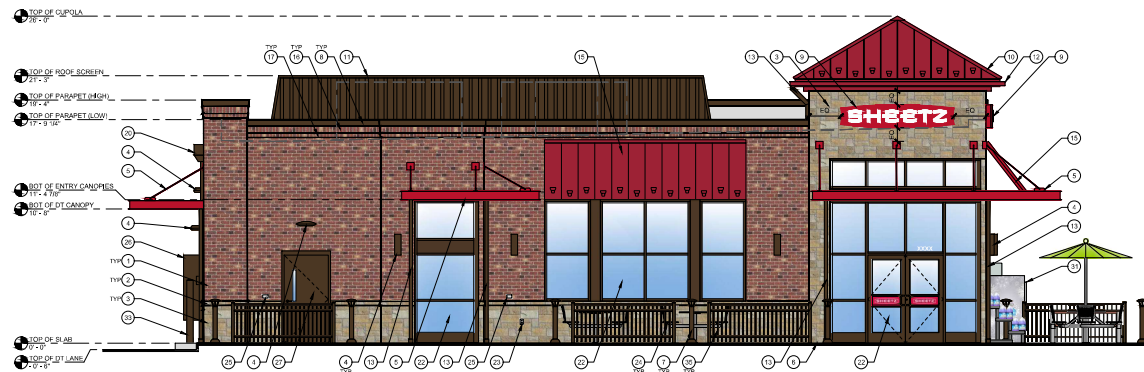
1 FRONT ELEVATION

TYPICAL EXTERIOR ELEVATION NOTES:

- ALL LIGHTS SHOWN ABOVE AND/OR BELOW DOORS OR WINDOWS ARE TO BE CENTERED ON THE DOOR OR WINDOW UNLESS NOTED OTHERWISE.
- FIXTURES/EQUIPMENT BETWEEN TWO DOORS OR WINDOWS ARE TO BE CENTERED EQUALLY.
- EXTERIOR SEALANT FOR STONE SHALL COMPLY WITH SECTION 07 8005 JOINT SEALANTS, GENERAL BUILDING FLASHING WEATHER SEALANT AND SHALL MATCH THE COLOR OF THE STONE.

EXTERIOR ELEVATION KEYNOTES:

- BRICK VENEER, COLOR: 680 BY CONTINENTAL BRICK COMPANY, SEE MASONRY SPEC.
- CAST STONE SILL, COLOR: CRAB ORCHARD, SEE MASONRY SPEC.
- ANCHORED CAST STONE MASONRY VENEER, COLOR: CRAB ORCHARD, SEE MASONRY SPEC.
- EXTERIOR LIGHT FIXTURE, REFER TO ELECTRICAL DRAWINGS.
- ARCHITECTURAL CANOPY, COLOR: REGAL RED, PREMIUM TWO-COAT KYNAR FINISH.
- BRICK PAVEMENT WALKWAY.
- LIGHTED BOLLARD, REFER TO ELECTRICAL DRAWINGS.
- METAL COPIING, COLOR: DARK BRONZE.
- WALL MOUNTED BUILDING SIGN, SEE SHEET A200.
- STANDING SEAM METAL ROOF, COLOR: BRN18 RED.
- ROOF EQUIPMENT SCREEN, COLOR: DARK BRONZE.
- GUTTER, COLOR TO MATCH CLIPOLA COLOR.
- DOWNSPOUT, COLOR: DARK BRONZE.
- DRIVE-THRU WINDOW (IF APPLICABLE).
- METAL STANDING SEAM SHED STYLE AWNING AND FRAME ASSEMBLY, ROOF COLOR: BRN18 RED, FRAME COLOR: DARK BRONZE.
- BRICK SOLIDER COURSE, COLOR: 680 BY CONTINENTAL BRICK COMPANY, SEE MASONRY SPEC.
- BRICK ROWLOCK COURSE, COLOR: 680 BY CONTINENTAL BRICK COMPANY, SEE MASONRY SPEC.
- CONTROL JOINT, SEE MASONRY SPEC.
- STEEL ROOF LADDER AND GRANKY POST, COLOR: DARK BRONZE.
- STANDARD THROUGH WALL SCUPPER WITH CONDUCTOR HEAD & DOWNSPOUT, COLOR: DARK BRONZE.
- DOWNFLOW SCUPPER.
- ALUMINUM STOREFRONT SYSTEM, SEE A200.
- EXTERIOR HOSE BIB, REFER TO PLUMBING DRAWINGS.
- OUTDOOR FURNITURE.
- ELECTRICAL RECEPTACLE, REFER TO ELECTRICAL DRAWINGS.
- ELECTRICAL EQUIPMENT, REFER TO ELECTRICAL DRAWINGS.
- HWM DOOR AND FRAME, COLOR: DARK BRONZE.
- EMERGENCY WATER CONNECTION, REFER TO PLUMBING DRAWINGS.
- SEAMLESS ALUM PANEL SYSTEM WITH EXPOSED FASTENERS, COLOR: DARK BRONZE.
- PROPANE LOOKER.
- ICE MERCHANTIER.
- RTH FL UP/RT.
- STEEL BOLLARD, COLOR: DARK BRONZE.
- CO2 FL UP/RT.
- DECORATIVE ALUMINUM FENCE, COLOR: DARK BRONZE.
- AUTOMATIC DOOR PUSH PLATE AND BOLLARD, BOLLARD COLOR: DARK BRONZE.
- GAS METER AND RISER, REFER TO CIVIL UTILITY PLAN, COLOR: DARK BRONZE.
- MTO GRAPHIC DECAL, SEE SHEET A200.



2 LEFT ELEVATION



OUTLINE AREA = 9.00 SQ. FT.
BOX AREA = 14.50 SQ. FT.
TYPICAL OF THREE
PROJECTS 8" OFF FACE OF BUILDING

A WALL MOUNTED "SHEETZ" BUILDING SIGN



OUTLINE AREA = 8.38 SQ. FT.
BOX AREA = 21.67 SQ. FT.
TYPICAL OF ONE
PROJECTS 8" OFF FACE OF BUILDING

B WALL MOUNTED "MTO" DECAL



BOX AREA = 12.04 SQ. FT.
TYPICAL OF ONE
PROJECTS 8" OFF FACE OF BUILDING

C WALL MOUNTED "24/7 DRIVE THRU" BUILDING SIGN

Convenience Architecture
and Design P.C.
351 Sheetz Way, Claysburg, PA 16825

phone (814) 239-8913
email toclunbu@sheetz.com
web site www.sheetz.com

PROJECT NAME:
NEW SHEETZ STORE
STORE #XXX

E 14 MILE RD/
UTICA RD

32981 Utica Rd
Fraser, MI 48026

OWNER:
SHEETZ, INC.

5700 SIXTH AVE.
ALTOONA, PA 16602

CONSULTANT

PROFESSIONAL

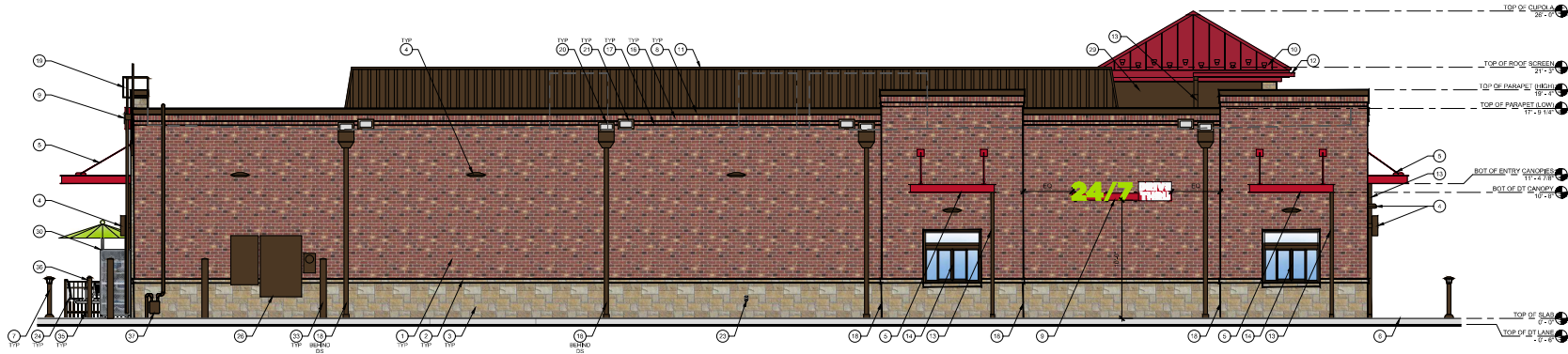
KEYPLAN

ISSUE: 10.02.2023
SITE ID NO: 000000
AUTHOR BY:
REVIEW BY:
VERSION: 6139_v1.5

EXTERIOR
ELEVATIONS

A200

6139 PROTOTYPE - FY24_v1.5



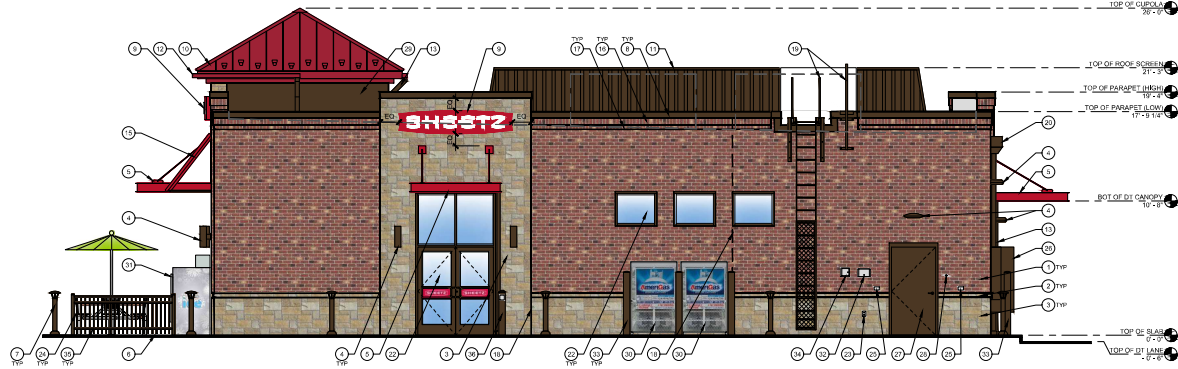
3 REAR ELEVATION
1/4" = 1'-0"

TYPICAL EXTERIOR ELEVATION NOTES:

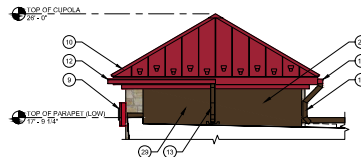
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EXTERIOR ELEVATION KEYNOTES:

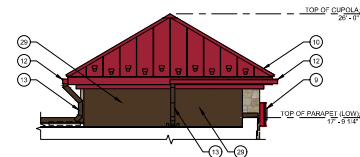
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- OVERFLOW SCULPTOR.
- ALUMINUM STOREFRONT SYSTEM, SEE A200.
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- OUTDOOR FURNITURE.
- ELECTRICAL RECEPTACLE, REFER TO ELECTRICAL DRAWINGS.
- ELECTRICAL EQUIPMENT, REFER TO ELECTRICAL DRAWINGS.
- FM DOOR AND FRAME, COLOR: DARK BRONZE.
- EMERGENCY WATER CONNECTION, REFER TO PLUMBING DRAWINGS.
- SEAMLESS ALUM PANEL SYSTEM WITH EXPOSED FASTENERS, COLOR: DARK BRONZE.
- PROPANE LOCKER.
- KOI MICRO HANDLER.
- KITH FOUNTAIN.
- STEEL BOLLARD, COLOR: DARK BRONZE.
- CO2 FOUNTAIN.
- DECORATIVE ALUMINUM FENCE, COLOR: DARK BRONZE.
- AUTOMATIC DOOR PUSH PLATE AND BOLLARD, BOLLARD COLOR: DARK BRONZE.
- GAS METER AND RISER, REFER TO CIVIL UTILITY PLAN, COLOR: DARK BRONZE.



4 RIGHT ELEVATION
1/4" = 1'-0"



5 CUPOLA ELEVATION FROM ROOF
1/4" = 1'-0"



6 CUPOLA ELEVATION FROM ROOF
1/4" = 1'-0"

Convenience Architecture
and Design P.C.
351 Sheetz Way, Claysburg, PA 16825
phone (814) 239-8913
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PROJECT NAME:
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CONSULTANT

PROFESSIONAL

KEYPLAN

ISSUE: 10.02.2023
SITE ID NO: 6139
AUTHOR BY:
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VERSION: 6139_v1.5

EXTERIOR
ELEVATIONS

A201

6139 PROTOTYPE - FY24_v1.5

phone (814) 239-6013
email tcolumbu@sheetz.com
web site www.sheetz.com

PROJECT NAME:
NEW SHEETZ STORE

OWNER:
SHEETZ, INC.
5700 SIXTH AVE.
ALTOONA, PA 16602

CONSULTANT

PROFESSIONAL

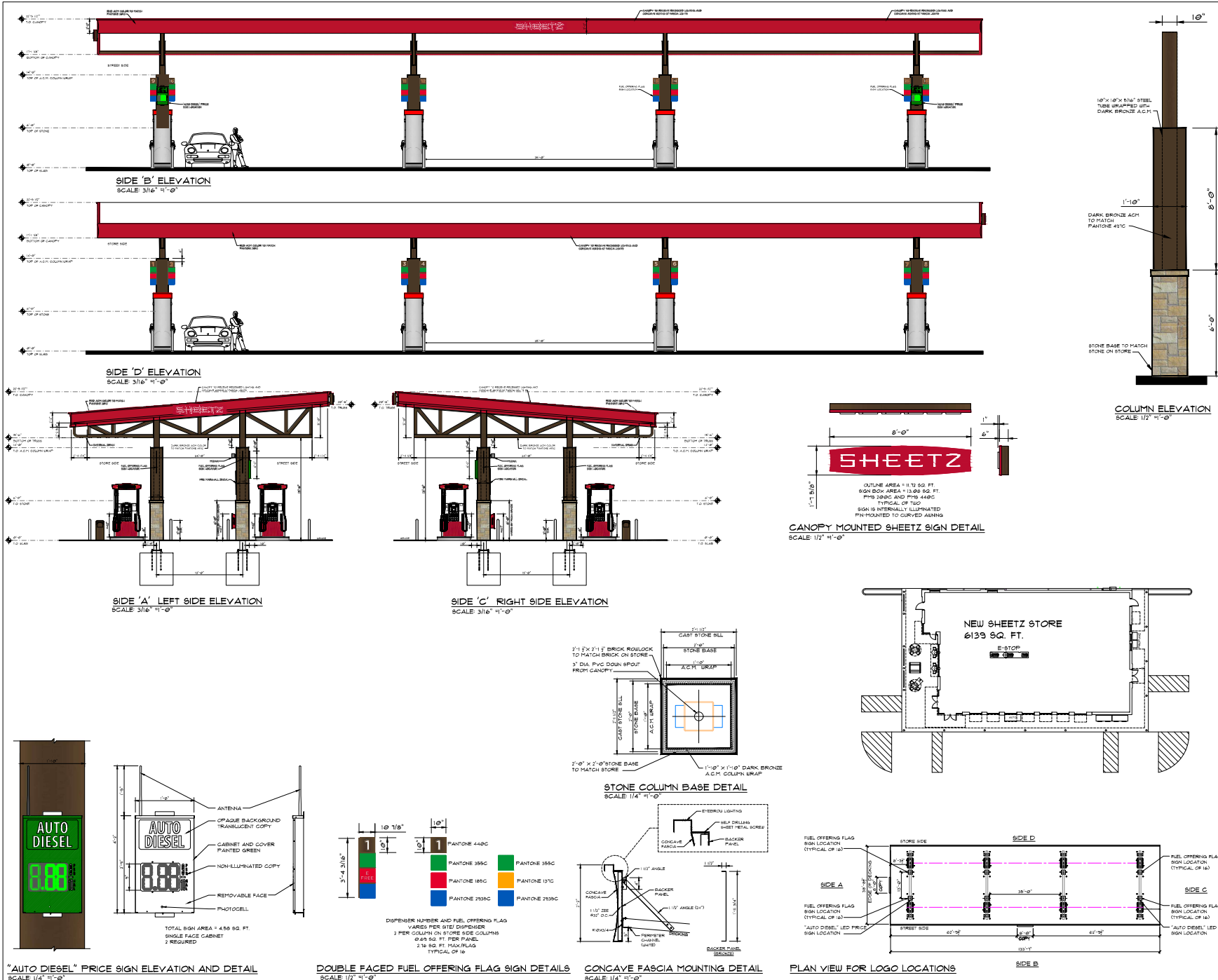
KEYPLAN

[illegible]

ISSUE:	11-30-23
PROJECT NO:	
AUTHOR BY:	NMI
REVIEW BY:	
SHEET TITLE	

GAS AWNING

AWNING



5700 SIXTH AVE.
ALTOONA, PA 16602

PROFESSIONAL

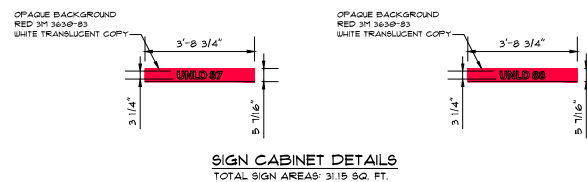
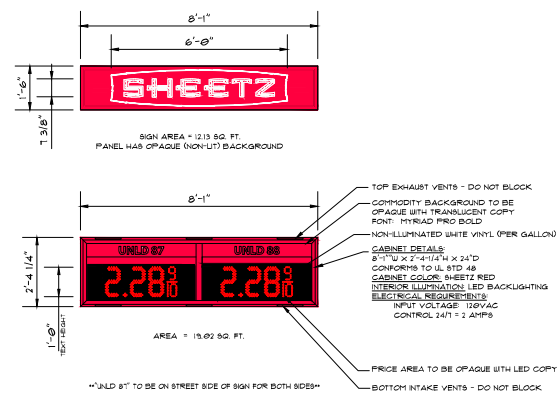
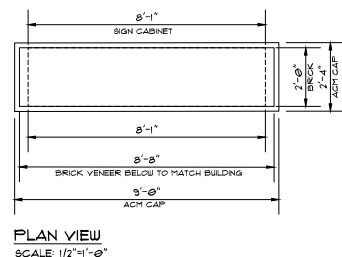
KEYPLAN

[illegible]

ISSUE:	07-24-23
PROJECT NO:	
AUTHOR BY:	DNC
REVIEW BY:	
SHEET TITLE	

MONUMENT SIGN DETAILS

SIGN





CITY MANAGER

Elaine Leven

CITY CLERK

Cynthia Greenia

City of Fraser

CENTENNIAL COMMUNITY

MAYOR

Michael Lesich

MAYOR PRO-TEM

Dana Sutherland

COUNCIL

Amy Baranski

Patrick O'Dell

Kenny Perry

Patrice Schornak

Sherry Stein

To: Planning Commission

Date: 12/28/2023

From: City Clerk Greenia

Re: Election of Officers Planning Commission 2024

According to the City of Fraser Planning Commission By-Laws Article V, Section1, the following is noted about Election of Officers:

Date and Ballot: Election of Officers of the Planning Commission shall be held at the regular January meeting of each year by ballot, or first available meeting after January. The process shall begin by entertaining a nomination for a particular Planning Commission Office. If the Nominee accepts the nomination, and no other nominees are offered, the nominee shall be deemed elected to the office by acclamation. If more than one member is nominated for the same office, a vote of the members shall be taken, and the nominee who receives the most votes shall be elected to that office.

According to Section 3 the following:

A member of the Planning Commission may be elected to the same office for no more than two (2) successive years, with the exception of Secretary.



CITY MANAGER

Elaine Leven

CITY CLERK

Cynthia Greenia

City of Fraser

CENTENNIAL COMMUNITY

MAYOR

Michael Lesich

MAYOR PRO-TEM

Dana Sutherland

COUNCIL

Amy Baranski

Patrick O'Dell

Kenny Perry

Patrice Schornak

Sherry Stein

To: Planning Commission

Date: 12/28/23

From: City Clerk Greenia

Re: Interview of Member

Due to the election of Kenny Perry, Jr. to the City Council in November of this year, the Planning Commission now has a vacancy on it. I have been in contact with Mr. William Transit and he has agreed to serve on the Planning Commission.

As is customary, the Planning Commission will interview him and then make a recommendation to City Council for his approval to the Planning Commission should they be satisfied with the interview. He will be present at your meeting of January 3, 2024 for interviewing.

The term ending for the vacancy to be filled is December 31, 2024.

APPLICATION FOR APPOINTMENT TO CITY BOARDS & COMMISSIONS

APPLICATION MAY BE SUBJECT TO PUBLIC VIEW



www.MICityOffraser.Com

City of Fraser
33000 Garfield Road
Fraser, MI 48026
(586) 293-3100

cityclerk@micityoffraser.com

LAST NAME		FIRST NAME		M.I.	
Transit		William		B	
ADDRESS (number & street)					
CITY	STATE	ZIP CODE	CELL PHONE	HOME PHONE	
Fraser	MI	48026			
NAME OF BOARD/COMMISSION YOU ARE APPLYING FOR				TERM ENDING (IF KNOWN)	
Board Name Planning Commission or Zoning Board of Appeals					
REASON FOR INTEREST IN THIS BOARD (please list activities & special qualifications)					
Business owner in Fraser					
EDUCATION (please list schools, diplomas, degrees, professional certificates, etc.)					
B.S. Business Management LSSU Fraser High School graduate					
CURRENT EMPLOYMENT					
COMPANY NAME			YOUR TITLE/POSITION		
Detroit Furnace LLC			Owner		
COMPANY ADDRESS (number & street)					
31313 Kendall					
CITY	STATE	ZIP CODE	OFFICE PHONE	OFFICE CELL PHONE	
Fraser	MI	48026	(586) 944-9400		
PLEASE LIST YOUR RESPONSIBILITIES					
own and operate Heating, Cooling, Plumbing Business					
transitwilliam@yahoo.com					

PLEASE ATTACH YOUR RESUME OR OTHER INFORMATION AND RETURN TO CITY HALL OR EMAIL CITYCLERK@MICITYOFFRASER.COM

Rev 11/2017

Received by

Ginthe Green

Date

6/19/23



Memorandum

TO: Fraser Planning Commission
FROM: Lauren Sayre, City Planner
Don DeNault, City Attorney
SUBJECT: December Sign Ordinance Discussion
DATE: December 26, 2023

Below is a review of the schedule:

~~**October 4**—Discussion of general regulations, signs allowed in all zoning Districts and signs that are always prohibited in all zoning districts (pages 2-11 of the chart)~~

~~**November 1**—Discussion of sign illumination, lights on or around signage, and electronic message boards (pages 11-15 of the chart)~~

~~**December 6**—Discussion of enforcement and discussion of standards for permanent freestanding signs and wall signage (pages 15 to 19, of the chart and pages 22 to 23, and 28 to 29)~~

January 3, 2024 – Discussion of nonconforming signage (pages 19 to 20 of the chart)

February 7, 2024 -Discussion of billboards, real estate development signage, and residential subdivision identification signs (pages 21 and 24 to 25)

March 6, 2024 – Discussion of temporary signs (pages 25 to 28)

April 3, 2024 – Discussion of Purpose, Intent, Definitions, and Miscellaneous items (page 1 of the chart)

May/June – Potential City Council Adoption

DRAFT ORDINANCE LANGUAGE FROM DECEMBER 6, 2023 MEETING

Please review the following ordinance language from last month's discussion and prepare any questions or comments ahead of January's Meeting. **Please note that due to time limitations because of the Holidays, the following draft reflects edits made by Planning only. The legal team will review, and it will be included in next month's Memo in addition to the language discussed at this (January 2024) meeting.**

Enforcement

1. The city may remove any non-temporary sign which violates any provisions of this section if the owner upon whose property the sign is located fails to make the sign conform to the provisions of this section within 48 hours of issuance of written notice of violation. **Per Section 32-85-X-7**, the person responsible for the sign in violation shall be liable to pay any fees or costs incurred for the removal and storage of illegal signs upon retrieval.
2. With respect to temporary or portable signs, in the absence of prior permission having been granted by the property owner for the immediate removal of signs in violation, the City may remove any such sign which violates any provisions of this section if the owner upon whose property the sign is located fails to make the sign conform to the provisions of this ordinance within four hours of personal notice as defined



below, or within 48 hours of issuance of notice as defined below. City officials may mark offending signs in a manner reasonably required for future identification. In the event that a marked sign is moved to another location, and such move does not cure the violation, the city shall not be required to give any additional notice before impounding the sign as a nuisance pursuant to the terms of this article.

3. In the case of any sign which is located in, projects into, or overhangs a public right-of-way or public easement in violation of this section, the city may remove said sign without notice.
4. Signs impounded under this subsection will be logged and stored by the city for retrieval by their owner. Before any removed sign is returned to its owner, a fee as determined by the city shall be paid for the removal, storage, and reclamation. Any sign which is removed in accordance with this section shall be deemed abandoned if its owner or the person responsible for the sign does not reclaim it within ten days of the date of its removal, after which the city may dispose of the sign without any further notice.
5. For purposes of this subsection, "issuance of notice" is defined to include any of the following:
 - a. Facsimile, electronic mail, or first-class mail transmission of notice of a violation to either a person or committee mentioned on the sign or to the person responsible for placing the sign or to the property owner;
 - b. Posting of notice of a violation on or reasonably near the sign, which is in violation, so long as the posting is conspicuous from the distance at which the sign is generally readable;
 - c. Posting of notice of a violation on or reasonably near one or more entrances of a habitable building on the same property as the sign, so long as the posting is conspicuous.
 - d. Transmission of a telephonic message which indicates that a violation exists, and which offers a brief explanation of the nature of the violation, recorded on an answering system of either a person or committee mentioned on the sign or to the person responsible for placing the sign or to the property owner.
6. For purposes of this subsection, "personal notice" means personal contact by a Code Enforcement Officer, or other duly authorized agent of the city, with either a person mentioned on the sign, the person responsible for placing the sign, then property owner, or the property owner's authorized representative or resident agent.

"Personal contact" means that the officer or agent initiated a person-to-person conversation, or some other real-time communication via electronic means, whereby the officer or agent communicated the existence of the violation and a brief explanation of its nature.

7. For purposes of this subsection, the phrase "person responsible" for a temporary sign is the person who places the sign, unless the person first notifies the City Clerk's office in writing of another person who is responsible. Persons responsible for political campaign signs also include the candidate for the political office advertised on the sign, unless the candidate first notifies the City Clerk's office in writing of another person who is responsible, and the property owner. In a campaign regarding a ballot measure, the president or chair of the committee supporting or opposing the ballot measure, as well as the property owner, shall be deemed the responsible person, unless the City Clerk's office is notified in writing of another person who is responsible. The person who places the sign, the candidate or the president as applicable must provide the name, address, telephone number, and signed consent of the other responsible person. Persons residing or located outside of Michigan may not be designated as responsible persons. The person placing the sign, or in the case of political campaign signs, the candidate, or in the case of a ballot measure, the committee president or chair, or in each of these cases



the other responsible person if so designated, shall be liable to pay any fees or costs incurred for the removal and storage of illegal signs upon retrieval. This subsection shall not be construed to place responsibility upon responsible persons for civil infraction or misdemeanor violations of the City Code.

8. Any company or individual which files a false affidavit or application for any reason relating to signage under this section shall be guilty of a misdemeanor punishable in accordance with the penalties applicable to misdemeanors set forth in Chapter 1 of the City Code.
9. Owners, lessors, and lessees may all be held equally responsible for violations of this section.

[potential language regarding ongoing sign inspections – City Attorney to provide feedback on peer communities case study/best practice]

Freestanding Signs

1. In all developments that require site plan approval pursuant to the City's Site Plan approval requirements, one permanent freestanding sign shall be permitted, except as otherwise provided herein.
2. Permanent freestanding signs shall follow the below schedule of regulations as measured from the approved grade. (Note, peer communities: Sterling Heights, max 15 ft. for all zoning districts, Roseville, max 40 ft in industrial districts, 25 ft in commercial districts. Warren, max 20 ft. for all zoning districts, Eastpointe, max 20 ft. for commercial and industrial districts.)

3.

Zoning District	Maximum Height
IC, IR, CG	15 ft
CN, CBD, OR, OS	12 ft
REC	6 ft
RL, RM, RH	6 ft*

*Only permitted as residential subdivision identification signs. Residential developments with seven or less units are not permitted to have a freestanding entrance sign.

4. No sign shall be installed within the required corner clearance area established in this ordinance nor within the corner clearance area created by the two lines of the existing or proposed (whichever is greater) right-of-way lines of exterior streets and the curb line of a nonresidential entranceway, and the straight line connecting them at points ten feet distant from where the right-of-way lines intersect.
 - a. Exception: The sight distance triangle may be extended by the city to conform to minimum Michigan Department of Transportation sight distance standards or in situations when the City Planner determines that an extension is required for public safety due to topography, road alignment, or other physical conditions of the area.
4. Freestanding signs shall be designed to be compatible with the architecture and approved masonry materials used on the principal building. All permanent freestanding signs shall be monument style with a brick and/or decorative stone base with no exposed poles which is a minimum of two feet or 20% of the total height of the sign and base, whichever is greater. The height of the base for permanent freestanding signs shall not exceed 1½ times the width of the sign.



5. Up to 1/3 of a permitted freestanding sign may consist of an electronic message board or changeable copy area.
6. For developments having more than one frontage on a major or secondary thoroughfare having a right-of-way of at least 86 feet or greater, one freestanding sign shall be permitted to be located on each frontage, provided the distance between the two signs is not less than 500 feet measured along the abutting right-of-way line.
7. Permanent freestanding signs are not permitted on single-family residential properties, with the exception of residential subdivision identification signs as permitted in this section. *(Regarding home occupation signage, currently the ordinance allows 1 non-illuminated nameplate not more than 2 sq. ft in area that can be mounted against the wall of the dwelling. Regarding peer communities: Roseville does not allow signage, Warren allows 1 non-illuminated nameplate not more than 1 sq. ft. in area. Eastpointe does not allow signage – We recommend this be addressed in the Wall Sign section.)*
8. Off-premises signs are prohibited. Freestanding signs on nonresidential properties must relate to the business, activity, or service conducted on the premises upon which the sign is placed.
 - a. Freestanding off-premises signs for business tenants, if part of a unified development where separate parcels exist, so long as no other freestanding sign already exists on the parcel where the freestanding off-premises sign is proposed.
 - b. Public signs, warning signs, and permitted directional signs.
9. The maximum size of a freestanding monument sign may be increased by 20% up to a maximum of 16 square feet provided the owner of the property agrees in a recorded document to irrevocably dedicate that additional dedicated square footage of the monument sign to solely advertise that space is available for rent, lease, occupancy, or sale.
10. Permanent freestanding signs may be located in the required front yard if they are at least 12 feet from the existing or planned public right-of-way (whichever is greater) as shown in the Master Plan or at least five feet back from the curb or pavement of any private street. Permanent freestanding signs shall not be located in a required side yard or required rear yard. Temporary freestanding signs may be located in the required front yard if they are at least five feet from the public right-of-way as shown on the Master Road Plan or at least five feet back from the curb or pavement of any private street.
11. A permanent freestanding sign shall not be closer than 100 feet from any adjacent single or two family zoning district or 50 feet from any off-site sign.
12. The maximum size of a freestanding sign in the IC, IR, CG, CN, CBD, OR, and OS Districts (and on properties used for purposes that are only permitted in those districts) shall not exceed one square foot for each two linear feet of street frontage to which that sign is oriented. In no instance shall the frontage of two or more streets be combined in computing the maximum size permitted. The maximum size of any freestanding sign shall be 150 square feet. A freestanding sign may include an electronic message board provided the requirements set forth in this section for electronic message boards are met.

Wall Signs

For uses other than residential in residential zoning districts (i.e. farming, agricultural, schools, churches, cemeteries, nursing homes, private clubs, fraternal organizations), there shall be allowed one wall sign with a maximum area of 32 square feet or one freestanding sign with a maximum area of 32 square feet and not exceeding seven feet in height. Home occupations are allowed 1 non-illuminated nameplate not more than 2 sq. feet.



The maximum size of wall signage in the IC, IR, CG, CN, CBD, OR, and OS Districts (and on properties used for purposes that are only permitted in those districts) for buildings and for individual tenant spaces shall not exceed 10% of the total area of the structure frontage, including the area of all fenestration, and in no instance shall the sign area of all wall signage exceed 200 square feet. A wall sign may be located on the front, rear, or side facade of the building. Wall signs shall not extend above the top of a parapet wall or an eave line at the wall, whichever is higher.

1. A wall sign shall be installed only on the wall of the tenant space to which the sign pertains.
2. The structure frontage for calculating the permitted wall signage is the overall horizontal length of the outside structure wall of the establishment that fronts a public or private roadway and is then multiplied by the overall height of the walls of such structure. If the structure has more than one wall plane which runs parallel to the frontage road, the sum of all such wall planes may be calculated in determining overall structure frontage.
3. An identification sign shall be considered incidental, and one sign, not exceeding six square feet, may be installed by each tenant.
4. One additional wall sign relating to the commercial use of the property is permitted on those facades of a building that are not visible from a public way, subject to a maximum size limitation of 10% of the tenant space facade for each tenant, or 10% of the building facade, on which the wall sign is located.

DECEMBER 6, 2023 DISCUSSION OUTLINE

1. Questions of draft text from 12/06/23 PC discussion.
2. Non-conforming signage

9. Owners, lessors, and lessees may all be held equally responsible for violations of this section.	The existing ordinance does not have enforcement provisions. Technically, any violation is a misdemeanor, but no penalties are set forth in the Zoning Ordinance (so by default, Chapter 1 of the City Code controls).	The City Planner's conceptual draft includes violation and remedy provisions, including notice of the violation and City actions to remedy a violating sign.
Nonconformity and modification (Recommendations are numbered 1 through 7 below).	The existing ordinance does not have any similar provisions.	
1. Notwithstanding any other provisions of this ordinance, signs lawfully in existence on the date the provisions of the ordinance enacting this section were first advertised, which do not conform to the provisions of this section, but which were in compliance with the applicable regulations at the time they were constructed, erected, installed, affixed, or maintained, shall be regarded as nonconforming. However, a sign installed during the period of time following the day on which the United States Supreme Court released its opinion in <i>Reed v Town of Gilbert</i> (June 18, 2015) and the date the provisions of this section were first advertised for adoption shall not be considered a nonconforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the decision in <i>Reed v Town of Gilbert</i> .	The existing ordinance does not have any similar provisions.	The City Planner's conceptual draft would allow nonconforming signs to continue until removed or altered, provided they meet certain requirements for maintenance, expiration, replacement, size, and location changes.
2. A nonconforming sign shall not be enlarged or extended.	The existing ordinance does not have any similar provisions.	
3. A nonconforming sign shall not be moved to another location on the same lot or to any other lot.	The existing ordinance does not have any similar provisions.	

4. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the premises on which the sign is located, to an extent the destruction or damage exceeds 50% of its appraised value, shall not be replaced or restored unless it complies with this section.	The existing ordinance does not have any similar provisions.	
5. A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the premises on which the sign is located, to an extent the destruction or damage is 50% or less of the appraised value, may be replaced or restored provided that the replacement or restoration is completed within six months after the date of the destruction or damage, and the sign is not enlarged or extended. The time for replacement or restoration may be extended for one additional six month period if the Building Department verifies that the replacement and/or restoration process is underway, is being pursued in good faith, and delays in the process are reasonably related to insurance or other financing delays beyond the control of the owner of the sign.	The existing ordinance does not have any similar provisions.	
6. A nonconforming sign declared to be unsafe by a code official because of the physical condition of the sign, including an unsafe physical condition arising from the failure of the sign to be maintained, shall be removed.	The existing ordinance does not have any similar provisions.	
7. The owner of any premises on which there is installed a nonconforming sign shall, upon notice from the City Planner, submit verification within 60 days that the sign was lawfully in existence at the time of adoption of these sign regulations. The City Planner shall maintain a registry of such nonconforming signs.	The existing ordinance does not have any similar provisions.	
Additional Requirements: See pages that follow.		



Monthly Planning & Zoning Report

For December 2023

McKenna provides day-to-day assistance to the City, applicants, and the public regarding zoning, planning and economic development matters.

PLANNING, ZONING, DESIGN & ECONOMIC DEVELOPMENT ACTIVITY

As part of our services to the City, McKenna reviews Planning Commission applications and provides recommendations on long range planning, land use, zoning, and design. The following is a summary of active developments; **yellow highlighting indicates new updates for the month.**

PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
#SP21-08 34400 Utica Hockeyland Outlot	Site plan approval with conditions granted on August 4, 2021.	Site plan approval extended for 12 months, August 2, 2023, subject to site plan amendment approval. Approved to apply for foundation permits. Revised site plan approved at September PC meeting. CofO contingent on satisfaction of all PC conditions of approval. Lot split application approved in October 2022. Approved to move forward with the process without finalized parking agreement. Construction underway. Planning Commission conditionally approved the site plan with amendments to the conditions regarding off-site shared parking agreements. Temporary CofO granted until January 1, 2024. Initial special land use expired, so drive-through may not be utilized unless special land use is granted.
SLU23-01 31000 Groesbeck Hwy	Special Land Use application to operate an auto repair shop in the CG district.	Postponed at August 2, 2023 Planning Commission meeting until September 6, 2023 for applicant to submit full site plans. Site plan and SLU approved on September 6, 2023. Pending final site plans.
SP23-03 / ZBA23-04 32660 Utica Road Strip Mall	Site plan to convert a coin-operated car wash into a 3-unit commercial strip mall. Variance request to reduce the front setback from 70 ft to 35 ft.	Preliminary site plans reviewed. Applicant contacted for revised site plans.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
		Variance request for front parking setback reduction granted for October 5, 2023 ZBA. Conditionally approved by Planning Commission on November 1, 2023. Final site plans approved by Planning and Zoning. Pending engineering and building review.
ZBA23-05 <i>31471 Utica Road</i>	Sign Variance for industrial site to increase the height of a freestanding sign to 11 ft where free standing signs must be below 4 ft of above 10 ft	Postponed to January 18, 2024.
RZ23-02 <i>32981 & 32875 Utica Road</i> <i>Sheetz</i>	Conditional rezoning from CBD to CG to operate a gas station and fast food restaurant.	Public hearing at the January 3, 2024 Planning Commission Meeting. Planning Commission to make recommendation to City Council at January 3, 2024 Planning Commission Meeting. City Council to grant approval or denial of conditional rezoning TBD.

LOOKING FORWARD

- Draft Sign Ordinance underway. Sign Ordinance will be an item on Planning Commission agendas to update sections at a time, starting in September 2023.

CONTACT US

Should you have any questions on the above projects or would like additional information, please contact your City of Fraser team at:

- Lauren Sayre (lsayre@mcka.com)
- Alicia Warren (awarren@mcka.com) – Out of Office until January