



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, February 7, 2024 @ 7:00 p.m.**

- 1. Call Meeting to Order / Pledge of Allegiance**
- 2. Roll Call**
- 3. Approval of Agenda – February 7, 2024**
- 4. Chairperson's Opening Remarks**
- 5. Approval of Minutes – January 3, 2024**
- 6. New Business of the Board**
 - a. 2023 Annual Planning and Zoning Report and 2024 Annual Work Plan.
- 7. Unfinished Business**
 - a. Sign Ordinance Discussion
- 8. Public Communication on Non-Agenda Items**
- 9. Monthly Report – January 2024**
- 10. Zoning Board of Appeals Member Liaison Report**
- 11. Commissioners' Comments and Items of Interest/Concern**
- 12. Adjournment.**

Posted: January 31, 2024



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**CITY OF FRASER
PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.
33000 GARFIELD, FRASER, MI 48026
DRAFT**

A regular meeting of the City of Fraser Planning Commission was held Wednesday, January 3, 2024 at 7:00 p.m. in City Council Chambers, 33000 Garfield, Fraser, MI 48026.

1. CALL TO ORDER

Chair Czarnecki called the meeting to order at 7:00 p.m.
Chair Czarnecki led the Pledge of Allegiance.

2. ROLL CALL

Present: Barr, Czarnecki, Farina, Keil, Meyer, Warunek
Absent: None

Others: City Planner Sayre, City Attorney Hayley Tomich, City Clerk Greenia

3. APPROVAL OF AGENDA JANUARY 3, 2024 PLANNING COMMISSION

Motion Czarnecki supported by Farina to remove wording under Item 6b Site Plan and Other as they were making a recommendation to City Council not approving a site plan and to move item 6d – Interview of Candidate up to Item 6a and move all items down accordingly

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

Motion Carried

4. CHAIRPERSON'S OPENING REMARKS

Chair Czarnecki read her opening remarks into the record.

**CITY OF FRASER PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.**

5. APPROVAL OF MINUTES – DECEMBER 6, 2023

Motion by Farina supported by Warunek to approve the minutes of the December 6, 2023 meeting of the City of Fraser Planning Commission as presented.

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

NAYS: None

Motion Carried

6. NEW BUSINESS

a. Interview of Candidate – William Transit

Mr. William Transit appeared before the Planning Commission to be interviewed for the vacancy. Chair Czarnecki and other members of the Planning Commission asked Mr. Transit various questions regarding his reasons for wanting to be on the Planning Commission, availability and experience that would help him to serve in this capacity.

Motion by Farina supported by Czarnecki to recommend to City Council the appointment of William Transit to the City of Fraser Planning Commission with a term ending December 31, 2024.

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

NAYS: None

Motion Carried

**b. Public Hearing RZ23-02 32981 (32971) & 32875 Utica Road
Planner Sayre's review of the application will be attached as part of the
permanent record of the public hearing.**

Public Hearing #RZ23-02 for Conditional Rezoning at 32981 (32971) and 32875 Utica Road, Fraser, Michigan 48026. Rezoning 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.

At this time City Planner Sayre went through the application as well and her review of the Application with the Planning Commission and audience members. During the course of her review there were some questions the attorney had for the applicant.

Mr. John Gabor was present on behalf of the applicant to discuss the project. Discussion was had on the following matters during the review:

Public parking at the site, would it be donated to the City? Mr. Gabor stated it would be owned by Sheetz, but would be open for public use.

Proposed pedestrian plaza, will this be dedicated to the City or will Sheetz continue to own it. Mr. Gabor indicated it was much like the public park area, Sheetz would continue to open this up for public use and it would be in the documentation submitted to

**CITY OF FRASER PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.**

City Council for approval.

The applicant is proposing to convey to the adjacent property Owners the property that is on the other side of the proposed Wall to them. They would be working with city staff and the City Attorney to make sure it is done properly.

The applicant stated that they were flexible as to what material The fence would be constructed of – it depended on what the City and the adjacent residents wanted.

Planner Sayre continued with her review against the Zoning Ordinance. She added that they had received one phone call in support of the conditional Rezoning and three emails not in support of it.

She explained that the process would be this hearing, Planning Commission's Recommendation to City Council, the City and the applicant drafting an Agreement for Conditional Rezoning, and this would then go to City Council.

Questions from Planning Commission members regarding other information and studies that were done on this project were discussed.

Attorney Tomich noted that any decision by Planning Commission regarding this application for conditional rezoning would be a recommendation only. She added that the Planning Commission cannot impose conditions. The conditions must be imposed by the applicant themselves. Mr. Gabor then indicated that they could adjust the conditions throughout the process before a final agreement is made.

Commissioner Keil stated that he wanted to make sure everybody would look at this project with an open mind.

Commissioner Barr had concerns regarding the "secrecy" of the information in the packet. Clerk Greenia noted that it was her choice to black out some information in the packet that was posted online.

Drew Miller, Project Manager, spoke to the Planning Commission and members of the audience at this time. With him was David Bruckelmeyer from the Sheetz organization. John Gabor, the attorney was present and had already addressed the Commission.

He reviewed why this location was chosen, stated they had spoken with the neighboring residential properties, lighting concerns, drive-thru, historical significance of this sight and they intend to honor this building and other pertinent information regarding the project. They welcomed the community input.

Mr. Bruckelmeyer shared the history of the company with Planning Commission. The company started in 1952 as a deli and was still a family owned business to this day. They added fuel to their stores in the 1970s. He then reviewed a

**CITY OF FRASER PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.**

prototypical store with Planning Commission. It was a very clean store. They would be offering up to 32 jobs at the site. They treated their employees very well. They had state of the art security cameras. It was a safe, clean, friendly and bright store. They were very careful with their underground storage tanks. Discussion was had on how many stores they had and how many they had in Michigan. They hoped to have between 60 to 80 stores in Southeast Michigan someday.

At this time Engineer Becky Klein addressed Planning Commission with an overview of the site. The history of the bank there – it was built in 1910 and relocated to the present site in 1930. It was purchased in 2009 by PNC Bank.

She went over the proposed layout of the project as seen on the color rendering on the screen. She gave additional detail on the detention pond on site. They have reached out to surrounding residents on a very preliminary basis.

Mr. Gabor stated they did need the conditional rezoning to move forward with the project.

At 8:26 there was an issue with the audio.

The meeting reconvened at 8:39 with the audio fixed.

At this time Mr. Gabor addressed the Planning Commission again. He addressed their application. He indicated that they offered the conditions to make sure that the only thing that could go at the site if the conditional rezoning is approved is this project. He then addressed the issues in Ms. Sayres review of the application. Commission Members discussed some particulars with Mr. Gabor regarding the plan.

The public hearing was opened at 8:58 p.m.

Greg Grueneberg, 17540 Wilhelmine, address Planning Commission, he stated he was concerned with Canadian Gees and the mess they would leave. They were dirty animals and he wanted to know who would be responsible to clean up after them.

Ken Stonebreaker, 32309 Oxford indicated that the drive thru at the bank was only open 9:00 a.m. to 5:00 p.m. Monday thru Friday and 9:00 a.m. to 12:00 p.m. on Saturday. This project was proposing that it would be open 24 hours a day seven days a week. He was against this.

Sandy Thomas, 16659 E. 14 Mile, Schotts Market, addressed the Commission. Her concerns were with the gas station contaminating the property, it does not meet our zoning ordinance, after 8:00 p.m. the City of Fraser pretty much closes down so why do they need to be open 24 hours a day, doesn't feel this is a proper site for this business, what about future of Electric Vehicles, she did not see it as a public benefit.

**CITY OF FRASER PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.**

Vincent Calabrese, 17926 Breezeway approached the Commission. He did not think we needed another gas station in downtown Fraser. This does not encourage walkability in this area. He worried about the cliental that would use a 24/7 business – could be chaotic.

Paul Cilluffo, 31640 Cyril spoke. This use does not fit the Master Plan, would need five (5) variances, he did not think we needed another gas station, he did not think they were here to be good friends to the City of Fraser, this does not meet Master Plan.

Matthew, whose family owns the Mobil gas station at 14 and Utica. They were open 24 hours a day for a while and it did not work as Fraser shuts down about 8:00 p.m. every night. The City does not need another gas station.

Christian Lucido, 16605 Rosemary spoke. He had the following concerns: fumes from the fuel pumps, children's health, it's already a very busy inter-section, increase in garbage and land pollution, rat problems, added detention pond would bring geese and mosquitos, it looks like a mini-truck stop to him, safety concerns, property value decreases in the area, no electric vehicle chargers, if approved are the actual plans supplied for build going to look different than the plans here tonight, please don't allow 24 hour a day business, move the pumps farther away from the residences.

Pat Harris, 15863 Kingston noted they moved here for the small town flavor of Fraser – this is not good for the City. The 24 hours a day open is not good. This feels like an unbelievable slap in the face to the residents. She feels Sheetz will not add anything good to the City of Fraser. Please consider the residents.

Jim Chandler, 31559 Ellerby, had no problem with Sheetz, a private company sold to another private company - it's the American way. He was concerned with drowning in the pond. What if they go out of business, he does not want to stand in their way. He was concerned with the lighting.

Frank Baratta, 46499 Snowbird, noted that his family lives on Rosemary. He was worried about his grandkids growing up there. He was concerned with the pond, geese coming, contaminated water, drowning, he thinks it's a big mistake. Please keep this small town a small town. This place could attract a bad crowd.

Emma Stasek, 16430 Woodlane stated she was a new resident. She loved the history this community represents. She would like future development to be mindful of the history. How does this development differentiate Fraser from other communities?

Andrew Mesin, 16532 Rosemary feels this will not attract more residents. He would like to see this be a more walkable area. He noted he never received a letter from the applicant. He does not see it attracting any new residents.

Lisa Acker, 16595 Rosemary said she lived in Fraser over 20 years. She was very concerned with how this project would affect the health and environmental

**CITY OF FRASER PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.**

safety of the residents, how it would affect the property values of the homes nearby, feels this project came out of nowhere and that it was rushed, she added that it should be considered there would be a neighborhood of children living and playing near a gas station. She is doing what she can – she has two (2) young girls.

Nicole Valin, 32369 Norwich stated she lived in Fraser and choose that over a neighboring City because she worked in the other City at a gas station. There is a lot of litter at a gas station, this would increase the demand on the Public Safety Department in Fraser, she felt bad for the property owners and pets living on Rosemary, she is not against a gas station or Sheetz, she would prefer this be a walkable area.

Mark Nadolski, 32680 Newman indicated he worked with a lot of commercial businesses and chain stores and Sheetz sounded familiar. He reviewed the plans at City Hall. He lives in a two (2) story house and can see the intersections clearly. He was concerned with three (3) gas stations at the same intersection. He was worried about 24 hours and what type of cliental it would bring in. He also added that he Googled Sheetz and most of the ones he saw were surrounded by commercial sites or just off of the expressway.

Mike Parrott, 15942 Kingston said he echoed everyone's concerns with the project. This is the last place he sees another gas station going in Fraser, the bank building is beautiful. He knows the Planning Commission has a hard job. He'd be happy to help form an action committee for saving this bank building.

Collette Nicholson, 16250 Gordon indicated her street is already so busy with so much traffic she worries this will make that worse. What if the detention pond overflows, how that will affect the sewer system, doesn't see the benefits to Fraser.

Jason Frances said he worked at the Mobil gas station. He did not see any pros with this project, he feels that area could serve a better purpose. Sheetz is great but not in a small town. He was concerned with the drive-thru and the additional noise from beeping horns.

Miranda Watson 17141 E. 14 Mile has major concerns with traffic flow and additional accidents both with cars and pedestrians. She said she had been to a Sheetz and its' delicious, clean and nice. She was concerned they would sell alcohol and that would be in a bad crowd. Why can't they locate somewhere on Groesbeck or Gratiot?

Fadi Akaam, 32660 Utica, shared that he owns a car wash and at one time it was open 24 hours. It was never busy after 9:00 p.m. so he did not keep it open 24 hours. He was worried about the additional traffic this would generate.

Greg Acker, 16595 Rosemary, said he lived in the City for 20 years, his property abuts the site, he was worried about safety issues, property values decreasing, increased crime, health issues. He feels they are asking the City to break

**CITY OF FRASER PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.**

various zoning codes. He feels it might be good to replace the bank building at that site with a like building.

Mark Richter, 16330 Gordon, feels this is a bad idea for the city, if it was a good idea they would not be asking for all the changes to the ordinance in order to be able to do it. Why not put it on Groesbeck, the bank building is beautiful, why are there no electric vehicle chargers, this does not make sense.

Peter McFadden, 16594 Admiral addressed the Commission. He was a ten year resident of Fraser and moved here for the schools. The City does not need a truck stop, he feels Fraser will lose its charm, his vote is no.

Deanna Reiner, 15569 Luxemburg, traffic is already too busy, what about the other small businesses that have been in the City, will this business put them out of business?

The public hearing was closed at 10:02 p.m.

Commissioner Farina asked about the geese, the pollution – how will this be addressed? The engineer stated that the pond will most likely be a dry pond and would not attract them. She does not anticipate any geese and they can mitigate the mosquito concern. In regard to pollution there are strict regulations that Sheetz has to follow that would address this concern. Mr. Farina asked if they planned on selling alcohol. Mr. Bruckelmeyer stated yes as long as it was within the public ordinance.

Commissioner Farina had questions regarding ownership of the property, do they think it will affect businesses in the area, his concerns that the traffic will be an issue, will this be a truck stop, would they have electric vehicle charging stations, the plan does not support walkability, how did they determine a third gas station was good in this location, can emergency vehicles get in and out easily. Mr. Bruckelmeyer stated they were leasing the property, sometimes when a new business opens in an area the existing businesses pick up their game, they do not expect nor want this to be a truck stop, he reviewed what it took to get the charging for electric vehicles at the site and they were working on it, they made it as walkable as possible and would be providing bike racks on the site, the realtors they work with have data on the site to support it's being successful, emergency vehicles can get in and out of the site safely.

Chair Czarnecki stated that the plan here tonight is not what is being decided on, is it is the Conditional Rezoning that is being decided on. If conditional rezoning is approved a site plan will come before the Commission that will be reviewed by all departments in the City. This will go to City Council next and planning commission is making a recommendation only. Planning Commission is not trying themselves to bring development in, but when an application is received they have the duty to hear it. City Council may hold a public hearing on this matter, they are not required to do so.

**CITY OF FRASER PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.**

Attorney Tomich indicated that it was her understanding that City Council would be holding a public hearing on this matter.

David Bruckelmeyer then commented on concerns over environmental issues, they try to do things the right way and try to be good neighbors. They have done a traffic study, the lighting is such that it should not affect neighbors, and their security is very good at their sites. He added that the Speedway to the northwest of the site is a 24 hour operation. This site will be rebuilt one way or the other, they are trying to offer the City a good partner at that site. They are trying to exceed the requirements of the City at this site.

Commissioner Keil asked if all their stores were 24 hours. Mr. Bruckelmeyer stated they all were 24 hours and they would not build at this site if they were not able to be open 24 hours.

Commissioner Meyer asked if they would need to have the drive-thru as well to build this, or at the very least could they reduce the hours on the drive-thru being open. Mr. Bruckelmeyer noted that the drive-thru had a very minimal amount of business – at the peak 11 cars per hour. It is really there for convenience purposes.

At this time Planner Sayer reviewed what this process would look like moving forward. The applicant's attorney and the City's attorney would be drafting a conditional rezoning agreement for City Council review. She was unsure when City Council would be but stated it would be noticed and in the paper according to public hearing requirements.

Commissioner Warunek commented that he would like to be noticed about projects like this earlier. It was a lot of information to digest in a short amount of time. The Planning Commission had spent a lot of time working on a Master Plan for the Downtown District – Community Business District. This development was not part of that plan. He then commented on the variances that were being requested and the fact that they would normally go to the ZBA. He would love to see this development in Fraser but not at this particular site – maybe on Groesbeck.

Commissioner Barr stated she felt the project itself was great, but not at this site.

Commissioner Farina reviewed the eight (8) standards that are required for a Special Land Use. One in particular was regarding the “proposed use is necessary for the public convenience at the proposed location”. He could not find any support for this standard in the proposed project. He reviewed other standards and stated his concern with this project meeting those standards.

Chair Czarnecki then stated this project does not go along with our Master Use Plan. The entire Planning Commission worked very hard on the Plan. City Council then approved it and she was hoping they would respect all of their efforts on this plan. It's a great project but not a fit for that particular location. She did not think it was a good mixed-use development.

**CITY OF FRASER PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.**

Motion by Meyer supported by Farina to recommend denial of the Conditional Rezoning to City Council for the foregoing reasons:

Planning Commission is concerned with the sustainability of the existing businesses surrounding the site;

Concerns with the pond and the safety of the pond with the picnic area;

Concerns with the request/allowing monument signs at the site just because there are other monument signs along that road in that area as well as the amount of signage they are asking for overall; It will have a negative impact on the residents in the surrounding areas;

It goes against the Master Plan.

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

NAYS: None

Motion Carried

A short break was taken at 10:43 p.m.

Meeting reconvened at 10:52 p.m.

c. Election of Officers

Attorney Tomich reviewed the process for Election of Planning Commission Officers.

Motion by Farina supported by Keil to nominate Kathy Czarnecki for the office of Chairman of the City of Fraser Planning Commission.

Hearing no other nominations, Kathy Czarnecki was to be Chairman for another year.

Motion by Keil supported by Farina to nominate Randy Warunek for the office of Vice-Chairman for the City of Fraser Planning Commission.

Hearing no other nominations, Randy Warunek was to be the Vice-Chairman for another year.

Motion by Farina supported by Warunek to nominate Renee Meyer for the office of Secretary of the City of Fraser Planning Commission.

Hearing no other nominations, Renee Meyer was to be the Secretary for the next year.

**CITY OF FRASER PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.**

7. UNFINISHED BUSINESS

a. Sign Ordinance Discussion

It was recommended that this portion of the Sign Ordinance review be added to the February agenda.

8. PUBLIC COMMUNICATIONS ON NON-AGENDA ITEMS

9. MONTHLY REPORT DECEMBER 2023

A brief discussion was had on the status of Hockeytown and Big Boy.

10. ZONING BOARD OF APPEALS MEMBER LIAISON REPORT

Commissioner Farina reviewed that at the Zoning Board of Appeals meeting in December they honored Mark Stimac with a Special Tribute from the State of Michigan for his many years of service to the City of Fraser. This tribute was presented by Senator Veronica Klinefelt.

There was a sign variance on the agenda for January.

11. COMMISSIONERS' COMMENTS NAD ITEMS OF INTEREST/CONCERN

Commissioner Keil asked if the Planning Commission could get noticed of projects like this when the notice goes out to the public. City Clerk Greenia stated she would make sure to email them all a copy of the notice in the future.

Chair Czarnecki asked if, in the future, when color is important in the copies, could we get the hard copies in color as well?

Jacquelyn Cole, 18150 she had lived in Fraser since 1975 and this was her first meeting.

Chair Czarnecki asked that a discussion be had on the City putting signs at sites that are seeking to be rezoned/developed.

**CITY OF FRASER PLANNING COMMISSION MEETING
WEDNESDAY, JANUARY 3, 2024 @ 7:00 P.M.**

12. ADJOURNMENT

Motion by Warunek supported by Meyer to adjourn the meeting at 11:11 p.m.

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

NAYS: None

Motion Carried

Respectfully Submitted:

Cindi Greenia, Clerk
City of Fraser

Planning Commission and Zoning Board of Appeals

2023 Annual Planning and Zoning Report to City Council

City of Fraser, MI

INTRODUCTION AND PURPOSE OF THE ANNUAL PLANNING REPORT

As required per the Michigan Planning Enabling Act (MPEA) Act 33 of 2008, as amended, the Planning Commission shall submit a report of its 2023 activities to the Fraser City Council.

“A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.”

In addition to fulfilling this requirement, the Annual Report increases information-sharing between staff, boards, commissions, and the governing body and assists with these entities with anticipating, preparing, and budgeting for upcoming priorities.

PLANNING COMMISSION MEMBERSHIP

The following citizens dedicated their time to serving the City of Fraser as Planning Commissioners in 2023:

- Kathy Czarnecki, Chairperson
- Joann Barr
- Frank Farina, ZBA Liaison
- John Keil, Secretary
- Renee Meyer
- Randy Warunek
- Kenny Perry, Vice Chairperson (former)

PLANNING COMMISSION MEETINGS

The Fraser Planning Commission met eleven times in 2023. This meets and exceeds the requirements of the MPEA, which requires a minimum of four meetings annually.

1. Wednesday, January 4, 2023
2. Wednesday, February 1, 2023
3. Wednesday, March 1, 2023
4. Wednesday, April 5, 2023
5. Wednesday, June 7, 2023
6. Wednesday, July 17, 2023
7. Wednesday, August 2, 2023
8. Wednesday, September 6, 2023
9. Wednesday, October 4, 2023
10. Wednesday, November 1, 2023
11. Wednesday, December 6, 2023

ZONING BOARD OF APPEALS MEMBERSHIP

The following citizens dedicated their time to serving the City of Fraser as Zoning Board Members 2023:

- Mark Burley
- Joseph Chimenti
- Frank Farina, Chairperson, PC Liaison
- Matthew Goodell
- Rosanne Menendez, Secretary
- Mark Stimac, Chairperson (former)
- Michael Lesich, Vice Chairperson (former)

ZONING BOARD OF APPEALS MEETINGS

The Fraser Zoning Board of Appeals met ten times in 2023.

1. Thursday, January 5, 2023
2. Thursday, February 2, 2023
3. Thursday, April 6, 2023
4. Thursday, May 18, 2023
5. Tuesday, June 20, 2023
6. Thursday, July 20, 2023
7. Thursday, August 3, 2023
8. Thursday, October 5, 2023
9. Thursday, November 2, 2023
10. Thursday, December 7, 2023



2023 in Review

The following tables outline the various development reviews (site plan, special land use, etc.) considered by the Planning Commission and variances that were considered by the Zoning Board of Appeals in 2023. Variances are reported to reflect on potential challenges or obsolete regulations within the existing Zoning Ordinance, and to possibly inform future direction for the Planning Commission.

DEVELOPMENT REVIEWS

City ID	Project Type	Location	Description	Status	Date
SP 22-08	Site Plan Amendment Review	31475 Utica Road, Devon Storage	Request to convert existing building into self-storage space and construct nine drive-up storage buildings.	Approved	June 7, 2023
SP 22-03	Site Plan Amendment Review	33180 Groesbeck Highway	To modify the façade of an existing multitenant building and adding a wrought iron fence on the north side of the property.	Approved	June 7, 2023
SP 23-01	Site Plan Review	33060 Groesbeck Highway, Dairy Queen	To convert an existing building formerly occupied by Dairy Queen into commercial office space.	Withdrawn	July 28, 2023
SLU 23-01	Special Land Use / Site Plan Review	31000 Groesbeck Highway	To operate an auto repair shop in the CG, Commercial General District.	Approved, Withdrawn	September 6, 2023
SP 23-02	Site Plan Amendment Review	31401 Groesbeck Highway, Popeyes	To renovate existing drive-through for Popeye's restaurant by obtaining a Nonconforming Class A status.	Approved	October 4, 2023
SP 23-03	Site Plan Review	32660 Utica Road, Car Wash	To convert an existing car wash into a 3-unit strip mall.	Approved	November 1, 2023
SP 21-08	Site Plan Review	34400 Utica Road, Hockeyland / Big Boy	To amend original site plan approval to remove reference to shared parking agreements with specific entities.	Approved, with conditions	October 4, 2023

ZONING APPEALS

City ID	Project Type	Location	Description	Status	Date
ZBA 22-05	Dimensional Variance	16841 Fourteen Mile Road, Smokey Joe's	To exceed the allowable wall sign area in Community Business District (32 sq. ft. allowed, 69.69 sq. ft. requested, 59.5 sq. ft. approved)	Approved, with conditions	May 18, 2023
ZBA 23-01	Dimensional Variance	31475 Utica Road, Devon Storage	To reduce the minimum side yard setback from 100 ft. to 59.1 ft.	Approved, with conditions	May 18, 2023
ZBA 23-02	Dimensional Variance	34835 Utica Road, Meijer	To exceed the allowable signs in Commercial General District (2 signs allowed, 5 requested) and exceed the allowable wall sign area (96 sq. ft. allowed, 175.93 sq. ft. requested)	Approved	June 20, 2023
ZBA 23-03	Dimensional Variance	17157 Anita Road	To reduce the side rear from 30 ft. to 10 ft. and the side setback from 5 ft. to 3 ft.	Denied	August 3, 2023
ZBA 23-04	Dimensional Variance	32660 Utica Road, Car Wash	To reduce the front parking setback from 70 ft. to 35.44 ft.	Approved, with conditions	October 5, 2023
ZBA 23-05	Dimensional Variance	31471 Utica Road, Monticello	To increase the maximum sign area within the prohibited vertical dimensions of 4 ft. and 10 ft.	Postponed until Jan. 2024	TBD 2024



ZONING ORDINANCE UPDATES

Ordinance Section	Overview	Status
Sec. 32-221, 223 (Article 14)	To authorize the City Council to appoint two (2) alternate members to serve on the Zoning Board of Appeals in the absence of a regular member.	Adopted April 2023
Sec. 32-85 (Article 5)	To update the Sign Ordinance to bring it up to current practices and ensure compliance with recent Federal legislation.	Ongoing

ZONING ADMINISTRATION

The following section provides a high-level overview of the daily zoning administration activities. Below is a table of permits issued in 2023, which includes building, mechanical, plumbing, etc. as well as zoning related permits.

2023 Permits

Permit Type	Permits Issued	Permit Type	Permits Issued
Electrical	128	Furnace	28
Mechanical	91	Sign	25
Plumbing	70	Roof (House & Garage)	19
Roof	61	Generator	15
Re-Connects	55	Windows	14
Fence	50	Air Conditioner	13
Concrete	45	Sewer Repair	11
Water Heater	36	Shed	9
Furnace & AC	32	Other	235
Total		937	

In 2023, there were a total of **480** enforcements issued. Frequent enforcements were due to lawn maintenance, blight/nuisance, illegal signage, and zoning violations.

Additionally, the following inquiries were made frequently. This may indicate a need to update various sections of the Zoning Ordinance.

- Duplexes and accessory dwelling units
- Driveway expansion
- Marijuana retailers
- Food trucks



LOOKING AHEAD: 2024 WORK PLAN

By preserving what Fraser already has, and enhancing those elements that can be improved, the city can continue to afford residents and visitors with a high-quality place to live, work and play.

In the coming year, the following are additional projects the Planning Commission may undertake:

MASTER PLAN IMPLEMENTATION

Some of the high priority implementation projects as outlined in the 2021 Master Plan include the following:

- **Establishment of a Downtown Development Authority (DDA).**
- **Business attraction and retention efforts.** The Planning Commission will support business retention and attraction in whatever ways most feasible in 2024. This includes exploring enrollment in the Redevelopment Ready Communities program run by the Michigan Economic Development Corporation.
- **Implementation of new districts** (and revisions to existing districts) such as Flex Corridor Overlay District and Central Business District (Core and Fringe).
- **Continuing to develop and maintain the City's sidewalk network.** Throughout the course of 2024, the Planning Commission may encourage the construction and/or repair of sidewalks, especially along major thoroughfares.

ORDINANCE UPDATES

In 2024, one of the Planning Commission's work program priorities will include necessary Ordinance updates to address current issues and begin to modernize the Zoning Ordinance.

- **Sign regulations**
Continue to update the Sign Ordinance to reflect current best practices and compliance with Federal legislation.
- **Mobile vendor ordinance**
Address gaps/confusion regarding regulation of temporary uses, specifically food trucks.
- **Driveways and lot coverage**
Address lack of regulations specifying maximum lot coverage for paved surfaces, as well as clarify driveway expansion regulations. Additionally, exploring permeable material allowed for parking and driving areas.
- **Transparency Requirements**
Update building transparency requirements. The Planning Commission conducted research in 2022 regarding building transparency requirements in surrounding communities. These findings should be used to update the building transparency requirements in the Zoning Ordinance.





Memorandum

TO: Fraser Planning Commission
FROM: Lauren Sayre, AICP, City Planner
Don DeNault, City Attorney
SUBJECT: December Sign Ordinance Discussion
DATE: January 30, 2024

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 February's 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, the 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.

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.

FEBRUARY 7, 2024 DISCUSSION OUTLINE

1. Questions of draft text from 12/06/23 PC discussion.
2. Non-conforming signage
3. Billboards
4. Real estate development signage
5. Residential subdivision identification signs

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.		

Additional recommendations for signage to be covered by the ordinance:

1. Temporary Agricultural Sales Signs (the existing ordinance is silent)

Temporary agricultural sales signs shall be permitted only on parcels at which the City Planner has verified the existence of lawful agricultural sales activity. Permanent agricultural signs are only permitted in nonresidential zones, except that permanent agricultural signs will be permitted in nonresidential zones for properties that do not have a residential use as their principal use if the City Planner has verified the principal use of the property as agricultural.

2. Billboards (the existing ordinance is silent)

1. Billboards are freestanding off-premises signs.

2. The City Council has determined that signs and billboards located on premises to which they do not specifically relate, and which are designed to capture the attention of motorists and others utilizing public ways, create a danger to public safety by distracting the attention of drivers from the roadway, who in some instances may focus on the message being conveyed, the anticipated message to follow, and/or other function of a billboard visible while operating a motor vehicle. A number of national and international studies during the period 2013 to 2021 have observed that "driving irrelevant" material may make it difficult to extract information that is necessary for safe driving; advertising signs affect driver attention to the extent that road safety is compromised; clear evidence of impaired driving performance became evident as drivers passed billboards at higher speeds; and drivers glance more at the time of a switch to a new message display than when a billboard is simply visible and stable.

3. Further, the United States Supreme Court has recognized that it is not speculative to recognize that billboards, by their very nature, wherever located and however constructed, can be perceived as an aesthetic harm. An unmarred landscape promotes tourism and levels the playing field between local businesses and national chains.

4. At least four states have completely banned billboards, and at least two other states have banned the construction of any new billboards.

5. Therefore, because billboards are only one form of expression for messages that can be communicated in many other reasonable and alternative ways, billboards are not permitted in the City of Fraser, except as may be permitted by any governmental entity not subject to city regulation or control, in which instances all city regulations not otherwise preempted shall still apply, and if not preempted such billboards shall not exceed 25 feet in height or 150 square feet in area and shall be subject to the city's sign permitting process.

6. Nonconforming billboards in existence on the date this subsection was adopted may be maintained and repaired so as to continue the useful life of the sign. However, no features or characteristics of nonconforming billboards may be expanded, enlarged, or extended, and all of the regulations in this section and in other sections of the City Code and applicable technical codes shall apply to nonconforming and exempt billboards in order to minimize their negative secondary effects, preserve the character and repose of adjacent areas, protect property values, and reduce traffic and similar hazards caused by undue distractions.

3. Directional Signs

Directional sign regulations and distinctions were recognized by *Reed v Gilbert* (2015) as protecting vehicular and pedestrian safety, and therefore they serve a compelling governmental interest.

1. Directional signs shall be considered incidental, shall be limited to one sign at each entrance, and shall not exceed four square feet and four feet in height. Directional signs set at an entrance point may be located within a required yard subject to the sight line and clearance distance restrictions set forth in this section.

5. Identification Signs

An identification (nameplate) sign shall be considered incidental, and one sign, not exceeding six square feet, may be installed by each tenant. In addition to the identification signs for occupants, the rental and/or management office of the development may have one identification sign not to exceed four square feet in size.

Note: The existing ordinance allows for one identification or nameplate wall sign for each individual tenant business in shopping centers, office buildings, and multi-tenant industrial buildings. The Planning Commission evaluates the style. In addition, a 20 square foot identification sign is permitted for community facility uses (in the rear half of the required front yard setback). The ordinance also addresses residential entrance identification signs.

6. Real Estate Development Signage

1. One two-sided sign or two one-sided signs shall be permitted to be located at each entrance to the development which is located on a major or secondary thoroughfare as identified upon the Master Road Plan. In addition, one two-sided sign shall be permitted to be located upon a boulevard median of a collector, local, or private street leading directly into the development.

2. Signs permitted under this subsection may not exceed a maximum size of 25 square feet.

3. All other provisions of this section not in conflict with this subsection shall apply.

Note: The existing ordinance allows the building official to approve one off-site real estate sign directing the public to the real estate during the construction of a building or buildings or the offering for sale of real estate, limited to 9 square feet and honoring setback requirements. In addition, an accessory freestanding ground sign to be used during a residential project development by a project builder may be permitted as a temporary use.

7. Residential Subdivision Identification Signs

1. Shall not exceed a maximum size of 25 square feet per sign.

2. Shall be permitted to be located either upon masonry walls along the perimeter of the development meeting the requirements of this ordinance or upon a masonry entranceway structure meeting the requirements of this ordinance.

3. One two-sided sign or two one-sided signs shall be permitted to be located at each entrance to the development which is located on a major or secondary thoroughfare as identified upon the Master Road Plan. In addition, one two-sided sign shall be permitted to be located upon a boulevard median of a collector, local, or private street leading directly into the development.

4. The residential subdivision identification sign structure shall be in scale with any adjoining landscape treatment.

5. No entranceway sign structure permitted under this subsection shall be constructed of exposed concrete block, cinder block, precast concrete panels, or poured concrete.

6. Any permitted residential subdivision identification sign shall be located in either a common area of the development or upon property for which a private easement has been granted to a subdivision association (or similar entity) which shall have the responsibility for maintaining the sign and any appurtenant structures. An agreement providing for the maintenance of the sign(s) or structure(s) in recordable form satisfactory to the city shall be furnished to the city prior to installation of the sign(s) or structure(s).

Note: The existing ordinance allows no more than two signs associated with entrance identification. They are restricted to identification of the project or subdivision name only, and the sign or lettering may not exceed 24

square feet per sign. No more than one sign may be placed on each side of an entranceway or in an entrance road median.

The City Planner's conceptual draft would allow one entrance sign per entrance into a residential subdivision or non-residential use in the RL, RM, RH, and OS districts.

8. Temporary Signs

1. Shall be maintained free of rust, corrosion, peeling, breakage, graffiti, obfuscation, and all other damage or defacement.

2. All temporary signs shall be aesthetically pleasing and designed and constructed of durable materials installed in conformance with the current provisions of the Michigan Building Code, as amended, and maintained in accordance with the provisions of the International Property Maintenance Code, with local amendments, as adopted by the city.

3. Shall not be installed in such a manner that it interferes with, or might reasonably be expected to interfere with, vehicular or pedestrian traffic.

4. Shall not be installed within any dedicated right-of-way.

5. Shall only be located on property with the approval of the person or entity with authority to approve it.

6. Must be placed a minimum of five feet from any side property line.

7. All temporary signs shall be removed within seven days after they are no longer necessary for, or capable of, fulfilling their intended purpose.

8. For long-term temporary signs, all ground-mounted support posts shall be constructed of four-inch by four-inch pressure-treated posts with decorative post caps. All support posts and decorative post caps, and other supporting framework, shall be painted a uniform color.

9. A temporary sign that is not permanently affixed to the ground or to a permanent structure, or a sign that is mobile and can be moved to another location, shall be stabilized so as not to pose a danger to public safety. Prior to the sign being installed, the Building Department shall approve the method of stabilization.

10. On properties utilized as single-family residential:

a. Short-term temporary signs shall not exceed three square feet.

b. Long-term temporary signs shall not exceed six square feet.

c. Total square footage for all temporary signage shall not exceed nine square feet.

d. The length shall not exceed the width of the sign by more than a three-to-one ratio.

e. The height shall not exceed five feet from top to ground.

11. On properties that are not utilized as single-family residential:

a. Because non-residential uses are afforded a variety of unique options for expression of commercial and site-usage messages based on the inherent distinctions between residential and non-residential property uses, including but not limited to freestanding signage, wall signage, window signage, and identification signage, the city deems the societal interests in limiting the proliferation of blight and reducing driver distraction and vision obstructions to be paramount over the ability to communicate additional commercial messages through signage.



Monthly Planning & Zoning Report

For January 2024

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. Extensions granted to January 17, 2024 and again to February 16, 2024. Initial special land use expired, so drive-through may not be utilized unless special land use is granted. The current extension stipulates that the applicant must file for SLU approval for the March PC meeting, or they will not be able to use the drive-through.
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. Applicant Withdrew



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
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. 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 31471 Utica Road	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	Approved at the January 18, 2024 ZBA Meeting.
RZ23-02 32981 & 32875 Utica Road Sheetz	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 recommended denial of conditional rezoning to City Council at January 3, 2024 Planning Commission Meeting. Sheetz to return after conditional rezoning agreement is drafted. 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)



Memorandum

TO: The Fraser Planning Commission
FROM: Lauren Sayre, AICP
SUBJECT: Public Hearing and Noticing Ordinance Research
DATE: January 30, 2024

This memo provides background on two relevant zoning provisions regarding public hearings and public noticing. The intent is for the Planning Commission to review these provisions and decide whether to instruct Planning and Legal to update them. If needed, amended language will be presented for the Commission's consideration.

ON-SITE NOTICE FOR PUBLIC HEARINGS

Brief discussion was previously conducted at a previous Planning Commission Meeting regarding if on-site notice (signage) was required for applications that require a public hearing. The City Attorneys have reviewed the Michigan Zoning Enabling Act (MZEA) and determined that it is neither authorized, nor prohibited to add signage as a required form of notice. Fraser's current Zoning Ordinance does not require on-site signage for projects requiring a public hearing. Below is a table with neighboring communities noticing requirements.

Community	Newspaper Circulation and Mail (MZEA required)	On-Site Signage	Notes
City of Fraser	X		
City of Sterling Heights	X		
City of Warren	X	X	Signage required for rezoning or change in zoning district area. Signs designed and issued by the City and provided to the practitioner. Practitioner is responsible for erection and removal of sign (minimum 15 days before and maximum 6 days after public hearing)
City of Roseville	X		
Clinton Township	X		
City of Eastpointe	X		

While requiring on-site signage would increase transparency, it would also impose an additional fee on applicants requiring on-site signage. Another consideration would be to only require it for rezonings or certain projects, such as Planned Unit Development (PUD) projects.



PUBLIC HEARING AT CITY COUNCIL FOR REZONINGS

A recent Planning Commission case has brought concerns with the language regarding public hearings for rezonings and conditional rezonings. The Zoning Ordinance currently requires Planning Commission to hold at least 1 public hearing for both rezoning and conditional rezoning applications. City Council, which holds the final authority over these cases, is not required to hold a public hearing. City Council is allowed to do so, but it is not required. Regarding peer communities. Below is a summary of how peer communities handle public hearings for rezonings and conditional rezonings.

Community	Planning Commission public hearing required	City Council/Township Board public hearing <u>required</u>	City Council/Township Board public hearing <u>allowed</u>
City of Fraser	X		X
City of Sterling Heights	X		
City of Warren	X		X
City of Roseville	X		
Clinton Township	X		
City of Eastpointe	X		

While the language that City Council **may** hold a public hearing seems like weak language, it also provides for flexibility on a case-by-case basis.

Requiring a public hearing at City Council would allow for increased transparency and increased public input. It should also be noted that the public is allowed to comment on agenda items at City Council Meetings. Requiring a public hearing would allow for more noticing around the meeting. Similar to the on-site signage, an additional required public hearing would also require a higher fee for the newspaper circulation.

When considering criteria for holding a public hearing at City Council, there are a few metrics that may be practical. A few criteria are provided below as examples:

- By zoning district (i.e. only when rezoning from CBD)
- By rezoning type (conditional vs. normal rezoning)
- By Planning Commission recommendation (Planning Commission recommendation could include whether or not to hold a public hearing at City Council)