



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, March 6, 2024 @ 7:00 p.m.**

- 1. Call Meeting to Order / Pledge of Allegiance**
- 2. Roll Call**
- 3. Approval of Agenda – March 6, 2024**
- 4. Chairperson's Opening Remarks**
- 5. Approval of Minutes – February 7, 2024**
- 6. New Business**
 - a. Interview of Candidate – Trevor Tuller
 - b. Public Hearings
 - i. SLU 24-01 / Frazer Hockeyland, Inc. and Fraser Hockeyland Property, LLC on behalf of Big Boy / 34400/34500 Utica Road / To modify the conditions of the special land use approval of February 3, 2021 (SLU 20-001) for a fast-food restaurant in the CG-Commercial General Zoning District.
- 7. Unfinished Business**
 - a. Sign Ordinance Discussion
- 8. Public Communication on Non-Agenda Items**
- 9. Monthly Report – February 2024**
- 10. Zoning Board of Appeals Member Liaison Report**
- 11. Commissioners' Comments and Items of Interest/Concern**
- 12. Adjournment.**

Posted: February 28, 2024



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

A regular meeting of the City of Fraser Planning Commission was held Wednesday, February 7, 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, Planner Alicia Warren

3. APPROVAL OF AGENDA FEBRUARY 7, 2024 PLANNING COMMISSION

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

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.

5. APPROVAL OF MINUTES – JANUARY 3, 2024

Motion by Warunek supported by Keil to approve the minutes of the January 3, 2024 meeting of the City of Fraser Planning Commission with corrections from Chair Czarnecki pg 2. Item 6b. John Gabor "public parking at the site", corrected to "public

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

park". Pg 3., fourth paragraph "The conditions must be imposed..." change imposed to "offered". Pg. 4., Greg Grueneberg speaking on "geese", correct spelling.

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

NAYS: None

Motion Carried

6. NEW BUSINESS

a. 2023 Annual Planning Program and Zoning Report and 2024 Annual Work Plan.

Planner Lauren Sayre presented the 2023 Annual Planning Program and Zoning Report, along with the 2024 Annual Work Plan to the board.

Motion by Farina supported by Keil to forward the 2023 Annual Planning Program and Zoning Report and the 2024 Annual Work Plan to City Council after Zoning Board approval.

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

NAYS: None

Motion Carried

7. UNFINISHED BUSINESS

a. Sign Ordinance Discussion

Planner Lauren Sayre presented the sign ordinance changes and updates from the December Planning Commission meeting. The sign ordinance discussion schedule was outlined for the upcoming months.

Nonconformity and Modification, Billboards, Real Estate Development signage section, and Residential Subdivision Identification signs were discussed.

Paul Sluffo, resident, made a comment about flag/feather signage and how the city should maintain these.

Motion supported by

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

NAYS: None

Motion Carried

8. PUBLIC COMMUNICATIONS ON NON-AGENDA ITEMS

Chair Czarnecki opened the floor for any comments. There were no further comments.

9. MONTHLY REPORT JANUARY 2024

City Attorney Ericson made comments regarding last month's concerns including update on the Big Boy Development.

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

Planner Lauren Sayre presented and discussed new updates on open projects.

Chair Czarnecki opened the floor for public comment.

Paul Sluffo, resident, asked about Sheetz development and the process if they decide to come back to a City Council meeting and if the residents would be notified. Chair Czarnecki answered that residents would be notified if there is a Public Hearing that is held.

10. ZONING BOARD OF APPEALS MEMBER LIAISON REPORT

Commissioner Farina reviewed that at the Zoning Board of Appeals meeting in January was cancelled.

11. COMMISSIONERS' COMMENTS AND ITEMS OF INTEREST/CONCERN

Planner Lauren Sayre presented a Public Hearing and Noticing memo regarding questions from last month's meeting.

Commissioner Warunek made a comment about the discussed ordinance updates and changes from the 2024 Work Plan that can be further made regarding permeable surfaces.

Commissioner Farina made a comment regarding St. Malaky Fish Fry on Fridays.

Commissioner Meyer made a comment that she is going to take the MSU Citizen Planner program.

Planner Alicia Warren made a comment regarding non-conforming signage and how they can be tracked.

Planner Lauren Sayre reminded the commissioners that Monday March 11th is when the joint training will be held with the Zoning Board of Appeals.

12. ADJOURNMENT

Motion by Keil supported by Meyer to adjourn the meeting at 8:30 p.m.

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

NAYS: None

Motion Carried

Respectfully Submitted:

Cindi Greenia, Clerk
City of Fraser



MCKENNA

February 26, 2024

TO: Hon. Members of the Planning Commission
FROM: Lauren Sayre, AICP
cc. City Planner Warren, City Clerk Greenia
SUBJECT: **Interview of Candidate**

With the recent election of Kenny Perry Jr. to the City of Fraser City Council, the Planning Commission has one (1) vacancy.

We have received an application and resume from Trevor Tuller to fill the vacancy on your Commission. We have attached these for your review prior to the interviews during the March 6, 2024 Meeting.

Once you have interviewed Mr. Tuller a recommendation to City Council for his appointment to the Planning Commission would be in order. The term end date would be 12/31/26.

CLEAR

APPLICATION FOR APPOINTMENT TO CITY BOARDS & COMMISSIONS

PRINT

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.
Tuller	Trevor	M
ADDRESS (number & street)		
[REDACTED]		
CITY	STATE	ZIP CODE
Fraser	MI	48026
BOARD/COMMISSION YOU ARE APPLYING FOR		TERM ENDING (IF KNOWN)
Planning Commission		
REASON FOR INTEREST IN THIS BOARD (please list activities & special qualifications)		
6 year fraser resident looking to get more involved in the community! Also work from home here in Fraser, and own a small business also based in fraser		
EDUCATION (please list schools, diplomas, degrees, professional certificates, etc.)		
High School graduated 2012 Some College Licensed Mortgage Banker		
CURRENT EMPLOYMENT		
COMPANY NAME	YOUR TITLE/POSITION	
Rocket Mortgage	Triple Crown Presidents Club Ba	
COMPANY ADDRESS (number & street)		
1050 Woodward Ave		
CITY	STATE	ZIP CODE
Detroit	MI	48226
OFFICE PHONE		OFFICE CELL PHONE
(313) 373-3000		
PLEASE LIST YOUR RESPONSIBILITIES		
determine risk factor of borrowers and also price out and originate mortgages, including selling.		

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

Received by _____ Date _____

TREVOR TULLER



EDUCATION

Stevenson High School

Graduated in 2012

SKILLS

- Strong organizational and time-management skills
- Exceptional communication and interpersonal skills
- Ability to work independently and as part of a team
- Detail-oriented and able to handle multiple tasks simultaneously
- Experience in sales and financial services
- Experience in managing budgets and handling financial documents

CERTIFICATIONS

- Eagle Scout 2009
- NMLS 1398927

PROFESSIONAL EXPERIENCE

Triple Crown Presidents Club Banker

Rocket Mortgage 2015-present

- Manage clients and accounts in process to close
- Balance days out on my own time to increase production
- consistently in the top 10% of the company for production.
- Rock Partner title
-

Owner

Fraser Coatings 2024-present

- Maintain organization of shop and expenses/invoices
- Personally sand blast and powdercoat parts
- Day to day operations on the side

Store Manager

Mickey Shorr Mobile Electronics 2012-2015

- Ran control of all day to day operations of the store from inventory to total cash and sales.
- Head sales manager selling and assisting clients on technical assistance
- Ran operations on job scheduling and general all store activities.

Site Plan Review Summary

Site plan dated September 27, 2023

SLU24-01

City of Fraser, Michigan



SITE ADDRESS / LOCATION 34400 / 34500 Utica Road	APPROVING BODY Planning Commission	PUBLIC HEARING DATE March 6, 2024
STAFF REPORT CONTACT INFORMATION Building Clerk – Kayshe Johnson – (586) 293-3100 ext. 154 Planning Consultant – Lauren Sayre, AICP - (586) 293-3100 ext. 153	APPLICANT / PROPERTY OWNER Fraser Hockeyland Property, LLC	

BRIEF SUMMARY OF REQUEST:

The applicant, Fraser Hockeyland Property, LLC, proposes to modify the conditions of their Special Land Use approval to operate a drive-thru in the General Commercial, CG, District. The applicant is requesting that the Planning Commission modify the special land use conditions by updating the special land use approval conditions to mirror the site plan conditions approved October 4, 2023.



	SITE ZONING + LAND USE	SURROUNDING ZONING + LAND USE	SITE IMPROVEMENTS	SIZE OF SITE + FRONTAGE
EXISTING SITE INFORMATION:	CG – General Business District	Commercial and residential properties (CG, RL, RM, RH)	NA	Total site area = 10.45 acres, 370.55 ft. frontage on Utica Road

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



City of Fraser

Building & Code Enforcement Department

NOTICE OF PLANNING COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the City of Fraser Planning Commission will meet on **Wednesday, March 6, 2024** at 7:00 p.m. at the City of Fraser Municipal Complex, Council Chambers located at 33000 Garfield Road, Fraser, Michigan for the purpose of conducting a Public Hearing and making a decision on the following request:

REQUEST: SLU 24-01 SPECIAL LAND USE / FRAZER HOCKEYLAND, INC. AND FRAZER HOCKEYLAND PROPERTY, LLC ON BEHALF OF BIG BOY

SECTION NUMBER: SECTION 32-170 OF THE FRASER ZONING ORDINANCE

PURPOSE OF REQUEST: TO MODIFY THE CONDITIONS OF THE SPECIAL LAND USE APPROVAL OF FEBRUARY 3, 2021, CASE NUMBER SLU 20-001 FOR A FAST-FOOD RESTAURANT IN THE CG-COMMERCIAL GENERAL ZONING DISTRICT.

PROPERTY IN QUESTION: 34400/34500 UTICA ROAD / 03-11-31-252-010 (NOW SPLIT AND IDENTIFIED AS 03-11-31-252-017 AND 03-11-31-252-018)

NOTICE IS FURTHER GIVEN that any interested person may appear and comment upon the proposed request themselves or by agent or attorney.

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.

Pertinent information relating to the proposed special land use request 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 proposed special land use can be directed to the Planner, c/o Building Department at 586-293-3100, extension 153. Written comments may be submitted to the Fraser Building Department at 33000 Garfield Road, Fraser, Michigan 48026, or by email to zoning@micityoffraser.com up to 4:30 p.m. on the meeting date.

33000 Garfield • Fraser, Michigan 48026 • (586) 293-3100 option 2 • Fax: (586) 293-4717

City website: "www.micityoffraser.com" • Building Department email: "buildingdept@micityoffraser.com"

_____ Building Department _____ Fire Marshal _____ City Council/Econ. Dev. Coord.	Application No. _____ Date Received _____ Review Fee \$ _____
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CITY OF FRASER

APPLICATION FOR SITE PLAN REVIEW/SPECIAL LAND USE APPROVAL

☐ Site Plan
 ☒ Special Land Use

Name of Project: _____ Fraser Retail Center _____			
Address of Project: _____ 34400 Utica Road _____			
Proposed Use: _____ Small Format Retail _____			
Applicant's Name: _____ Fraser Hockeyland Property, LLC _____			
Address: _____ 26300 Telegraph Road, 2nd Floor _____			
City: _____ Southfield _____	Zip: _____ 48033 _____	Phone: _____ 248-359-2300 _____	
Parcel Identification: _____ 03-11-31-252-010 _____			
Complete Legal Description: (use opposite side or attach separately)			
Zoning: _____ CG _____	Size in acres: _____ 10.45 _____	Parcel Width: _____ Varies _____	Parcel Length: _____ Varies _____
Legal Owner:			
Name: _____ Fraser Hockeyland Property, LLC _____ Phone #: _____ 248-358-2300 _____			
Address: _____ 26300 Telegraph Road, 2nd Floor, Southfield, Michigan 48033 _____			
Site Plan Preparer's Name: _____ PEA Group (James P. Butler, PE) _____			
Phone: _____ 248-689-9090 x 1133 _____		Fax: _____ _____	
If the Petitioner is not the owner, state basis for representative (ie, attorney, representative, option-to-buy, etc.): _____ _____			

Planning Commission meeting (second Wednesday of the month at 8:00pm.) The site plan shall include all information required by the City of Fraser Zoning Ordinance. All plans must be folded when submitted. The applicant or representative must be present at the Planning Commission meeting. The site plan shall satisfy the requirements of the Zoning Ordinance for issuance of a building permit, but shall not exempt the applicant from compliance with all other City ordinances or requirements.

The undersigned deposes that foregoing statements and answers and accompanied information are true and correct.

Signature of Applicant

Please print/type name below signature

Signature of Legal Property Owner

Please print/type name below signature

CITY OF FRASER

SPECIAL LAND USE PROCEDURES

SUBMISSION REQUIREMENTS

The petitioner shall submit eighteen (18) copies of the site plan and completed application form at the City Hall at least twenty (20) days prior to a scheduled Planning Commission meeting. The special land use request and site plan shall meet all applicable submission requirements of Section 7.02 for site plan, and Section 12.02 for special land use, in the City of Fraser Zoning Ordinance. The completed application must be accompanied by the required fee, as established by resolution of the City Council. In most cases, the plans shall be prepared at standard engineering sizes and shall be folded to 10" by 12" or less in size.

The application shall also include a written report that specifically addresses each of the eight (8) standards of Section 12.02.A. Following is a reprint of these standards for your convenience:

A. Standards.

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. The proposed use is necessary for the public convenience at the proposed location.
7. The proposed use is so designated, located, planned and to be operated that the public health, safety and welfare will be protected.
8. 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.

STAFF PROCESSING

City staff will date the application, accept fees, record the case number on the application and plans, and transmit cases.

The staff will forward copies of the site plan, when properly submitted, to the following:

- City Manager
- Building Department
- Department of Public Service
- Planning Commission
- Consulting Planner
- Consulting Engineer
- Planning Commission File Copy

The site plan review shall be placed upon the agenda of the Planning Commission meeting. Staff shall notify the petitioner of the date and time of the meeting.

Consultants and department heads shall prepare their site plan checklist or written reviews and submit same to the Planning Commission at least six (6) working days prior to the meeting.

PUBLIC HEARING NOTICES AND REQUIREMENTS

The Administration shall set the Public Hearing date for all special land use applications. One (1) notice of Public Hearing shall be published in the City's official newspaper. The notice shall appear in the paper not less than fifteen (15) days before the Public Hearing date.

The Notice of Public Hearing shall also be sent to the owners (list to be taken from the City tax rolls) of property and the occupants of structures within three hundred (300) feet from the property which is the subject of the request for special land use approval. Notices shall observe the same timing requirements noted above and shall contain the following information:

- The nature of the special land use request.
- The property which is the subject of the special land use request, including the addresses, parcel I.D. nos., and legal descriptions if addresses are not available.
- Where and when the request will be considered.
- Where and when written comments will be received concerning the request

PLANNING COMMISSION ACTION

The Planning Commission shall review the individual standards for that special approval land use, the eight general standards of Section 12.02, and the site plan requirements of Section 7.02. The Commission shall approve the application with any suggested conditions the Commission may find necessary, or disapprove of the application. The decision on a special land use shall be incorporated in a statement of findings of fact relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

Approval

Upon determination that an application is in compliance with the Zoning Ordinance, as amended, and other appropriate plans and regulations, approval will be so indicated on the site plan and shall clearly set forth in writing on the site plan or the minutes the particular use(s) which have been allowed. Thereafter, the Building Inspector may issue a building permit in conformity with the particular special land use and site plan as approved.

Denial

If the Planning Commission determines that the particular special land use(s) requested does not meet the standards of this Ordinance, or otherwise will tend to be injurious to the public health, safety, welfare or orderly development of the City, it shall deny the application and clearly set forth in writing the reason for such denial.

Record

The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration, and/or on the site plan which was approved for that use. The statement shall specify the basis for the decision and any conditions imposed.

APPROVAL PERIOD

In all cases where a special land use has been granted, as provided herein, application for a building permit in pursuance thereof must be made and received by the City not later than two hundred seventy (270) days thereafter, or such approval shall automatically be revoked; provided, however, the Planning Commission may grant an extension thereof for good cause, provided the written request was received prior to the expiration and for such period of time not exceeding two hundred seventy (270) days as it shall determine to be necessary and appropriate.

PROCESSING

After a Special Land Use is approved, three (3) signed copies of the "Application" and plans will be distributed as follows:

- One (1) copy forwarded to the Building Department;
- One (1) copy kept on file by the Planning Commission;
- One (1) copy returned to the Applicant;

ZONING COMPLIANCE PERMIT

Approval of the site plan (as submitted or with additions, corrections or alterations) by the Planning Commission shall satisfy the requirements of the Zoning Ordinance for a Building or Zoning Compliance Permit. **It shall not exempt the petitioner from compliance with other City Ordinances. The Building Inspector shall not issue a building permit until site plan approval has been received.**

Changes to an approved special approval land use or a site plan shall be resubmitted to the Planning Commission and City Council and be approved in writing, using the same procedures as those for initial approval.

CITY OF FRASER - SITE PLAN/SPECIAL LAND USE REPORT
ZONING AND PLANNING REVIEW

APPLICANT: _____ **Site Plan #** _____

CODE: (✓) Satisfactory (X) Not Satisfactory (?) Questionable (-) Not Applicable

GENERAL SITE DATA:

- () Prints sealed by a professional
- () Complete legal description
- () Zoning of site and area:
- () Existing or proposed address (if any)
- () Existing structures & improvements within 200'
- () Yards (Front ____ Rear ____ Side ____)
- () Dimensions (setbacks and separations)
- () Site dimensions
- () Size in acres
- () Scale 1" = 20 or 30 ' and north point
- () Scale 1" = 50 or 100 ' w/typical detailed
- () Location map 4" = 1 mile

PROPOSED IMPROVEMENTS:

- () Proposed structures and improvements
- () Removal of structures and improvements
- () All building architectural elevations
- () Bldg. surface material and exterior design
- () Typical floor plans with dimensions
- () Statistical data, incl. units by type etc.
- () Each mobile home site size and location
- () Equipment (large) size and location
- () Decks and patios
- () Carport locations and details
- () Maximum occupancy (if needed for parking)
- () Certificate of no outside storage (Industrial only)
- () Certificate of compliance with performance standards (Industrial only)

ACCESS, PARKING AND CIRCULATION:

- () Existing and proposed ROW
- () Traffic pattern
- () Drive and street approached dimensions
- () Hard-surface pavement
- () Parking spaces (location, number, dimensions, aisle widths)
- () Acceleration/deceleration or passing lanes
- () Pedestrian access and sidewalks
- () Exterior lighting and shielding
- () Loading and unloading
- () Fire and emergency access notes
- () Excessive curb cuts

STANDARDS FOR SPECIAL LAND USE APPROVAL

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 proposed development will be in harmony with the appropriate and orderly development of the surrounding neighborhood. The proposed development will comply with the applicable regulations of the zoning district in which it is located,

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 proposed development will be of a nature that will make vehicular and pedestrian traffic no more hazardous than normal. The development will provide dedicated pedestrian connections to Utica Road. The development will provide appropriate traffic signage to minimize and control traffic movements.

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 garbage pick-up, sounds generated by the drive-throughs, and any other nuisance concerns will be managed on-site as not to be concern to the adjacent property owners.

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 proposed development characteristics within this standard will not interfere with or discourage the appropriate development and use of adjacent land and buildings.

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

There is evidence of a market demand for the proposed uses, the proposed parking is designed to be harmonious as related to the physical aspects of adjacent land uses.

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

We have no evidence to suggest that the proposed expanded use is NOT necessary for the public convenience at the proposed location.

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

The proposed development is designed, located and planned to be operated as to protect the health, safety and welfare of the public.

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 proposed development will not cause a reduction in property values in the neighborhood and will not be detrimental to the existing and other permitted land uses in the Zoning District..



February 14, 2024

City of Fraser Planning Commission
33000 Garfield Road
Fraser, MI 48026

Subject: #SLU 24-01: Fraser Hockeyland Retail Development (Big Boy) Special Land Use Review #1
34400 / 34500 Utica Road
Site Plans dated September 27, 2023;

Dear Planning Commissioners:

A Special Land Use review and approval is required for the Big Boy restaurant in front of the existing Fraser Hockeyland development at 34400/34500 Utica Rd for the operation of a drive-through in the General Commercial District.

The applicant is requesting that the Planning Commission modify the special land use conditions by modifying the special land use approval conditions to mirror the site plan conditions approved October 4, 2023. This would include removing reference to item 11, the shared parking agreements with specific entities. Additionally, it would modify conditions 5 and 6 to clarify the properties requiring easements and removes the requirement to provide alternated shared parking agreements in the event of termination or expiration of shared parking agreements.

BACKGROUND

In 2021, the applicant received a conditional approval special land use, case # SLU 20-001, for a fast-food restaurant in the CG- Commercial General Zoning District. There were eleven (11) imposed conditions as a part of the special land use and site plan approval. Currently, the Big Boy restaurant is operating under a temporary certificate of occupancy which prohibits the use of a drive-through lane and drive-through window.

In order for the site to obtain a final certificate of occupancy to operate a drive-through they must comply with the eleven (11) conditions:

APPROVED SLU 20-001 WITH THE FOLLOWING CONDITIONS:

1. The applicant must provide a 60-day advance notice of significant events (which include Extreme Events) and a plan to handle parking, traffic and safe pedestrian circulation. A plan for Extreme Events must be submitted by the Applicant to the City's Development Review Team at least 60 days in advance of the proposed Extreme event to be reviewed administratively by the City.
2. The applicant agrees to comply with the Plan for Extreme Events and all additional requirements imposed by the Development Review Team relating to the proposed parking management strategy for large-scale special events.
3. The applicant agrees to employ adequate City Public Safety personnel at the Applicant's sole expense to handle traffic congestion and circulation problems and facilitate orderly parking at Extreme Events and other events where traffic congestion and the need for overflow parking is anticipated in accordance with the past practice reimbursement process.
4. The applicant must adhere to the North Parking Lot improvement plan as submitted.



5. Agreements for easements for cross access, shared parking and utilities for the parcels proposed as part of this development application are required. These agreements for easements must be reviewed and approved by the City, executed, and recorded with the Macomb County Register of Deeds.
6. Applicant must give the City 60 days advance notice prior to the expiration or termination of any Shared Parking and Lease Agreements, provide alternate shared parking arrangements for review and approval by the City, and be subject to revocation if no suitable shared parking arrangement is provided.
7. All agreements and site plans must be reviewed and approved by all applicable government departments and agencies, by the City Attorney, and City Engineers.
8. The applicant achieves 100% fire protection and safety approval from the City of Fraser Fire Marshall.
9. Retail operations may only be conducted between 6am and 11pm.
10. The applicant agrees to completely resurface, restripe, and re-asphalt the entire Hockeyland parking lot (i.e., the entirety of parking lots in proposed Parcels A, B and C, including the north lot) and the parking lot must provide adequate stormwater management.
11. Shared Parking and Lease Agreements with Total Soccer, the Lions' Club, Meijer, and Fraser Schools must be reviewed and approved by the City Attorney, executed, and recorded with the Macomb County Register of Deeds.

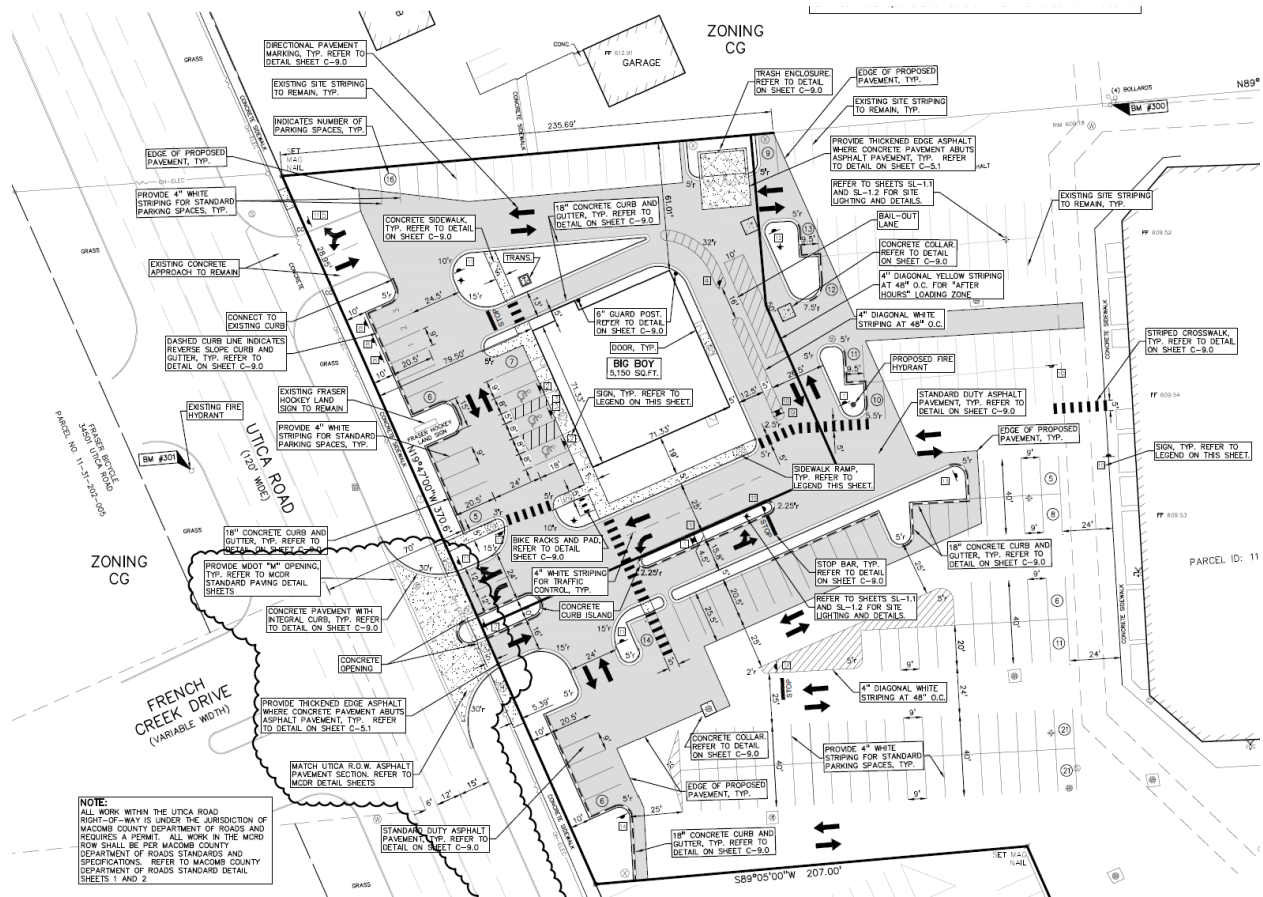
On October 4, 2023 Planning Commission approved modifications to the conditions for site plan approval as follows: On October 4, 2023 Planning Commission approved modifications to the conditions for site plan approval as follows:

1. The applicant must provide a 60-day advance notice of significant events (which include Extreme Events) and a plan to handle parking, traffic and safe pedestrian circulation. A plan for Extreme Events must be submitted by the Applicant to the City's Development Review Team at least 60 days in advance of the proposed Extreme Event to be reviewed administratively by the City.
2. The applicant agrees to comply with the Plan for Extreme Events and all additional requirements imposed by the Development Review Team relating to the proposed parking management strategy for large-scale special events.
3. The applicant agrees to employ adequate City Public Safety personnel at the applicant's sole expense to handle traffic congestion and circulation problems and facilitate orderly parking at Extreme Events and other events where traffic congestion and the need for overflow parking is anticipated in accordance with the past practice reimbursement process.
4. The applicant must adhere to the North Parking Lot improvement plan as submitted.
5. Agreements for easement for cross access, shared parking, and utilities between the existing Hockeyland parcel (including the North Parking Lot) and the Fraser Hockeyland Property, LLC properties (including the out-lot parcel proposed as part of this development application and the northern vacant lot) are required. These agreements must be reviewed and approved by the city, executed, and recorded with the Macomb County Register of Deeds.
6. Applicants must give the City 60 days advance notice prior to the expiration or termination of any Shared Parking Agreements.
7. All agreements and site plans must be reviewed and approved by all applicable government departments and agencies, by the City Attorney, and the City Engineers.
8. The applicant achieves 100% fire protection and safety approval from the City of Fraser Fire Marshal.
9. Retail operations may only be conducted between 6 a.m. and 11 p.m.
10. The applicant agrees to completely resurface, restripe, and re-asphalt the entire Hockeyland parking lot (i.e., the entirety of parking lots in proposed Parcels A, B and C, including the north lot) and the parking lot must provide adequate storm water management.
11. The applicant obtains written approvals from all applicable City departments and agencies prior to construction.
12. All review fees shall be reimbursed to the City by the applicant for any costs incurred by the City Attorney.
13. No Certificates of Occupancy are to be issued prior to the executed and recorded cross-access, shared, parking and utilities agreements.

All other conditions from Site Plan #21-08 Approval remain the same.



The site is in a CG, Commercial General zoning district, the City's most intense commercial district. The site layout can be seen below, including the location of the drive-through.



While the applicant is seeking a modification of the approval conditions, not a modification of the site plan or the usage requiring special land use approval, we have still reviewed the use against the Ordinance Standards.

As part of the special land use review, we studied the previously approved site plan and special land use, the City's Zoning Ordinance development standards, guidelines established in the City's Master Plan, our reviews for the previous proposal, and sound planning and design principles.



STANDARDS FOR SPECIAL LAND USE APPROVAL

Section 32-152 establishes the purpose and procedures for Fraser's special land use approval process. The Planning Commission is the final decision authority for special land uses in Fraser. The Planning Commission must first conduct a public hearing according to Michigan Zoning Enabling Act requirements before they decide. Section 32-153(1) contains standards for special land uses. The planning commission must believe the proposal meets each standard to approve the application. Our comments follow each standard in **Bold**.

- 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 location, size, and character of the proposed development is of a scale and nature that is appropriate for the Utica Road corridor. The Planning Commission must be satisfied that the site design and operational program, including the somewhat complex parking environment, is appropriate for the site, adjacent orderly development, and the like.

- 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.*

We believe the resulting proposal makes vehicular 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. In particular, the resulting traffic pattern will not contribute pedestrian-vehicle conflicts in residential districts.

- 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.*

Garbage collection, off-hours deliveries, and traffic from significant special events should not offend occupants from nearby permitted uses by creating nuisance factors like dust, noise, fumes, vibration, smoke, light, or glare. The administrative special event review procedure as a part of the site plan approval should mitigate negative impacts from extreme events with relation to parking and traffic concerns.

- 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 proposed development characteristics within this standard will not interfere with or discourage the appropriate development and use of adjacent land and buildings. The proposal does not unreasonably affect adjacent property values.



- 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.*

Though there may be evidence of a market demand for the proposed uses, the extreme event parking conditions, concern us with regard to harmoniously relating to physical aspects of adjacent land uses. We feel the applicant and the City can effectively work together to mitigate any negative impacts of significant special events.

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

No evidence suggests that the proposed use is NOT necessary for the public convenience at the proposed location.

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

We believe that the applicant's satisfactory solutions to the 2019 site plan review process concerns, which have been carried over into this proposal, means that the public health, safety and welfare are substantially protected.

- 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.*

We believe that the applicant's satisfactory solutions to the 2019 site plan review process concerns, which have been carried over into this proposal, means the proposed development will 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.

OTHER DEPARTMENT COMMENTS

Public safety reviewed the Special Land Use request and had no concerns. Similarly, Engineering did not have any concerns related to the site plan or special land usage.



RECOMMENDATION

We recommend the Planning Commission hold the statutory public hearing. Given that the applicant is requesting a modification of the special land use (SLU) approval conditions, and not any change to the site plan or usage requiring special land use approval, we would recommend approving and modifying the SLU approval conditions to be consistent with the Site Plan conditions approved October 4, 2023.

If you have any questions, please contact us.

Respectfully,

MCKENNA

Alicia Warren
Assistant Planner

Lauren Sayre, AICP
Assistant Planner

cc: City of Fraser, MI: Building Official, City Engineer, City Attorney, City DPW
Fraser Hockeyland Property LLC, Applicant
James Butler, PEA



Memorandum

TO: Fraser Planning Commission
FROM: Lauren Sayre, AICP, City Planner
Don DeNault, City Attorney
SUBJECT: December Sign Ordinance Discussion
DATE: February 27, 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 – Full draft ready for consideration by the Commission

June/July – Consideration by Commission of any revisions/additions to the full draft

July/August – 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 March's Meeting.

Nonconformity and Modification

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 Reed v Town of Gilbert (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 Reed v Town of Gilbert.

2. A nonconforming sign shall not be enlarged or extended.
3. A nonconforming sign shall not be moved to another location on the same lot or to any other lot.
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.
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 circumstances outside of the owner's control, as determined by the Building Department Manager.
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.
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.

Billboards

1. Billboards are freestanding off-premises signs.
2. 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.
3. 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.

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. Real estate development sign permits are valid for a 2 year period after permit issuance. Permits must be renewed after 2 years.
3. Signs permitted under this subsection may not exceed a maximum size of 25 square feet.
4. All other provisions of this section not in conflict with this subsection shall apply.

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 compliance with the height standards for freestanding signs.
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). *(Attorney comments: Yes, as communities age, this is becoming a bigger problem. We will need language indicating the City will require a recorded agreement indicating any City resources expended to handle the Association's obligation (even if it's defunct) will be spread evenly and assessed against every residential site in the subdivision.)*

MARCH 6, 2024 DISCUSSION OUTLINE

1. Questions of draft text from 02/07/23 PC discussion.
2. Temporary Signs

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.

Therefore, temporary signs relating to the commercial use of the property are not permitted unless approved as an integral but incidental part of a temporary use permit, the process for which is set forth elsewhere in the city's zoning ordinance. The term "commercial use of the property" means any activity on the site that is related to, or which promotes, the use(s) for which a certificate of occupancy has been granted by the city, or for which any use variance or special approval land use has been approved.

b. For all temporary signage not relating to the commercial use of the property:

- (1) Short-term temporary signs shall not exceed 12 square feet.
- (2) Long-term temporary signs shall not exceed 16 square feet.
- (3) Total square footage for all temporary signage shall not exceed 40 square feet.
- (4) The length shall not exceed the width of the sign by more than a six-to-one ratio.
- (5) The height shall not exceed five feet from top to ground.

(6) No temporary signs are permitted until unused space on any building or monument sign is filled, unless an administrative modification is granted by the Administrative Review Board, or a variance is approved by the Zoning Board of Appeals. If a temporary sign is placed and thereafter 16 or more square feet of unused space on the existing monument sign becomes available, the temporary sign shall be removed within 60 days.

(7) Standards for an administrative modification from the Administrative Review Board:

(a) The property owner has less than 16 square feet of unused space on the existing monument sign available; or

(b) The property owner has less than 16 square feet of usable contiguous space on the existing monument sign available, even if there is more than 16 square feet of unused space on the existing monument sign.

(8) Standards for a variance requested from the Zoning Board of Appeals:

(a) The property owner demonstrates an unfair or undue hardship or practical difficulty in complying with one or more of the provisions of this subsection relating to temporary signs.

(b) The Zoning Board of Appeals may consider the additional factors set forth elsewhere in the zoning ordinance for granting a variance, but may relax or waive those considerations due to the temporary nature of the variance, which shall expire as prescribed by the Zoning Board of Appeals.

(c) The Zoning Board of Appeals may impose conditions deemed reasonable under the circumstances underlying the variance request in order to protect the character of the surrounding area, honor the spirit and intent of the zoning ordinance and the regulations governing signage, and do substantial justice to the applicant and nearby property owners.

(9) A property owner aggrieved by a decision of the Administrative Review Board may appeal that decision to the Zoning Board of Appeals, which shall determine whether there is competent, substantial, and material evidence to support the decision of the Administrative Review Board. The Zoning Board of Appeals may affirm, modify, or reverse the decision of the Administrative Review Board. The Zoning Board of Appeals may impose new conditions if it modifies the decision of the Administrative Review Board or grants approval of the property owner's request for relief.

12. A cold air balloon may be permitted in conjunction with a temporary use permit for a period not exceeding five days in any calendar year, provided that it is safely secured to the ground as determined by the Building Department.

13. Registration requirements. Every temporary sign in a non-residential zoning district or installed on any vacant parcel within the city shall be registered prior to installation. A permit is not required.

- a. Any sign still installed after the expiration of its registration shall be subject to removal by the city.
- b. Registration may be submitted through an online portal on the city's website or by using a form provided by the City Clerk.
- c. The registration shall include the following information in order for the registration to be deemed effective:
 - (1) The address of the location for the temporary sign.
 - (2) A description of the sign (or image) with the sign's dimensions;
 - (3) The first and last name of the registrant;
 - (4) Whether the sign is a short-term or long-term temporary sign;
 - (5) If the registrant is not the owner or a person with authority over the use of the location, the name, telephone number or e-mail address for the individual who provided permission for installation of the sign;
 - (6) A mailing address, telephone number, and e-mail address for the registrant to which the City Clerk will provide confirmation of the registration or any deficiencies in the registration information; and
 - (7) A certification that the registrant has permission or authority from the property owner or person with authority over the property for installation of the sign.
- d. If the registrant does not specify a start date for the sign to be displayed, registration of the sign shall be effective upon written confirmation by the city that all information required by this subsection has been accurately provided.
- e. No fee shall be charged for registering any temporary signs.
- f. Registration of a short-term temporary sign is valid for 90 days. Registration of any long-term temporary sign is valid for one year. One renewal for an additional 90 days for short-term temporary signs and for an additional one year for long-term temporary signs shall be granted administratively upon written request so long as the sign remains in compliance with all other requirements of this section. No additional registrations for the same location shall be accepted by the city during any 12-month period, and if the sign pertains to an event, occurrence, or activity, no registration shall be accepted by the city more than 90 calendar days prior to said event, occurrence, or activity.
- g. When such signs exceed the quantity or size limitations on any parcel, those with a registration that became effective first in time shall have priority to remain in place.
- h. A property owner may revoke, in writing, any sign registration for the owner's property at any time. Revocation shall be effective immediately upon verification by the city of the veracity of the written revocation. The city may immediately remove any signs for which revocation of a registration has become effective under this subsection.
- i. These registration requirements do not apply to temporary signs authorized by the city in conjunction with a temporary use permit.
- j. Registration of a temporary sign that is not otherwise permitted does not validate the installation of the sign and will not be deemed a defense to any removal or enforcement by the city.

14. Temporary signage not exceeding 100 square feet to be used in conjunction with a municipality-sponsored event shall not require review, registration, or permit.

15. All temporary signs shall be subject to removal by the city if the signs are placed within any right-of-way or have become dilapidated, damaged, dangerous, faded, or an attractive nuisance.

16. Signs removed by the city shall be held for ten days before disposal, and may be retrieved during that time by the owner or individual responsible for the sign upon payment of any administrative processing fee established by the city's annual appropriations ordinance.

a. Alternatively, the owner or individual responsible for the sign may appeal the city's determination regarding the improper condition of the sign to the Administrative Review Board. In such instance, the city shall retain the sign until the appeal is concluded, but need not retain the sign for any future appeal efforts if the appeal is denied by the Administrative Review Board. If the Administrative Review Board grants the appeal and deems the sign to be satisfactory, the administrative processing fee shall be waived and the sign shall be returned to the applicant within one business day, and may not be removed by the city again for a minimum of 14 days or for such other period of time deemed appropriate by the Administrative Review Board.

The "Administrative Review Board" is a board comprised of three City officials to hear requests for administrative modification or administrative appeals permitted by this section.

Note: The existing ordinance does not include much direction regarding temporary signage. It allows for a limited number of project signs of temporary duration in office, commercial, and industrial districts. It also allows temporary noncommercial signs in residential (up to a total of 6 square feet). In the CBD district, temporary window signs are permitted if they do not exceed 15% of the area of the window in which they are displayed (limited to 30 days and subject matter of a truly temporary nature).

The City Planner's conceptual draft includes allowances for some temporary noncommercial signs in all districts without a permit, with a 24-square-foot limit and a maximum height of 6 feet. Written permission from the property owner would be required. The draft also includes regulations for temporary on-premises commercial signs (limited to one with a total sign area of 10 square feet to 24 square feet, depending on the zoning district and/or parcel size). The maximum height would be 6 feet. The draft also would limit the number of other temporary signs to 1 per street frontage and 1 per public entrance to the building. In residential, height would be limited to 6 feet, area would be limited to 16 square feet, and building mounted temporary signs would not be allowed to exceed 10% of the signable area of the building space occupied by the use associated with the sign. In nonresidential, the draft would limit ground mounted temporary signs to 8 feet in height and 36 square feet in area (with the same 10% rule for building mounted temporary signs). Banner signs would be allowed up to 100 square feet. The draft also includes the possibility of requiring a removal agreement or security bond to guarantee removal (signs must be removed upon expiration of the sign permit). Display periods would be specified on the permit, with a total display period for temporary signs on a single lot or for a single use not to exceed 60 days per calendar year.

9. 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.

The maximum size of wall signage in (list the districts here) 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.



November 8, 2023

To: The Fraser Planning Commission

RE: Sign Ordinance

The Greater Metropolitan Association of REALTORS® (GMAR) represents over 10,000 members in the Metropolitan Detroit area, including in your community. Our organization believes that REALTORS® must play an active role in building and enhancing the communities that we live, work, and play in.

We are subject matter experts when it comes to all things concerning housing and community growth. As one of the largest trade associations in the United States, and the only one advocating for homeowners, the REALTORS® believe that protecting individual private property rights is paramount to our profession.

This has far-reaching implications for any type of sale that Fraser residents may try to advertise on their property. This would prevent a resident from advertising their property, for sale or for lease, for any longer than 30 days. Not only does this hamper individual efforts to sell their property, but it also dampens the local market universally. Many of the independently owned residential rentals in the area are owned by area residents who have invested their time and money back in their communities. These individuals do not necessarily have large online presences and rely on yard signs to market their properties to individuals looking to live in your community.

Yard signs play a major part in how REALTORS® build their brand and personal image. As with any sort of public-facing job, the recognition that comes from this type of advertising is crucial to REALTORS. Further, in a real estate market, seemingly driven by technology, the real estate sign is a universal identification of a home/condo/commercial being listed for sale and continues to serve in the effective marketing and sale of your community's real estate.

Therefore, we would ask that you implement real estate signs under the signs not needing a permit. Additionally, we would like there to be language permitting these signs for the length of the sale. This will ensure that these signs remain a part of the city's ordinances and remain harmonious with the plans for signage in the city.

We offer this language from Troy's sign ordinance that provides a time limit for all temporary signs but allows those on real property to stay for the duration of the sale.



GMAR | 24725 W. Twelve Mile Rd, #100 | Southfield MI 48034
248-478-1700 | www.gmaronline.com | info@gmaronline.com

85.03.02.A3

Time Limitations for Temporary Signs: Temporary signs shall be removed within 60 days of placement, except for temporary signs that are located on real property that is for sale or lease.

We also believe that the municipality would be able to limit the number of signs on a property, instead of the time limit for individual signs. The new umbrella term is going to need to be “temporary signs”, but each property could be permitted two such signs at a time. The municipality would still be able place restrictions on the setback of these signs so that they do not appear to clutter the sidewalks or the roadway. To provide even further control the municipality could then expand restrictions for each of the zoning codes that they have.

On behalf of GMAR’s membership, I am asking that you take further time to consider the impact of sign ordinances on your community. Additionally, we would be happy to have further discussions and provide our expertise on these, or any other matters affecting private property, or the real estate business.

Sincerely,

Grant Meade

Director of REALTOR® and Community Affairs
Greater Metropolitan Association of REALTORS®



Chapter 85 - Signs

- A. Signs that will be displayed for a period of seven (7) consecutive days or less are allowed as long as a Special Event Sign permit is issued. The application for a Special Event sign permit shall be submitted to the Zoning Administrator, and shall include the following:

(Rev. 09-24-2018; Effective 10-04-2018)

1. Plans indicating the following:
 - a. Site layout (building location, parking, etc.)
 - b. Number, size and location of proposed signs, including banners, flags, cold air balloons, and other forms of signage.
2. Documentation detailing desired dates for the placement of the Special Event signs.
(Rev. 09-24-2018; Effective 10-04-2018)
3. If the applicant for the Special Event Sign permit is not the property owner of the site where the signage is proposed to be located, then the written approval of property owner must be submitted with the application.
4. The required application fee, as set forth in Chapter 60 of the Troy City Code.

Exception: All fees for a Special Event sign application shall be waived for all non-profit applicants who provide satisfactory proof of the non-profit status to the Zoning Administrator.

- B. A Special Event Sign permit shall be issued for not more than seven (7) consecutive days within any twelve (12) month period.
- C. No more than four off-site signs related to a Special Event may be permitted. Such off-site signs shall each be limited to six (6) square feet in area. Applicant must also submit written approval from the owners of properties where the off-site Special Event Signs are proposed to be located. This permission must be provided prior to the issuance of a permit.

85.03.02 Temporary Signs

- A. Temporary signs as defined in Section 85.01.03 are allowed without a permit subject to the following:
1. Size of Temporary Signs: The total aggregate sign area of all temporary signs on any one site shall not exceed fourteen (14) square feet. The maximum size of individual temporary signs shall not exceed six square feet in area. Temporary signs shall not be higher than forty-two (42) inches above average mean grade of the yard on which it is placed.

Exceptions:

- a. For uses other than one and two family dwellings, temporary signs for buildings under construction shall be a maximum size of 10% of the square foot area of the front of the structure, and not more than 10 feet in height.
- b. One temporary sign located on vacant land that is for sale or for lease, when the parcel exceeds two acres in area, shall be allowed to have a size equal to 15 square feet of sign area per acre of land or 15 square feet of sign area per 100 lineal feet of thoroughfare frontage. In no case shall the sign be allowed to exceed 100 square feet of sign area or be more than 10 feet in height.

(Rev. 09-24-2018; Effective 10-04-2018)

2. Location of Temporary Signs:

- a. Temporary signs shall not be attached to any utility pole or be located within any public right-of-way.
- b. Temporary signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway and shall not be located in a dedicated right-of-way.
- c. Temporary signs shall not be erected in such a manner that they will or reasonably may be expected to interfere with, obstruct, confuse or mislead traffic.
- d. Temporary signs cannot be placed or constructed so as to create a hazard of any kind.
- e. Prior to the erection or placement of a temporary sign, the permission of the property owner where the sign is to be located must be secured.
- f. Signs shall be located so as to comply with the corner clearance requirements of Section 85.01.05 B.
- g. Temporary signs shall not be illuminated except as provided in Section 85.03.06.

(Rev. 09-24-2018; Effective 10-04-2018)

3. Time Limitations for Temporary Signs: Temporary signs shall be removed within 60 days of placement, except for temporary signs that are located on real property that is for sale or lease.

(Rev. 09-24-2018; Effective 10-04-2018)



Monthly Planning & Zoning Report

For February 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 SLU 24-01	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, February 16, 2024, and March 16, 2024. SLU modification to be determined at the March 6, 2024 PC Meeting.
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
SP23-03 / ZBA23-04	Site plan to convert a coin-operated car wash into a 3-unit commercial strip mall.	Preliminary site plans reviewed.



PROJECT # / ADDRESS	SCOPE	STATUS / NEXT STEPS
32660 Utica Road Strip Mall	Variance request to reduce the front setback from 70 ft to 35 ft.	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. Applicant applying for demolition permits.
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. Sign permit obtained. New sign constructed.
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. Tentatively April or May.
ZBA24-01 16659, Suite B, E. 14 Mile Road Schott's Market – Storage Building	Use variance to operate a light industrial use in the community business district (CBD).	Public Hearing at the March 7, 2024 ZBA Meeting.

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