



City of Fraser

CENTENNIAL COMMUNITY

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

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.

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

Public park at the site, would it be donated to the City? Mr. Gaber 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

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Sheetz continue to own it. Mr. Gaber 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 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 offered by the applicant themselves. Mr. Gaber 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 Gaber, 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.

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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 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. Gaber 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. Gaber 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. Gaber 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 Geese 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

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proper site for this business, what about future of Electric Vehicles, she did not see it as a public benefit.

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 clientele 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 intersection, 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.

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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 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.

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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 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

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hear it. City Council may hold a public hearing on this matter, they are not required to do so.

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

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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.

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.

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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.

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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