

REGULAR MEETING OF THE
PLANNING COMMISSION
Dearborn, Michigan

June 13, 2016

The regular meeting was called to order at 7:00 p.m. by Chairperson Siwik. Upon roll call, the following members were present: (7) (Commissioners Easterly, Green, Sickle, Siwik, Skora, Watts, and Zalewski). Absent: (1) (Commissioner Al Rayashi).

Also present were Licia Yangouyian, Assistant Corporation Counsel; Mohamed Ayoub, Senior Planner; and interested citizens.

Chairperson Siwik announced that Item I.1 on the agenda is consideration of the approval of the minutes from the May 9, 2016 meeting.

A motion was made by Commissioner Sickle, supported by Commissioner Charter, to approve the May 9, 2016 minutes as submitted. Upon roll call the following vote was taken: Ayes: (7) (Commissioners, Easterly, Green, Sickle, Siwik, Skora, Watts, and Zalewski). Absent: (1) (Commissioner Al Rayashi). The motion was adopted.

Chairperson Siwik announced that item II.1 on the agenda is the request of Guido Architects, to review and approve the special land use and site plan for a Tim Horton's Drive-thru Restaurant located at 24921 Ford Road (Parcel #82-09-172-01-018), currently zoned Business B (Community Business District). The property is located south of Ford Road between Franklin and Silvery Lane.

Mr. Ayoub stated that this case involves a request to construct a 1,775 sq. ft. Tim Horton's Drive-Thru at 24921 Ford Road. An existing church that has been vacant since July 2015 is on the property and will need to be demolished in order to construct the Tim Horton's. Demolition and construction activities will begin approximately one week after Special Land Use approval. The proposed hours of operation are 5:00 a.m. to 11:00 p.m. Monday-Sunday (7 days a week). The use is consistent with the Master Plan designation and will make the property more attractive by reoccupying it and adding a greenbelt and decorative fence around the perimeter of the property. There is a residential neighborhood located behind the subject property that is separated by a 20 foot wide alley. The property owner will construct a 6 foot high masonry screening wall as indicated on the site plan. Even with the proposed masonry screening wall, due to the close proximity, there is some potential for the proposed Special Land Use to become a nuisance to the nearest residential properties due to the noise generated by the drive-through window & order speakers. There is potential for litter and garbage originating from the land use to create a nuisance to the adjacent uses. Based on the traffic study and City Plan's analysis the proposed use is not known to involve activities or processes that would be hazardous to traffic. The traffic engineer stated that he thinks the site can adequately be served by the proposed full service driveway located at the approximate mid-point of the site at the Ford Road. Since that is

the case, and since access onto the Side Street or alley would have undesirable effects on the residential uses to the south, he recommends the site be served by only the Ford Road driveway and other access points be eliminated. Mr. Ayoub stated that it is not practical to eliminate the alleyway access point because it will be used for trash collection and delivery service.

Joe Guido stated that he has worked on this plan for about a year with various City departments and thinks he has come up with the best site plan possible for this site. The site is very tough to work with because of the minimal depth. The proposed development will not need any variances. The proposed building is very small and is the smallest prototype that Tim Horton's can approve. The double drive-through lane helps move vehicles quickly throughout the site. The driveway on Franklin was a suggestion by the Mayor's staff in order to give the drive-thru patrons another way option to exit. There is no reason for anyone to drive through the neighborhood if they don't live in the neighborhood. The speakers are as far from the residential district as possible. The photometric study meets the requirements within the zoning ordinance.

Commissioner Green asked where the delivery truck will park.

Mr. Guido stated that delivery truck and trash removal truck will use the alleyway behind the store.

Chairperson Siwik asked for the frequency of deliveries and trash pick-up.

Mr. Guido stated that deliveries will occur twice a week at 1:00 p.m. in the afternoon. Trash pick-up will probably occur twice a week but is something that will have to be managed based on the need of the facility.

Vice Chairperson Zalewski asked if MDOT approved the Ford Road curb cut.

Mr. Guido stated that a different version of the site plan received preliminary approval from MDOT. The site plan that MDOT approved showed the same Ford Road curb cut but it was shifted about 20 feet to the west, closer to the Silvery Lane traffic signal.

Chairperson Siwik asked how far the speaker is from the sidewalk.

Mr. Guido stated that the speaker is about 45' to the south of the sidewalk.

Vice Chairperson Zalewski asked if patrons will be permitted to use the alleyway.

Mr. Guido stated that patrons can use the alley if they chose but he doesn't believe many people will use the alley as an entrance but a sign can be posted to read "Do Not Enter" if this is a concern.

Commissioner Skora asked if a sliding gate was considered to closing the 30' opening in the screening wall.

Mr. Guido said he could consider a gate but there is not much room for it and it is not being proposed at this time.

Vice Chairperson asked how many employees will be on site at any given time.

Mr. Guido stated that there will be about 6 employees on site.

Vice Chairperson asked if the plan meets the minimum requirement for parking.

Mr. Ayoub stated that the plan exceeds the parking requirement by 2 spaces.

Landscape Architect William Peppin representing resident at 2224 Franklin stated that his client feels that the Special Land Use request should be denied in order to protect the residents from such an intense development. The concerns of his client are the location of the driveways, the opening in the screening wall, the hours of operation, and the signage facing the homes on Franklin Street. If approved Mr. Peppin and his client want conditions imposed on the Special Land Use that will mitigate the nuisances and negative impacts on the residential neighborhood. The conditions stated by Mr. Peppin are to close the 30' opening in the screening wall, close the Franklin curb cut, extend the screening wall to Franklin and angle it to protect the homes on Franklin Street, and remove all building signage along Franklin that will disturb the residents.

Johann Gigliotti 2211 Nightingale stated that she would like a copy of the traffic study. Ms. Gilatee is concerned about the potential increase in traffic that uses the alley generated by the drive-through operation, the potential for customers to park along Franklin Street, and the litter that could be generated from the proposed use.

Rick Joynt 2029 Mayburn stated his concerns about the traffic impacts during the school year. The stacking could spill onto Ford Road and become a traffic and safety issue. No one will obey the traffic signs. He can't bike or walk in his own neighborhood because of the traffic. Traffic will use the neighborhood to get to Telegraph

Frank Bellissimo 2051 Nightingale asked if the owners received approval from MDOT.

Mr. Ayoub stated that the Michigan Department of Transportation did issue preliminary approval based on an earlier plan that showed the Ford Road curb cut shifted about 20' to the west, closer to the Silvery Lane traffic signal.

Mr. Bellissimo stated that he is concerned about the potential traffic and safety issues that could be generated similar to the stacking issue at the Dairy Queen in Dearborn Heights. Mr. Bellissimo stated that he is angry with the City for rezoning the properties along Ford Road and allowing drive-through facilities to go in.

Chairperson Siwik stated that when the rezoning of the Ford Road parcels came before the Planning Commission it was denied however the City Council did approve the rezoning. The

BB zoning district does allow restaurants and drive-through facilities as a Special Land Use and that is why the owner is here tonight requesting the Special Land Use.

Vice Chairperson Zalewski stated that one of the changes that were made during the rezoning process was amendments to the Zoning Ordinance to make drive-through facilities a Special Land Use instead of a permitted use.

Bill Dwyer 2221 Mayburn asked for the square footage of the lot.

Mr. Ayoub stated that the lot is 18,692 sq. ft.

Mr. Dwyer asked for the size of the smallest lot that services a Tim Horton's in the City of Dearborn.

Mr. Ayoub stated that the smallest Tim Horton's in the City of Dearborn is 37,568 sq. ft.

Mr. Dwyer expressed his concern with the small lot size and the lack of existing drainage structures in the parking lot. He wants the owners to construct underground water facilities to retain the water.

Mr. Guido stated that there will be catch basins and that the site will comply with all the requirements from the City's engineering department. Water will be contained onsite and will not runoff from the site. If the engineering department requires underground water facilities they will be installed.

Mr. Dwyer stated that the Tim Horton's on Telegraph and Warren is bigger than this site and traffic backs up onto Telegraph.

Amy Pigott 2044 N. Franklin stated that she is concerned that customers will be parking along the residential streets.

Joe Snyder 2224 N. Franklin asked where the snow will go if there is a 16" snow fall.

Commissioner Green asked if the proposed site plan has been verbally changed to close the Franklin curb cut.

Mr. Guido stated that he is proposing to maintain that curb cut but he is willing to close it if necessary.

Commissioner Green stated that the City of Dearborn has a 15 space stacking requirement whereas the Dairy Queen in Dearborn Heights doesn't have anywhere near that. The traffic study also noted that no more than 8 vehicles will stack at once. It doesn't appear that stacking will spill onto Ford Road. Commissioner Green asked if the owner is willing to construct a gate to close the 30' opening in the screening wall.

Mr. Guido stated that it may create some management issues but he is certainly open to considering that as a condition of approval.

Vice Chairperson Zalewski asked if there is anything separating the drive-through lane from the Demarco's parking lot.

Mr. Guido stated that there is a raised curb and a few bollards on the site plan that will separate the lot from the drive-through lane.

Chairperson Siwik asked how snow removal will be managed.

Tom Fakh stated that snow will be pushed onto the landscaped areas and will be contained on site and will not flow into the alley. If there is a large snowfall the snow will have to be trucked away.

Vice Chairperson Zalewski asked if MDOT has reviewed the plan in front of us.

Mr. Guido stated the MDOT did not approve the plan in front of you but the only thing that has changed is the Ford Road curb cut was shifted 20' east away from the Silvery Lane intersection.

Ms. Gigliotti is concerned about the SMART bus stop. She wants to know if the bus stop will be impacted by the proposed development.

Sam Fakh 16030 Michigan Avenue stated that his family selected this location because there are no drive-through coffee shops in the area. The 15 car stacking requirement is the highest stacking requirement in the region and he doesn't believe that there will be any issues with stacking onto Ford Road. The Dairy Queen in Dearborn Heights has less than 8 stacking spaces and the Dairy Queen has a service time of 2 minutes while the Tim Horton's service time is 30 seconds. The Mayor's office was in favor of the Franklin Road curb cut in order to provide a second exit option for the drive-through patrons. If a gate is needed we will install a gate. The adjacent neighbors and residents are in favor of this project.

Mr. Peppin stated that his client who is an adjacent resident is not in favor of the development.

Commissioner Green stated that multiple entrance points are beneficial because people will use the alley to get back to the Ford Road entrance if they miss it the first time. MDOT will need to determine if the Franklin curb cut should stay open or not.

Mr. Dwyer asked how big the delivery trucks are that will be parking in the alley.

Mr. Fakh stated that the trucks will be on the smaller end and not a semi-truck.

Vice Chairperson Zalewski is concerned with the amount of revisions and modifications needed for this to work. The site is very constrained and the planning of this site is very dense.

Chairperson Siwik agrees with Vice Chairperson Zalewski but thinks that the stacking requirement will not allow stacking to spill onto Ford Road.

Commissioner Watts stated that he wants to see what MDOT will say regarding the proposed site plan. He would be more comfortable making a decision about the Franklin curb cut after he hears from MDOT.

Mr. Ayoub stated that the Michigan Department of Transportation will not review nor take into consideration the Franklin and alleyway curb cut. Their only concern will be the Ford Road curb cut and how it will impact the traffic flow on Ford Road which is their right of way.

Commissioner Easterly stated that he is impressed with the amount of planning and the proposed site plan. The existing site is very unattractive and the proposed use is something that is needed in the City of Dearborn.

Commissioner Sickle stated that she appreciates the amount of work that has gone into planning this site and that there needs to be communication between the residents and business owners in the City to agree on something.

A motion was made by Vice Chairperson Zalewski, supported by no Commissioners, to deny the request of Guido Architects, to review and approve the special land use and site plan for a Tim Horton's Drive-thru Restaurant located at 24921 Ford Road (Parcel #82-09-172-01-018), currently zoned Business B (Community Business District). The property is located south of Ford Road between Franklin and Silvery Lane.

A motion was made by Vice Chairperson Zalewski, supported by Commissioner Green, to table the request of Guido Architects, to review and approve the special land use and site plan for a Tim Horton's Drive-thru Restaurant located at 24921 Ford Road (Parcel #82-09-172-01-018), currently zoned Business B (Community Business District). The item was tabled due to the request for additional information and modifications to the site plan which are noted below. The property is located south of Ford Road between Franklin and Silvery Lane. Upon roll call the following vote was taken: Ayes: (7) (Commissioners, Easterly, Green, Sickle, Siwik, Skora, Watts, and Zalewski). Absent: (1) (Commissioner Al Rayashi). The motion was adopted.

- Close Franklin Street curb cut;
- Use a remote controlled gate to close the 30' wide opening in the screening wall that provides an access point from the alley;
- Provide a snow removal plan;
- Provide a sound plan;
- Provide a lighting plan (which I think you already have);
- Provide specifications for all traffic maintenance signs used on-site;
- Explore the feasibility of extending the decorative fence to separate Demarco's parking lot & the Tim Horton's drive-thru lane.

A motion was made by Commissioner Green supported by Commissioner Easterly, to adjourn the meeting. Upon roll call the following vote was taken: Ayes (7) (Commissioners Easterly, Green, Sickle, Siwik, Skora, Watts, and Zalewski). Nays (0). Absent (1) (Commissioner Al Rayashi). The motion was adopted. The meeting was adjourned at 8:46 p.m.

THERESA SKORA
Secretary