

REGULAR MEETING OF THE  
PLANNING COMMISSION  
Dearborn, Michigan

July 11, 2016

The regular meeting was called to order at 7:01 p.m. by Chairperson Siwik. Upon roll call, the following members were present: (7) (Commissioners Easterly, Green, Sickle, Siwik, Skora, Watts, and Zalewski). Absent: (0).

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

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Chairperson Siwik announced that Item I.1 on the agenda is consideration of the approval of the minutes from the June 13, 2016 meeting.

A motion was made by Commissioner Watts, supported by Commissioner Sickle, to approve the June 13, 2016 minutes as submitted. Upon roll call the following vote was taken: Ayes: (7) (Commissioners, Easterly, Green, Sickle, Siwik, Skora, Watts, and Zalewski). Absent: (0). The motion was adopted.

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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 Restaurant located at 24921 Ford Road. Currently on the site, there is church that has been vacant since July 2015 and will need to be demolished in order to construct the Tim Horton's. The proposed Tim Horton's will offer a drive-through window and indoor seating for 19 people. The site will have 14 parking spaces and a drive-through queuing capacity of 15 vehicles, which meets City ordinance requirements. Demolition and construction activities would begin approximately one week after Special Land Use approval, if approved by the Planning Commission. The proposed hours of operation are 5:00 a.m. to 11:00 p.m. Monday-Sunday (7 days a week). This item was tabled at the June 13, 2016 Planning Commission meeting due to the request from the Planning Commission for additional information and modifications to the site plan which are noted as follows:

- 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 ;
- 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.

Mr. Ayoub explained the additional information provided by the applicant and the site plan modifications.

Johann Gigliotti, 2211 Nightingale, asked if the Michigan Department of Transportation approved the new plan.

Mr. Ayoub stated that the Michigan Department of Transportation preliminarily approved the modified site plan that shows a full service driveway at the midpoint of the frontage.

Ms. Gigliotti asked if the structure meets the ordinance requirements based on the lot size.

Mr. Ayoub stated that the structure meets all ordinance requirements; variances will not be required to proceed as proposed.

Ken Paris, 1633 Lafayette, asked if the Tim Horton's will be accessible from the alley.

Mr. Ayoub stated that an automatic sliding gate will be constructed to restrict access from the alley and the gate will only open for deliveries and trash collection.

John Demarco, 24943 Ford Road, who owns the adjacent Demarco's Pizza business, stated that the owner of the Tim Horton's site has accommodated many of the neighbors' concerns. Traffic exiting onto Ford Road should be restricted to a right turn only at the Ford Road exit and entrance drive.

Sam Fakh, 16030 Michigan Avenue, who is the attorney and brother of the property owner, stated that Mr. Guido has addressed all of the concerns expressed by the residents and the Planning Commission, including the removal of signage on the building.

Chairperson Siwik stated that Tim Horton's is not a destination restaurant but primarily a stop and go coffee shop. Thus, traffic throughout the neighborhood will not significantly be increased. Chairperson Siwik visited other Tim Horton's Drive-Through Restaurants in Dearborn and Dearborn Heights to observe traffic flow at the sites at various times of the day on different days. Admittedly not a scientific study, she did not notice more than 8 or 9 cars stacked at one time. The Dairy Queen in Dearborn Heights on Ford Road clearly does not have the appropriate number of stacking spaces. The City of Dearborn Heights does not have a stacking requirement that can accommodate such a use.

Commissioner Easterly stated that residents are looking for walkable and bikeable communities when they are shopping for homes and that it is very important to have businesses

that promote viable neighborhoods. This development provides that element to this neighborhood.

Vice Chairperson Zalewski asked if a public hearing is required for a permitted use in the B-B district.

Mr. Ayoub stated that only Special Land Uses would require a public hearing and that permitted uses are approved administratively and would not require a public hearing.

Vice Chairperson Zalewski stated that if this was not a Special Land Use, the Planning Commission would not be able to control access to the site by closing the alley or the Franklin curb cut. And, that from a planning perspective, having the Planning Commission review the Special Land Use is actually advantageous to the residents. The main concern for Vice Chairperson Zalewski is the parking.

Vice Chairperson Zalewski asked why the same three vehicles are always parked in the vacant church parking lot.

Tom Fakh stated that the vehicles belong to the landscaping company that was contracted by the church and he has not told them to leave yet but they will leave once development begins.

Vice Chairperson Zalewski asked if landscaping can be reduced in order to add another parking space.

Mr. Ayoub stated that there is a proposed ordinance amendment on tonight's agenda that would reduce the width of parking spaces from 10' to 9' if approved. Such a modification to this site plan would allow for 2 additional spaces.

Chairperson Siwik stated that she is concerned with the full service drive and does not think it would be safe to permit a left-turn onto Ford Road.

Commissioner Watts stated that he would like to see a sign posted to prohibit left-turns.

Mr. Ayoub stated that the petitioner could explore the option of installing a sign or concrete island to promote right-turn only.

Commissioner Watts asked if the Planning Commission could have an annual review.

Mr. Ayoub stated that if the Planning Commission approves this Special Land Use, then approval may be conditioned upon an annual review.

Commissioner Skora stated that the proposed land use does not fit properly with the neighborhood and site layout.

Commissioner Green stated that the proposed land use is a viable development for the neighborhood. He believes the design fits and accommodates the community. Traffic is not going to be a detriment based on the nature of the business. Parking is adequate and complies with the Zoning Ordinance and is similar to the amount of parking spaces you would see at any other Tim Horton's restaurants.

Chairperson Siwik asked for the permitted by right uses in the B-B, Community Business District zoning classification.

Ms. Yangouyian read the permitted by right uses in the B-B, Community Business District.

A motion was made by Commissioner Easterly, supported by Commissioner Sickle, to approve the request of Guido Architects, for 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). Upon roll call the following vote was taken: Ayes: (6) (Commissioners, Easterly, Green, Sickle, Siwik, Watts, and Zalewski). Nays: (1) (Commissioner, Skora) Absent: (0). The motion was adopted.

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Chairperson Siwik announced that item III.1 on the agenda is the request of Guy Levesque to rezone 1032 Industrial (Parcel #82-10-281-21-004), 1005 Riverside (Parcel #82-10-281-21-005), 1013 Riverside (Parcel #82-10-281-21-006), and 1021 Riverside (Parcel #82-10-281-21-007), located in the Dix Villas Sub, from Industrial A (Light Industrial District) to Industrial B (Medium Industrial District) zoning classification. The property requested to be rezoned is located east of Industrial between Morningside and Riverside.

Mr. Ayoub stated that the property owner is requesting to rezone the subject properties from Industrial A (Light Industrial District) to Industrial B (Light Industrial District) zoning classification. The owner would like to intensify an existing importing and exporting business by including a truck repair operation that services disabled roadside vehicles. This will allow the owner to grow his business and hire more workers. The property owner was advised that any truck repair operation requires Special Land Use approval under the Industrial B zoning classification. The subject properties may be compatible with the Industrial B zoning district because of their location along a road that services semi-truck traffic, the close proximity to the railroad tracks, the industrial nature of the existing operation at the subject properties, and the close proximity to other industrial zoned properties in the area. However, there is no buffer separating the industrial uses from the adjacent residential district.

Pictures of the site were shown on the screen for the audience.

Mr. Ayoub stated that the business appeared to be permanently closed and a For Sale sign was posted in front of the property.

Chairperson Siwik asked the owner if the business is still open and operating.

Guy Levesque, 7703 Highland, stated that the importing and exporting business is still in operation.

Chairperson Siwik asked what types of trucks are used and how many people are employed at the business.

Mr. Levesque stated that 18 wheel trucks are used and that there are 15 employees.

Mr. Levesque explained that he wants the opportunity to service vehicles on the road and that is the reason for requesting a zoning change. Other than the roadside service trucks, there will be no increase in traffic because the trucks being serviced on the roadside would not be brought back to the facility.

Chairperson Siwik asked if there is anyone in the audience that would like to address the Commission.

Sam Al-Asbahi, 1247 Ferny, stated that the community does not need another trucking facility. If the parcels are rezoned to Medium Industrial, then more intense industrial uses will open in the future.

Amman Paker, 11 Branford Lane, stated that a Medium Industrial district should not be located near a residential district. If this rezoning is passed it would expand the industrial uses into the residential neighborhood.

Hamid Alchemy, 1226 Ferny, stated that he has built 3 homes on Ferny Street and is concerned that another trucking facility will negatively impact those homes.

John Philip, 1115 Riverside, stated that the southend does not need any more industrial land uses. The proposed land use sounds ok but if the current owner sells, the property may be developed for any Medium Industrial use.

Khalid Abdullah, 2728 Holly, President of neighborhood homeowners association, he is opposing the rezoning on behalf of the neighborhood association.

Mr. Levesque stated that he respects the neighborhood and their environmental concerns.

Mr. Levesque reiterated that the proposed land use will not result in an increase in commercial traffic.

Commissioner Watts is not concerned with the proposed land use, but is concerned about the rezoning and what could be permitted in the future.

Chairperson Siwik stated that the residents and neighbors have made major strides to beautify the neighborhood; she is concerned with the land use that may follow in the future if the property is rezoned.

Vice Chairperson Zalewski asked why there is a for sale sign posted on the property.

Mr. Levesque stated that his interest is to sell if this rezoning does not pass.

Commissioner Sickle stated that she is concerned with the potential future land use if this rezoning is approved.

A motion was made by Vice Chairperson Zalewski, supported by Commissioner Watts, to deny the request of Guy Levesque to rezone 1032 Industrial (Parcel #82-10-281-21-004), 1005 Riverside (Parcel #82-10-281-21-005), 1013 Riverside (Parcel #82-10-281-21-006), and 1021 Riverside (Parcel #82-10-281-21-007), located in the Dix Villas Sub, from Industrial A (Light Industrial District) to Industrial B (Medium Industrial District) zoning classification. The property requested to be rezoned is located east of Industrial between Morningside and Riverside. Upon roll call the following vote was taken: Ayes: (7) (Commissioners, Easterly, Green, Sickle, Siwik, Skora, Watts, and Zalewski). Nays: (0). Absent (0). The motion was adopted.

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Chairperson Siwik announced that item IV.1 on the agenda is consideration of the matter of amending the Zoning Ordinance of the City of Dearborn to add Truck Rentals, by amending Article 18.00, "I-A, Light Industrial District," Section 18.02, entitled "Permitted Uses and Structures."

Mr. Ayoub stated that truck and trailer rentals are not listed in the Zoning Ordinance and there have been inquires about which zoning district such a use belongs in. Research of various zoning ordinances in southeast Michigan municipalities suggests that the I-A, Light Industrial District may be an appropriate zoning classification for this use as a Special Land Use, but may also be feasible in the I-B, Medium Industrial District.

Commissioner Sickle asked why a gas station in Dearborn Heights is permitted to rent trucks.

Mr. Ayoub stated that he is not aware what the Dearborn Heights code permits, but that the gas station may have a truck rental operation that is an accessory use. A similar situation in Dearborn would be the Home Depot off of Ford Rd. The truck rental operation is an accessory use and accounts for a fraction of their revenue, if any. This ordinance proposal would accommodate truck and trailer rentals as main operations in the I-A district as a Special Land Use.

Chairperson Siwik asked what residential neighborhoods would be impacted if this amendment was approved.

Mr. Ayoub identified the I-A, Light Industrial Districts that are adjacent to residential neighborhoods.

Chairperson Siwik stated that the I-B, Medium Industrial District seems like a more appropriate zoning district for this use and additional research is needed.

A motion was made by Commissioner Green, supported by Commissioner Sickle, to table the matter of amending the Zoning Ordinance of the City of Dearborn to add Truck Rentals, by amending Article 18.00, "I-A, Light Industrial District," Section 18.02, entitled "Permitted Uses and Structures." Upon roll call the following vote was taken: Ayes: (7) (Commissioners, Easterly, Green, Sickle, Siwik, Skora, Watts, and Zalewski). Absent: (0). The motion was adopted.

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Chairperson Siwik announced that item IV.2 on the agenda is consideration of the matter of amending the Zoning Ordinance of the City of Dearborn, by amending Article 1.00, "Short Title, Rules of Construction and Definitions," Section 1.03, entitled "Definitions;" Article 2.00, "General Provisions," Section 2.12, entitled "Lighting."

Mr. Ayoub stated that this zoning amendment provides more details of what applicants must provide in terms of site lighting. There is also an exemption that is listed that would allow schools and outdoor recreational facilities to install lighting for recreational and athletic fields. This ordinance is part of an effort to clean up the sign ordinance and site lighting section in order to better coordinate with each other and provide more specific details. During administrative site plan review, the Zoning Administrator will have a considerable amount of discretion under this proposed amendment.

Commissioner Sickle asked if this ordinance amendment allows for flashing and scrolling lights.

Mr. Ayoub stated that the sign ordinance will dictate what type of signs and lighting inside a sign is permitted. The sign ordinance draft currently does permit scrolling signs, but the message must take more than 5 seconds to scroll completely. After 5 seconds, it must be displayed in its entirety for 30 seconds.

Commissioner Green stated that this proposed amendment requires facilities to turn off their signs an hour after the close of business.

Mr. Ayoub stated that this lighting section only applies to site lighting and not signs. Site lighting that is not used for safety and security will need to be turned off one hour after the close of business.

Chairperson Siwik stated that she is not in favor of having businesses turn off their signs or lights an hour after closing.

The Planning Commission deliberated and stated that they need more time to review the proposed amendment.

A motion was made by Commissioner Watts, supported by Commissioner Green, to table the matter of amending the Zoning Ordinance of the City of Dearborn, by amending Article 1.00, "Short Title, Rules of Construction and Definitions," Section 1.03, entitled "Definitions;" Article 2.00, "General Provisions," Section 2.12, entitled "Lighting." Upon roll call the following vote was taken: Ayes: (7) (Commissioners, Easterly, Green, Sickle, Siwik, Skora, Watts, and Zalewski). Absent: (0). The motion was adopted.

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Chairperson Siwik announced that item IV.3 on the agenda is consideration of the matter of amending the Zoning Ordinance of the City of Dearborn, by amending Article 4.00, "Off-street Parking and Loading Requirements," Section 4.01, entitled "Off-street Parking Requirements."

Mr. Ayoub stated that this amendment would reduce the width of 75-90 degree parking stalls from 10' to 9', effectively reducing the parking area required by 10%. Dearborn is one of the only communities that has 10' wide stalls in southeast Michigan.

Commissioner Watts asked if this would reduce the number of variances.

Mr. Ayoub stated that most variance applications are for deficient parking and that this amendment could allow businesses to be able to provide more parking spaces dependent on their site design. The amendment could very well reduce the number of variances for deficient parking. If this proposed amendment is approved, there are three pending administrative site plan reviews that would benefit by being able to provide a more aesthetically pleasing site layout, a more convenient trash enclosure location, and additional parking spaces.

Commissioner Easterly asked why the width of parking stalls was increased 10 years ago to 10'.

Chairperson Siwik stated that ten years ago the popularity of big trucks such as Hummers resulted in the City amending the Zoning Ordinance to accommodate larger vehicles.

Commissioner Sickle asked if businesses would still have the option of striping 10' wide stalls instead of 9'.

Mr. Ayoub stated that these parking space dimensions are minimum requirements and if businesses want to stripe 10' wide stalls, they would be permitted to do so.

A motion was made by Commissioner Watts, supported by Vice Chairperson Zalewski, to approve the matter of amending the Zoning Ordinance of the City of Dearborn, by amending Article 4.00, "Off-street Parking and Loading Requirements," Section 4.01, entitled "Off-street Parking Requirements." Upon roll call the following vote was taken: Ayes: (7) (Commissioners,

Easterly, Green, Sickle, Siwik, Skora, Watts, and Zalewski). Absent: (0). The motion was adopted.

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A motion was made by Commissioner Watts supported by Vice Chairperson Zalewski, 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 (0). The motion was adopted. The meeting was adjourned at 9:32 p.m.

**THERESA SKORA**  
Secretary