

REGULAR MEETING OF THE
PLANNING COMMISSION
Dearborn, Michigan

September 12, 2016

The regular meeting was called to order at 7:05 p.m. by Chairperson Siwik. Upon roll call, the following members were present: (5) (Commissioners Green, Sickle, Siwik, Skora, and Watts). Absent: (2) (Commissioners Easterly and Zalewski).

Commissioner Easterly joined the meeting at 7:15 p.m.

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 August 8, 2016 meeting.

A motion was made by Commissioner Sickle, supported by Commissioner Skora, to approve the August 8, 2016 minutes as submitted. Upon roll call the following vote was taken: Ayes: (5) (Commissioners Green, Sickle, Siwik, Skora, and Watts). Absent: (2) (Commissioners Easterly and Zalewski). The motion was adopted.

Chairperson Siwik announced that item II.1 on the agenda is the request of Guido Architects, Inc., to review and approve the site plan for a medical office located at 22359 Cherry Hill, Lots 23, 24, 25, 26, and 27 (Parcel #82-09-221-01-001). The property is currently zoned Office S (Business Office District) zoning classification. The property is located east of South Military Street and south of Cherry Hill Street.

Mr. Ayoub stated that this item was tabled at the August 8, 2016 meeting because the Planning Commission requested additional information regarding the zoning history of this property. The applicant is proposing a 2,903 square foot medical office on the 11,725 square foot property. A site plan was previously approved by the Planning Commission on May 11, 2009. Site plan approval expired before development of the subject property began. The proposed site plan is substantially identical to the site plan approved in 2009; however, the curb cut off of Cherry Hill has been shifted to the west to accommodate an existing telephone utility box that is cost-prohibitive to relocate. This has pushed the building closer to South Military Street. The side yard setback has also been increased from 3' to 7' which complies with requirements. The proposed medical office would have a total of six employees during the peak shift, as well as six examination rooms. The proposed hours of operation are from 8:00 a.m. - 8:00 p.m. The office will be open Monday through Friday and possibly Saturday. A tenant has not yet been found. Three variances are required for the site plan to proceed as proposed:

1. Encroachment on easement: screening wall, dumpster enclosure & parking encroach on easement along eastern property line.
2. Sight triangle obstruction: building encroaches into the 25' sight triangle at the corner of Cherry Hill and Military.
3. Landscaping adjacent to R.O.W. (Military): site plan calls for a 7' greenbelt but 10' is required.

Mr. Ayoub stated that the property was zoned Business A (Local Business District) from 1931 to 1954, Residence A (One Family Residential District) from 1955 to 1992, and was rezoned to O-S (Business Office District) in 2009. The parking calculation on the site plan has been modified to include the correct calculation. The previous site plan indicated that 14 parking spaces are required, but 15 parking spaces is the correct requirement. Mr. Ayoub stated that he went out to the dental office located at 125 N. Military to study their parking situation and witnessed similar requirements as the proposed medical office. Dental office staff did not note any concerns or issues with their parking situation.

Chairperson Siwik stated that the Planning Commission received a letter from the Michigan Department of Environmental Quality (MDEQ) dated March 12, 2013 stating that underground storage tanks have been removed and that the site passed an environment audit.

Tareq Saffeidine, 1745 Brian Ct., Ann Arbor, MI, stated that his father has owned the property since the early 1990s. The proposed plan takes into consideration the proximity of the residential neighborhood. The building was designed to incorporate residential design elements in order to blend in with the residential neighborhood. His family spent a tremendous amount of time and money in order to clean up the site in accordance with MDEQs regulations and policies.

Rose Roundie, 22345 Long Blvd., is concerned about the speculative nature of the building. The whole neighborhood is opposed to this proposal and the site should be residential.

Commissioner Sickie asked if the parking calculation is correct.

Mr. Ayoub stated that the parking calculation on the site plan is correct.

Commissioner Green stated that the parking calculation appears to be the standard for medical offices. His dentist office has about the same amount of parking spaces and no more than seven vehicles are parked at one time.

Commissioner Watts stated that the traffic flow, parking, and hours of operation were more intense during the gas station and automobile repair facility days. The proposed medical office is less intense than a true commercial operation and is appropriate for this site.

Chairperson Siwik stated that this site plan is for a medical office and if this site plan is approved the applicant will have to come back to the Planning Commission if he wishes to change the plan.

Ernie Bridgnanan, 134 S. Military, stated that everyone in the community is opposed to this proposal. He is concerned that the traffic exiting onto Cherry Hill will use the neighborhood streets to get to Military.

Commissioner Sickie asked if there have been any proposals for a residential use.

Mr. Ayoub stated that there have been no proposals to build a home on the lot.

Commissioner Easterly stated that the intent for this property has always been for a residential structure.

Chairperson Siwik stated that this parcel is zoned O-S for Office Business. The Master Plan future land use designation for this property is shop front.

Commissioner Easterly asked when the Master Plan was updated.

Mr. Ayoub stated that the Master Plan was adopted in September 2014.

Commissioner Green stated that this property was rezoned from RA to OS in 2009.

Commissioner Easterly asked if the residents were opposed to the rezoning in 2009.

Mr. Ayoub stated that several residents expressed concerns regarding rezoning the property to OS in 2009 rather than building a home on the site. However, a number of them also agreed that the property would be better for the neighborhood as a small office than the current condition which is an eyesore.

Commissioner Watts asked if Planning consulted with the Police Department regarding the traffic flow and parking in the area.

Mr. Ayoub stated that he did contact the Police Department regarding parking but not traffic. According to Police there are no parking issues in the area related to the businesses. However, occasionally a police officer will issue a ticket for someone parking along Cherry Hill near Ford Field Park.

Commissioner Skora asked why the owners have waited since 2009 to develop the property.

Mr. Saffeidine stated that several issues needed to be addressed before they could come back for approval. These issues included the environmental report which took the state over a year to write and then the owners learned about the utility box issue.

Commissioner Skora asked if the floor plan will change.

Mr. Saffeidine stated that the floor plan is designed for maximum use, but it could be reduced to accommodate less people. Mr. Saffeidine stated that it was designed like this in order to meet the most intense parking requirement.

Ms. Roundie stated that there is no assurance that the owner is going to rent the building to a doctor.

Mr. Bridgnanan stated that there could be traffic accidents and other traffic issues if patrons attempt to make a left onto S. Military.

Mr. Vining, 22351 Cherry Hill, agreed that a left turn onto S. Military is dangerous.

Shelby Norment, 126 S. Military, stated that she is concerned that the left turn lane is dangerous. The additional traffic generated by the medical office is going to impact the pedestrian traffic on the sidewalks along Cherry Hill and S. Military.

David Young, 126 S. Military, stated that he would rather see a home built on the property rather than a medical office.

Chairperson Siwik asked if a traffic study has been conducted for this property.

Mr. Ayoub stated that he is unaware of any traffic study that has been conducted for this property.

Commissioner Green stated this is one of the lowest volume uses regarding traffic. The parcel had been zoned residential for 50 years and no one built a home on the lot probably because of the traffic volume throughout that intersection.

A motion was made by Commissioner Green, supported by Commissioner Sickle, to approve the request of Guido Architects, Inc., to review and approve the site plan for a medical office located at 22359 Cherry Hill, Lots 23, 24, 25, 26, and 27 (Parcel #82-09-221-01-001). Upon roll call the following vote was taken: Ayes: (5) (Commissioners Green, Sickle, Siwik, Skora, and Watts). Nays: (1) (Commissioner Easterly). Absent: (1) (Commissioners Zalewski). The motion was adopted.

Chairperson Siwik announced that item II.2 on the agenda has been withdrawn.

The item was a request from Roncelli, Inc. on behalf of Ford Motor Land Development Corporation to review and approve the special land use and site plan for a restaurant and bar development located at 21367 Michigan Avenue (Parcel #82-09-222-05-013). The property is currently zoned Business C (General Business District) with a Business D (Downtown Business District) overlay. The property is located South of Michigan Avenue and East of Brady Street.

Chairperson Siwik announced that item II.3 on the agenda is the request of Michael Tsakoff on behalf of Ali K. Nasser to review and approve the special land use and site plan for nine lofts located at 22085 & 22087 Michigan Avenue (Parcel #82-09-223-04-001 & 82-09-223-04-002). The properties are currently zoned Business C (General Business District) with a Business D (Downtown Business District) overlay. The properties are located south of Michigan Avenue between Mason and Monroe.

Mr. Ayoub stated that the this is a request to (a) renovate the second floor of an existing two-story building located at 22085 Michigan Ave. to include five apartments; and (b) construct a three-story multi-use structure at 22087 Michigan Ave.

The three-story structure will serve a restaurant on the ground-floor, two apartments on the second floor, and two apartments on the third floor. The smallest apartment is 500 sq. ft. and the largest is 1,433 sq. ft. The proposed three-story structure is in the location of a building (Howell's Bar) that was destroyed by a fire. A pedestrian bridge will be constructed on the second floor to connect the two buildings.

Mr. Ayoub stated that the use is consistent with the Master Plan designation. The proposed development will enhance the West Downtown Business District by (a) providing additional living options; (b) renovating a vacant second story; and (c) building a multi-use structure on a vacant lot. The downtown location, urban design, and multi-use nature of the project make it difficult to comply with Euclidean zoning. Thus, the proposed site plan will need 10 variances to proceed as proposed. The Zoning Administrator is recommending approval of the variance requests.

Michael Tsakoff, 24500 Ford Road, architect for the petitioner, explained the project in more detail providing its location, size, and relation to the West Dearborn Business District.

Chairperson Siwik asked if patrons and residents can enter the building from Michigan Avenue, Mason, and West Village Drive.

Mr. Tsakoff stated that patrons and residents will be able to enter the building from Michigan Avenue or Mason.

Chairperson Siwik stated that many downtown developments require multiple variances due to the confined site area.

Commissioner Watts asked if potential residents will be discouraged from renting these apartments due to the parking situation.

Mr. Tsakoff stated that most residential developments located in a downtown district rely on public parking and residents don't seem to have an issue with that. It is all part of living in the downtown.

Eunice Bitkowski, owner of the building where the Post Bar is located at 22065 Michigan Avenue, stated that she is concerned with the parking and traffic that this proposal will generate. She believes that parking should be provided underground below the development.

Commissioner Sickle asked if the parking structure that is being discussed for the new Ford development will be restricted to allow only Ford employees.

Mr. Ayoub stated that early discussions indicate that the parking structure will be a public structure and will not be limited to Ford employees.

A motion was made by Commissioner Sickle, supported by Commissioner Green, to approve the request of Michael Tsakoff on behalf of Ali K. Nasser to review and approve the special land use and site plan for nine lofts located at 22085 & 22087 Michigan Avenue (Parcel #82-09-223-04-001 & 82-09-223-04-002). Upon roll call the following vote was taken: Ayes: (6)

(Commissioners Easterly, Green, Sickle, Siwik, Skora, and Watts). Absent: (1) (Commissioners Zalewski). The motion was adopted.

Chairperson Siwik announced that items III.1 is the reconsideration of the matter of amending the Zoning Ordinance of the City of Dearborn to add Truck & Trailer Rentals, by amending Article 19.00, “I-B, Medium Industrial District,” Section 19.02, entitled “Permitted Uses and Structures.”

Mr. Ayoub stated that this amendment is being proposed because the zoning ordinance does not currently permit truck and trailer rentals as a land use in any zoning district. The Planning Division has also received inquiries regarding the proper location for truck and trailer rentals. After research was conducted, the Planning Division learned that the I-A (Light Industrial) districts are appropriate to accommodate this land use but as a special land use. At the July 11, 2016 meeting, the Planning Commission decided that the more appropriate zoning district for this use is the I-B (Medium Industrial District). Because the I-A districts are generally close to residential neighborhoods, the Planning Division agrees that the more appropriate zoning district for this use is the I-B (Medium Industrial District) and has modified the proposed amendment to reflect that suggestion.

Commissioner Sickle asked if the Planning Commission would review proposed plans for a truck and trailer rental facility.

Mr. Ayoub stated that the proposed amendment would make this use a Special Land Use which requires review and approval by the Planning Commission.

A motion was made by Commissioner Green, supported by Commissioner Easterly, to recommend approval of the matter of amending the Zoning Ordinance of the City of Dearborn to add Truck & Trailer Rentals, by amending Article 19.00, “I-B, Medium Industrial District,” Section 19.02, entitled “Permitted Uses and Structures.” Upon roll call the following vote was taken: Ayes: (6) (Commissioners Easterly, Green, Sickle, Siwik, Skora, and Watts). Absent: (1) (Commissioners Zalewski). The motion was adopted.

Chairperson Siwik announced that item III.2 is the reconsideration 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 proposed amendment is a complete revision of the site lighting standards which was prompted by the revision of the sign ordinance.

Chairperson Siwik asked why all of the lights have to be shut off after businesses close.

Mr. Ayoub stated that lights must be turned off one hour after the business closes, but all lighting that is needed for security may remain on. Security lighting includes parking lot lighting, entrance door lighting, and other exterior lighting that is needed for security.

Chairperson Siwik stated that certain signs should be permitted to stay on throughout the night.

Mr. Ayoub stated that the sign ordinance will address all lighting inside of signs.

Commissioner Skora asked how we will make sure that developers comply with this ordinance.

Mr. Ayoub stated that the proposed ordinance requires all developers to submit a lighting plan which will identify the types of lighting and the lighting levels on the site. Staff will check the lighting plan during the intake review process to make sure it complies with the requirements.

Commissioner Green asked if businesses are permitted to have search lights.

Mr. Ayoub stated that search lights are prohibited.

Commissioner Green asked if park lights similar to football field lights are exempt.

Mr. Ayoub stated that lighting for recreational fields is exempt.

A motion was made by Commissioner Green, supported by Commissioner Skora, to recommend approval of the matter of amending the Zoning Ordinance of the City of Dearborn to add Truck & Trailer Rentals, by amending Article 19.00, "I-B, Medium Industrial District," Section 19.02, entitled "Permitted Uses and Structures." Upon roll call the following vote was taken: Ayes: (6) (Commissioners Easterly, Green, Sickle, Siwik, Skora, and Watts). Absent: (1) (Commissioners Zalewski). The motion was adopted.

Chairperson Siwik announced that item III.3 is the consideration of the matter of amending the Zoning Ordinance of the City of Dearborn to make Fast Food & Carry-out Restaurants a permitted use in the B-C district, by amending Article 16.00, "B-C, General Business District," Section 16.02, entitled "Permitted uses and structures."

Mr. Ayoub stated that in January 2016, the City rezoned the properties located south of Ford Road between Gully and Drexel from Business A (Local Business District) to Business B (Community Business District). The proximity of these properties to residential neighborhoods prompted a review of the permitted uses in the Business B District. During this process, the Business B use list was amended to turn several permitted uses into Special Land Uses, including Fast Food & Carry-out Restaurants. All Special Land Uses permitted in the Business B District

are also permitted in the Business C District as stated. Thus, the amendment consequently made Fast Food & Carry-out Restaurants a Special Land Use in the Business C District. The nature of these uses and the intent of the Business C District makes these uses appropriate as permitted uses in the Business C District. Drive-through restaurants are unaffected and will remain as Special Land Uses.. The Planning Division is proposing to make Fast Food & Carry-out Restaurants a permitted use in the Business C District.

Commissioner Watts asked for the definition of a carry-out restaurant.

Mr. Ayoub read the definition of a carry-out restaurant.

Commissioner Easterly asked how will this impact walk-up McDonalds.

Mr. Ayoub stated that if this amendment is approved they would be permitted in the B-C district, but it is unlikely for a restaurant such as McDonalds to construct a walk-up restaurant in Dearborn because of the low density.

A motion was made by Commissioner Watts, supported by Commissioner Skora, to recommend approval of the matter of amending the Zoning Ordinance of the City of Dearborn to make Fast Food & Carry-out Restaurants a permitted use in the B-C district, by amending Article 16.00, "B-C, General Business District," Section 16.02, entitled "Permitted uses and structures." Upon roll call the following vote was taken: Ayes: (6) (Commissioners Easterly, Green, Sickle, Siwik, Skora, and Watts). Absent: (1) (Commissioners Zalewski). The motion was adopted.

A motion was made by Commissioner Sickle supported by Commissioner Watts, to adjourn the meeting. Upon roll call the following vote was taken: Ayes: (6) (Commissioners Easterly, Green, Sickle, Siwik, Skora, and Watts). Absent: (1) (Commissioner Zalewski). The motion was adopted. The meeting was adjourned at 8:48 p.m.

THERESA SKORA
Secretary