

REGULAR MEETING OF THE  
PLANNING COMMISSION  
Dearborn, Michigan  
August 12<sup>th</sup>, 2024

This regular meeting was called to order at 6:31 p.m. by Chairperson Easterly. Upon roll call, the following members were present: Present: (6) (Commissioners Abdallah, Aljahmi, Easterly, King, Phillips, & Saymuah). Absent: (2) (Commissioner Fadlallah & Kadouh).

Also present were Gopi Patel, Assistant Corporation Counsel; Kaileigh Bianchini, Planning & Zoning Manager; Massara Zwayen, Assistant Planning & Zoning Manager; Nolan Kukla, Planner; Kobi Sunday, Planner; and members of the public.

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Chairperson Easterly announced that Item I.1 on the agenda is the consideration of the approval of the July 8<sup>th</sup>, 2024 Planning Commission meeting minutes.

A motion was made by Commissioner Phillips, supported by Commissioner King, to approve the July 8<sup>th</sup>, 2024 minutes. Upon voice vote the motion was adopted unanimously.

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Chairperson Easterly announced that Item II.1 on the agenda is the consideration of the request of Amal Ayoub, to review and approve the Special Land Use for a carry-out restaurant at 1834 Grindley Park Street (Parcel # 82-09-281-03-015) and located within the Business A (Local Business District) zoning district. The property is located in the Dearborn Center Subdivision between Harvard Street and Park Street

Ms. Bianchini provided an overview of the Staff Report, Exhibit B-1, and the supporting materials. She explained that due to the property being located in the BA – Local Business District, and its proposed use being a carry-out restaurant, it requires Special Land Use approval. The property would undergo an interior renovation. Ms. Bianchini explained that this Special Land Use would be consistent with the Master Plan and Future Land Use document. Ms. Bianchini explained that, along with the 17 parking spots located on the site, and on-street parking, there is also a city-owned parking lot across the street. Ms. Bianchini also explained that the proposed use is not projected to generate significant traffic, and is compatible with surrounding uses.

Chairperson Easterly asked for clarification on the previous use.

Ms. Bianchini explained that the previous use was a retail store.

Chairperson Easterly invited the petitioner to the podium to give a summary of the proposal, and yielded time to them.

The petitioner yielded their time to the architect of the project.

The architect identified himself as Hasan Darwij, resident of 23720 Edwards Street, Dearborn, Michigan, 48128. Mr. Darwij explained that they are proposing a carry-out restaurant with a slight renovation to the interior, and further explained that the most intensive equipment that they would be installing is a type 2 hood. He clarified that a type 2 hood is required for dissipation of heat. Mr. Darwij added that there will not be any grease.

Chairperson Easterly asked if this is Site Plan approval.

Ms. Bianchini explained that the applicant is not proposing any exterior changes to the site, so there is no proposed site plan for the Planning Commission to approve, but it does require the Commission to grant approval for the proposed Special Land Use and existing site plan.

Chairperson Easterly asked for further clarification about parking requirements.

Ms. Bianchini clarified that the parking is covered at this site under a previous variance.

Commissioner Saymuah asked if there would be any grease production, and if they would be required to install grease interceptors outside, and yielded time to the petitioner.

Mr. Darwij and the petitioner clarified that there would not be grease production and would not need to install grease interceptors. Mr. Darwij also explained that the type 2 hood is overkill for their proposed use, but they are following a recommendation from the fire department.

Commissioner Saymuah asked if there would be an Ansul system, and yielded time to the petitioner.

Mr. Darwij replied no.

Chairperson Easterly opened the public comment period.

There was no public comment.

Chairperson Easterly closed the public comment period.

Chairperson Easterly clarified the location with the petitioner.

A motion was made by Commissioner Phillips, supported by Commissioner King, to approve the Special Land Use for a carry-out restaurant at 1834 Grindley Park Street (Parcel #82-09-281-03-015) and located within the Business A (Local Business District) zoning district. The property is located in the Dearborn Center Subdivision between Harvard and Park Street. Upon voice vote, the motion was adopted unanimously.

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Chairperson Easterly announced that Item III.1 on the agenda is the further consideration of the request of the Planning and Zoning Division at the City of Dearborn, under Zoning Ordinance 2.08(A)(3), to review and determine the proposed use of Ferrous Processing & Trading Company at their Wyoming site located at 3651 Wyoming Avenue (Parcels # 82-10-211-01-001& 82-10-163-04-005) and located within the Industrial C (Intensive Industrial District) zoning district. The two parcels are located on Wyoming Avenue, East of CSX rail, north of Eagle Street, and South of the Norfolk Southern Railway.

Ms. Bianchini provided an overview of Staff Report C-1 and the supplemental exhibits dated August 12<sup>th</sup>, 2024. Ms. Bianchini further clarified that this is a use determination, and that nothing would be decided about a specific property. She explained that the property owners intended use for the site is a metal recycling plant, and that this is an unlisted use in the zoning ordinance, requiring the use determination. Ms. Bianchini briefly summarized the Planning Commission's prior decision, from November 2023, that the proposed use was a permitted use within the IC – Intensive Industrial District subject to Special Land Use approval. Ms. Bianchini briefly summarized the Commission's prior decision, from July 2024, in which the committee decided that the site required special development standards, on top of general development standards, but tabled voting on the specific standards to this meeting. Ms. Bianchini gave further information on similar use's special development standards. Ms. Bianchini explained that the purpose of this meeting would be the consideration of special development standards which were tabled at the July meeting. Ms. Bianchini provided an overview of the process for classifying unlisted uses per Sec. 2.08 of the Zoning Ordinance. Ms. Bianchini also provided an overview of specific site development standards that pertain to uses that operate outdoors which exist in ordinance.

Commissioner Kadouh enters at 6:48pm and is present for the remainder of the meeting.

Chairperson Easterly asked for confirmation that at the Planning Commission meeting in November 2023, that the commission determined that the use should be permitted in IC but only as a Special Land Use.

Ms. Bianchini confirmed this.

Chairperson Easterly asked for confirmation that, at the Planning Commission meeting in July, 2024, in order to be more restrictive, the commission decided to impose special development standards alongside the general site development standards.

Ms. Bianchini confirmed this.

Chairperson Easterly reiterated that there was one further step in the process, as the petitioner would need to come back to the Planning Commission for Site Plan approval, upon which there would be a more detailed proposal.

Ms. Bianchini confirmed this and clarified that Planning Commission approval is required for all Special Land Uses, and further added that it would be a public meeting as required by the Michigan Zoning Enabling Act (MZEA).

Commissioner Abdallah asked where bailing would occur based on the supplemental plan provided to the commission.

Ms. Bianchini identified the bailer on the map, and explained that the assumption would be that bailing would occur in the area around the bailer.

Chairperson Easterly invited the petitioner to the podium to give further details and explain if there were any changes since the last Planning Commission meeting, and yielded time to the petitioner.

The petitioner stated they had nothing to add.

Commissioner Aljahmi asked if the commission had the right to reverse the decision made at the November 2023 commission meeting.

Ms. Bianchini stated that she is not an attorney and therefore cannot offer a legal opinion on that matter to the board.

Chairperson Easterly noted that the deliberations were made carefully. Chairperson Easterly stated that he believed reconsidering old decisions would be a duplication of the commission's time. He also stated that he was looking for a middle ground.

Commissioner King stated that he believed that there is room in the discussion for Commissioner Aljahmi's proposal. He further explained that there may be a way not to reverse the previous decision made by the committee, but allow for a win-win situation.

Commissioner Aljahmi stated that was concerned by previous code violations on the site and the lack of enforcement of those violations. He wanted to understand if there were opportunities to reverse the previous commission decision.

Chairperson Easterly asked if it would be possible to condition their Certificate of Occupancy on there being no fires on the property.

Ms. Bianchini replied that she believes it would be possible because the petitioner would be bound by their provided site plan and project narrative. Ms. Bianchini explained that deviations from these plans would be considered a violation of their approval. She reminded the commission that the reason they are considering this matter is because the city had already determined that the site was not operating properly due to the ongoing fires, and that how they were using the site was not consistent with how the site had been used historically. This was why the property was required to go through the site plan review process and receive all necessary zoning approvals.

Chairperson Easterly asked if revocation of a Certificate of Occupancy would be possible if the property continued to have fires.

Ms. Bianchini confirmed this.

Chairperson Easterly asked for clarification on this matter from legal counsel.

Ms. Patel stated that she would need to look into the matter and report back to the commission.

Chairperson Easterly further clarified that the objective for today's meeting is to set specific site development standards, prior to the petitioner's submitting for site plan approval, and that further restrictive steps could be taken.

Ms. Bianchini confirmed this.

Chairperson Easterly stated that he supported conditions that include: a berm, an 8-foot wall, proper landscaping, and a no fire clause on the certificate of occupancy.

Commissioner Saymuah explained that a berm and 8-foot wall are general standards in the IC district, and not special requirements. Commissioner Saymuah asked what the commission would be introducing that would be special development standards for the site, and explained that he would support: a 100-foot setback for materials, 30-foot setback from the screening wall to shipping containers, and a minimum 30-foot setback for scrap storage boxes and required landscaping. He stated that he believes these standards are reasonable for residents and businesses, and that there would be ample space on site to comply with these standards.

Commissioner Abdallah asked if it would be more beneficial for passerby and residents if the screening wall was closer to the road, or further in the site.

Commissioner Saymuah stated that he believed there are general standards for the city that mandate the location for the screening wall. He also stated that he believed that 8 feet is the minimum required height for this type of use. Commissioner Saymuah commented that he could find value in there being a deeper setback for the screening wall, if the setback was landscaped.

Ms. Bianchini clarified that the ordinance requires a 10-foot green belt with plantings adjacent to the rights-of-way, then followed by a screening wall.

Commissioner Abdallah asked if the commission would want taller than a 10-foot greenbelt, as proposed in the conceptual site plan.

Commissioner Saymuah asked for clarification on how far back the commission can propose the greenbelt setback.

Ms. Bianchini stated that the commission may impose whatever standards they feel is appropriate to create a visual or aesthetic barrier for activities occurring outdoors, so long as it is specific and consistent.

Commissioner Abdallah stated that he felt a 10-foot greenbelt with an 8-foot screening wall would be appropriate.

Commissioner Saymuah commented that he would like to see larger than a 10-foot greenbelt.

Commissioner Abdallah replied that Terminal Transfer Facilities requires a 20 foot setback and greenbelt from the property line to the screening wall, and believes it would be fair for this use.

Commissioner Saymuah agreed.

Commissioner Abdallah asked if the commission wanted to keep the 8-foot screening wall.

Commissioner Saymuah stated that he would prefer a higher wall, given that the use requires stacking materials as high as 25 feet.

Commissioner Abdallah asked if there were general standards for the height of screening walls.

Commissioner Saymuah replied that he primarily works on commercial properties, and that their walls are primarily decorative not functional. He stated that piles of material that can be seen over the 8-foot wall are not sightly for the community. Commissioner Saymauh stated that he supports a 10-foot screening wall.

Commissioner Abdallah stated that screening walls likely come pre-built, and the height the screening wall is required to be could be 8 feet, 16 feet, and 24 feet.

Commissioner Saymuah replied that he believed that a 16-foot wall would be an unfair burden for the property owners as it, if they are required to screen the whole frontage, would be a significant financial burden. He restated his support for a 10-foot wall.

Chairperson Easterly commented that he trusted the expertise of Commissioner Saymuah, and that if increasing the height of the wall to 10 feet would be beneficial and responsive to the community's concerns, then he would support it.

Commissioner Saymuah asked for discussion on a setback requirement for buildings on-site, for example, 50 feet. He stated that he was unsure if the remaining building on the site would be utilized.

Commissioner Abdallah replied that, according to the conceptual site plan, the buildings on-site are 10 feet from the property line. He explained that, if the 50 feet was required, the buildings would be moved back from the property line an extra 20 feet. He asked for clarification on the location of buildings and storage containers on the site plan.

Ms. Bianchini clarified that the red boundary on the right side of the plan is container storage, and that there are 3 buildings proposed to remain on the site, consisting of an office, server room, and maintenance room.

Commissioner Saymuah stated that he was comfortable with office space, but structures for activities like bailing should be set back further into the site.

Commissioner Abdallah commented that he thinks the standard for terminal transfer facilities are appropriate, being 30 feet from screening wall to storage containers, and 50 feet overall from the property line.

Commissioner Saymuah agreed.

Commissioner Abdallah asked for clarification on the location of the storage containers on the plan.

Ms. Bianchini clarified the location.

Commissioner Saymuah stated that he believed that the bailing house, as referred to on the plan, was the primary source of noise on the site, as provided by the noise report from the petitioner.

Commissioner Abdallah noted that while the setbacks along the Wyoming frontage are appropriate, he did not feel the need to impose additional standards beyond 20 feet from the other frontages, as those uses are also industrial in nature.

Commissioner Saymuah commented that he wanted to ensure that the standards did not overburden the petitioner, and stop them from doing their work. He stated he was not sure if a setback further than 50 feet would be appropriate without knowing more about the business.

Commissioner Abdallah replied that, according to the provided conceptual site plan, the petitioner already proposed a setback further than 50 feet, and he wanted to ensure that setback is required. He stated that the setback is 180 feet from Wyoming.

Commissioner Saymuah stated that he believes that area is for stockpiling not processing.

Commissioner Abdallah replied that a standard could be that stockpiling must be 180 feet from the Wyoming frontage.

Commissioner Abdallah asked the commission if they wanted to impose additional setbacks for processing and bailing. He stated that special land use approvals are still conditioned based upon a site plan provided later, and that the proposed setbacks may be adequate as general standards for this special land use generally.

Commissioner Saymuah agreed.

Commissioner Aljami stated that the operation, as proposed in the project narrative, operates 24 hours a day. Commissioner Aljami explained that many of the previous issues and code violations with the site occurred at night. He expressed concern when, because of this background, the petitioner stated it would be a 24-hour operation. He asked what standards could be imposed to solve this issue.

Commissioner Abdallah agreed that there should be no bailing at night. He agreed that there should be some business hours standards for bailing and processing. Commissioner Abdallah stated that the commission should discuss, given the “just on time” nature of the automotive industry, how to handle the potential of a late at night delivery for the proposed use.

Commissioner Aljami stated that, while the petitioner made a verbal statement that very few deliveries occur at night, there is nothing binding. He stated that noise late at night would negatively impact the community, and asked the commission what could be done about this. He further explained that there is a difference between a delivery, and bailing and processing. Commissioner Aljami commented that there needed to be some standard to mitigate these consequences, similar to the setback and screening wall requirements.

Commissioner Aljami stated he does not believe the operations should be 24 hours, but does not have a specific proposal.

Commissioner King commented that he wished for a response from the petitioner to their proposed standards, as he does not want to impose overly restrictive standards that heavily burdens the petitioner's business.

Commissioner Aljami replied that the petitioner had answered questions from the commission, and acknowledged previous issues and code violations at the site. Commissioner Aljami acknowledged that the petitioner has been honest about the past issues at the site, and they are currently not operating, but this does not mean the commission is overly burdening a successful business.

Commissioner Abdallah agreed and further added that the commission is looking at this matter in an objective manner, and not considering who the petitioner is. He asked the petitioner what the general operating hours are for the business, and yielded time to the petitioner.

The petitioner replied that the bailing and separating operations could be operated under restrictive hours, for example early morning to late evening. He clarified, for example, 6am to 7pm. The petitioner further explained that he is not stating that he would be bailing during all those hours, but that they want to retain the ability to do so. He stated that the delivery of incoming materials comes from facilities that operate 24 hours a day. The petitioner stated that those facilities expect them to remove those materials from their sites, and return the storage containers. The petitioner stated that he did not believe it would be possible to deliver the materials to their site during set hours.

Commissioner Phillips asked if, during delivery, if they are dropping off a container, and yielded time to the petitioner.

The petitioner replied that the deliveries typically consist of dumping the material on their site, and taking the container back.

Commissioner Saymuah asked if there has been a noise study done concerning the dumping of material, and yielded time to the petitioner.

The petitioner replied yes, it is included in the noise study. He answered that it was not as noise intensive as the cooling units on the bailing unit. The petitioner further clarified that the three main sources of noise from the operation include: the cooling fans on the bailing unit, feeding materials to the bailing unit, and least intensive, loading the material onto the ground. He



also explained that, regardless of the decision by the commission, the operation is governed by the general noise ordinances already established by the city.

Commissioner Phillips asked what control, or lack of, the petitioner had over deliveries, and yielded time to the petitioner.

The petitioner replied very little. The petitioner needs to pick up material from the sites, take it away, and return the empty storage containers. He further clarified that he is not stating this would be happening all night long, but that deliveries are governed by the various sites manufacturing hours, operations, and activity levels.

Commissioner King expressed support for receiving feedback on potential standards from the petitioner, and wished for further feedback moving forward.

Chairperson Easterly stated that they are imposing additional standards, on top of general standards, and that it would ultimately go to City Council for final approval.

Commissioner Abdallah replied that the additional standards are not approved by City Council.

Ms. Bianchini clarified that classifying unlisted uses fall under the purview of the Planning Commission, and that the City Council has no authority on the process currently being deliberated.

Commissioner Abdallah restated that exhibits provided by the petitioner, which includes a noise study, show that nighttime activities fall below the noise level imposed by Dearborn's ordinances. He asked if the commission desired to accommodate around-the-clock deliveries or if an outside of business hours noise standard would be appropriate.

Commissioner Saymuah replied that the nature of the deliveries for this use are noisy.

Commissioner Abdallah responded that the community needs to be protected from excessive nighttime noise.

Commissioner Saymuah asked for a percentage of deliveries that happen during nighttime, and yielded time to the petitioner.

The petitioner stated that he could not currently put anything on the record.

Commissioner Abdallah stated that, due to the fast-changing nature of shipping schedules and vehicle demand in the automotive industry, the answer could change in a years time.

Commissioner Abdallah commented that the city has hours restrictions on, for example construction in residential neighborhoods. The cities restriction on construction, he states, is from 7am to 7pm.

Commissioner Aljami stated that the problem was how to enforce noise standards at night.

Commissioner Abdallah commented that the commission could set a noise standard at night.

Commissioner Aljami replied that he was concerned about the levels and availability of enforcement for standards, particularly noise standards, at night.

Commissioner Saymuah stated that he believed that enforcement of standards is out of the scope of the commission.

Commissioner Abdallah stated that, due to the proximity to residential neighborhoods, a 7am to 7pm hours of operation for bailing is reasonable. He further commented that he was unsure about after-hours deliveries, and potential nighttime noise standards, particularly given the automotive industry.

Chairperson Easterly commented that the other city ordinances governing sound would be satisfactory.

Commissioner King asked for the petitioner's opinion on hours of operation, and yielded time to the petitioner.

The petitioner replied that they can work with 7am to 7pm business hours for just bailing.

Commissioner Abdallah asked for discussion from the commission about whether there would be more restrictive standards than the general noise standards set by the city.

Commissioner Saymuah replied that he did not know if the commission had the technical expertise to set a specific decibel limit, and should instead follow the city's standards to ensure fairness. He also wanted to discuss any potential standards regarding certificate of occupancy revocation.

Commissioner Abdallah asked if the commission needed to consider that there are 2 parcels being discussed in the site plan.

Ms. Bianchini clarified that the plan is entirely conceptual, and only used to help with the use determination process. She explained that when the site plan and special land use comes back to the commission, it can be discussed then. Ms. Bianchini further explained that if the special land use and site plan is then approved by the Commission, then the petitioner is bound to that proposal.

Chairperson Easterly stated that, to meet the concerns of the community, the commission should ensure clear standards for enforcement in the certificate of occupancy, specifically pertaining to fires on site. Chairperson Easterly asked if there was any further discussion.

Commissioner Saymuah agreed.

Commissioner Aljami expressed concern over the enforcement of a noise standard, particularly given the past issues on the site.

Chairperson Easterly opened the public comment period, asked speakers to identify themselves with a name and address, and to limit themselves to a 3-minute speaking period.

Joseph, resident at 1845 Academy Street, expressed opposition to Item II.1 on the agenda. He expressed how the site is infested with rats, and stated that the trash from the commercial sites are a nuisance, and that the city should handle the problem better. He further stated that, given the problems with the site, it would not be fair for the neighboring residents for the commission to approve this use. He also stated concerns with the noise and traffic of this use. He stated he is not able to enjoy his backyard because of the rat problem.

Reinas Pinosa, resident at 1853 Academy Street, expressed opposition to Item II.1. She shared that she has the same problems with rats as Mr. Joseph, and cannot enjoy her outside space. Ms. Pinosa shared that she felt like the problem has only begun occurring recently, with new tenants. She shared that it is not fair that she is losing money because of this problem.

Malik Halee, resident at 1829 Riverside, expressed opposition to Item III.1. He shared that he was concerned with the enforcement process for site standards, and particularly for this specific applicant. He did not believe a 10 foot screening wall was sufficient. He proposed a 16 foot screening wall. Mr. Halee believes this item is in contradiction with the efforts to deindustrialize the south end.

A resident at 9937 Tuxedo, expressed opposition to Item III.1. He shared that he hoped the commission would examine this item in the full context of the south end. He hoped the commission would consider other issues to issue standards, such as the dirt that could be tracked to public Right-of-Ways, and smell.

Abed Marie, resident at 2794 Roulo, expressed opposition to Item III.1. He stated that the petitioner shared that he would not be able to guarantee no fires at the site. He expressed that there is dirt, and general pollution, on Wyoming from other industrial sites. He does not believe, given the petitioner's history, that the commission should not accommodate the petitioner. Mr. Marie expressed concern over the noise at night. He hoped that the commission would reconsider their decision.

Mazik, resident at 4400 Charles, expressed opposition to Item III.1. Mr. Mazik shared that he believed that, according to Robert's Rules, a member of the commission from the prevailing side may bring the decision back to a vote. He expressed concern that the facility would bring undue harm on residents, particularly as Salina Elementary is 0.5 miles away, and there is a nearby park. Mr. Mazik expressed concern about the pollution and the petitioner's past history. He hoped that the commission would consider the cumulative impact of the pollution from various industrial sites in the area.

Marwin Mosef, resident at 3311 Willow Street, expressed opposition to Item III.1. He shared that he felt the pollution generated at the petitioner's facility is considerably greater than comparable industrial sites. Mr. Mosef felt that many neighbors shared his sentiments, but did not come in. He felt a certificate of occupancy revocation for fires was not a strong enough enforcement mechanism, and still opposes the original motion.

Z Kumalek, resident at 4330 Johnathon Street, expressed opposition to Item III.1. He expressed that the commission should look at reversing their previous vote, before taking action

on the item before them today. He felt that the use is inappropriate for the site. Mr. Kumalek shared that he felt that if the city can restrict a commercial use based on the noise of a vacuum cleaner, they can for industrial noise as well. He expressed concern about truck traffic. Mr. Kumalek shared that the site abuts commercial and residential sites. He shared that if the commission decides to approve this use, that any violation of the standards should result in a revocation of their certificate of occupancy. He further shared that he believes a standard should be regular testing of sewers and water systems on site. Mr. Kumalek expressed concern over fugitive dust. He also shared that he believes another standard should be that storage piles do not go over the height of the screening wall.

Samra Luqman, resident of the south end, expressed opposition to Item III.1. She shared that she believes that this use should be restricted to the Industrial D zoning district. Ms. Luqman expressed that she does not believe this use complies with the Future Land Use designation as a Logistics designation. She shared concern about the noise, and the applicants noise study. Ms. Luqman further expressed concern about the commission's requests for information from the petitioner. She further expressed that she does not believe that this item aligns with the goal to deindustrialize the south end. Ms. Luqman shared that the standards should include a 1-mile setback from residential units, to mitigate pollution and unsightliness. Ms. Luqman expressed concern over commissioner comments and actions.

Gus, resident of Dearborn, expressed opposition to Item III.1. He shared that he believes the commission should reverse their previous decision made in the November 2023 meeting, and that many of the commissioners did not have all of the relevant information. Mr. Gus expressed concern over truck traffic, particularly on residential roads at night. He believes that industrial sites should not be allowed to operate at night, due to the noise pollution. Mr. Gus shared that if the commission does decide to allow this use, then a special standard should be that the use should not be allowed within 1 mile of residential units or school. He expressed concern about the commission's requests for information from the petitioner. Mr. Gus shared that he believes the use should be categorized in the Industrial-D district.

Tony Levin, the petitioner for Item III.1., wished to share clarifying information regarding the item. Mr. Levin clarified that previous fires on the property were accidental, and the material that caught fire, which should not have been on site, his company has no intention of bringing back to the site. He expressed that a special standard should be prohibiting that material, and that fires like that will not happen again with the proposed use. Mr. Levin shared that the proposed use would involve sheet steel, which does not burn. He shared that he believes a revocation of the Certificate of Occupancy would be inappropriate as it would be impossible for any building to guarantee zero accidental fires. Mr. Levin furthermore added that the containers will not stack, and will be a maximum if 8 feet, and so a 10 feet screening wall would completely obscure them. Thus, he believes a 30-foot setback from the screening wall is not appropriate. Mr. Levin clarified that he intends on meeting the noise standards already established in ordinance, and if further measures are needed to meet those standards, they will provide them. He stated that it is his intention to pave the entire site, as opposed to other industrial sites, so dirt should not be an issue. Mr. Levin believes that tying standards to the certificate of occupancy is excessive.

Basmal Aljahmi, resident of Dearborn, expressed opposition to Item III.1. She shared that she is concerned about pollution controls and fugitive dust. She also expresses concern about the traffic generated from the use. Ms. Jami further expressed concern over the site's previous code violations on the community. She shared her interest in reversing the commission's previous decision.

Resident of Dearborn yielded time to a previous speaker.

The previous speaker, expressed opposition to Item III.1. He shared that he believes the commission should adjourn before taking a vote on the item to gather more information. He also shared that just because the site is zoned a certain way, does not guarantee a use on the property.

Resident of Dearborn yielded time to a previous speaker, Marwin Mosef.

Marwin Mosef, resident at 3311 Willow Street, further expressed opposition to Item III.1. Mr. Mosef expressed that the commission should consider reversing the November 2023 vote on the item, or consider adjournment to consider the concerns of the community. He shared that a special standard should be that no combustible material be allowed on the site.

Seeing no further speakers, Chairperson Easterly closed the public comment period at 8:44pm.

Commissioner Abdallah further clarified that if the commission decides site specific standards, the petitioner would still need to come back to the based on the Special Land Use approval process.

Ms. Bianchini agreed with Commissioner Abdallah's clarification, and further clarified that the commission is considering the minimum standards for this unlisted use, and that site-specific standards would come when the commission considers the applicants site plan.

Commissioner Abdallah further added that the commission has had to consider this form of use twice, and the question before the commission is where in the zoning ordinance does this use fit. He clarified that the decision to place this use in the Industrial C zone was not based on the location, but language in the ordinance.

Commissioner Aljami shared that, under Robert's Rules, a member of the prevailing side of a vote can make a motion to reconsider a previous vote.

Commissioner Abdallah replied that he believes that this would bring the commission back to the beginning, which he does not find beneficial, and that the commission is taking a more restrictive approach then the Zoning Board of Appeals did to a similar property.

Ms. Bianchini clarified that the Zoning Board of Appeals heard an appeal related to a different property and property owner. Ms. Bianchini clarified in that case the Zoning Board of Appeals overturned a decision made by the acting City Planner, and labeled the use as permitted by-right in the Industrial B zoning district.

Ms. Patel added that a motion to reconsider a vote, according to Robert's Rules, must be made at the same meeting, or a subsequent meeting on the same day that the original vote took place. She advised the commission that a motion to reconsider could not be undertaken given these circumstances.

A motion was made by Commissioner Abdallah to establish the following specific site development standards in addition to the general site development standards: a 20 foot greenbelt from the property line to the masonry wall, a 10 foot screening wall, a 30 foot setback from the screening wall to the scrap storage boxes, stockpiles 180 feet from the property line, 7am – 7pm business hours for bailing and processing & no flammable residue on the materials to be recycled at the property.

Commissioner Aljami expressed that the standards do not cover all of the concerns by residents, including fugitive dust and smell at the site. He expressed that the commission should take more time to consider this matter.

Chairperson Easterly asked if paving the site was in response to fugitive dust concerns.

Commissioner Saymuah answered, that it was partly in response, but other fugitive dust could be mitigated through actions such as atomizers.

Commissioner Abdallah stated that he believed such discussions should be considered during the Special Land Use review and approval process, not at the use determination step.

The previous motion made by Commissioner Abdallah was supported by Commissioner Saymuah.

Commissioner Abdallah asked if a commissioner would want to amend the motion to include the Certificate of Occupancy enforcement action.

Commissioner King stated that he was not comfortable with after-hours deliveries.

Commissioner Saymuah asked if further standards could be imposed at a later date.

Ms. Bianchini confirmed that additional site-specific standards can be imposed when the commission considers the site plan and Special Land Use application. Ms. Bianchini further clarified that the commission is not considering any specific sites, but rather standards for the use generally.

Commissioner Abdallah clarified that, for example, increased setback requirements or increased screening wall requirements could be imposed when considering the site plan. He further asked if a similar use was attempted in the future, if the commission would be bound to these standards.

Ms. Bianchini clarified that it would depend on the provided site plan and project narrative.

Commissioner Kadouh expressed support for a height requirement on storage piles on site.

Commissioner Abdallah replied that he believes this standard would be most appropriate at the consideration of the site plan.

Commissioner Saymuah expressed support for the standards put forward for all general applications of this use, and further expressed that increased site-specific standards could still be imposed.

Commissioner Kadouh expressed concern over the noise pollution at the site.

Commissioner Saymuah shared his knowledge of an atomizer, and that it makes comparatively little noise on an industrial site.

Commissioner Abdallah asked if the petitioner could ask for a variance of the standards imposed by the commission.

Ms. Bianchini replied that yes, the petitioner could ask for variances to the standards imposed by the Planning Commission and that variance requests are reviewed by the Zoning Board of Appeals. Ms. Bianchini clarified that at a later point if the Planning Commission reviewed and approved the Special Land Use, it would then go to the Zoning Board of Appeals for any variances. Ms. Bianchini further clarified that once the Planning Commission issues a use determination decision the applicant will then apply for administrative site plan review. During this process, the plans are reviewed by all relevant departments at the city. She explained that the information gathered by those departments are then shared with the commission as part of the Special Land Use process. Ms. Bianchini added that these standards are the bare minimum that should be imposed based on how to treat the proposed use, and that additional review and consideration can be made during the special land use process.

A motion was made by Chairperson Easterly, supported by Commissioner Abdallah to call to question. Hearing no opposition upon voice vote, the previous motion was called to question.

Upon voice vote the following vote was taken on the previous motion put forward by Commissioner Abdallah and supported by Commissioner Saymuah, to establish specific site development standards in addition to the general site development standards. Those standards are to include a 20 foot greenbelt from the property line to the masonry wall, a 10 foot screening wall, a 30 foot setback from the screening wall to the scrap storage boxes, stockpiles 180 feet from the property line, 7am – 7pm business hours (bailing and processing) & no flammable residue on the materials to be recycled at the property: Ayes: (6) (Commissioners Abdallah, Easterly, Kadouh, King, Phillips, & Saymuah). Nays: (1) (Commissioner Aljahmi). Absent: (1) (Commissioner Fadlallah). The motion was adopted.

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Chairperson Easterly announced that Item IV.1 on the agenda is to receive an update on the Master Plan Process from the Planning & Zoning Manager.

Ms. Bianchini provided an update on the next steering committee meeting and the timeline for the Master Plan, and that the survey to provide feedback is still open.

Commissioner King shared that he would not be able to attend the next meeting due to a medical appointment.

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A motion was made by Commissioner Abdallah, supported by Commissioner Saymuah, to adjourn the meeting. Upon voice vote the motion was approved unanimously. The meeting was adjourned at 9:11pm.

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