

REGULAR MEETING OF THE
PLANNING COMMISSION

Dearborn, Michigan

October 7th, 2024

This regular meeting was called to order at 6:34 p.m. by Chairperson Easterly. Upon roll call, the following members were present: Present: (6) (Commissioners Aljahmi, Easterly, Fadlallah, King, Phillips, & Saymuah). Absent: (2) (Commissioners Abdallah & Kadouh (both arrived at 6:40 pm)).

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

Chairperson Easterly announced that Item I.1 on the agenda is the consideration of the approval of the August 12th, 2024 Planning Commission meeting minutes.

A motion was made by Commissioner Phillips, supported by Commissioner Fadlallah, to approve the August 12th, 2024 minutes. Upon roll call the following vote was taken: Ayes: (6) (Commissioners Aljahmi, Easterly, Fadlallah, King, Phillips, and Saymuah). Nays: (0). Absent: (2) (Commissioners Abdallah & Kadouh). The motion was adopted.

Chairperson Easterly announced that Item II.1 on the agenda is the consideration of the request of Ahmed Gelan, on behalf of Smart Town North LLC, to review and approve the Special Land Use and site plan for a Multiple-Family Residential Development at 15825, 15725 & 15625 Lundy Parkway (Parcel #s 82-09-123-01- 013, 82-09-123-01-014, & 82-09-123-01-015) and located within the Business C (General Business) zoning district. The properties are located west of Greenfield Road and north of Ford Road.

Ms. Bianchini provided an overview of the Staff Report, Exhibit B-1, and the supporting materials. She explained that the zoning is BC which is compatible with surrounding zoning and land uses and that it is consistent with the future land use plan. Ms. Bianchini explained that the housing typology is a mix townhouses and apartments. She further explained that rezoning in 2022 changed the zoning of these parcels from the TR – Technology and Research to the BC - General Business zoning district. Ms. Bianchini clarified that multiple-family dwellings are permitted in the BC district, subject to Special Land Use approval. She then explained that there is one proposed variance for this site, to reduce the number of required parking spaces from 239 to 196, partially because the zoning ordinance does not count “stacked” parking spaces. Ms.

Bianchini further explained that the project is proposing looping of the public water main, which would require City Council approval.

Chairperson Easterly invited the petitioner to the podium.

The petitioner identified himself as Mohammed Sahuba, developer of Smart Town. Mr. Sahuba stated that they also developed Smart Town Fairlane. He stated that the other projects are nearly completed with Phase 1, and show the applicant's experience working in the city. He stated the typology will be 1 bedroom to 4 bedrooms, with a majority being 1-2 bedrooms. Mr. Sahuba stated that 2 phases of development can be completed in 2-3 years, but that he is focusing today on phase 1.

Commissioner Saymuah asked what specific developments would be in phase 1 versus phase 2.

Mr. Sahuba explained that land development, development of roadways, and delivering around one half of the units, would be phase 1.

Commissioner Fadlallah asked how many buildings would be on the development.

Mr. Sahuba stated that there would be 111 units in 15 buildings, with a 16th building for the clubhouse. He stated that there would be around 6-7 units per building, with 1 bedroom units being up to 10 units per building.

Commissioner Kadouh asked if the units would be rentals.

Mr. Sahuba clarified that they would be open for both the rental and sale of units, given that the units are condos.

Commissioner Abdallah asked if the condo by-laws would allow for both the rental and sale of units.

Mr. Sahuba replied that, since the by-laws are created by them, they can simply create rules that allow them to do this. He further clarified that he wants to stabilize the neighborhood and ensure high rates of occupancy, before creating the by-laws, allowing the sale of units, and establishing a reasonable HOA.

Commissioner Fadlallah asked if residents who owned a condo, could then rent their condo out.

Mr. Sahuba stated that those rules would be created with and written into the by-laws. At this point they would not allow short-term rentals, requiring at least a 1-year lease.

Commissioner Aljahmi asked about his experience developing Smart Town Fairlane.

Mr. Sahuba replied that they've been developing residential units in Dearborn for 20 years. He stated they always deliver quality buildings with quality materials.

Chairperson Easterly opened the public comment period.

No one from the public came forward.

Chairperson Easterly closed the public comment period.

A motion was made by Commissioner Aljahmi, supported by Commissioner Phillips, to approve the Special Land Use and site plan for a Multiple-Family Residential Development at 15825, 15725 & 15625 Lundy Parkway (Parcel #s 82-09-123-01- 013, 82-09-123-01-014, & 82-09-123-01-015) and located within the Business C (General Business) zoning district.

A motion was made by Chairperson Easterly, supported by Commissioner Aljahmi to amend the previous motion; conditioning the approval on the Zoning Board of Appeals granting a variance to reduce the number of required parking spaces from 239 spaces to 196 spaces.

Upon voice vote the beforementioned amendment was adopted unanimously.

Upon voice vote the amended motion was adopted unanimously.

Chairperson Easterly announced that Item II.2 on the agenda is the Consideration of the request of John & Susan Carone to review and approve the Special Land Use and site plan for a Smoking Lounge at 3419 S. Telegraph Road (Parcel # 82- 09-283-11-020) and located within the Business B (Community Business) zoning district. The property is located on the east side of Telegraph Road between Notre Dame and Penn Streets.

Ms. Bianchini provided an overview of Staff Report C-1 and the supplemental exhibits. She explained the development would involve internal renovations to the existing structure, and reconfiguration of the existing parking lot. She clarified that there is no direct access to the parking lot from Telegraph Road, and access is limited to the public alley in the rear, accessible from Notre Dame and Penn Streets. Ms. Bianchini explained that smoking lounges are permissible in the Business B zoning district, subject to Special Land Use approval. She further explained that the use is compatible with uses located near this site and its Future Land Use designation. Ms. Bianchini stated that the drive aisle is nonconforming, as the measurements do not meet the zoning ordinance's minimum requirements. Ms. Bianchini added that the proposed development would need to be granted 3 variances from the Zoning Board of Appeals: to reduce the minimum distance between a smoking lounge and a school from 700 feet to 400 feet, to waive the requirement that vehicular ingress and egress be limited to throughfares with business zoned frontage, and to reduce the number of required parking spaces from 13 to 10.

Chairperson Easterly asked for clarification regarding the needed variances.

Ms. Bianchini clarified that the vehicular ingress/egress is not considered nonconformity as it is a specific site development standard for smoking lounges.

Chairperson Easterly asked about the history of curb cuts along Telegraph road.

Ms. Bianchini explained that, for smoking lounges, there is a specific requirement that vehicular ingress/egress be limited to throughfares with business zoned frontage.

Chairperson Easterly asked for clarification regarding the definitions of hookah lounges and smoking lounges.

Ms. Bianchini explained that smoking lounges include hookah lounges.

Chairperson Easterly asked for the average size of a hookah lounge.

Ms. Bianchini stated that the City does not have records specifically on this information.

Ms. Bianchini clarified for the commission that city staff received 2 external messages regarding this item, which were included in the commissioner's packets under exhibit C-8.

Chairperson Easterly invited the petitioner to the podium.

Steven Kwosnik, representing the petitioner (Architectural Intelligence, 24525 Southfield Road, Southfield, MI), explained that the original parcel did not have direct access to Telegraph Road, as it shared a curb cut with a neighboring business. He explained that the angled parking was developed when they were using the common driveway. Mr. Kwosnik asked for clarification regarding the requirement that all commercial businesses along Telegraph Road must have a curb cut.

Ms. Bianchini clarified that this requirement is a specific site development standard for smoking lounges that requires them to have egress and ingress limited to commercial thoroughfares. It is not a requirement for all commercial businesses to only be limited to commercial thoroughfares.

Mr. Kwosnik stated that this parcel has always had access through the public alley in the back. Because Telegraph Road is maintained by MDOT, the State controls the curb cut approval. Typically, MDOT does not approve curb cuts within 100 ft of each other; there is an existing curb cut within 100 ft of the site which inhibits the addition of a curb cut to this site. Mr. Kwosnik stated that the building, and many neighboring buildings, are currently vacant, and the owners are looking to make a substantial investment in this property. Mr. Kwosnik stated that he believes it will be a benefit to the surrounding commercial developments, and the HVAC system will ensure that smoke stays within the structure. He clarified that the business is a specialty cigar store with a sampling lounge, but no tobacco products will be sold.

Commissioner Saymuah asked for clarification regarding Mr. Kwosnik's comment that there would be no selling of tobacco products in a cigar store.

Mr. Kwosnik clarified that the only products that are being sold are cigars and cigar accessories, such as trimmers and cases. There would be no tobacco products being sold outside of the cigar products.

John Carone, petitioner and property owner, clarified that it is a specialty cigar store and would not sell products or accessories aside from cigars and cigar accessories. Mr. Carone explained that the business's current location at 22080 Michigan Avenue is difficult for the business, particularly the lack of parking. He explained that he felt it would be good for the business to have a standalone building with its own parking. He also added that he is the part-owner of Kelly's Irish Pub and a lifelong Dearborn resident. Mr. Carone further clarified Michigan State Law requires people be at least 21 years old to enter the business. As such, this should prevent underage individuals from entering the establishment.

Commissioner Phillips asked if the current business would be relocating or if this would be an additional location. He commented that the rapid growth in this area has likely caused some issues in terms of parking accessibility to his business.

Mr. Carone clarified that the business on Michigan Avenue would be moving to this location.

Commissioners Fadlallah and Abdallah asked if at the current location, the business has seating for customers and asked about the capacity.

Mr. Carone stated that the current location has 15 seats, but the new location is only anticipated to have 12 seats. The current location is very rarely at maximum capacity, potentially once a year. He estimated that it is 2-3 people throughout the day, with evenings around 5 people. Mr. Carone added that 80-90% is in-and-out traffic, buying retail products and immediately leaving.

Commissioner Saymuah asked if, during the purchase of the property, the proximity to the school was taken into consideration.

Mr. Carone replied that he knew they were close, but not the exact distance and that there was a distance requirement for this type of use.

Ms. Bianchini stated that there are smoking lounges that are within 700 feet of schools in the City; however, many of these existed before the new ordinance was put into effect.

Mr. Kwosnik added that, if instead of measuring from property line to property line, you instead measure by following the roads on a map he highlighted, you can get a measurement of 758 feet.

Commissioner Saymuah asked for clarification regarding the ordinance language on the measurement.

Ms. Bianchini answered that measurements are taken from nearest property line to nearest property line.

Commissioner Saymuah asked if the development, using the ordinance required measurements, would be in the 700 feet proximity of the school.

Ms. Bianchini answered that staff analysis revealed 400 feet from the school.

Commissioner Easterly opened up the discussion for public comments.

Mark Shooshanian, 19195 Snow Avenue, stated that this is a unique situation. As a former teacher, stated that he did not see an issue with this use being located near a school. In his experience, students are typically not interested in cigars.

Bob Curan, a non-Dearborn resident, stated that Telegraph Road currently has a lot of vacant properties. This project would help improve the area by bringing a new development to the area.

A resident of 24043 Calvin Street stated that the public notice she received in the mail was misleading and this should not be considered a smoking lounge. This resident has no concern with the proposed use being located next to the school since they would not be selling vapes, hookahs, or cigarettes. This resident recommended that the public notices be more specific in the future.

Mohammed Sahuba stated that he was in support of the project, but recommended the approval be contingent on the applicant only selling cigar products. This is important to ensure that the site does not get sold to another individual wishing to sell other types of tobacco, hookah, or vape products.

Commissioner King stated that he this type of restriction would be unnecessary.

Ms. Bianchini stated that the restrictions could not be restricted to ownership.

Mr. Mendelsohn stated that Section 32 of the Zoning Ordinance does not list the proposed conditions. In addition, the smoking lounge license does not transfer with the sale of a property. As such, the new owner would still have to apply for a new smoking lounge license, which could potentially address these concerns, in order to operate.

A local business owner, a few properties to the north, stated that this project would enhance this area by reducing vacancies and bringing new uses to the area. He also mentioned that he would be happy to help supplement additional parking on his property if parking becomes an issue in the future.

A motion was made by Commissioner Phillips, supported by Commissioner King, to approve the Special Land Use and site plan for a Smoking Lounge at 3419 S. Telegraph (Parcel # 82-09-283-11-020) and located within the Business B (Community Business) zoning district. This approval is contingent on approval from the Zoning Board of Appeals granting the following variances:

- Reduce the minimum required distance between a smoking lounge and a school from 700 ft. to 400 ft.
- Waive the requirement for vehicular ingress and egress to be limited to thoroughfares having only business-zoned frontage
- Reduce the required number of parking spaces from 13 to 10.

Upon roll call the following vote was taken: Ayes: (8) (Commissioners Abdallah, Aljahmi, Easterly, Fadlallah, Kadouh, King, Phillips, & Saymuah). Nays: (0) Absent: (0) (Commissioner Abdallah). The motion was adopted.

Chairperson Easterly announced that Item III.1 on the agenda is the consideration of the matter of amending the Zoning Ordinance of the City of Dearborn by amending Articles 3.00 and 29.00.

Ms. Bianchini stated that staff pulled this item to further refine the analyses and recommendations for nonconformities. The item is anticipated to be on the agenda for the next Planning Commission meeting.

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 stated that the next Master Plan Steering Committee will discuss the results from the Parking Study, a sub-component of the Master Plan, and provide opportunities for recommendations and input from the Steering Committee. In addition, Staff recommended that the consultants switch to bi-monthly steering committee meetings to ensure staff and the committee members have sufficient time to review all of the materials.

Chairperson Easterly announced that Item V.1 on the agenda is the election of Planning Commission Officers for the 2025 term.

A motion was made by Commissioner King, supported by Commissioner Fadlallah to nominate the existing 2024 officer; Theodore Easterly, as Chairperson for the 2025 calendar year.

No other nominations were made.

Theodore Easterly accepted the nomination as Chairperson.

Upon roll call the following vote was taken: Ayes: (8) (Commissioners Abdallah, Aljahmi, Easterly, Fadlallah, Kadouh, King, Phillips, and Saymuah). Nays: (0). Absent: (0). The motion was adopted.

A motion was made by Commissioner Kadouh, supported by Commissioner Aljahmi, to nominate Mahde Abdallah, as Vice-Chairperson for the 2025 calendar year.

Mahde Abdallah denied the nomination as Vice-Chairperson.

A motion was made by Commissioner Aljahmi, supported by Commissioner Fadlallah, to nominate Ramsey Saymuah, as Vice-Chairperson for the 2025 calendar year.

Ramsey Saymuah accepted the nomination as Vice Chairsperson.

Upon roll call the following vote was taken: Ayes: (8) (Commissioners Abdallah, Aljahmi, Easterly, Fadlallah, Kadouh, King, Phillips, and Saymuah). Nays: (0). Absent: (0). The motion was adopted.

A motion was made by Commissioner Kadouh, supported by Commissioner Abdallah to nominate the existing 2024 officer; Jamal Aljahmi, as Secretary for the 2025 calendar year.

No other nominations were made.

Secretary Aljahmi accepted the nomination as a secretary.

Upon roll call the following vote was taken: Ayes: (8) (Commissioners Abdallah, Aljahmi, Easterly, Fadlallah, Kadouh, King, Phillips, and Saymuah). Nays: (0). Absent: (0). The motion was adopted.

A motion was made by Commissioner Aljahmi, supported by Commissioner Fadlallah, to adjourn the meeting. Upon roll call the following vote was taken: Ayes: (8) (Commissioners Abdallah, Aljahmi, Easterly, Fadlallah, Kadouh, King, Phillips, & Saymuah). Nays: (0). Absent: (0) (Commissioner Abdallah). The motion was adopted.

The meeting was adjourned at 7:41 pm.
