



LINCOLN PARK PLANNING COMMISSION

City Hall – Council Chambers
1355 Southfield Road | Lincoln Park, MI

July 13, 2022 at 7 p.m.

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Previous Minutes
- IV. Approval of Agenda
- V. Old Business
- VI. New Business
 - A. Site Plan Review: 2121 Dix – Drive-Thru Restaurant
 - B. Rezoning: 2121 Dix
 - C. Public Hearing: 2121 Dix Rezoning
- VII. Policy Review and Discussion
- VIII. Education and Training (see July Planning Report)
- IX. Reports from Department and Other Boards and Commissions
- X. Public Comments
- XI. Comments from Planning Commissioners
- XII. Adjournment

The City of Lincoln Park will provide necessary reasonable auxiliary aides and services, such as signers for the hearing impaired and audio tapes of printed material being considered at the meeting to individuals with disabilities at the meeting/hearing upon seven (7) days prior notice to the City of Lincoln Park. Individuals with disabilities requiring auxiliary aides or services should contact the City of Lincoln Park by writing or calling the following: The Building Department, 1355 Southfield Road, Lincoln Park MI 48146; 313-386-1800 ext. 1296

**CITY OF LINCOLN PARK
COUNTY OF WAYNE, STATE OF MICHIGAN
PLANNING COMMISSION MEETING OF MAY 11, 2022**

A Planning Commission meeting of May 11, 2022, Lincoln Park City Hall at 1355 Southfield, Lincoln Park Michigan was called to order at 7:00 p.m. Mr. Persinger, Commencing with the Pledge of Allegiance.

PRESENT: Palmer, Kissel, Horvath, Persinger, Duprey

ABSENT: LoDuca

EXCUSED:

ALSO PRESENT: Elizabeth Gunden, John Meyers, Michael Relph, Hassan Darwiche, Hussein Awadd, Mohamad Bazzi

APPROVAL OF MINUTES AS CORRECTED

Moved by: Persinger

Supported by: Duprey

MOTION CARRIED unanimously

APPROVAL OF AGENDA

Moved by: Palmer

Supported by: Duprey

MOTION CARRIED unanimously

OLD BUSINESS

NEW BUSINESS

A. SITE PLAN REVIEW 1522 DIX – OFFICE

The proposed project is a used automobile sales establishment. The site is currently vacant and was previously the parking lot for the neighboring PNC Bank to the south. The Lincoln Park City Council approved a rezoning request of the subject property from Neighborhood Business District to Municipal Business District on March 21, 2022.

The 0.41-acre site is located along Dix Highway between Euclid Street to the south and Russell Avenue to the north. There is an existing 6-ft. concrete sidewalk along all three sides of the site, and the rear (west) side of the property abuts a residential neighborhood. There are four existing access points to the site – one on Dix Highway, one on Euclid Street, and two on Russell Avenue. There are existing curbs, landscaped islands, and asphalt pavement on the site.

Recommended move that the City of Lincoln Park Planning Commission approve the site plan numbered PPC21-0050, proposing an automotive sales establishment at 1522 Dix Highway and consisting of the pages and revision dates found under 'Site Plan Documents' above, based on the finding that the proposal substantially complies with the requirements of §1296.01. This approval is conditional upon the submittal, within 45 days of the date of this report, of a revised Site Plan resolving the items noted above and subject to administrative review and approval.

Moved by: Persinger

Supported by: Kissel

Yay's: Palmer, Kissel, Horvath, Persinger, Duprey

Nay's: None

Motion Approved

B. PUBLIC HEARING: TRAINING FACILITIES

Public Hearing opened at 7:16 p.m.

Seeing no public comment and hearing no public comment.

Public Hearing closed at 7:17 p.m.

C. SPECIAL LAND USE 1522 DIX

The proposed Special Land Use would allow for an automobile sales establishment at 1522 Dix Highway. The site is located on the west side of Dix Highway between Russell Avenue to the north and Euclid Street to the south. The proposed use of automobile sales is permitted within the Municipal Business District (MBD) after Special Land Use approval under §1278.03(k) of the Lincoln Park Zoning Code.

Recommended that that the Lincoln Park Planning Commission grant Special Land Use **Approval** for an automotive sales establishment at 1522 Dix Highway, as requested in PPC 21-0050, based on an affirmative finding of compliance with the criteria set forth in Section 1262.08 of the Lincoln Park Zoning Code.

Moved by: Persinger

Supported by: Duprey

Yay's: Palmer, Kissel, Horvath, Persinger, Duprey

Nay's: None

Motion Approved

D. SITE PLAN REVIEW 1132 SOUTHFIELD

The proposed project is a retail store, to include the sale of tools, small appliances, and clothes. The

existing building is currently vacant and was previously used as a medical office.

The 0.21-acre site is located on the corner of Southfield Road and Electric Avenue. There is an existing public sidewalk along both rights-of-way, and the rear (north) side of the property abuts Austin Avenue and a residential neighborhood. Access to the site is via Austin Avenue in the back, where there is also a small parking area.

Recommended that the City of Lincoln Park Planning Commission approve the site plan numbered PPC22-0007, proposing a retail establishment at 1132 Southfield Road and consisting of the pages and revision dates found under 'Site Plan Documents' above, based on the finding that the

proposal substantially complies with the requirements of §1296.01. This approval is conditional upon the submittal, within 45 days of the date of this report, of a revised Site Plan resolving the items noted above and subject to administrative review and approval.

Moved by: Duprey

Supported by: Persinger

Yay's: Palmer, Kissel, Horvath, Persinger, Duprey

Nay's: None

Motion Approved

E. ZONING TEXT AMENDMENT GROUP CHILD CARE HOMES

It has come to Staff's attention that the provisions for state-licensed residential facilities in the Lincoln Park Zoning Ordinance do not line up with the State Act. The re-write of the Lincoln Park Zoning Ordinance will be the appropriate time to ensure that all forms of state-licensed residential facilities align with state regulations; however, in the interim period, "Group Child Care Homes" are a specific type of state-licensed residential facility that must be addressed.

Recommended that the Lincoln Park City Council amend the following sections of the Lincoln Park Zoning Code: Section 1260.08 to correct the name of the state-licensed residential facility; Section 1268.02 to add "Group Child Care Homes, subject to State licensing requirements" as a principally permitted use in the Single Family Residential District; and Section 1296.02(Q) Group Day Care homes to remove this section, as described in the memo titled "Zoning Text Amendment: Group Child Care Homes," dated May 11, 2022.

Moved by: Horvath

Supported by: Palmer

Yay's: Palmer, Kissel, Horvath, Persinger, Duprey

Nay's: None

Motion Approved

F. PUBLIC HEARING CHILD CARE GROUP HOMES

Public Hearing opened at 7:41 p.m.

Seeing no public comment and hearing no public comment.

Public Hearing closed at 7:42 p.m.

POLICY REVIEW AND DISCUSSION

EDUCATION AND TRAINING

A. See April Planning Report

REPORTS FROM DEPARTMENTS AND OTHER BOARDS AND COMMISSIONS

PUBLIC COMMENTS

COMMENTS FROM PLANNING COMMISSIONERS

ADJOURNMENT

Moved by: Persinger

Supported by: Palmer

MOTION CARRIED unanimously

Meeting adjourned at 7:55 p.m.

MICHAEL HORVATH, Secretary

2121 Dix – Drive-Thru Restaurant

Site Plan Review

Applicant	Chester R. Stempien
Project	Drive-Thru Restaurant
Address	2121 Dix Highway, Lincoln Park, MI 48146
Date	July 13, 2022
Request	Site Plan Review

GENERAL

All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Zoning Code. The site plan shall conform with all requirements of this Zoning Code, including those of the applicable zoning district(s).

Project and Site Description



Figure 1: Aerial View

The proposed project is a drive-thru restaurant (Captain Jay's). The site was formerly a sit-down restaurant (Pizza Hut); however, the site has been vacant for quite some time. The property currently consists of two zoning districts rather than one, and the back half of the parcel is zoned residential. This likely represents an oversight during the permitting process for Pizza Hut, as that is where the building sits and thus is now clearly hosts a commercial use. The City is requesting a rezoning for this parcel in conjunction with this site plan review request.

Site Conditions

The 0.53-acre site is located on the east side of Dix Highway between Philomene Blvd. to the north and White Ave. to the south. There is an existing public sidewalk along Dix Hwy. and White Ave., and the rear (east) side of the property directly abuts a residential neighborhood. Access to the site is via Dix Hwy. via two existing driveways, and there is existing parking in front of the building.

Master Plan

Future Land Use Classification

The future land use classification for the site is General Commercial. The proposed drive-thru restaurant use is consistent with the designation.

Intent, Desirable Uses, and Elements

The General Commercial land use is intended to provide retail goods and services on a city-wide scale as well as a regional scale that draw customers from within and outside the City. This is a suitable location for automobile-oriented uses that are not appropriate in pedestrian-oriented City areas such as the downtown, including as restaurants with car service, gas stations with or without convenience stores, minor auto repair shops, and car washes that comply with special design standards.

Land Use and Zoning

Zoning

The site is currently zoned Municipal Business District (MBD) and Single Family Residential District (SFRD); however, the City is requesting a rezoning for this parcel in conjunction with this site plan review request from MBD and SFRD to MBD. "Drive-through service establishments" are principally permitted in the district, subject to the site design standards of Section 1292.02, Site Design Standards for Uses Permitted After Special Approval, per §1278.02(n) of the Lincoln Park Zoning Ordinance.



Figure 2: Zoning Map

Proposed and Existing Uses

Site	Commercial (vacant building) – Municipal Business District (MBD) + Single Family Residential District (SFRD)
North	Commercial + Residential – Multiple Family Residential District (MFRD) + Single Family Residential District (SFRD)
East	Residential – Single Family Residential District (SFRD)
South	ROW, then Commercial – Municipal Business District (MBD) + Single Family Residential District (SFRD)
West	ROW, then Commercial – Municipal Business District (MBD)

Site Plan Documents

The following site plan drawings have been used to perform this review and are part of the public record.

Page	Sheet Title	Original Date	Last Revision
A-1	Elevations	06/10/2022	–
S-02	Site Plan – Landscape	06/10/2022	–
–	Floor Plan	07/01/2022	–

Dimensional Standards

The dimensional requirements of the Municipal Business District (MBD) district are described in the chart below. (§1294.32, except where noted)

	Required	Provided	Compliance
Lot Width	Min. 40	~118 ft.	Met
Street Frontage (§1294.09)	Shrubbery and low retaining walls maximum 2 ½' < height < 8'	No landscaping proposed at intersections.	Met
Lot Area	Min. 4,000 sq. ft.	~23,480 sq. ft.	Met
Lot Coverage	Max. 50%	~2,500/23,480 = 11%	Met
Height	2-Story Building; 25 ft	1 story	Met
Setback – Front	0	Dix: 102'	Met
Setback – Sides	0	~29' (south); 49' (north)	N/A
Setback – Rear	0	~28'	Met



Items to be addressed

None

BUILDING DESIGN

The building design shall relate to the surrounding environment in regard to texture, scale, mass, proportion, and color. High standards of construction and quality materials will be incorporated into the new development. In addition to following design guidelines adopted in specific district or sub-area plans, the building design shall meet the requirements of Section 1296.04, Standards for Architecture and Building Materials.

Required	Compliance
<ul style="list-style-type: none"> Building mass, height, bulk and width-to-height ratio within 50-150% of buildings within 500' 	Met

Required	Compliance
<ul style="list-style-type: none"> Architectural variety Similar materials and entrances to buildings within 500'  <p>1 block north on Dix Hwy. – single-story, square, flat roofs, auto-oriented.</p>  <p>1 block south on Dix Hwy. – single-story, square, flat roofs, auto-oriented.</p>	<p>Met</p>
<ul style="list-style-type: none"> Building materials: primarily natural products conveying permanence (brick, decorative masonry block, stone, or beveled wood siding) = min 75% of each façade (industrial districts, 50% if facing ROW) <p><u>East Elevation (front on Dix Hwy.): 100% masonry (521/521)</u></p> <ul style="list-style-type: none"> Brick: ~278 sf Hardi-plank panels: ~220 sf Stone (Window sill + plinth): ~23 sf Glass door (exempt): ~58 sf Glass window (exempt): ~72 sf Total Area: ~651 sf <p><u>West Elevation (rear): cannot determine</u></p> <ul style="list-style-type: none"> Unidentified material: ~539 sf Unidentified material: ~40 sf Cement (Plinth): ~16 sf Total Area: ~595 sf <p><u>North Elevation (side): 91% masonry (879/963)</u></p> <ul style="list-style-type: none"> Brick: ~349 sf Hardi-plank panels: ~478 sf Cement (Window sill + plinth): ~52 sf Unidentified material: ~84 sf Glass window (exempt): ~96 sf Total Area: ~1,059 sf <p><u>South Elevation (front on White Ave.): 91% masonry (879/963)</u></p> <ul style="list-style-type: none"> Brick: ~349 sf Hardi-plank panels: ~478 sf Material (Window sill + plinth): ~52 sf Unidentified material: ~84 sf Glass window (exempt): ~96 sf Total Area: ~1,059 sf 	<p>INQUIRY</p>

Required	Compliance
<ul style="list-style-type: none"> 25% may be glass, exterior insulation finish systems (EIFS), vinyl, aluminum, or steel siding; or similar synthetic or highly reflective materials (industrial districts not facing public streets or freeways, these and pre-cast concrete or plain masonry block) Natural colors (bright for decorative features only) <i>Grey brick, panels, or painted surfaces.</i> 	
<ul style="list-style-type: none"> Façade: <100' uninterrupted If >100' = recesses, off-sets, angular forms, arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches All sides similar 	Met
<ul style="list-style-type: none"> Windows: vertical, recessed, visually obvious sills Spaces between windows = columns, mullions, or material found elsewhere on the façade Front facades > 25% windows <i>Dix Highway: 72 / 651 = 11%; White Ave.: 96 / 1,059 = 9%;</i> Size, shape, orientation, spacing to match buildings within 500' 	NOT MET
<ul style="list-style-type: none"> Main entrances: <i>Glass Doors</i> Framing devices (overhangs, recesses, peaked roof forms, porches, arches, canopies, parapets, awnings, display windows, accent colors, tile work, moldings, pedestrian-scale lighting, distinctive door pulls) 	Met
<ul style="list-style-type: none"> Pitched / shingled roof forms suggested; overhanging eaves with slope of 0.5 to 1 <i>Flat roof</i> Rooflines >100' = roof forms, parapets, cornice lines Roof-top mechanical equipment screened by roof form. <i>Aluminum louvered screens proposed to cover existing mechanical equipment.</i> 	Met

The proposed façade renovations include removing and replacing the windows on the existing building, painting the existing brick, and adding the hardi-plank panels on the upper portion of the building. Engineering comments indicate that some of the existing brick on the building will need to be repaired prior to occupancy. The proposed renovations will improve the existing building condition; however, the proposed square footage of windows does not meet the transparency requirements.

Items to be addressed

- Applicant shall provide details of materials used on the rear of the building (west elevation).
- Applicant shall redesign the building façades facing Dix Highway and White Avenue to comply with minimum 25% transparency requirement.

PRESERVATION OF SIGNIFICANT NATURAL FEATURES

Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as deemed in this Zoning Code, in particular flood hazard areas and wetlands designated/regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, flood hazard areas and wetlands which are not regulated by the Department.

There are no significant natural features to preserve.

Items to be addressed

None

SIDEWALKS, PEDESTRIAN AND BICYCLE CIRCULATION

The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and sidewalks/ pedestrian or bicycle pathways in the area. There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of primary and secondary schools, playgrounds, local shopping areas, fast food/ service restaurants and other uses which generate a considerable amount of pedestrian or bicycle traffic.

The site is served by a public sidewalk on Dix Highway and White Avenue, which provides pedestrian circulation separated from the vehicular circulation. There are no bicycle lanes on the ROW or bicycle parking facilities proposed. Any broken, cracked, or unsafe sidewalks in the right-of-way must be repaired.

Items to be addressed

- Applicant shall ensure that concrete sidewalks are brought up to City standards.

PARKING

The number and dimensions of off-street parking [spaces] shall be sufficient to meet the minimum required by this Zoning Code. However, where warranted by overlapping or shared parking arrangements, the Planning Commission may reduce the required number of parking spaces, as provided in this Zoning Code.

Use	Required	Proposed	Compliance
Drive-Through Restaurants	<p>One (1) for every two (2) seats in an established seating plan area, plus one (1) for every fifteen (15) square feet of usable customer area other than in an established seating plan area, plus one (1) for every two (2) employees based upon maximum employment shift, plus one (1) for every outside customer automobile service stall area, plus required vehicle stacking spaces.</p> <p><i>Total seating = 28 / 2 = 14 spaces</i></p> <p><i>Total employees on max. employment shift = 7 / 2 = 3.5 = 3 spaces</i></p> <p><i>Required Parking = 17 parking spaces</i></p> <p><i>Required stacking spaces = 10</i></p>	<p>19 parking spaces</p> <p>10 stacking spaces, no dimensions provided</p>	INQUIRY

	Required	Proposed	Compliance
Parking Area Type B §1290.05	Adequate means of ingress and egress shall be provided and shown	Existing ingress and egress via Dix Highway.	Met
	Parking facilities, access drives, and maneuvering aisles shall be hard surfaced with concrete or plant-mixed bituminous material, maintained in a usable dustproof condition and graded and drained appropriately	Parking area has existing pavement; Engineering comments indicate that pavement will need to be replaced.	INQUIRY
	Concrete curbs and gutters	Existing.	Met

	When adjoining residential property and/or a residential street or alley: 6' solid masonry wall, ornamental on both sides, with bumper guards	There is an existing 5' 4" tall masonry wall on the east and north property lines.	Partially Met
	All street boundaries of such parking facilities, where residential property is located on the opposite side of the street, shall be treated the same as set forth in Section 1290.04, Off-Street Parking A Areas; Residential Districts Adjoining Business or Industrial Districts.	No street boundary.	N/A
	Entrance only from the adjoining principal use or adjoining alley; no use of street for backing or maneuvering	There is ample space for maneuvering on site.	Met
	In all cases where such parking facilities abut public sidewalks, a wall or curb at least six (6) inches high, or steel posts twenty-four (24) to thirty (30) inches high and not more than five (5) feet apart, set three (3) feet in concrete, shall be placed thereon so that a motor vehicle cannot be driven or parked with any part thereof extending within two (2) feet of a public sidewalk.	Parking facilities do not abut a public sidewalk.	Met

Items to be addressed

- Applicant shall provide stacking space dimensions that comply with the 10' x 24' size requirement specified in §1290.03.
- Applicant shall modify the existing solid masonry wall to meet the 6-ft. height requirement.
- Applicant shall remove and replace broken and settled HMA pavement and shall bring up the parking lot to current City standards.

BARRIER-FREE ACCESS

The site has been designed to provide barrier-free parking and pedestrian circulation.

Required Spaces	Required Barrier-Free Spaces	Proposed Barrier-Free Spaces	Compliance
1 to 25	1	2	Met

Items to be addressed

None

LOADING

All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened in accordance with this Zoning Code.

Gross Floor Area	Loading Spaces – Required	Loading Spaces – Provided	Compliance
2,001 to 5,000	1	No loading space provided	INQUIRY

Items to be addressed

- Applicant shall provide the required loading and unloading space in accordance with §1290.09 of Lincoln Park Zoning Code.

ACCESS, DRIVEWAYS, AND VEHICULAR CIRCULATION

Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. All driveways shall meet the design and construction standards of the City. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets, particularly left turns into and from the site. For uses having frontage and/or access on a major traffic route, as defined in the City of Lincoln Park Comprehensive Development Plan, the number, design, and location of access driveways and other provisions for vehicular circulation shall comply with the provisions of Section 1290.10, Access Management Standards.

The standards of this section shall be applied to the following major traffic routes (arterials) identified in the City of Lincoln Park Comprehensive Development Plan: Southfield Rd., Fort St., Dix Hwy., and Outer Dr.

Required	Provided	Compliance
<ul style="list-style-type: none"> • Single two-way driveway or pair of one-way driveways • Two-way: 25' < throat width < 30' (face to face of curb). One-way paired: each 20' measured perpendicularly. May be separated by 10' median; sidewalks shall be continued or maintained • 25' radii; 30' radii where daily truck traffic expected • Corner lots: one access point per street with >100' frontage • If frontage >300' and documented need (ITE), may allow additional access with design restrictions 	<ul style="list-style-type: none"> • Existing pair of one-way driveways • 28' and 39' separated by landscaping; sidewalks continue • No radii details provided • Access is only from Dix Hwy. • Not applicable 	<p style="text-align: center;">Met NOT MET</p> <p style="text-align: center;">INQUIRY</p> <p style="text-align: center;">Met</p> <p style="text-align: center;">N/A</p>
<ul style="list-style-type: none"> • Shared access: driveways along property lines, connecting parking lots, on-site frontage roads, rear service drives. Encouraged and may be required for sites within 1/4 mile of major intersections; having dual frontage; with <300' frontage; with sight distance problems; along congested or accident-prone roadway segments • Connection to adjacent facilities may be required; site accommodation may be required for future connection to undeveloped adjacent property • Letters of agreement or access easements required 	<p>Not applicable</p>	<p style="text-align: center;">N/A</p>
<ul style="list-style-type: none"> • Triangular unobstructed view areas: from corner of two ROWs, 25' along each; from corner of ROW and driveway, 10' along driveway and 5' along ROW • Grass / groundcover only in 3' strip abutting driveway and ROW • Trees permitted if trimmed between 30" and 6' from ground level 	<p>No landscaping proposed in triangular unobstructed view area.</p>	<p style="text-align: center;">N/A</p>

Required	Provided	Compliance
<ul style="list-style-type: none"> • May require drive to be located on the far side of the property from congested intersections • >150' from signalized intersection or 4-way stop, or right-turn-only at 75' from intersection • >100' otherwise • >200' from centerline of I-75 access ramps 	<ul style="list-style-type: none"> • Existing drive on Dix Highway is located >150' from intersection on Southfield Rd. 	Met
<ul style="list-style-type: none"> • Same side of street: Driveway spacing determined by speed limits in §1290.10 <i>35 mph = 150' driveway spacing</i> • Across the street: Driveways directly aligned or >150' offset (excludes right-turn-only) • Directional driveways, divided driveways, and deceleration tapers and/or by-pass lanes may be required by the Planning Commission where they will reduce congestion and accident potential 	<ul style="list-style-type: none"> • East = 170', West = 78' • Driveway across the street directly aligned • Existing directional driveways 	NOT MET Met Met

The existing driveways do not meet the standards for width and location. Because the project is redeveloping an existing site, the Planning Commission has the authority to apply the standards to the maximum extent possible if it determines that compliance with all the standards of this section is unreasonable.

Items to be addressed

- Applicant shall provide drive radii details.*

EMERGENCY VEHICLE ACCESS

All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Police Department.

Emergency vehicles may access the building via Dix Highway. The Police Department has indicated that it has no concerns for access with the proposal.

Items to be addressed

None

STREETS

All streets shall be developed in accordance with the City of Lincoln Park Subdivision Control Ordinance and construction standards, unless developed as a private road in accordance with the requirements of the City.

No new streets are proposed.

Items to be addressed

None

LANDSCAPING, SCREENING, AND OPEN SPACE

The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Zoning Code. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Landscaping, landscape buffers, greenbelts, fencing, walls and other protective barriers shall be provided and designed in accordance with the provisions of Section 1296.03, Landscaping Standards. Recreation and open space areas shall be provided in all multiple-family residential and educational developments.

	Required	Proposed	Compliance
Street Landscaping	Greenbelt, 10' width minimum with groundcover	Existing 9.5' greenbelt on Dix Hwy., 8' greenbelt on White Ave.	Met as possible
	1 tree and 4 shrubs per 40' of street frontage <i>119' on Dix Highway + 198' on White Ave. = 317' frontage = 8 trees and 32 shrubs</i> <i>30% redevelopment standard = 2 trees + 10 shrubs</i>	2 trees and 12 shrubs provided.	Met
	Where headlights from parked vehicles will shine into the ROW, may require a totally obscuring hedge	Parked vehicles do not face a ROW.	N/A
Interior Landscaping	10% of total lot area landscaped, including groundcover <i>(23,480 sf * 0.1) = 2,348 sf landscaping</i> <i>30% redevelopment standard = 704 sf</i>	~550 sf of total lot area is landscaped.	NOT MET
	Interior landscaping to be grouped near entrances, foundations, walkways, service areas	Interior landscaping grouped near entrances and walkways.	Met
	1 tree per 400 sf of required landscaping and 1 shrub per 250 sf of required landscaping = <i>2 trees and 3 shrubs</i> <i>30% redevelopment standard = 0 trees + 1 shrub</i>	6 shrubs provided	Met
Parking Lot	1 deciduous or ornamental tree per 10 parking spaces <i>Requirements for 19 parking spaces = 2 trees</i> <i>30% redevelopment standard = 1 tree</i>	1 tree provided (in front landscaped area)	Met
	100 sf of planting area per tree		
Screening	Waste receptacle: Decorative masonry wall of at least 6' with solid or impervious gate	Existing dumpster and brick screening wall.	Met
	Abutting residential: greenbelt, 15' with 5' evergreens (PC may waive), and/or solid 6' masonry wall ornamental on both sides	There is an existing 5' 4" tall masonry wall on the east and north property lines.	Partially Met

Because the proposed project is a redevelopment of an existing site, it must only meet 30% of the landscaping standards. There is space in the existing parking lot to create a landscape island to provide additional interior landscaping. Additionally, there is an existing 5' 4" masonry wall screening the site from adjacent residential properties. This wall shall be modified to meet the 6-ft. height standard.

Items to be addressed

- Applicant shall revise the landscaping plan to include 704 sf of interior landscaping.
- Applicant shall modify the existing solid masonry wall to meet the 6-ft. height requirement.

SOIL EROSION CONTROL

The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Building Superintendent or City Engineer.

All erosion and sedimentation measures are under the jurisdiction of Wayne County.

Items to be addressed

- Applicant shall work with the building superintendent, City Engineer, and Lincoln Park Department of Public Services to comply with soil erosion control standards.
- A Soil Erosion and Sedimentation permit must be obtained from Wayne County.

UTILITIES

Public water and sewer facilities shall be available or shall be provided for by the developer as part of the site development, where such systems are available.

The site is served by public water and sewer. No new water line or sanitary sewer systems are proposed for the site. Engineering comments state that if the existing sanitary sewer is going to be reused, the architect should verify that the existing sanitary service is adequate to handle the required flows for the building's use. If it is being reused, it is important that the developer realize this existing sanitary service is old and may have reached its life expectancy. It is highly recommended that the existing sanitary sewer service be videotaped to determine the condition of the service lead. If the existing water service is being reused, it is important that the developer realize this existing water service is also old and may have reached its life expectancy. If the existing service is a lead-type service or undersized, it will be required to be removed and replaced. The design professional must verify the existing water service type, size, and lead capacity and should verify that the existing service is adequate to handle the required flows.

Items to be addressed

- Applicant shall work with the City Engineer to verify the existing water service and sanitary service type, size, and determine the lead capacity for the proposed building use.
- It is highly recommended that the existing sanitary service be videotaped to determine the condition of the service lead.

STORMWATER MANAGEMENT

Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/ retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.

Stormwater management is under the jurisdiction of Wayne County.

Items to be addressed

- Applicant shall work with the City Engineer to review stormwater system to determine the appropriate permitting process.*

LIGHTING

Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

No lighting details have been provided.

Items to be addressed

- If new lighting is proposed, applicant shall provide manufacturer specifications to ensure that lighting is arranged to deflect away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.*

NOISE

The site has been designed, buildings so arranged, and activities/equipment programmed to minimize the emission of noise, particularly for sites adjacent to residential districts.

Police comments indicate that the drive-through area is close to a residential area, which will likely result in noise complaints. Applicant comment requested regarding noise mitigation.

Items to be addressed

- Applicant shall comment on plans for noise mitigation.*

MECHANICAL EQUIPMENT

Mechanical equipment, both roof and ground mounted, shall be screened in accordance with the requirements of this Zoning Code.

Aluminum louvered screen proposed to screen existing roof-top mechanical equipment.

Items to be addressed

None

SIGNS

The standards of the City's Sign Code are met.

Signs shall be permitted by the Building Department in accordance with the Lincoln Park Sign Ordinance.

Items to be addressed

- Applicant shall work with the Building Department to ensure signs comply with the Lincoln Park Sign Ordinance.*

HAZARDOUS MATERIALS OR WASTE

For businesses utilizing, storing or handling hazardous material such as automobile service and automobile repair stations, dry cleaning plants, metal plating industries, and other industrial uses, documentation of compliance with state and federal requirements shall be provided.

The proposed use is not expected to generate hazardous materials or waste.

Items to be addressed

None

SITE DESIGN STANDARDS FOR USES PERMITTED AFTER SPECIAL APPROVAL

All applicable standards for uses permitted after special approval are met.

A drive-thru restaurant is a principal permitted use in the MBD zoning district; however, Section 1278.02 specifies that a drive-thru service establishment is subject to the site design standards of Section 1296.02, Site Design Standards for Uses Permitted After Special Approval. Thus, while the project does not require Special Land Use approval, it must meet the requirements of Section 1294.16, Drive-in and Drive-Through Establishments.

	Required	Proposed	Compliance
Location & Access	Abut a principal or regional thoroughfare, with all ingress and egress directly to thoroughfare.	The site abuts Dix Highway.	Met
	Adequate ingress and egress.	Existing and adequate ingress and egress provided	Met
Lighting	Does not create a driving hazard on abutting streets or cause direct illumination on adjacent residential properties.	No photometric plan provided; therefore, cannot determine lighting impact.	INQUIRY
Paved Areas	Hard surfaced; curbs along landscape	Existing asphalt parking lot; CMU landscape border proposed	Met
Walls & Screening	Where adjoining residential district: 6' solid, ornamental, masonry wall along interior or alley lot line	There is an existing 5' 4" tall masonry wall on the east and north property lines.	Partially Met
	Trash areas, tires, parts, etc. enclosed on all sides by 6' masonry wall	Existing dumpster and brick screening wall.	Met

	Required	Proposed	Compliance
	Walls: same materials as principal building; brick, decorative block, pre-cast concrete with decorative pattern; painted principal building color scheme		
	Protected by curb or vehicle barrier	Existing curbs.	Met
Additional Review	Police and Fire Dept. review as to the suitability of the location of entrances and exits to the site, parking area, screening, lighting, and other design features.	The Police and Fire Departments have reviewed the plan. Police Department comments indicate that the drive-through area is close to a residential neighborhood, which will likely result in noise complaints.	INQUIRY

Items to be addressed

- Applicant shall provide photometric plan to determine lighting impact.
- Applicant shall modify the existing solid masonry wall to meet the 6-ft. height requirement.
- Applicant shall comment on plans for noise mitigation.

OTHER AGENCY REVIEWS

The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Wayne County Drain Commission, Wayne County Health Department, and other federal and state agencies, as applicable.

Items to be addressed

- Work in the Dix Highway right-of-way requires a permit from the Wayne County Road Commission.
- Applicant to secure all appropriate agency reviews as needed.

VARIANCES

No variances are anticipated from this proposal.

Items to be addressed

- None

RECOMMENDATIONS

Findings

The information submitted with this proposal is substantially in compliance with §1296.01, Site Plan Review.

Conditions & Waivers

Conditions to be Addressed Before Approval Letter is Issued

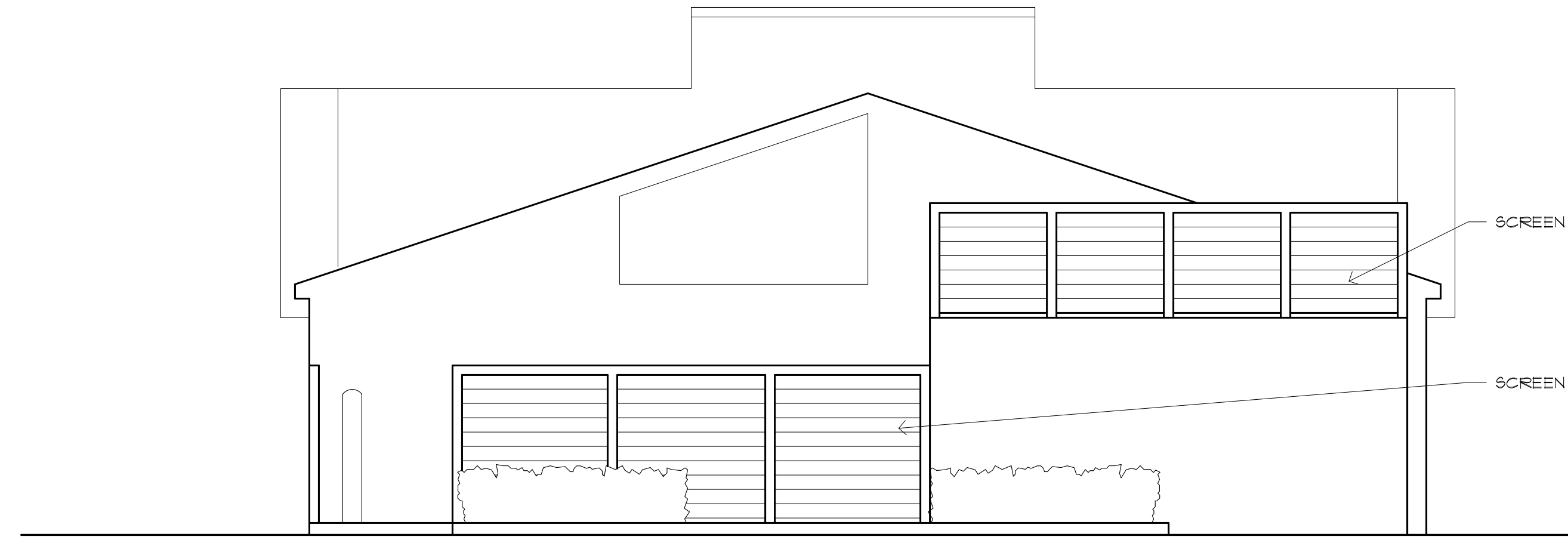
- Applicant shall provide details of materials used on the rear of the building (west elevation).
- Applicant shall redesign the building façades facing Dix Highway and White Avenue to comply with minimum 25% transparency requirement.
- Applicant shall provide stacking space dimensions that comply with the 10' x 24' size requirement specified in §1290.03.
- Applicant shall modify the existing solid masonry wall to meet the 6-ft. height requirement.
- Applicant shall provide the required loading and unloading space in accordance with §1290.09 of Lincoln Park Zoning Code.
- Applicant shall provide drive radii details.
- Applicant shall revise the landscaping plan to include 704 sf of interior landscaping.
- If new lighting is proposed, applicant shall provide manufacturer specifications to ensure that lighting is arranged to deflect away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets.
- Applicant shall comment on plans for noise mitigation.
- Applicant shall provide photometric plan to determine lighting impact.

Conditions of Approval

- Applicant shall ensure that concrete sidewalks are brought up to City standards.
- Applicant shall remove and replace broken and settled HMA pavement and shall bring up the parking lot to current City standards.
- Applicant shall work with the building superintendent, City Engineer, and Lincoln Park Department of Public Services to comply with soil erosion control standards.
- A Soil Erosion and Sedimentation permit must be obtained from Wayne County.
- Applicant shall work with the City Engineer to verify the existing water service and sanitary service type, size, and determine the lead capacity for the proposed building use.
- It is highly recommended that the existing sanitary service be videotaped to determine the condition of the service lead.
- Applicant shall work with the City Engineer to review stormwater system to determine the appropriate permitting process.
- Applicant shall work with the Building Department to ensure signs comply with the Lincoln Park Sign Ordinance.
- Work in the Dix Highway right-of-way requires a permit from the Wayne County Road Commission.
- Applicant to secure all appropriate agency reviews as needed.

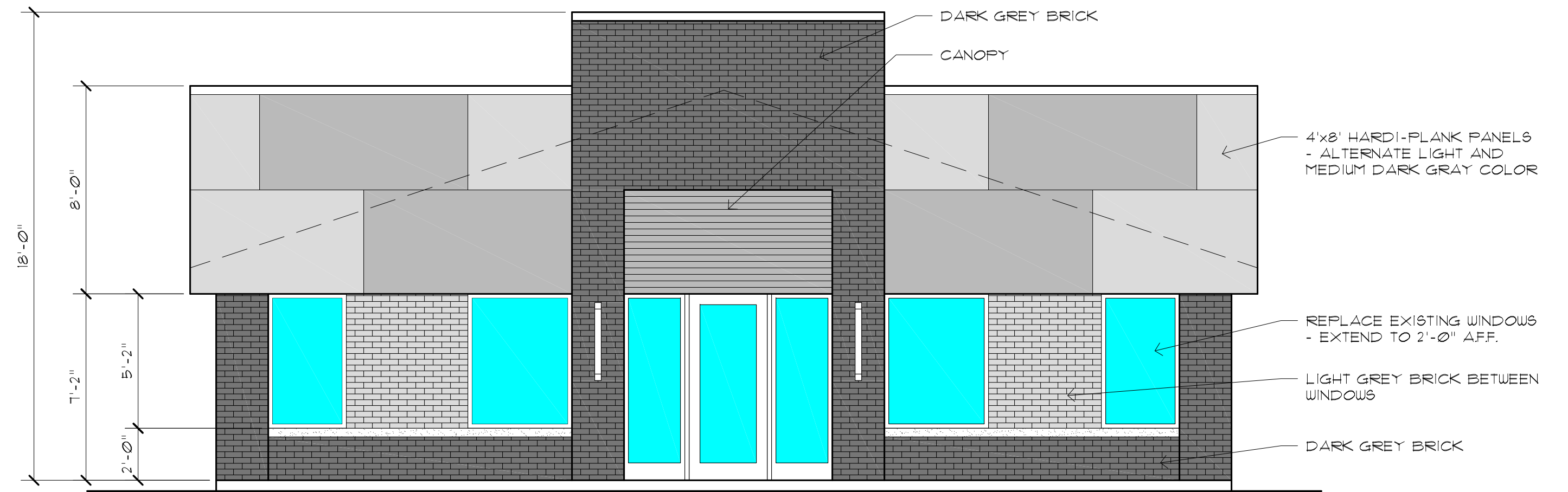
Proposed Motion

I move that the City of Lincoln Park Planning Commission **approve** the site plan numbered PPC22-0008, proposing a drive-thru restaurant at 2121 Dix Highway and consisting of the pages and revision dates found under 'Site Plan Documents' above, based on the finding that the proposal substantially complies with the requirements of §1296.01. This approval is conditional upon the submittal, within 45 days of the date of this report, of a revised Site Plan resolving the items noted above and subject to administrative review and approval.



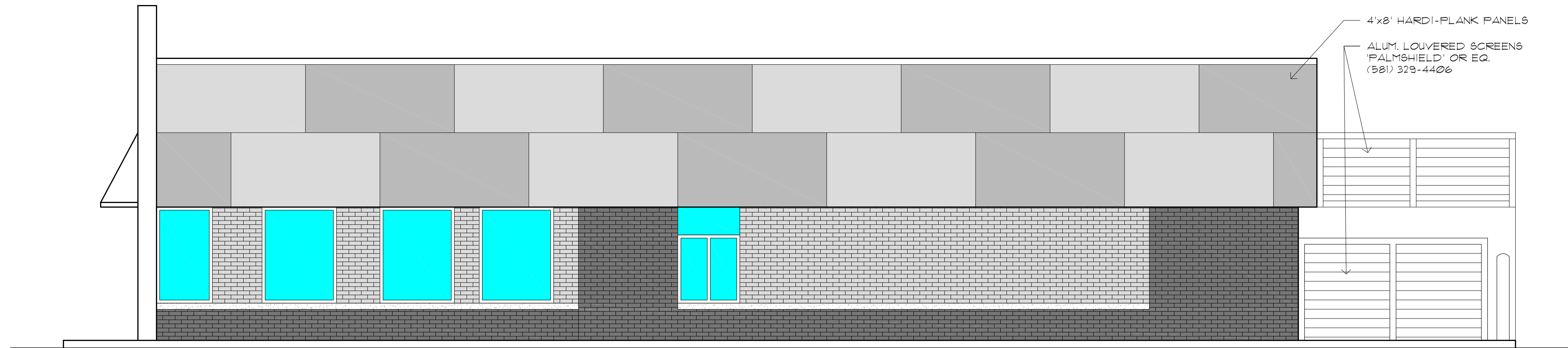
WEST ELEVATION

SCALE: 1/4"=1'-0"



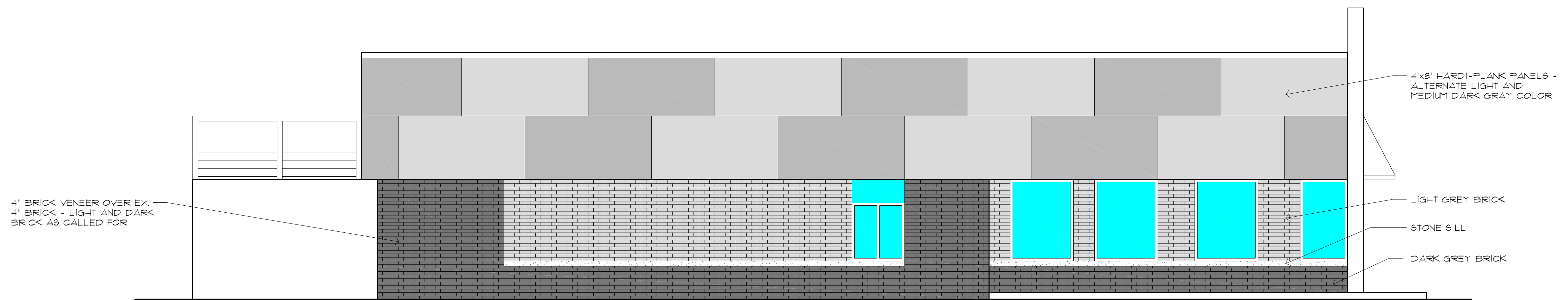
EAST ELEVATION

SCALE: 1/4"=1'-0"



NORTH ELEVATION

SCALE: 1/4"=1'-0"



SOUTH ELEVATION

SCALE: 1/4"=1'-0"

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 CHESTER STEMPIEN ASSOC.

PROJECT
CAPTAIN JAYS DRIVE THRU
 2121 DK HWY,
 LINCOLN PARK, MI 48146

SUBJECT
ELEVATIONS

ARCHITECTS
CHESTER STEMPIEN ASSOCIATES • AIA
 28895 GREENFIELD ROAD SOUTHFIELD, MICHIGAN 48076
 (248) 557-2145 FAX: (248) 569-2856



ISSUED:
 REVIEW:
 06/10/2022

DRAWN V.S.
 CHECKED C.R.S.
 APPROVED C.R.S.
 SDS
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DO NOT SCALE
 PRINTS - USE
 DIMENSIONS ONLY

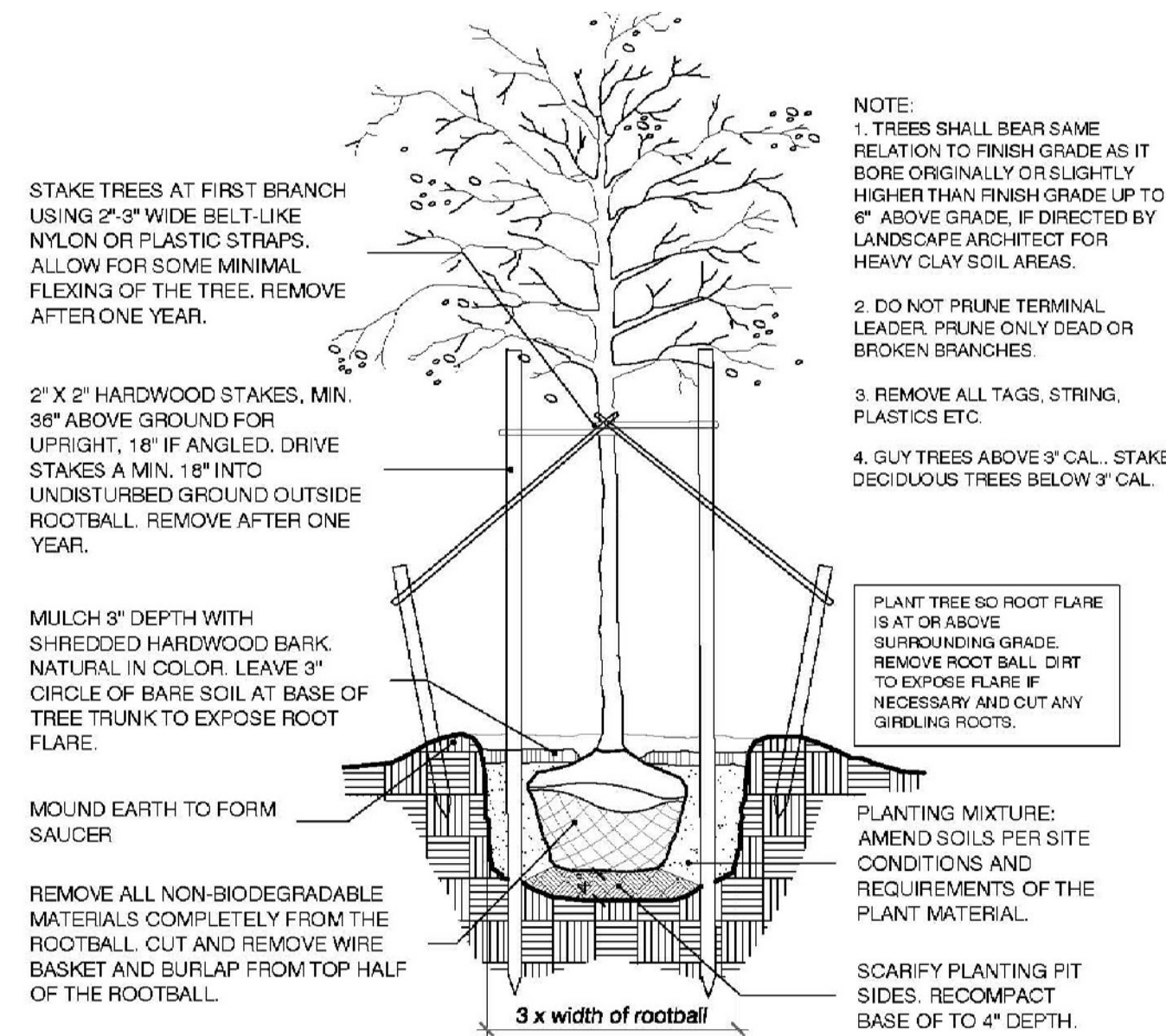
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2022012

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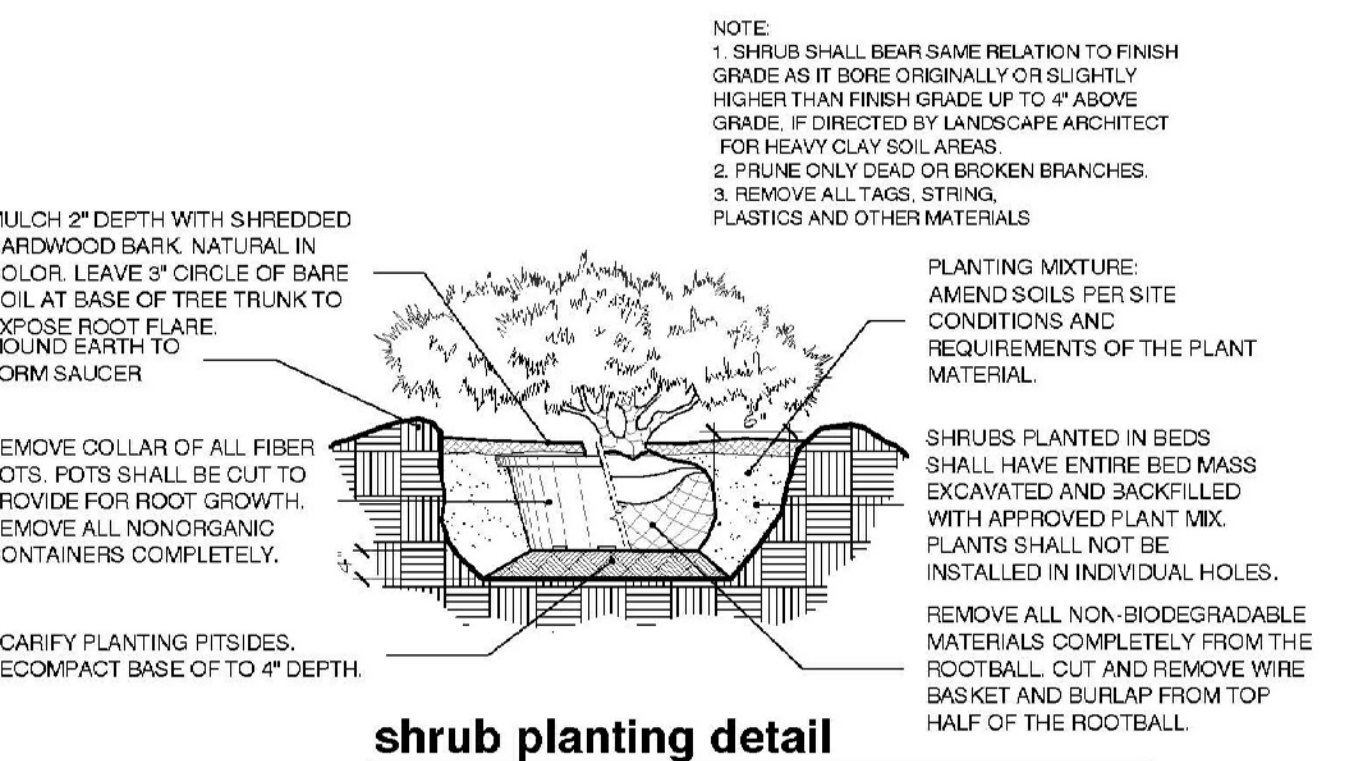
CAPTAIN JAYS
 LINCOLN PARK

CAPTAIN JAY'S

2121 DIX HWY., LINCOLN PARK, MI 48146



tree planting detail
no scale



shrub planting detail
no scale

general landscape notes:

1. LANDSCAPE CONTRACTOR SHALL VISIT THE SITE, INSPECT EXISTING CONDITIONS, REVIEW PROPOSED PLANTINGS AND RELATED WORK, CONTACT THE OWNER AND/OR LANDSCAPE ARCHITECT WITH ANY CONCERNS OR DISCREPANCY BETWEEN THE PLAN, PLANT MATERIAL LIST, AND/OR SITE CONDITIONS.
2. PRIOR TO BEGINNING OF CONSTRUCTION ON ANY WORK, CONTRACTORS SHALL VERIFY LOCATIONS OF ALL ON SITE UTILITIES, GAS, ELECTRIC, TELEPHONE, CABLE TO BE LOCATED BY CONTACTING 313-983-4800-4801. ANY DAMAGE OR INTERRUPTION OF SERVICES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. COORDINATE ALL RELATED WORK ACTIVITIES WITH OTHER TRADES AND REPORT ANY UNACCEPTABLE JOB CONDITIONS TO OWNER PRIOR TO COMMENCING.
3. NUMERICAL VALUE ON THE LANDSCAPE QUANTITIES SPECIFIED ON THE PLAN TAKE PRECEDENCE OVER GRAPHIC REPRESENTATION. VERIFY ANY CONCERN/DISCREPANCY WITH LANDSCAPE ARCHITECT.
4. ALL CONSTRUCTION AND PLANT MATERIAL LOCATION TO BE ADJUSTED ON SITE IF NECESSARY.

landscape maintenance notes:

- LANDSCAPE MAINTENANCE PROCEDURES AND FREQUENCIES TO BE FOLLOWED SHALL BE SPECIFIED ON THE LANDSCAPE PLAN, ALONG WITH THE MANNER IN WHICH THE EFFECTIVENESS, HEALTH AND INTENDED FUNCTIONS OF THE VARIOUS LANDSCAPE AREAS ON THE SITE WILL BE ENSURED.
1. LANDSCAPING SHALL BE KEPT IN A NEAT, ORDERLY AND HEALTHY GROWING CONDITION, FREE FROM DEBRIS AND REFUSE.
 2. PRUNING SHALL BE MINIMAL AT THE TIME OF INSTALLATION, ONLY TO REMOVE DEAD OR DISEASED BRANCHES. SUBSEQUENT PRUNING SHALL ASSURE PROPER MATURATION OF PLANTS TO ACHIEVE THEIR APPROVED PURPOSE.
 3. ALL DEAD OR DISEASED PLANT MATERIAL SHALL BE REMOVED AND REPLACED WITHIN SIX (6) MONTHS AFTER IT DIES OR IN THE NEXT PLANTING SEASON, WHICHEVER OCCURS FIRST. THE PLANTING SEASON FOR DECIDUOUS PLANTS SHALL BE BETWEEN MARCH 15 AND NOVEMBER 15 OR UNTIL THE PREPARED SOIL BECOMES FROZEN. THE PLANTING SEASON FOR EVERGREEN PLANTS SHALL BE BETWEEN MARCH 1 AND JUNE 1. PLANT MATERIAL INSTALLED TO REPLACE DEAD OR DISEASED MATERIAL SHALL BE AS CLOSE AS PRACTICAL TO THE SIZE OF THE MATERIAL IT IS INTENDED TO REPLACE.
 4. THE APPROVED LANDSCAPE PLAN SHALL BE CONSIDERED A PERMANENT RECORD AND INTEGRAL PART OF THE SITE PLAN APPROVAL, UNLESS OTHERWISE APPROVED IN ACCORDANCE WITH THE AFOREMENTIONED PROCEDURES, ANY REVISIONS TO, OR REMOVAL OF PLANT MATERIALS WILL PLACE THE PARCEL IN NON-COMFORMITY WITH THE APPROVED LANDSCAPE PLAN AND SHALL BE VIEWED AS A VIOLATION OF THIS ORDINANCE AND THE AGREED UPON TERMS OF THE FINAL SITE PLAN APPROVAL.

PLANT MATERIAL LIST

KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE/SPACING
AC	3	AMELANCHIER XG 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY	8' B.B.
LV	6	LIGUSTRUM X VICARI	GOLDEN VICARY FRIVET	36" B.B. / 36" O.C.
RAG	6	RHUS AROMATICA 'GRO-LOW'	GRO-LOW FRAGRANT SUMAC	15" CONT. 36" O.C.
TD	6	TAXUS XM 'DENSIFORMIS'	JAPANESE DENSE YEW	24" BB / 36" O.C.

BUILDING DATA/CODE INDEX:

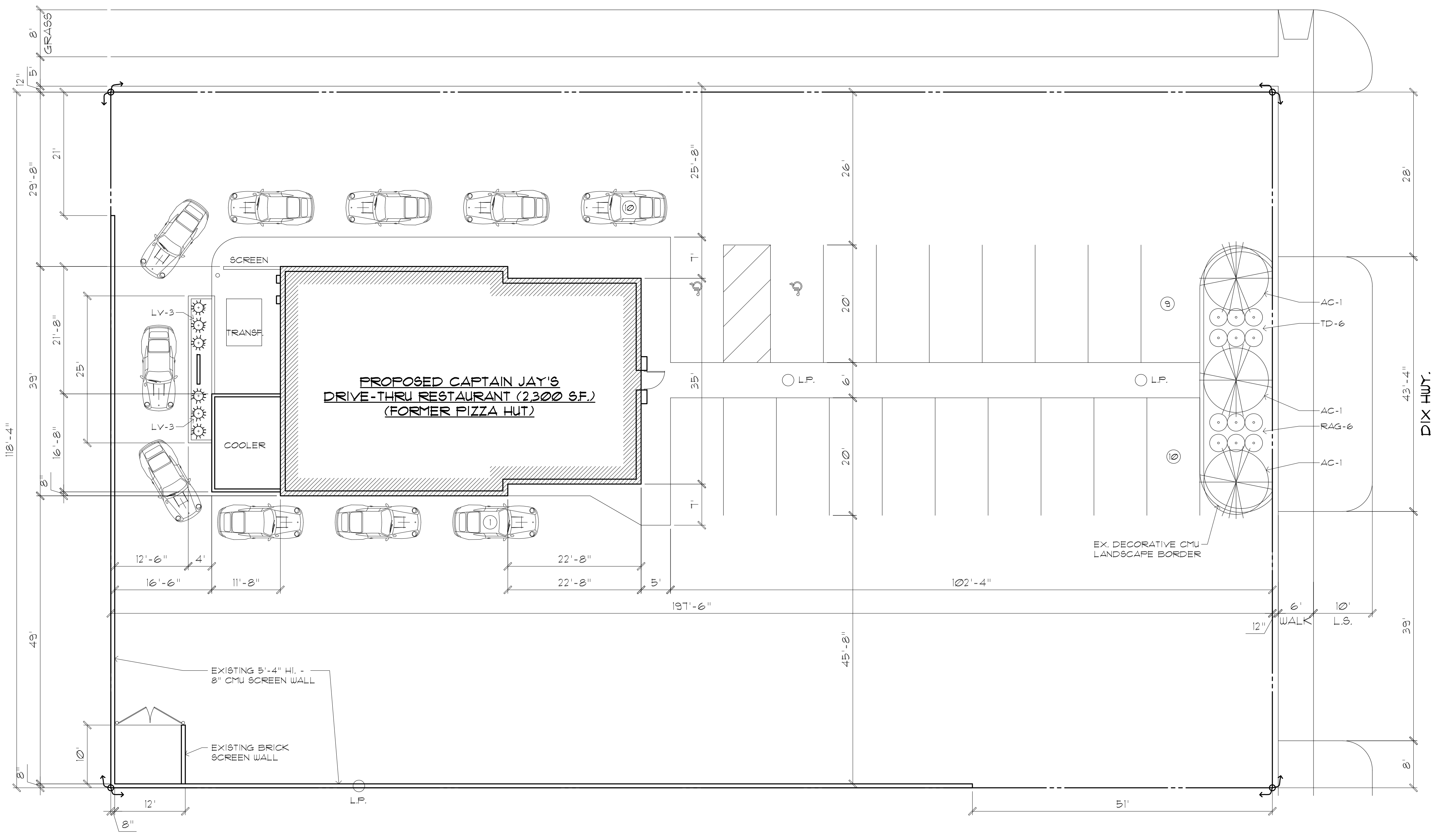
BUILDING CODES:
 2015 MICHIGAN BUILDING CODE
 2018 MICHIGAN PLUMBING CODE
 2015 MICHIGAN MECHANICAL CODE
 2014 NATIONAL ELECTRICAL CODE (WITH MICHIGAN AMENDMENTS)
 MICHIGAN BARRIER FREE - ICC/ANSI A117.1-2009
 2015 MICHIGAN UNIFORM ENERGY CODE PART 10A
 ANSI/ASHRAE/IESNA STANDARD 90.1
 2015 INTERNATIONAL FIRE CODE

BUILDING AREA:
2,500 S.F.

USABLE FLOOR AREA:
1,100 S.F.

PARKING REQUIRED:
1100/75 = 15 CARS

PARKING INDICATED:
13 CARS

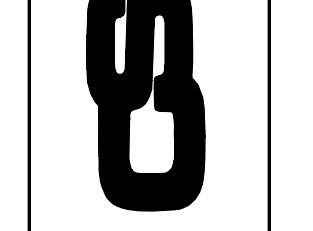


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PROJECT: CAPTAIN JAYS DRIVE THRU
 2121 DIX HWY.
 LINCOLN PARK, MI 48146

SUBJECT: SITE PLAN - LANDSCAPE

ARCHITECTS
CHESTER STEMPIEN ASSOCIATES • AIA
 28895 GREENFIELD ROAD SOUTHFIELD, MICHIGAN 48076
 (248) 557-2145 FAX: (248) 569-2856



ISSUED:
 REVIEW:
 06/10/2022

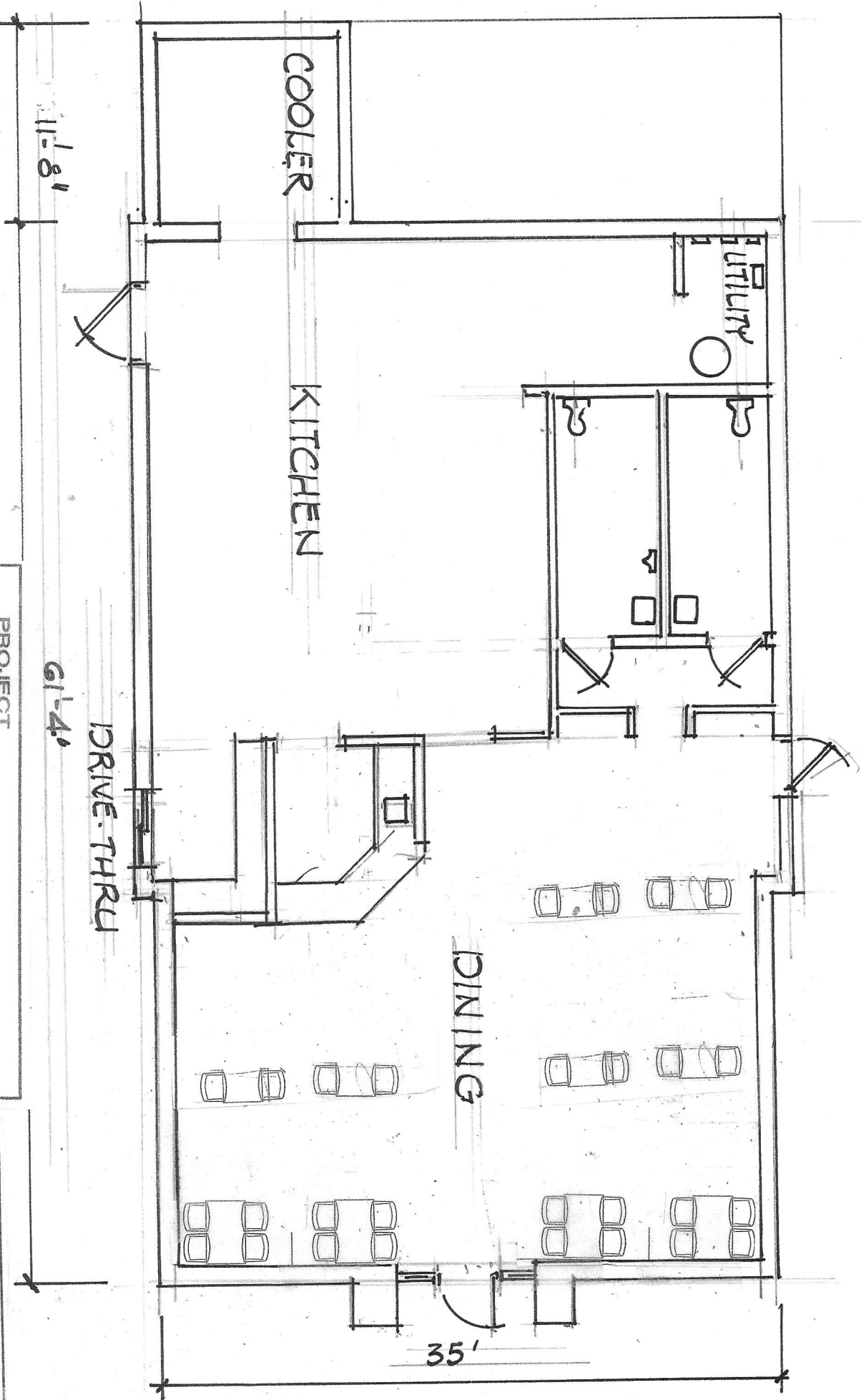
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 CHECKED C.R.S.
 APPROVED C.R.S.
 DATE
 CONTR.

DO NOT SCALE
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JOB NO.
2022012

SHEET
C.1

CAPTAIN JAYS
 LINCOLN PARK



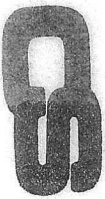
FLOOR PLAN -
SCALE 1/8" = 1'-0"

PROJECT

CAPTAIN JAYS DRIVE THRU

2121 DK HWY,
LINCOLN PARK, MI 48146

07.01.22



ARCHITECTS

CHESTER STEPIEN ASSOCIATES • AIA

29895 GREENFIELD ROAD SOUTHFIELD, MICHIGAN 48076
(248) 557-2145 FAX: (248) 569-2856



June 30, 2022

Ms. Liz Gunden, AICP
Beckett & Raeder, Inc.
535 West William St. Suite 101
Ann Arbor, MI 48103-4978

Re: Re-Occupancy for 2121 Dix (Captain Jay's)
City of Lincoln Park, MI
Hennessey Engineers Project #72179

Dear Ms. Gunden:

Hennessey Engineers, Inc. completed our first review of the plans for the Planning Commission review for the above-mentioned project.

The project consists of re-occupying an existing building (formerly Pizza Hut). Listed below are some comments which are recommended to be addressed in the Preliminary Plan approval but would not be grounds for a reason for denial from an engineering feasibility standpoint:

1. Based on the site plan submitted, the existing utilities and utility leads for the commercial site are being reused. It is important that the developer realize these existing utilities are old and may have reached their life expectancy. It is our strong recommendation for the developer to at least videotape the existing sewer lead to determine its condition prior to performing any new renovation on or around the building. If the service lead needs to be replaced the installation of the new service will need to be inspected by our office.
2. The developer should verify with the City the existing water service type and size. If the water service is a lead service, it will have to be replaced. The developer's engineer or architect shall determine the water service lead type and capacity.
3. Any work proposed in the Dix Street right-of-way will require a Wayne County Department of Public Services (WCDPS) permit. This would include any utility connections and pavement repairs. A storm water permit, issued by WCDPS, may also be required.
4. There is some broken concrete in front of this unit and on the sidewalk adjacent to White Avenue. It should be removed and replaced prior to occupancy.

5. The existing HMA pavement in the parking lot is in poor condition and needs to be replaced. Some full depth repairs will be needed.

6. Some of the existing brick on the building will need to be repaired prior to occupancy.

From an engineering feasibility standpoint, our office has no objection to the Preliminary Site Plan. Therefore, it's our recommendation for preliminary site plan approval. Prior to the start of any construction, a permit from the City must be obtained. A detailed engineering review and approval will be required prior to permit issuance.

If you have any questions, please do not hesitate to contact me.

Sincerely,

HENNESSEY ENGINEERS, INC



Richard J. McCarty, P.E.
Project Manager

RJM/rjm

cc: John Kozuh, DPW Director, City of Lincoln Park
John Meyers, Building Official, City of Lincoln Park
Laura Passalacqua (D'Onofrio), Commercial Business Assistant, City of Lincoln Park
Montserrat Contreras, Permit Clerk, City of Lincoln Park
James Hollandsworth, Lincoln Park Project Manager, Hennessey Engineers

R:\Municipalities\70000's Lincoln Park\72000's\72179 - 2121 Dix Highway-Captain Jays\2022-6-30_2121 Dix 1st PC Review_72179.docx

Elizabeth Gunden

From: Ray Watters <RWatters@citylp.com>
Sent: Wednesday, June 15, 2022 1:50 PM
To: Elizabeth Gunden
Subject: Re: Site Plan Review Request: 2121 Dix - Drive-Thru Restaurant

That drive-thru area seems close to a couple of houses, we may get some complaints of noise from them.

Chief R.Watters

From: Elizabeth Gunden <egunden@bria2.com>
Sent: Wednesday, June 15, 2022 10:33 AM
To: Fire Chief <FChief@citylp.com>; Irenda Lockhart <ILockhart@citylp.com>; Mike Prinz <MPrinz@citylp.com>; Sam Norton <SNorton@citylp.com>; Ray Watters <RWatters@citylp.com>; Krystina Erdos <KErdos@citylp.com>; John Kozuh <JKozuh@citylp.com>; jdhollandsworth@hengineers.com <jdhollandsworth@hengineers.com>; Richard McCarty <rjmccarty@hengineers.com>
Cc: John Meyers <JMeyers@citylp.com>
Subject: Site Plan Review Request: 2121 Dix - Drive-Thru Restaurant

Good morning!

Please find attached a set of plans for a drive-thru restaurant (Captain Jay's) at 2121 Dix Highway. Comments are appreciated by reply to this email by Wednesday, June 29th. Thank you!

Liz Gunden. AICP
Project Planner
Beckett&Raeder, Inc.
Making Great Places for over 50 Years
535 West William St Suite 101
Ann Arbor, MI 48103

Office: 734.663.2622
Direct Line: 734.239.6615

Petoskey, MI 231.347.2523
Traverse City, MI 231.933.8400
Toledo, OH 419.242.3428

Please visit us at www.bria2.com

Lincoln Park
Beckett & Raeder

FOR OFFICE USE ONLY	
CASE #	PPC22-0008
DATE SUBMITTED	

APPLICATION FOR SITE PLAN REVIEW

CITY OF LINCOLN PARK
1355 SOUTHFIELD RD. LINCOLN PARK, MI 48146
PH: (313) 386-1800 | FAX: 313-386-2205

RECEIVED

JUN 10 2022

CITY OF LINCOLN PARK
BUILDING DEPARTMENT

NOTICE TO APPLICANT:

Applications for Site Plan Review by the Planning Commission must be submitted to the City in complete form at least thirty (30) days prior to the Planning Commission's meeting at which the proposal will be considered. City Staff will review the application for completeness. The application must be accompanied by the data specified in the Zoning Ordinance and Site Plan Review Guidelines, including fully dimensioned site plans, plus the required review fees. Regular meetings of the Planning Commission are held on the second Wednesday of each month at 7:00 pm. All meetings are held at the Lincoln Park City Hall.

APPLICANT INFORMATION

NAME CHESTER R. STEMPIEN		ADDRESS 29895 GREENFIELD		
CITY SOUTHFIELD	STATE MI.	ZIP CODE 48076	PHONE (248) 557-2145	EMAIL stempien architects @ yahoo.com

PROPERTY OWNER (if different from Applicant)

NAME CJ 137 Dix, LLC		ADDRESS 2657 S. Telegraph Rd.		
CITY Dearborn	STATE MI	ZIP CODE 48124	PHONE 308-369-4565	EMAIL invoices@captainjays.net

Attached written consent of property owner or lessee of property, if different than applicant.

PROPERTY INFORMATION

PROPERTY ADDRESS 2121 DIX	NEAREST CROSS STREETS WHITE ST.
PROPERTY DESCRIPTION (If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e. acreage parcel), provide a metes and bounds description. Attach separate sheets if necessary.)	
PROPERTY SIZE (square feet and acres) 21,790 SF 0.53 ACRE	ZONING DISTRICT _____

PROPOSED DEVELOPMENT

Present Use of Property: **VACANT**

Proposed Use of Property: RESTAURANT W/ DRIVE-THRU

Please complete the following chart:

TYPE OF DEVELOPMENT	NUMBER OF UNITS	GROSS FLOOR AREA	NUMBER OF EMPLOYEES ON LARGEST SHIFT
<i>Detached Single Family</i>			
<i>Attached Residential</i>			
<i>Office</i>			
<i>Commercial</i>		2,300 S.F.	
<i>Industrial</i>			
<i>Other</i>			

PROFESSIONALS WHO PREPARED THE PLANS:

NAME CHESTER R. STEMPIEN			ADDRESS 29895 GREENFIELD	
CITY SOUTHFIELD	STATE MI	ZIP CODE 48076	PHONE (248) 557-2145	EMAIL stempien.architects@yahoo.com
PRIMARY DESIGN RESPONSIBILITY ARCHITECT				

NAME			ADDRESS	
CITY	STATE	ZIP CODE	PHONE	EMAIL
PRIMARY DESIGN RESPONSIBILITY				

NAME			ADDRESS	
CITY	STATE	ZIP CODE	PHONE	EMAIL
PRIMARY DESIGN RESPONSIBILITY				

NAME			ADDRESS	
CITY	STATE	ZIP CODE	PHONE	EMAIL
PRIMARY DESIGN RESPONSIBILITY				

ATTACH THE FOLLOWING:

8 Copies
Site Plan

<input type="checkbox"/>	Eight (8) individually folded copies of the site plan (24" x 36"), sealed by a registered architect, engineer, landscape architect, or community planner as well as ONE (1) electronic copy in PDF format.	
<input type="checkbox"/>	A brief written description of the existing and proposed uses as identified in the "Narrative" section of the Site Plan Application Requirements Table, including but not limited to hours of operation, number of employees, number of employees on largest shift, number of company vehicles, etc.	
<input type="checkbox"/>	Proof of property ownership or lease agreement.	
<input type="checkbox"/>	Review comments of approval received from County, State, or Federal agencies that have jurisdiction over the project, including but not limited to:	
	Wayne County Road Commission	Wayne County Drain Commission
	Wayne County Health Division	Michigan Department of Natural Resources
	Michigan Department of Transportation	Michigan Department of Environment, Great Lakes, & Energy

IMPORTANT

The applicant or a designated representative **MUST BE PRESENT** at all scheduled review meetings or the site plan may be tabled due to lack of representation.

Failure to provide true and accurate information on this application shall provide sufficient grounds to deny approval of a site plan application or to revoke any permits granted after the site plan approval.

APPLICANT ENDORSEMENT

All information contained herein is true and accurate to the best of my knowledge. I acknowledge that the Planning Commission will not review my application unless all information required in this application and the Zoning Ordinance have been submitted. I further acknowledge that the City and its employees shall not be held liable for any claims that may arise as a result of acceptance, processing, or approval of this site plan application. Finally, I acknowledge that part of the site plan review process includes City staff entering the exterior of the property for site visits.

Signature of Applicant:  Date: June 10, 2022

Signature of Applicant:  Date: 6/10/22

Signature of Property Owner: _____ Date: _____
Authorizing this Application

TO BE COMPLETED BY THE CITY

DATE SUBMITTED:	FEE PAID:
BY:	DATE OF PUBLIC HEARING:
PLANNING COMMISSION ACTION	DATE OF ACTION:
<input type="checkbox"/> APPROVED	
<input type="checkbox"/> DENIED	



Captain Jay's Fish & Chicken
2657 S Telegraph Rd
Dearborn, MI 48124

June 10, 2022

PROJECT DESCRIPTION:

A quick service restaurant that will sell fish and chicken. It is a drive-thru concept. Employees will vary 3-7 people at a time. It will be open 10:00 AM – 12:00AM. We do not have a company vehicle.

PROJECT LOCATION:

2121 Dix Hwy

Lincoln Park, MI 48146

Thank you,

A handwritten signature in blue ink, appearing to read "Abdallah Sheik", is written over the typed name.

Abdallah Sheik
President

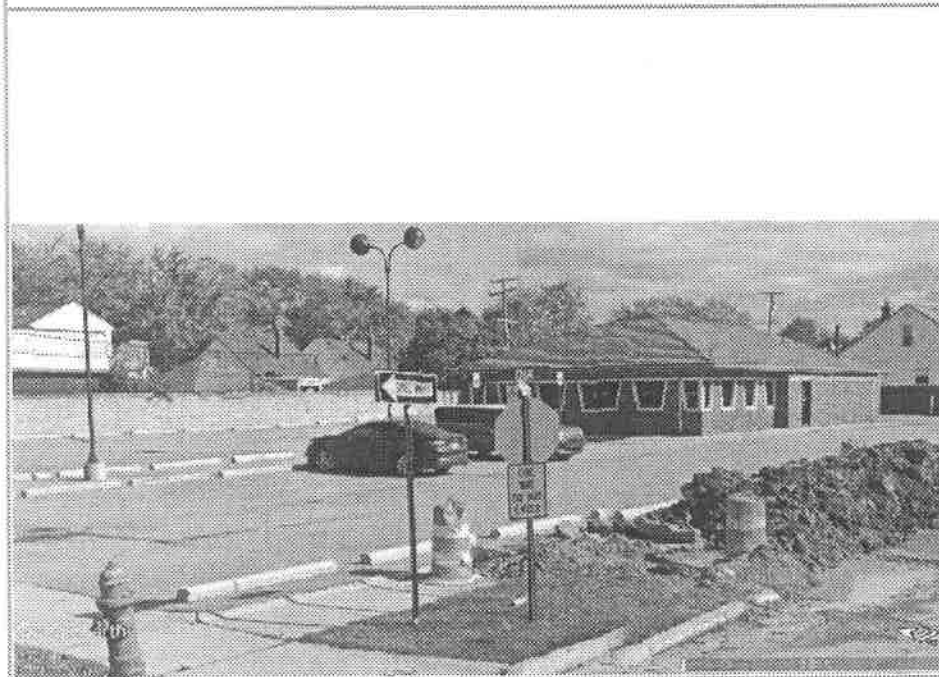
BRIGHTON MI 48110 (FORMER PIZZA HUT)

2121 DIX HWY

Tax Description

GG80A1 TO GG85 THAT PT OF LOT 80 DESC AS
BEG AT THE NE COR OF LOT 80 AND PROC TH S
ALONG THE ELY LINE OF SAID LOT 110.0FT TO
THE SE COR OF LOT 80 TH N70DEG 49M 28S W
ALONG THE SLY LINE OF SAID LOT 18.27FT TH
NE ALONG A CUR CONC TO THE E RAD
2449.47FT A DIST OF 66.36FT TH N19DEG 43M
59S E 43.62FT TO THE NLY LINE OF LOT 80
TH E ALONG SAID NLY LINE 19.10FT TO THE
POB ALSO LOTS 81 TO 85 INCL ALSO SLY 1/2
ADJ VAC ALLEY GEO P. EMRICKS MAPLELAWN
SUB PC 43 L42 P72 WCR

Comments/Influences



The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: City of Lincoln Park, County
of Wayne, Michigan

Public
Improvements

- Dirt Road
- Gravel Road
- Paved Road
- Storm Sewer
- Sidewalk
- Water
- Sewer
- Electric
- Gas
- Curb
- Street Lights
- Standard Utilities
- Underground Utils.

Topography of
Site

- Level
- Rolling
- Low
- High
- Landscaped
- Swamp
- Wooded
- Pond
- Waterfront
- Ravine
- Wetland
- Flood Plain

Who When What

*** Information herein deemed reliable but not guaranteed***

**WARRANTY DEED
(3/97)**

VI Title Agency, LLC (313) 752-0000

The Grantor, Ham Auto Wash LLC, a Michigan Limited Liability Company

whose address is 6837 Chase Road, Dearborn, MI 48126

conveys and warrants to CJ 137 Dix, LLC, a Michigan Limited Liability Company

whose address is 2657 South Telegraph Road, Dearborn, MI 48124

the following described premises situated in the:

Land in the City of Lincoln Park, County of Wayne, State of Michigan

Part of Lot 80, described as: Beginning at the Northeast corner of Lot 80 and proceeding thence South along the Easterly line of said Lot 110.0 feet to the Southeast corner of Lot 80; thence North 70 degrees 49 minutes 28 seconds West along the Southerly line of said Lot 18.27 feet; thence Northeast along a curve concave to the East, Radius 2449.47 feet, a distance of 66.36 feet; thence North 19 degrees 43 minutes 59 seconds East 43.62 feet to the Northerly line of Lot 80; thence East along said Northerly line 19.10 feet to the point of beginning. Also Lots 81 to 85, both inclusive, as platted and 1/2 vacated alley in rear of and adjacent thereto, George P. Emrick's Maplelawn Subdivision, as recorded in Liber 42, Page 72 of Plats, Wayne County Records.

COMMONLY KNOWN AS: 2121 Dix Hwy., Lincoln Park, MI 48146-2218

Tax I.D. No.: 45-010-02-0080-003

For the Full Consideration of **FOUR HUNDRED FIFTEEN THOUSAND AND 00/100 Dollars (\$415,000.00).**

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining thereto.


SUBJECT to building and use restrictions and easements of record, if any, zoning laws and ordinances affecting the premises, and rights of the public and of any governmental entity in any part thereof taken, used or deeded for street, road, right of way, or highway purposes, and subject to taxes and future installments of special assessments payable hereafter.

Dated this: May 31, 2022

Signed in the presence of:

Signed and Sealed:

Ham Auto Wash LLC, a Michigan Limited Liability Company

By: 
Mohamad Dakroub, Member

STATE OF MICHIGAN
COUNTY OF WAYNE

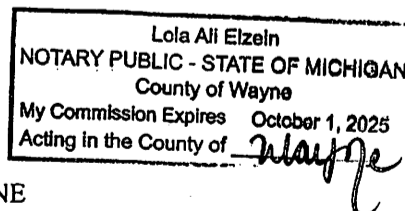
Subscribed and sworn to by Mohamad Dakroub, Member of Ham Auto Wash before me on this 31st day of May, 2022 .

Notary Public Signature

Notary name

Notary public, State of Michigan, COUNTY OF WAYNE

My Commission Expires:



Drafted by:
Mohamad Dakroub
Ham Auto Wash
6837 Chase Road
Dearborn, MI 48126

When recorded, return to:

Abdallah Sheik
CJ 137 Dix, LLC
2121 Dix Hwy.
Lincoln Park, MI 48146-2218

*2657 S. Telegraph Rd.
Dearborn, MI 48124*

File No. KW-2022-4528

Revenue stamps: State: \$3,112.50

County: \$456.50

2121 Dix
Zoning Amendment (Rezoning) Review

Applicant	City of Lincoln Park
Address	2121 Dix Hwy, Lincoln Park, MI 48126
Date	July 13, 2022
Request	Rezoning: SFRD + MBD to MBD

REQUEST

The City of Lincoln Park wishes to rezone the property at 2121 Dix Highway to correct split zoning on the lot, located on the east side of Dix Highway between Philomene Boulevard to the north and White Avenue to the south, from Single Family Residential District (SFRD) and Municipal Business District (MBD) to Municipal Business District (MBD). The site was previously used as a sit-down restaurant (Pizza Hut), but it has been vacant for some time.

The property currently consists of two zoning districts rather than one, and the back half of the parcel is zoned residential. This likely represents an oversight during the permitting process for Pizza Hut, as that is where the building sits and thus is now clearly hosts a commercial use.

Criteria for Review

The Planning Commission and City Council shall at a minimum, consider the following before taking action on any proposed amendment:

(1) Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?

Exhibit 1 at the end of this document shows the zoning of the subject and adjacent parcels. The purpose of the Municipal Business District is below, per §1278.01 of the Lincoln Park Zoning Ordinance, is cited below. This parcel is larger than some parcels in the City with MBD designation, so it would be able to accommodate substantial access for parking, and is located on a regional thoroughfare.

“The permitted uses are intended to provide businesses and services usually found in major business areas along major streets or regional thoroughfares or near freeway access ramps. These uses generate large volumes of vehicular traffic, require substantial access for off-street parking and loading and require detailed planning, particularly as to relationships with adjacent residential areas. The intended potential customer base for these uses is the entire Municipality, and not just the immediate residential neighborhoods.”

This condition is met.

(2) Will the proposed amendment further the comprehensive planning goals of the City?

Exhibit 2 at the end of this document shows the future land use designations of the subject and adjacent parcels. The Future Land Use Map in the 2019 Lincoln Park Master Plan designates the subject property as “General Commercial.” The description of the “General Commercial” future land use category from the 2019 Master Plan is below.

“Main commercial designation along all major corridors; intended to permit maximum flexibility of use in conjunction with strong redevelopment and landscaping standards.”

This condition is met.

(3) Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?

All other properties along the corridor have commercial zoning designations, and there does not appear to be documentation providing evidence or history for how the site came to be partially zoned SFRD.

This condition is met.

(4) Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?

The requested amendment may correct an inequitable situation, which is that the development potential of a split-zoned property is limited.

This condition is met.

(5) Will the amendment result in unlawful exclusionary zoning?

The concept of “exclusionary zoning” applies to residential land use.

This condition is not applicable.

(6) Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?

The amendment to a fully commercial zoning designation will align the property with other parcels along Dix Highway and will correct a split zoning situation.

This condition is met.

(7) If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?

Parcels fronting Dix Highway are zoned Municipal Business District (MBD).

This condition is met.

(8) If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?

The Municipal Business District schedule of regulations is shown in the table below alongside the relevant approximate dimensions of the subject parcel.

	Required	Approximate Dimensions
Minimum lot width	40 ft	~110 ft.
Minimum lot area	4,000 sf	~21,344 sf

This condition is met.

(9) If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?

The commercial uses along Dix Highway are compatible and consistent with the proposed rezoning request. The existing building, which sits on the portion of the lot zoned SFRD, clearly hosts a commercial use and has historically been treated as a commercial site.

This condition is met.

Proposed Motion

I move to recommend to the Lincoln Park City Council [**approval / denial**] of the proposed rezoning from Municipal Business District (MBD) and Single Family Residential District (SFRD) to Municipal Business District (MBD) for the property located at 2121 Dix Highway.

EXHIBIT 1: Zoning



- UNKNOWN
- PUD
- Single Family
- Multiple Family Residential
- Mobile Home Park
- Neighborhood Business
- Municipal Business District
- Central Business District
- Regional Business
- Light Industrial
- General Industrial
- Community Service

EXHIBIT 2: Future Land Use



- Low Density Residential
- Higher Density Residential
- Manufactured Home Park
- Neighborhood Commercial
- General Commercial
- Downtown Commercial
- RC
- Public
- Quasi Public / Inst
- Industrial

Planning Report

Serving & Planning Communities Throughout Michigan

July 2022

*Top
Story*

Judge strikes at zoning in Wineries of Old Mission Peninsula lawsuit

Plaintiff-wineries win relief from a slew of resident-driven curbs on intensity and use.

An expansive opinion was issued in June in the lawsuit between a group of businesses known as the Wineries of Old Mission Peninsula and Peninsula Township. A US District Court judge “render[ed] key elements of the winery ordinance unenforceable, including sections that Peninsula Township had previously used to limit hours of winery operation, types of events wineries can host on premises, merchandise wineries can sell, whether they can offer food service, quantities of Old Mission-grown ingredients they must use in production of their wines, and more.” The opinion cited a range of reasons, including misinterpretations of the ordinance, liquor-license pre-emptions, and free speech issues. The wineries estimate that they have forgone over \$200 million in revenue due to the restrictions, which will be addressed at an August hearing. The Township’s supervisor and attorney have now each announced resignations.

Traverse Ticker. <https://www.traverseticker.com/news/heres-what-a-new-court-ruling-means-for-old-mission-peninsula-wineries/>

Legal

Another win for short-term rentals: principal residency exemption

The Court concluded that even rented-out portions of the property qualify for the exemption.

The Michigan Court of Appeals restored the right to collect the tax break known as the Principal Residency Exemption (PRE) on a home in which three rooms are rented out during the summer months. In a two-part finding, the Court first held that rented lodging is not “a purpose other than...a principal residence” as phrased in the PRE legislation, stating, “We simply do not see that allowing transient guests to stay in one’s home is being a sufficiently distinct purpose to lead to the conclusion that the structure now has multiple purposes.” It then referred to *Rentschler v Melrose Twp*, a 2017 decision which stated in part, “Renting one’s home for more than 14 days does not disqualify a homeowner from the PRE.” Thus, the Court concluded, “where a property otherwise qualifies for the Principal Residence Exception, the fact that a portion of the property is rented out for a portion of the year as an Airbnb or similar use, does not disqualify the property from a 100% PRE.”

Michigan Court of Appeals. <https://law.justia.com/cases/michigan/court-of-appeals-published/2022/357568.html>

Legislative

Published notices now required to appear online

An amendment to the state Act now requires free, searchable online access to notices.

PA 247 of 1963, Publication of Notices in Newspapers, was amended in May to require that notices which appear in a print newspaper must also be accessible online. The online version must link from the website's homepage, be free to access, and be searchable. The notice must be available throughout the publication period, and retained as a permanent searchable record. The Act also requires the publisher to provide a method to alert the public of notices by text or email. These changes will largely be implemented by publishers rather than planners or clerks, and the legislation takes care to note that an error or omission in the online version does not invalidate the notice.

Michigan Legislature. <http://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-247-of-1963.pdf>

News

\$3 million in high-speed internet investment grants awarded

Funds will bring services to 781 locations in Manistee, St. Clair, and Menominee.

Governor Whitmer announced the distribution of \$3.3M in funds, distributed under the Connecting Michigan Communities (CMIC) grant program, headed towards projects that will extend high-speed internet service to 781 unserved homes and business in Michigan. The project locations are in Manistee (57 new locations), St. Clair (367 locations), and Menominee (357 locations). This is the fourth round of funding for the program, which launched in October 2020. According to the Governor's press release, "Overall, the total grant funds awarded so far will impact more than 23,000 locations in Michigan and generate annual economic benefits that could exceed \$42 million." The release also notes that "all projects awarded funding have committed to working toward the governor's plan to close Michigan's digital divide."

Office of Governor Gretchen Whitmer. <https://www.michigan.gov/whitmer/news/press-releases/2022/06/14/governor-whitmer-invests-to-expand-high-speed-internet-access-to-781-homes-and-businesses>

Training

White House "Infrastructure School" webinars

Free, on demand.

13 webinars produced by the Biden-Harris Administration introduce the Infrastructure Law Guidebook and offer information and milestones for major areas of investment: transportation, energy, water, broadband.

More information: <https://www.whitehouse.gov/build/briefing-room/2022/05/04/infrastructure-school-webinars/>

American Planning Association Podcast

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More information: <https://www.planning.org/podcast/>