

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION PUBLIC HEARING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
APRIL 21, 2022, 7:30 P.M.**

CALL MEETING TO ORDER

The Planning Commission Regular Meeting was called to order by Vice Chair Trafellet at 7:30 p.m.

ROLL CALL

Commissioners present: Aspinall, Brickner, Stimson, Grant, Trafellet, Varga

Commissioners Absent: Countegan, Mantey
1 vacancy

Others Present: City Attorney Schultz, City Planner Perdonik, Planning Consultant Tangari, Staff Engineer Alexander

APPROVAL OF THE AGENDA

MOTION by Brickner, support by Stimson, to approve the agenda as submitted.

MOTION carried unanimously by voice vote.

PUBLIC HEARING

A. SPECIAL APPROVAL PLAN 56-3-2022

LOCATION:	24300 Drake Rd.
PARCEL I.D.:	23-21-351-032
PROPOSAL:	Temporary concrete mixing batch plant in B-3, General Business District
ACTION REQUESTED:	Special land use and site plan approval
APPLICANT:	Bret Sheffer of Mark Anthony Contracting, Inc.
OWNER:	Boxoffice Theaters LLC

Gary Evangelista, Mark Anthony Contracting, Inc., was present on behalf of this application for special land use and site plan approval for a temporary concrete mixing batch plant at 24300 Drake Rd., in the B-3 General Business District, for work on Commerce Drive and Orchard Lake Road.

Mr. Evangelista said they would be on site from 5/1/22-10/31/22 per the property owner's letter.

In response to questions from Commissioner Brickner, Mr. Evangelista provided the following:

- Sprinklers run on the aggregate pile during the summer to control the temperature.
- Cement materials are contained in a bulker.

Commissioner Brickner noted batch plants had been located here in the past. He lived very close, and very rarely heard anything, and found the use to be relatively unobtrusive.

Referencing his April 11, 2022 memorandum, Planning Consultant Tangari provided the following information:

- As just stated, October 31 will be termination date.
- This is the fourth temporary batch plant seeking a location on this site within the last seven years.
- Hours of operation will be 7am to 7pm Monday through Saturday.
- The batch plant will only be in use when needed May through November.
- This parcel is surrounded by commercial development in B3 or B2 zoning districts, and is accessible from Drake Road.
- Engineering Department has requested that there be no northbound traffic off this site onto Drake Road; all site traffic should travel south to Grand River.
- Setbacks are not provided but appear to be met; these should be noted on the site plan.
- Parking area is identified. Circulation through the site is counter-clockwise; the cross-access drive to the south will be closed with a barricade.
- No proposed lighting.
- Trees on the site will not be affected.
- The height limit in the district is 50'; at its tallest point, the main exhaust is a little taller than 50'.

Planning Consultant Tangari reviewed the criteria under Section 4.20.4.C for granting a special land use, as outlined on page 3 of his review letter:

- i. The planning commission shall examine the proposed use and determine that the petitioner has adequately explored alternative locations and that the location proposed is the most reasonable.
- ii. The planning commission shall examine the location of structures on the site and determine that they are the most appropriate, may require reasonable temporary screening of the activity proposed, may suggest the location of vehicular access to the site and make other recommendations which will assist in the protection of nearby uses during the time the construction use is in operation.
- iii. All setbacks, land coverage, off-street parking, lighting and other requirements for protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be determined by the planning commission as being appropriate to the site and surrounding area.
- iv. The act of granting approval of a use not otherwise permitted in a district shall in no way be construed as a change in the basic uses permitted in the district nor on the property wherein the use is permitted.
- v. The granting of permission for the use shall be made in writing stipulating all conditions as to length of time, nature of developed permitted and arrangements for removing the use at the termination of the period of time granted.

Vice Chair Trafellet opened the public hearing. Seeing that no public indicated they wished to speak, Vice Chair Trafellet closed the public hearing and brought the matter back to the Commission for discussion and/or a motion.

Motion by Brickner, support by Stimson, that Special Approval No. 56-3-2022 submitted by Bret Sheffer of Mark Anthony Contracting, Inc. be approved, subject to all applicable provisions of the Zoning Chapter, for the following reasons:

1. The use will not be injurious to the district and environs.
2. The effects of the use will not be contrary to the spirit and intent of the Zoning Chapter.
3. The use will be compatible with existing uses in the area.
4. The use will not interfere with orderly development of the area.
5. The use will not be detrimental to the safety or convenience of vehicular or pedestrian traffic.

And with the following conditions:

1. The setbacks be added to the site plan.
2. All ordinance requirements be met.
3. Operation will be from May 1 to October 31, not to exceed 180 days.
4. Operating hours will be as stated in the submission documents.

MOTION carried unanimously by voice vote.

B. SPECIAL APPROVAL PLAN 57-3-2022

LOCATION:	32680 Northwestern Hwy.
PARCEL I.D.:	23-02-126-130
PROPOSAL:	Temporary concrete mixing batch plant in B-3, General Business District and B-2, Community Business District
ACTION REQUESTED:	Special land use and site plan approval
APPLICANT:	Steve Gregor of Florence Cement Company
OWNER:	NWH Holdings, LLC

Steve Gregor, Florence Cement Company, 51545 Corridor, Shelby Township, was present on behalf of this application for special land use and site plan approval for a temporary concrete mixing batch plant at 32680 Northwestern Highway, in the B-3 General Business District, for work in the Heritage Hills and Wedgewood Commons subdivisions.

Mr. Gregor provided the following information:

- Florence Cement Company has been operating a batch plant for 3 years in Farmington Hills, and have been good stewards during that time.
- They had previously used the site on Drake Road, and also used a site off 8 Mile Road. They had done their due diligence regarding finding a site to locate the batch plant. They could not locate out of the City because inter-city shipping is not allowed.
- They put water on their aggregate piles. While dust and noise could be problem, he was hopeful that their performance in the last 3 years showed their ability to be the least disruptive as possible.
- The site will need grading, installing a silt fence, and so on, but production of concrete was scheduled for only 12 days.
- Height is at 25 feet.
- A parking area would be added toward the front by Northwestern Highway. They would locate as much of the operation as possible toward Northwestern Highway.

Referencing his April 11, 2022 memorandum, Planning Consultant Tangari provided the following information:

- Per the applicant, up to 11 employees will be associated with the plant.
- Time frame will be 127 days or through October 10, 2022, whichever is sooner.
- Operating hours from 7am-7pm Monday-Saturday, no holidays.
- Estimate 12 total paving days.
- Turf restoration will occur in spring 2023.
- Height was just verified to be about 25 feet.
- Setbacks are not provided but appear to be met; these should be noted on the site plan.
- Surrounding uses included senior housing to the north, commercial development to the south and west, and multifamily housing to the east. The parcel itself is zoned B-3.
- Parking area not identified on the plans.

- Site will be accessed from Northwestern highway, utilizing the same driveway used for Beyond Self-Storage.
- No proposed lighting.
- No trees will be removed, and a silt fence will be installed to protect trees and mitigate runoff.

Planning Consultant Tangari reviewed the criteria under Section 4.20.4.C for granting a special land use, as outlined on page 3 of his review letter:

- i. The planning commission shall examine the proposed use and determine that the petitioner has adequately explored alternative locations and that the location proposed is the most reasonable.
- ii. The planning commission shall examine the location of structures on the site and determine that they are the most appropriate, may require reasonable temporary screening of the activity proposed, may suggest the location of vehicular access to the site and make other recommendations which will assist in the protection of nearby uses during the time the construction use is in operation.
- iii. All setbacks, land coverage, off-street parking, lighting and other requirements for protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city shall be determined by the planning commission as being appropriate to the site and surrounding area.
- iv. The act of granting approval of a use not otherwise permitted in a district shall in no way be construed as a change in the basic uses permitted in the district nor on the property wherein the use is permitted.
- v. The granting of permission for the use shall be made in writing stipulating all conditions as to length of time, nature of developed permitted and arrangements for removing the use at the termination of the period of time granted.

Vice Chair Trafellet opened the public hearing.

Seema Chacknul, Board Member, Country Glens Association, opposed. Country Glens, as well as the Anthology Senior Living, Warner Middle School and many residential homes will be negatively impacted by the batch plant. Country Glens Association was concerned about air and noise pollution from the plant as outlined in Ms. Chacknul's April 21, 2022 letter, as well as increased traffic as a result of this temporary use. The batch plant should utilize an industrial site, away from residential neighborhoods. She asked that the Planning Commission decline this request. She asked if the cement batch plant had received a State of Michigan air quality permit.

Mr. Gregor explained that:

- The Batch plant was permitted through EGLE (Department of Environment, Great Lakes, and Energy). They also had a certificate for storm water management.
- Silica fume was not used.
- The cement comes to the site in a closed container, and then transferred by pneumatic pressure into the silo. This was a concrete batch mixing plant; not a cement plant. The items mentioned in the Association letter reflected a cement manufacturing concern, not a concrete batch plant.
- A dust collector will draw dust out of the air.
- If needed calcium chloride can be applied to reduce dust.
- Florence Cement will do everything possible to minimize disruption.
- Part of the agreement with the property owner is that Florence Cement will seed and mulch the property afterwards, leaving the site better than it is now.

Ellen Byrne, Anthology Senior Living, opposed. The batch plant will be right next to their building. The open courtyard serving their memory care residents will be directly north of this project. She was very concerned about the dust that would come to their property, as well as noise that would disrupt their memory care residents' sleep patterns.

Maureen Doyle, 30515 W. 14 Mile, opposed. This was a densely populated residential area. The batch plant should be located away from homes.

Robin Brown, 30475 W. 14 Mile, opposed. Her condo faces Anthology Senior Living; she had faced construction of Anthology and the self-storage facility for the last 18 months, including hearing the workers talking. If the Commission did approve this location, could the hours be reduced?

Mike Schuster owned a condo at 30475 W. 14 Mile, opposed. This batch plant did not belong in a residential neighborhood. This was not an appropriate area for the plant, and would bring dust and noise to the people living close by.

Seeing that no other public indicated they wished to speak, Vice Chair Trafellet closed the public hearing and brought the matter back to the Commission for discussion and/or a motion.

Mr. Gregor acknowledged that this construction site would produce dust and noise, but they would do everything they could and work with the City to mitigate these issues and be the least disruptive possible.

In response to a question from Commissioner Varga, Mr. Gregor said a broom tractor will be kept on site to sweep any tracked mud off the road.

Commissioner Brickner reiterated that he lived two blocks from the previous location on Drake, and he had not experienced the batch plant as a nuisance.

Motion by Varga, support by Stimson, that Special Approval No. 57-3-2022 submitted by Steve Gregor of Florence Cement Co., be approved, subject to all applicable provisions of the Zoning Chapter, for the following reasons:

1. The use will not be injurious to the district and environs.
2. The effects of the use will not be contrary to the spirit and intent of the Zoning Chapter.
3. The use will be compatible with existing uses in the area.
4. The use will not interfere with orderly development of the area.
5. The use will not be detrimental to the safety or convenience of vehicular or pedestrian traffic.

And with the following conditions:

1. Identify parking area.
2. Add setbacks to the plan.

Motion discussion

Commissioner Grant asked about shortening the work days, especially on Saturdays.

Mr. Gregor said that shorter days might result in more actual work days. The paving had to be completed within a certain time frame. However, they would be willing to start later on Saturdays.

Staff Engineer Alexander pointed out that changing the hours could affect their contract.

City Attorney Schultz suggested that the record show the applicant was willing to reduce Saturday hours, and that the applicant had indicated they would work with the City regarding times of operation and other concerns.

In response to questions from Commissioner Brickner, Staff Engineer Alexander provided the following information:

- There had been no problems with batch plants in the past, and no one had gotten sick as a result of a batch plant operating nearby.
- The pollution concerns brought up in public comment are related to cement plant issues, not concrete batch issues.
- EGLE does not regulate under 200,000 cubic yards a year, and this use will have nowhere near that much production.

MOTION carried unanimously by voice vote.

5. Approval of minutes

March 24, 2022

MOTION by Stimson, support by Varga, to correct and approve the March 24th, 2022 minutes as follows:

- P. 7: correct spelling of Commissioner Varga's name.

Motion carried unanimously by voice vote.

6. Public Comment

Previous Commissioner Duke Orr made a few comments, saying that it was good to see everyone this evening.

7. Commissioner's Comments

In response to a question from Commissioner Brickner, Staff Engineer Alexander said that sewer maintenance and repair would be ongoing throughout the summer on 14 Mile Road.

The Commission welcomed new Commissioners Aspinall and Grant.

8. Adjournment

MOTION by Brickner, support by Grant, to adjourn the meeting at 8:26pm.

MOTION carried unanimously by voice vote.