

**APPROVED**

**9.26.2022**

**CITY OF WIXOM  
49045 PONTIAC TRAIL  
PLANNING COMMISSION MEETING  
MONDAY, AUGUST 22, 2022**

This meeting was called to order by Chairman Day of the Planning Commission at 7:30 p.m. at which time allegiance was pledged to the American flag.

**PRESENT:** William Day (Chairman), Phillip Carter (Vice Chairman), Ray Cousineau, Sandro Grossi, Mark Lada, Anthony Lawrence, Cheryl Tacy

**ABSENT:** None

**OTHERS:** Kelly McIntyre (CIB Planning); Drew Benson, Assistant City Manager & Director of Economic Development; and Mona Freiburger (Recording Secretary)

**Determination of a Quorum:**

A quorum of the Planning Commission was present for this meeting.

**Changes Or Additions To The Agenda:**

Chairman Day commented the public hearing for New Business, SLU#22-006, 47020 West Road, Wixom, MI, scheduled for tonight, the applicant asked to be withdrawn from the Agenda. This case was advertised as a public hearing, however, there may be members of the public who came to address this special land use request. Chairman Day asked the public, if they wished to comment on this case, to make any comments during the first public hearing, so they would not have to sit through Old Business Agenda items.

**Approval Of Minutes:**

**MOTION** made and seconded by Commissioner Lawrence and Vice Chairperson Carter to approve the August 3, 2022, Planning Commission Meeting Minutes, as submitted.

**VOTE:**

**MOTION CARRIED**

**Correspondence:**

August 9, 2022 City Manager Update

**Call to the Public:** (Limited to 5 minutes per speakers, addressing Agenda items on Agenda only)

No public comments.

**Old Business:**

1. **PUBLIC HEARING FOR SPECIAL LAND USE SLU#21-004: NATIONAL LIME AND STONE TRANSLOADING YARD, 30350 WIXOM, WIXOM, MI 48393:** The applicant is seeking a special land use permit from Section 18.09.040.(F) Standards applicable to specific uses, Outdoor Storage, to permit the off-loading and storage of lime stone, in the M-1, General Industrial District. The parcel number is 22-05-151-014.

**Discussion:**

The applicant is seeking Special Land Use approval for SLU#21-004, 30350 Wixom Road, for a transloading limestone sales yard for National Lime and Stone at 30350 Wixom Road. The development will utilize existing Lake State Railroad property which is located on the east side of Wixom Road just north of the CSX Railroad. An outdoor storage yard for stockpiles of finished limestone that will be transloaded from rail cards to trucks is requested.

This agenda item was removed from the November 21, 2021, Planning Commission agenda, however, as public was present for the scheduled public hearing, the hearing was opened for comment. Following that public comment, the hearing was tabled. In order to proceed, the Planning Commission will need to remove this item from the table.

Ms. McIntyre referred to and reviewed comments made in CIB's August 17, 2022 report/letter to the Commission.

Based on the above analysis and comments from the public hearings, if the Planning Commission finds that the above special land use criteria have not been met for SLU#21-004 for National Lime and Stone at 30350 Wixom Road, the following conditions should be included as part of any motion:

1. The number and height of stockpiles and the impacts from the operation on the neighboring properties is excessive and does not meet the intent of the Light Industrial district;

2. The use generates noise, vibration, and potential environmental effects that may be detrimental to the surrounding area. The applicant's noise study projects noise levels to intermittently exceed the City's limit of 70dBA and the vibration study ascertains that even low level, structurally safe vibration amplitudes could cause building movement" in addition to damage to plaster on lathe within a structure. The noise study also fails to address noise created by beeping from equipment and trucks backing up;
3. The proposed change from rail yard to transfer/storage yard can be considered a change to the essential character of the area and a potential nuisance to residents living nearby;
4. The use of the rail yard and offloading of rail cards, noise from the operation, and gravel haulers has the potential to change the character of the area;
5. The transloading yard has the potential to negatively impact the safety of vehicles on Wixom Road. The proposed use would access heavily travelled Wixom Road with slow moving tandem trailers at a location without a traffic light. This could not only slow traffic in the area but also create a hazardous situation when the trucks pulls out onto Wixom Road, especially with left turns heading south.

Ms. McIntyre noted that HRC's traffic engineer, Mr. Nick Nocita was in attendance and will address traffic questions and/or concerns.

Chairman Day commented the applicant is requesting a waiver to the obscuring wall requirement based on the presence of vegetation. Chairman Day inquired if the vegetation is onsite and controlled by the applicant. Ms. McIntyre answered yes, the vegetation is on the applicant's property. She tried to do an onsite visit but she was not able to ascertain whether the vegetation is really obscuring or not from the neighboring properties.

Commissioner Lada inquired if Ms. McIntyre knew the decibels for the alarm on the equipment that is backing up. Ms. McIntyre answered they did note that was one of the items they would like to see further addressed.

Mr. Nick Nocita, HRC, assisting the City with the traffic review support. In their review, Mr. Nocita noted the trucks possibly having an issue turning out of the site. They had requested for the engineer of record to provide a gap study which shows if there is enough breaks in traffic for the trucks to turn out, however, their modeling does show that there is some queuing and other potential issues of trucks turning out. HRC reviewed the trucks entering and existing the driveway. The driveway had no changes and they indicated that the driveway was too small of a radius for trucks to enter and exist. HRC

requested for the designer to redo the driveway, widen it, to allow for trucks to properly enter and exit the site. Since then, the applicant modified their driveway to allow enough width for trucks to enter and exit the site. Originally, there wasn't enough space for a vehicle going northbound to turn right into the site since the truck trying to exit was, essentially, blocking that view. Now that the driveway being wider, there is enough width for the vehicle to leave the site and a truck to enter simultaneously. Those were the two big issues.

In their modeling, Mr. Nocita saw anywhere from 8 to 10 trucks stacked up, the worst case scenario. The modeling isn't perfect, there are a lot of assumptions that are involved which is why HRC asked them to do a gap study as a supplement to the modeling.

Mr. Nocita indicated the actual study was done on Tuesday, October 13, 2020, during the pandemic. No study has been done since that time.

Mr. Dan Mapes, National Lime and Stone Company, Director of Administrative Services, Findlay, Ohio, had some comments. He indicated the number of stock piles, the height, could be made suitable for the site by not having additional piles of certain products. This would not necessarily make any difference on the trip count, there would be wider piles that are not as high.

Mr. Mapes commented they have spent a lot of time and money to this point and they would like to have the permit before they proceed with some of the issues in the site plan. As far as the use generating noise, the vibration potential, they had spoken with EGLE on the environmental permitting and it is such a minimal source that no permitting is required, however, they do have a fugitive dust plan for each site which includes watering the roads, or other dust suppressants as required to keep any dust down. The applicant will not do any processing, crushing or screening at the site; it is a finished product when it arrives in a rail car. Most of the products are washed, and there is very little fines in them.

The noise of 70 DBA, the applicant did have an issue with some of the larger rock that they planned on bringing in, hitting the bottom of the truck as they are unloading it from the railcar, but they could change that to drop the stone on the ground rather than in the trucks, pick it up with a front end loader and take it to the pile. Worst case measured at the plants with dropping the larger stones was approximately 60 DBA which is about 50 feet from where it was being dropped.

As far as the backup alarms, in the study, there was a column of excavator motion alarms, the backup alarm on the excavator that goes across the top of the cars and the distance of 400 feet of 64 DBA and 70 DBA at 200 feet. This issue was addressed. In this yard, it is referred to as white noise back up alarm on the front end loaders, something you can hear close but it is not noticeable at any distance other than behind the front end loader.

The trucks are required to have backup alarms through OSHA and other regulations. It is strictly a safety issue.

As far as the vibration, the applicant feels the report was misunderstood, as they were talking about what vibration could do to a building. The actual vibration is assumed to be .001 inches per second where the limit for damage to a building is 0.12 inches per second; a magnitude of about 100 times and the applicant is below that limit.

Mr. Mapes commented as far as the change of the transfer store yard would be considered a change to the character of the area, this site was a transloading operation by CSX until the late 90's. DSX unloaded cement, bricks and many other products at that time. The applicant does not feel this is a big change in the character of this area; it is more limited than it was previously. It is a railyard at this time and it continues to be a railyard.

Mr. Robert Wagner, Midwestern Consulting commented Mr. Mike Cool worked with Mr. Nocita on several iterations of the traffic study. The study had been approved. Mr. Wagner indicated they would be happy to further those numbers and update, if the project should move forward.

Mr. Wagner commented there are concerns about the trucks backing up into their property but it is on their property and would only hinder their business. They would time it to be more efficient.

Mr. Mapes commented normal hours would be 7 a.m. to 4 p.m. for these yards. They will bring in a train of approximately 20 cars; bring in an excavator that climbs up on top of them, digs the stone out and put in storage piles or a customer's truck comes in to be loaded and sell the stone to them.

Commissioner Cousineau commented Wixom has an issue with trains, and how this operation would impact on the queuing of trains in Wixom. Mr. Mapes answered the queuing would not be affected over blocking roads. This would occur on railroad's yard property.

Mr. John Rickoff, President and CEO, Lake State Railway Company. Mr. Rickoff commented he did not know exactly how they will operate this but with two likelihoods. One, it will probably come down on the road switcher that, currently serves the silt plant on the other side of the road, and bring those twenty cars with those cars, which is usually a handful of cars. It is unlikely to do it off of a road train, they would make sure that the train is parked in a manner so it doesn't block the road. Mr. Rickoff indicated he knew there was a lot of angst in the City, and there should have been, but they worked with CSX to get this corrected.

Mr. Rickoff indicated there is sufficient space, the 20 cars will be on a track on the property that is formally where a lot of the transloading occurred.

Commissioner Lada commented Maple Road is continually blocked, west of Wixom, two to three times a month, at a standstill. Mr. Rickoff commented the only time they would be blocking is to take power off because people were complaining about the noise. Then they run that power into the yard, sits in the yard until it goes back to the train.

Chairman Day noted that they tabled the public hearing, and if a formal motion was needed to remove it from the table. Ms. McIntyre indicated to remove it from the table with a formal motion.

**MOTION** made and seconded by Commissioner Lawrence and Vice Chairperson Carter to remove the public hearing for a special land use approval of SLU#21-004 from the table.

**VOTE:**

**MOTION CARRIED**

Open for public comments.

Ms. Emma Holland, Village Apartments, Wixom, MI, spoke in opposition to the applicant's special land use permit. She commented her concern is this is proposed to be a mile away from Wixom Elementary School, adverse home effects with chemicals being used, and exhaust and/or elements from crush lime stone. She also had concerns regarding the traffic impact on Wixom and Beck Roads.

Mr. Pat Lennon, Attorney, for Hillside and Stoneridge Apartment Complexes. Mr. Lennon opposed the application. The application does not satisfy the ordinance. If the Commission is going to approve, every standard must be met or must have a waiver.

Ms. Erica Sepeda, Village Apartments, Wixom, MI, spoke in opposition to the application. She had concerns regarding the toxins, pollution, and toxins getting into drinking supply and air. She had concerns regarding the health and safety of everyone including her child. This would also cause traffic concerns. Safety should be first.

Ms. Kathy Gawronski, 30 year plus Wixom resident. Ms. Gawronski commented she sent a letter to the Commission with regard to this request for limestone sales and increased traffic. She is strongly opposed to this application.

Mr. Mike Dornan, Wixom, MI, commented on his letter dated August 22, 2022, to the Planning Commission. Mr. Dornan is strongly opposed to this application.

Ms. Rebekah DeVriendt, Wixom, MI, property manager at Hillside Apartments, commented she is strongly opposed to this application and had concerns for the Hillside apartment residents; this application would change the character of the City, and set Wixom back. There are already big traffic concerns.

Mr. Fred Manson, Regional Manager for Village and Hillside Apartments, commented he is in opposition with this project moving forward for safety and environmental reasons. Their health and welfare is his number one concern. Traffic is not perfect, but it is getting better.

Mr. Jack Ruffin, Property Manager, Stoneridge Apartments, and resident commented he was in opposition to this application. He is concerned with the air quality and livability in the area. He has a child with severe asthma with environmental issues.

Chairman Day commented there was an email received from Jeff Snyder, Village Apartments, submitted to the Commission in opposition to this proposal.

Public hearing closed.

Mr. Mapes commented National Limestone has been in business for 120 years; employees are part of the community. 70% of the aggregates are paid for with tax dollars which benefit the city to have a local supplier. They will only use about 15% of the entire yard. Storm water runoff will be onsite in a small wetland area as it has for years. As far as toxins, most toxins is diesel fuel, it is a clean operation. As far as silica, the stone comes from the plan, extremely low base limestone. Ground water, water from limestone is some of the purest you will find, no contamination of ground water. Base materials have high moisture, water down before leaving the site for construction activity. Clean products have been washed at the plan that was produced, very little dust on the products. Traffic would be reduced by having a local supplier. They hope to be a part of the community.

Chairman Day thanked the public for attending tonight's meeting. He indicated he appreciated seeing residents from the rental units come with their concerns.

Chairman Day commented this application was going to be a hard sell; nothing he heard tonight made him change his mind. There are still a lot of issues with this proposal and it would be difficult for him to support this proposal. Noise and traffic is a big concern; the traffic study was done under pandemic conditions. Today is not the Wixom of 30 years ago.

Commissioner Lada commented he had concerns with the traffic and noise levels, and this application does not meet the master plan. This proposal does not seem like the right fit for that area.

Vice Chairman Carter commented this is a major industrial operation, it is not what Wixom envisioned in a heavy residential area that was formally for industrial use.

**MOTION** made and seconded by Vice Chair Carter and Commissioner Lawrence to deny **SPECIAL LAND USE SLU#21-004: NATIONAL LIME AND STONE TRANSLOADING YARD, 30350 WIXOM, based on** the findings listed in CIB's letter to the Planning Commission dated August 17, 2022, as follows:

1. The number and height of stockpiles and impacts from the operation on the neighboring properties as presented is excessive and does not meet the intent of the Light Industrial district; taking note that the comment was made tonight that the height and geometry of the piles can be changed; and
2. The use generates noise, vibration and potential environmental effects that may be detrimental to the surrounding area. The applicant's noise study projects noise levels to intermittently exceed the City's limit of 70 dBA and the vibration study ascertains that even low level, structurally safe vibration amplitudes could cause building movement in addition to damage to plaster on lathe within a structure. The noise study also fails to address noise created by beeping from equipment and trucks backing up; although this was mentioned in the study; and
3. The proposed change from rail yard to transfer/storage yard can be considered a change to the essential character of the area and a potential nuisance to residents living nearby; and
4. The use of the rail yard and offloading of rail cars, noise from the operation, and gravel haulers has the potential to change the character of the area; and
5. The transloading yard has the potential to negatively impact the safety of vehicles on Wixom Road. The proposed use would access heavily travelled Wixom Road with slow moving tandem trailers at a location without a traffic light. This could not only slow traffic in the area but also create a hazardous situation when the trucks pull out onto Wixom Road, especially with left turns heading south.

**VOTE:**

**MOTION CARRIED**

All in favor.

2. **SITE PLAN REVIEW SPR#22-012-20: NATIONAL LIME AND STONE TRANSLOADING YARD, 30350 WIXOM, WIXOM, MI 48393:** The



applicant is seeking site plan approval to permit a transloading limestone sales yard in the M-1, General Industrial District. The parcel number is 22-05-151-014.

As the special land use for the use was denied, a discussion of the site plan for National Lime and Stone was no longer needed. The Commission moved on to the next agenda item.

### **New Business:**

1. **PUBLIC HEARING FOR SPECIAL LAND USE SLU#22-006: 47020 WEST ROAD, WIXOM, MI 48393:** The applicant is seeking a special land use permit from Section 18.09.040(E) Standards applicable to specific uses, Storage Buildings for Lease, to permit an x square foot storage building, in the M-1, Light Industrial District. The parcel number is 22-04-351-009.

### **Discussion:**

A special land use request (SLU#22-006) and site plan application (APR#21-12) was submitted for a 33,280 square foot self-storage building at 47020 West Road, Wixom, MI 48393. The proposed building will be part of the 1-800 Self Storage development located on 29686 Beck Road (formerly known as Self Storage). The property is zoned M-1, Light Industrial District, where a storage building for lease is permitted as special land use in the district. The parcel number is 22-04-351-009.

As a special land uses in the district, a public hearing notice is required and was published in the newspaper with notices being sent to properties within 300 feet of the property. At this time, the applicant has requested the applications be withdrawn from the August 22, 2022, Planning Commission agenda to provide the applicant time to revise the plans before bringing them back to the Commission in September. The planning Commission may choose to accept the applicant's request to withdraw the agenda items or open the public hearing to allow public comments (if anyone is present to speak). The commission may then keep the public hearing open and table the request until the applicant returns on September 26, 2022.

No public comments.

**MOTION** made and seconded by Commissioner Tacy and to table **SPECIAL LAND USE SLU#22-006: 47020 WEST ROAD, WIXOM, MI 48393:** The applicant is seeking a special land use permit from Section 18.09.040(E) Standards applicable to specific uses, Storage Buildings for Lease, to permit an x square foot storage building, in the M-1, Light Industrial District. The parcel number is 22-04-351-009; until the applicant returns on September 26, 2022.

**VOTE: MOTION CARRIED**

All in favor.

2. **SITE PLAN REVIEW SPR#21-12: 47020 WEST ROAD, WIXOM, MI 48393:** The applicant is seeking site plan approval for an x square foot storage building. The property is zoned M-1, Light Industrial District, where storage buildings for lease is permitted as special land use in that district. The parcel number is 22-04-351-009.

**Discussion:**

The applicant asked for this case to be tabled until September 26, 2022.

**Call to the Public:**

No public comments.

**Staff Comments:**

Ms. McIntyre updated the Commission in reference to the Learning Center. She passed on the Commission's comments, concerns and shared the Minutes. The applicant made some revisions to the materials including some stone as well as brick. They are going to add some awnings over top of some of the windows to the west elevations. The applicant will return during the first meeting in September.

**Commission Comments:**

Chairman Day inquired if there has been a decision in reference to a new planning consultant contract. Assistant City Manager Benson indicated no, they have not made any decision as of yet and they will have additional updates in a public meeting.

**ADJOURNMENT:**

This meeting of the Planning Commission was motioned and adjourned at 9:15 p.m.

Mona Freiburger  
Recording Secretary

