

APPROVED
MAY 15, 2023

**CITY OF WIXOM
49045 PONTIAC TRAIL
PLANNING COMMISSION MEETING
MONDAY, MAY 1, 2023**

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), Cheryl Tacy (Vice Chairperson), Commissioners: Phillip Carter, Sandro Grossi, Mark Lada, Anthony Lawrence

ABSENT: Excused: Ray Cousineau

OTHERS: Doug Lewan (Carlisle Wortman Associates), Drew Benson, Assistant City Manager; 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:

None

Approval of Minutes:

MOTION made and seconded by Commissioner Lawrence and Commissioner Carter to approve the April 3, 2023 and April 17, 2023, Planning Commission Meeting Minutes, as submitted.

VOTE:

MOTION CARRIED

Correspondence:

April 11, 2023, City Manager Update

April 25, 2023, City Manager Update

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

No public comments.

Old Business:

None

New Business:

1. **PUBLIC HEARING FOR TEMPORARY LAND USE TLU23-001; 28755 S> WIXOM Road, WIXOM, MI. 48393:** The applicant is seeking a one-year temporary land use permit under Section 18.12.180 Temporary Uses to permit an outdoor temporary concrete crusher at 28755 S. Wixom Road. The parcel number is 22007-200-022.

Discussion:

Dan's Excavating has applied for a temporary use of a concrete crusher and concrete batch plant to be located at 28755 S. Wixom Road as part of the I-96 reconstruction project from Kent Lake to I-275. The subject site is zoned M-2, General Industrial and the project is estimated to take place between April 2023 through November 2023. Working hours on site will be between the hours of 7:00 a.m. and 6:00 p.m. Three (3) to five (5) employees are anticipated to be working at the site at any given time. They will park near where the portable plants will be located.

Project Summary, Project Site, Temporary Use Standards, Items for Planning Commission Consideration and Carlisle Wortman Associates comments are listed in their memo to the City of Wixom Planning Commission dated April 26, 2023 enclosed in the packet along with Hubbell, Roth & Clark, Inc., Site Plan Review dated April 27, 2023.

Recommendation by Carlisle Wortman Associates: Based on the information presented, Carlisle Wortman Associates recommends approval of the temporary use with the following items being addressed prior to the start of operation: Memo from Brad Geistler, Wixom Fire Department dated April 26, 2023; Memo from Tim Sikma, City of Wixom dated April 17, 2023 are also enclosed in the packet.

1. The applicant should verify setback dimensions of stockpiles and equipment to all property lines;
2. The applicant should verify maximum impervious coverage of the site is not exceeded;

3. Additional information should be considered regarding the frequency and number of trucks anticipated on the site per day;
4. The applicant should provide access easement information demonstrating their right to utilize the driveway on the neighboring property.

Mr. Lewan reviewed the sections of the City of Wixom Zoning Ordinance that allows for temporary uses that don't involve a structure or permanent improvement. He indicated the applicant's proposal is one of those types of uses that would fit within the temporary use category found within the zoning ordinance.

The applicant provided information and details which are found within Carlisle Wortman Associates report on page 2 regarding the applicant's expectations onsite in reference to size of area and materials. The applicant is proposing 250-foot diameter sand pile; 250 feet by 350 feet raw pile; a crusher/finish pile (about 150 feet in diameter); crusher plant/concrete batch plant (100 feet x 220 feet), which is a trailer-like facility that will come and go from the site as the project starts and ends. The applicant is proposing to disturb approximately 10 acres on the site.

Mr. Lewan stated the zoning ordinance has six standards as part of the determination for the temporary use. Those six standards are noted on pages 2 and 3 of Carlisle Wortman Associates report. Mr. Lewan, briefly, cited the standards. The first standard is that the use will not constitute a change in the uses permitted within the district where it is located. This area is zoned M-2 which is general industrial. Outside storage and other similar heavy industrial land uses could be found in this area. The applicant must provide some informational requirements: a sketch plan in what they are doing. Carlisle Wortman Associates' comment is the applicant is missing some information; provide zoning classifications of the property in the surrounding, abutting parcels. This information is required. Carlisle Wortman Associates would like the applicant to provide actual foot setbacks on the site plan which would help code enforcement if there were discrepancies or problems in the measurements of the site. The applicant should provide additional information on property access regarding the easement. The applicant is proposing to access Wixom Road easement that will go across to the adjacent property. Carlisle Wortman Associates would also like additional information on to what the easement allows. There was a letter submitted today from Flint Development, who developed the industrial properties to the east of the site, which the Planning Commission also received today. Flint Development has concerns about the truck traffic that may or may not occur across their easement. Their primary concern in the letter ends with Flint Development would like Dan's Excavating and/or MDOT, to be responsible for any improvements that may be needed to this access drive, if damage should occur. Temporary uses shall be reviewed by the City departments and City consultant. All setbacks must be met. The Planning Commission shall determine if there are either demountable structures related to the permitted use of land or structures which do not require foundations, heating systems, or sanitary connection. In

this particular case, everything is temporary. The final item is that uses shall be in harmony with the general character of the district and meet the intent of the City of Wixom Master Plan.

There are four items to be addressed: 1, verify setbacks; 2, verify maximum impervious surface coverage; 3, information shall be provided regarding the frequency and number of trucks anticipated on the site per day; 4, the applicant should provide access easement information demonstrating their right to utilize the driveway on the neighboring property.

Included in the packet is a letter from April 27, 2023 from Hubbell, Roth, and Clark (HRC), the City's engineering consultant. HRC had a couple of issues to address. The first is that the site will be restored to pre-existing conditions including seeding and planting. HRC is unclear if the imported asphalt millings would be removed or covered with seeding. The applicant should address this concern. Also, the second issue is, should the existing roadway inside Assembly Park experience damage from truck traffic for this project, an escrow amount or an agreement should be entered for repair of roadways, damage or excessive wear to both Assembly Park and Wixom Roads.

There is an email from the Fire Department, who reviewed the information and due to the temporary nature of the project, they had no comments. Mr. Tim Sikma, Utilities Department, indicated, similar to HRC's comments, they need assurances that the road and parking lot in Flint Development would be repaired as necessary should the concrete trucks damage the private road; and Flint Development has signed off on this situation.

Chairman Day commented Flint Development's letter dated May 1, 2023, indicated that they are not asserting that truck traffic was not anticipated in connection with the granting of the access easement but the granting of the easement as well as the design and construction of the use of the private road did not contemplate every use.

Chairman Day stated he was disappointed that the letter dated May 1st was submitted today, which didn't give the applicant time to talk to Flint Development, but he was even more disappointed that the applicant did not consult with Flint Development ahead of the project. He indicated there should have been a signoff from Flint Development and there is not. Chairman Day stated he did not know if Flint Development would be satisfied with a letter indicating the road would be restored without money held in escrow.

Chairman Day commented the application approval was premature. Chairman Day stated he could see Dan's Excavating or another entity using the same property for the same purpose next year while construction was going to be underway on the westbound lanes of I-96 from I-275 to Kent Lake Road. Chairman Day thought the

applicant and Flint Development should be on the same page before the Planning Commission should consider approving this application.

Vice Chair Tacy echoed the same comments. She indicated the Planning Commission does not know the frequency and/or the number of trucks the applicant anticipates. Vice Chair Tacy was also disappointed in that Mr. Sikma has found millings in the back and the application has not been approved yet.

Commissioner Lawrence commented this application should have come before the Commission in February because the application states the work will take place from April, 2023 through November, 2023; which is not a year. Mr. Lewan clarified that he had assisted City staff in the public hearing notice. The applicant asked for seven months approximately, but Mr. Lewan inserted a year, which is the maximum, in case the job went over. A year is the maximum amount of time that the ordinance allows.

Commissioner Grossi agreed with Chairman Day; he did not feel comfortable to approve the application without an agreement between the two parties.

Mr. Justin Peyerk, 12955 23 Mile Road, Shelby Township, Michigan, representing Dan's Excavating, apologized to the Commission as he was not aware of the special land use that was needed from the City. There was a miscommunication when they applied for a building permit. When they found out this permit was required, Mr. Peyerk stated they stopped all work until they had an opportunity to come before the Commission.

Mr. Peyerk commented they were contacted by the property owner for this project. The property owner is in the process of obtaining EGLE permits to improve the site. The property owner contracted the applicant to make the site a developable piece of property. There are two detention ponds located on the site. The detention ponds will have to be filled. The applicant will crush the open graded aggregates, and to use the sand on their building site.

Mr. Peyerk stated this was the first time they saw the May 1st, 2023 letter from Flint Development. Mr. Peyerk stated they would be more than happy to do a bond for excessive wear and tear; and/or any damages that may occur on the site.

Mr. Peyerk commented they plan on using eight trucks a day; typically, 9 to 10 trips a day for each truck (80 to 90 trips a day total).

Chairman Day commented the letter from Flint Development didn't sound like they were totally opposed but they were afraid that they were going to be left holding the bill for damage.

Vice Chair Tacy indicated, from an information standpoint, Mr. Fife (HRC) made a statement that it was unclear if the imported asphalt millings would be removed or covered up. Mr. Peyerck stated the intent is to remove the asphalt millings. The material used to fill the ponds would be sand which is separated from the concrete crushing through screens.

Mr. Lewan stated this was the first time he had heard of the ponds being filled as part of this project. Mr. Peyerck indicated the landowners were working on the permits, independently.

Vice Chair Tacy inquired if the ponds reference was part of Brownfield; and if the contaminated ponds were left over from the Ford property. Assistant City Manager Benson answered he was not certain to which degree the ponds were contaminated but the fact that EGLE will allow them to be drained probably speaks to the ponds not contaminated. How they factor into the Brownfield is a different question and he was not certain. Vice Chair Tacy asked if EGLE would be watching the operation to make sure that the ponds are filled and filled correctly to promote a healthy environment. Mr. Benson indicated there is a layer of approval that needs to come from the City. The City is aware of the draining process, and EGLE's process, which is a different process than filling and regrading the site.

Mr. Peyerck indicated he understood an agreement needs to be made with Flint Development. He also commented he was not familiar with City procedures. Mr. Peyerck inquired if a conditional approval could be made today upon proof of a letter from Flint Development. Chairman Day stated he did not think it would be wise for the Planning Commission to do a conditional approval without knowing what the future holds. The Planning Commission will meet in two weeks; if an agreement is in place, this application would come back before the Commission.

Commissioners Lawrence, Grossi, Lada and Vice Chair Tacy indicated they would prefer to have the applicant return the Commission for approval.

Open public hearing.

No public comments.

Public hearing not closed.

MOTION made and seconded by Vice Chair Tacy and Commissioner Carter to table **TEMPORARY LAND USE TLU23-001; 28755 S> WIXOM Road, WIXOM, MI. 48393:** The applicant is seeking a one-year temporary land use permit under Section 18.12.180 Temporary Uses to permit an outdoor temporary concrete crusher at 28755 S. Wixom

Road. The parcel number is 22007-200-022; until an agreement is made by the applicant and Flint Development.

Call to the Public:

No public comments.

Staff Comments:

Assistant City Manager Benson commented Derby Day would be held on Saturday, May 6, 2023.

Commission Comments:

Chairman Day commented the new pathway around the Civic Center was completed and they were looking for a name. Chairman Day suggested, the Governmental Run Around”.

Commissioner Lada commented on July 29, 2023, the Wixom Community Foundation is doing an Amazing Race, which was started last year. The Wixom Community Foundation is a group that provides grants and scholarships for local high school seniors that live in the City of Wixom or attend Walled Lake Public Schools. They also provide matching grants and donations for projects within schools in the community. Commissioner Lada indicated he has been working with Wixom Community Foundation for a couple of years and this event is a fun race. It is paid entry per car; and there will be prizes at the end. It is kind of a road rally, but they call it an Amazing Race. Last year, there were eleven families who participated; they are hoping for two times that amount this year.

ADJOURNMENT:

This meeting of the Planning Commission was motioned and adjourned at 8:05 p.m.

Mona Freiburger
Recording Secretary