



**BUILDINGS, SAFETY ENGINEERING
AND ENVIRONMENTAL DEPARTMENT**

Coleman A. Young Municipal Center
2 Woodward Avenue, Fourth Floor
Detroit, Michigan 48226

Phone 313•224•2733 TTY:711
Fax 313•224•1467
www.detroitmi.gov/BSEED

BSEED Case No.: SLU2022-00131
Property Address: 4445 Lawton
Decision Date: December 20, 2022
Effective Date: January 3, 2023

Applicant/Owner

Murray Wikol
Can-Am International Trade Crossing, LLC
3890 Oakland Drive
Bloomfield Hills MI 48301

Request: Establish a very high-impact manufacturing or processing facility (crushing, grading, and screening of rock, stone, slag, clay or concrete) on a 4.7-acre vacant site.

Location: 4445 Lawton, located between Buchanan and West Hancock Streets in an M4 (Intensive Industrial) Zoning District and legally described as: *W LAWTON 41 THRU 50; 55 THRU 58 & VAC ALLEY ADJ RESUB OL 8 PC 729 L6 P24 PLATS, WCR 12/60 TH PT OF OL 9 BETW LAWTON & MAYBURY GRAND PLAT OF REAR CONC PC 729 L99 P402 DEEDS, WCR 12/160 204,694 SQ FT (PIN 12000553-6)*

The current legal land use of the subject property is 'Vacant Land' by demolition permit number 7596 issued on May 8, 1997. The applicant is proposing a stone crushing and recycling facility that will produce and store crushed material including but not limited to concrete, brick, stone, etc. The applicant operations include, receiving raw demolished concrete material, trucks will be weighed, material inspected, processed through impactor and jaw crusher, inspected, and shipped out by truck to suppliers.

The proposed use of "Concrete Crushing" (Very high-impact manufacturing or processing)" is permitted conditionally in a M4 Zoning District per Section 50-10-113(19). Additionally, the proposed change of use requires review by the Industrial Review Committee per Section 50-2-104(1) of the Detroit Zoning Ordinance. The property is zoned M4 (Intensive Industrial) Zoning District. The proposed use of 'Crushing, grading, and screening of rock, stone, slag, clay, or concrete (Very high-impact manufacturing or processing)' is permitted conditionally in a M4 Zoning District per Section 50-10-113(19) ("Applicability"), thus require, Site Plan Review, a Special Land Use Hearing, and Industrial Review Committee prior to issuance of permits.

This request has been processed in accordance with the provisions of Sections 50-3-241, 50-10-113(19), and 50-12-365 of the Detroit Zoning Ordinance and the following submittals were considered as part of this request:

1. Preliminary Plans prepared by Giffels Webster, last revised 10/12/2022, approved by BSEED on 11/1/2022 and including site plan, floor plan and elevations; and

BSEED Case No.: SLU2022-00131
Property Address: 4445 Lawton
Decision Date: December 20, 2022
Effective Date: January 3, 2023



2. Recommendation to deny the use with conditions from the Detroit Planning & Development Department received 12/14/2022; and
3. Recommendation to deny the use from the Environmental Affairs Division dated 12/16/2022.
4. Recommendation to deny the use from the City Planning Commission dated 12/12/2022.

Our department held a public zoom hearing on 11/30/2022. Notice of this hearing was published in the Detroit Legal News on 11/15/2022 and mailed to property owners within 300' of the subject site. In addition to representatives from the City of Detroit, the hearing was attended by the owner, his lawyer: civil consultant, and operator of the property. No one spoke in support and 20 people spoke in opposition. 5 letters of support received before the hearing.

100 plus emails of opposition had been received by the department at time of this decision and a 600 plus signed petition. General concerns articulated by residents in the opposition emails include proximity of the concrete crushing to the neighborhood, lack of residential screening being proposed by the applicant, potential negative noise impact from heavy truck traffic, potential residential property value decline, and the adverse impact of particulate matter emitting from the piles upon the residential neighborhood.

After careful consideration, we were unable to make the required findings of fact as required by Section 50-3-281, specifically:

- A) At the time of the inspection, there were numerous piles of dirt, concrete, and asphalt on the site. The applicant does not have the correct screening to shield the residential neighborhood, thus could pose an adverse public health, noise, and safety hazard for residents.
- B) Per the Planning and Development Department, due to the very high-impact nature of the proposed concrete crushing, heavy vehicle traffic associated with the use (around 60 trucks daily) and its proximity to the southern residential community, it does not comply with the current Master Plan of Policies Future Land Use designation of Light Industrial or (IL), thereby could aggravate any pre-existing physical, social or economic deterioration of the adjacent residential neighborhood.
- C) Per the City Planning Commission, the Pope Francis Center Bride Housing is a 40-unit housing facility that is currently under construction, to the north of the subject property. To serve the homeless and provide social services help. This use is less than 300 feet away. Which could expose the campus to external emissions and environmental impacts.
- D) The applicant has otherwise failed to meet its burden and satisfy other general approval criteria outlined in Section 50-3-281 of the 2019 Detroit City Code. More specifically, the applicant has not provided evidence which demonstrates:

BSEED Case No.: SLU2022-00131
Property Address: 4445 Lawton
Decision Date: December 20, 2022
Effective Date: January 3, 2023



- a. The conditional use sought will not substantially diminish or impair property values within the neighborhood.
- b. The conditional use sought will be compatible with the capacities of public services and public facilities that are affected by the proposed use.
- c. Adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided.
- d. The conditional use sought will be compatible with land uses on adjacent and nearby zoning lots in terms of location, size, and character.
- e. The conditional use sought is so designed, located, planned, and will be operated so that the public health, safety, and welfare will be protected

Therefore, this request is DENIED.

This decision will become effective **January 3, 2023**. However, Section 50-3-302 of the Zoning Ordinance provides the right to appeal this decision to the Board of Zoning Appeals prior to the effective date of this decision. A fee may be required for an appeal to the Board of Zoning Appeals. **All appeals must be made in person at the Zoning Counter, 4th Floor, Coleman A. Young Municipal Center.**

It shall be the responsibility of the person or organization who files an appeal, or his/her duly authorized representative, to attend and testify at the Board of Zoning Appeals hearing as to why the original decision of this Department should not take effect.

If no written appeal is filed prior to the effective date of this decision, the denial shall be deemed final, and the use shall cease immediately. No application which has been denied wholly or in part shall be submitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of changed conditions.

Sincerely,

David Bell
Director

DB/JSP