



**BUILDINGS, SAFETY ENGINEERING
AND ENVIRONMENTAL DEPARTMENT**

Coleman A. Young Municipal Center
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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

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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:

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- 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



**CITY OF DETROIT
BOARD OF ZONING APPEALS
DECISION AND ORDER**

IN RE APPEAL BY BZA PETITIONER:

BZA CASE NO.: 1-23

LOCATION: 4445 LAWTON, between W. Hancock and Buchanan in a M4 zone (Intensive Industrial District). City Council District #1

PETITIONER: CAN-AM INTERNATIONAL TRADE CROSSING, LLC
6632 TELEGRAPH #350
BLOOMFIELD HILLS, MI. 48301

REPRESENTATIVE: KRISTIN LUSN
1312 JOILET PLACE
DETROIT, MI. 48207

LEGAL DESCRIPTION: Available upon request

PETITION: Can-Am International Trade Crossing, LLC appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED SLU2022-00131 Decision Date: December 20, 2022, Effective Date: January 3, 2023) which DENIED the establishment of 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 in a M4 (Intensive Industrial District).

FACTS AND PROCEDURAL POSTURE OF APPEAL:

The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision, or determination that is made by an administrative official in the administration of this Zoning Ordinance, or any decision made by the Buildings and Safety Engineering Department involving Conditional Uses, Regulated Uses, or Controlled Uses, or any denial of a site plan by the Planning and Development Department.

PETITIONER'S REQUESTED ACTIONS:

Can-Am International Trade Crossing, LLC appeals the decision of the Buildings Safety and Engineering and Environmental Department (BSEED SLU2022-00131 Decision Date: December 20, 2022, Effective Date: January 3, 2023) which DENIED the establishment of 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 in a M4 (Intensive Industrial District).

PETITIONER'S STANDING TO BRING APPEAL:

The Law Department had determined that the petitioner has standing to bring this case before the Board.

BZA'S AUTHORITY TO CONSIDER PETITIONER'S APPEAL:

The BZA has authority to consider the Petitioner's appeal based on 50-4-101 Jurisdiction over Appeals of Administrative Decisions and Sec. 50-3-281 General approval criteria

PUBLIC NOTICE AND HEARING:

On July 1, 2023, 12 notices of the Board's public hearing were distributed via certified mail to (1) all persons whose names and mailing addresses appeared in the current assessment roll as owners of property located within 300 feet of the exterior boundaries of the Subject Property, (2) the occupants of all single and two-family dwellings located within 300 feet of the exterior boundaries of the Subject Property, and (3) all neighborhood improvement associations whose subject areas are known to be located within at least 300 feet of the exterior boundaries of the Subject Property.

On July 17, 2023 the Board held a public hearing to consider the Petitioner's appeal. In advance of and during the public hearing, the BZA was presented with testimony, documents, and other information pertinent to the Petitioner's appeal:

Information from BZA Staff:

- BZA Appeal Petition filed December 22, 2022.
- BZA Staff Report prepared by Inspector April Purofoy
- Photo Presentation of BZA Staff Field Inspection, conducted on July 17, 2023.

Information from Petitioner:

- Testimony of the Petitioner.
- 1. Petitioner testified that they wish to overturn the BSEED Decision to allow for the **establishment of 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 in a M4 (Intensive Industrial District).**
 2. Petitioner further testified that the requested variance is consistent with the Master Plan as it is located in an intensive industrial district.
 3. BSEED attorney stated that BSEED in their decision that at the time of 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.
 4. BSEED attorney stated that BSEED in their decision per the Planning and Development Department, due to the very high impact nature of the proposed asphalt production plant, 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 thereby could aggravate any pre existing physical, social or economic deterioration of the adjacent residential neighborhood.
 5. BSEED attorney stated that BSEED in their decision 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\.
 6. BSEED attorney stated that BSEED in their decision the applicant has otherwise failed to meet its burden and satisfy other general approval criteria outlined in Section 50-3-281 that the conditional use sought will not substantially diminish or impair property values within the neighborhood.

7. BSEED attorney stated that BSEED in their decision the applicant has otherwise failed to meet its burden and satisfy other general approval criteria outlined in Section 50-3-281 that conditional use sought will be compatible with the capacities of public services and public facilities that area affected by the proposed use.
8. BSEED attorney stated that BSEED in their decision the applicant has otherwise failed to meet its burden and satisfy other general approval criteria outlined in Section 50-3-281 that adequate utilities, access roads, drainage and other necessary facilities have been or will be provided.
9. BSEED attorney stated that BSEED in their decision the applicant has otherwise failed to meet its burden and satisfy other general approval criteria outlined in Section 50-3-281 that the conditional use sought will be compatible with land uses on adjacent and nearby zoning lots in terms of location, size and character.
10. BSEED attorney stated that BSEED in their decision the applicant has otherwise failed to meet its burden and satisfy other general approval criteria outlined in Section 50-3-281 that the conditional use sought is so designed, located, planned and will be operated so that the public health, safety and welfare will be protected.
11. Petitioner was not present for the hearing so no testimony was garnered.

Information from the Public in Support or Opposition of Petitioner's Appeal:

1. Large amounts of opposition was present to testify that this type of use is too intense for this area.
2. Large amounts of opposition testified that BSEED made the right decision to deny the proposed request at this location because it would interfere with the air quality.
3. Large amounts of opposition testified that the proposed facility would interfere with enjoyment of the use of their properties as the trucks would utilize residential streets.
4. Large amounts of opposition testified that this type of use is not the highest and best use for not only this property but also the surrounding community.

BZA DECISION:

WHEREAS, the BZA has authority under the Detroit Zoning Ordinance to consider this appeal and the Petitioner has standing to bring this appeal before the BZA; and

WHEREAS, the BZA has provided public notice of this appeal in accordance with the Michigan Zoning Enabling Act and the Detroit Zoning Ordinance; and

WHEREAS, the BZA staff has reviewed this appeal, conducted field inspections of the Subject Property, and reported its findings to the BZA; and

WHEREAS, the BZA has held a public hearing on this appeal, during with the Petitioner, relevant City Departments, and all members of the public who desired to be heard were provided opportunity to provide testimony, documentation, and other information relevant to this appeal; and

WHEREAS, the Petitioner has been given the opportunity to present this appeal before the BZA; and

WHEREAS, all testimony, documentation, and other information submitted to the BZA prior to or during the public hearing has been provided to the BZA for consideration;

NOW THEREFORE:

After careful consideration and based on the following findings, Board Member Hill-Knott offered a motion to **Uphold BSEED's Decision to Deny** the Petitioner's request. This motion was seconded by Board Member Moore.

1. The Board found that P&DD recommended Denial for the proposed use.
2. The Board further found that BSEED made the correct decision based on the information submitted and it is proper to Uphold BSEED's decision.
3. The Board further found that petitioner was not present to give any explanation which is disrespectful to the Board, staff and citizens of this community.
4. The Board further found that the establishment, maintenance, location and operation of this proposed conditional use would be detrimental to and endanger the social, physical, environmental and economic well being of the surrounding neighborhoods.
5. The Board further found that the conditional use would involve activities, processes, materials, equipment or conditions of operation that would be detrimental to the physical environmental or public health and general welfare by reason of excessive production of noise, smoke, fumes glare and maybe odors.

CAUTION

The granting of an appeal by the Zoning Board of Appeals pertains only Zoning regulations. The grant does not abrogate or release the grantee from complying with all laws relating to safety, stability, health, etc., as required by the Building, Housing, Electrical, Plumbing and other Municipal Codes

FINAL DECISION

Any decision of the Board of Zoning Appeals may be appealed to Circuit Court as specified in 125.585 (MSA 5.2935) of the Zoning Enabling Act of Michigan, Act 207 of the Public Acts of 1921, as amended.

The minutes of the Board of Zoning Appeals decision in this case were approved by the Board during its public meeting held on July 24, 2023.

CERFITIFIED COPY FROM THE BOARD OF ZONING APPEALS, CITY OF DETROIT FOR THE WAYNE COUNTY REGISTER OF DEEDS.



James W. Ribbron, Director – Board of Zoning Appeals

PREPARED BY APRIL T. PUROFOY

City of Detroit

CITY COUNCIL

GABRIELA SANTIAGO-ROMERO COUNCIL MEMBER, DISTRICT 6

December 12, 2022

Michael E. Duggan, Mayor, City of Detroit
Conrad Mallett, Corporation Counsel
David Bell, Director, Buildings, Safety Engineering and Environmental Department
Coleman A. Young Municipal Center
2 Woodward Ave., Detroit, MI 48226

Re: Permanent permit for two concrete facilities (Hercules Concrete Co. and 4445 Lawton St.)

To Mayor Duggan, Corporation Counsel Mallett, and Director Bell:

As the Detroit City Council Member for District 6, I am adding my name to the growing chorus of frontline residents, community members, leaders, and experts from District 6 and throughout the City who are opposed to the two permanent concrete plant permit requests currently under your consideration:

1. Hercules Concrete Co., 115 Rosa Parks Blvd., Detroit, MI 48216
2. 4445 Lawton St., Detroit, MI 48208

These proposed concrete plant facilities would store concrete and/or allow for concrete operations, such as mixing and crushing. In the latter, we cannot ignore or overlook the fact that old concrete especially can contain asbestos and other fibers known to be toxic. Combined with run-off, the impact on air and water quality is unquestionably adverse. Further, these facilities would operate in or near residential neighborhoods: 4445 Lawton St. is just a few hundred feet from residential homes; Hercules Concrete Co. is in-between what are soon to be 'world class' parks in my district along the riverfront. Knowing this, I cannot in good faith support exposing my residents, and visitors, to the risks associated with exposure to such hazardous materials and living conditions.

We should be working to beautify and protect our communities, including the riverfront, so that they are healthy, thriving, and vibrant. These facilities would do the opposite.

I support our Core City and Southwest neighbors in opposing these two permanent permit requests and echo their concerns. I strongly urge you to center them, our residents, and hope you put the health and safety of their community first by denying both of these requests.

If you have any questions, I can be reached at 313-224-2450 or councilmembergabriela@detroitmi.gov.

Best regards,



Gabriela Santiago-Romero
Detroit City Council, District 6

City of Detroit

Lauren Hood, MCD
Chairperson
Donovan Smith
Vice Chair/Secretary
Marcell R. Todd, Jr.
Director

CITY PLANNING COMMISSION
208 Coleman A. Young Municipal Center
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Brenda Goss Andrews
Kenneth R. Daniels
David Esparza, AIA, LEED
Ritchie Harrison
Gwen Lewis
Melanie Markowicz
Frederick E. Russell, Jr.

December 12, 2022

Jayda Philson, Zoning Manager
Buildings, Safety Engineering and Environmental Department
Special Land Use Division
2 Woodward Avenue, Suite 407
Detroit, MI 48226

Ms. Philson:

As a member of the Industrial Review Committee, the City Planning Commission (CPC) staff has reviewed SLU2022-00131, the request of Can-Am International Trade Crossing - Murray Wikol to establish an a Very High-Impact Manufacturing or Processing facility (crushing, grading, and screening of rock, stone, slag, clay, or concrete) on approximately 4.7-acre vacant site in a M4 at 4445 Lawton Street.

To the north of the site, the Pope Francis Center Bridge Housing Campus (zoned B4 General Business District) is currently under construction. To the east of the site is an office equipment warehouse, and chemical company (zoned M4 Intensive Industrial District). To the south of the site across Buchanan Street is a vacant land (zoned B4 General Business District). To the west of the site across the Jeffries Freeway and railroad is vacant land (zoned R2 Two-Family Residential District). The Master Plan shows "Light Industrial" as the future general land use of the site.

On November 30, 2022, a conditional land use hearing was held by the Buildings, Safety Engineering and Environment Department. At the hearing, some of the feedback included the following:

- Questions about how the applicant planned to mitigate fugitive dust
- Clarification on the routes the approximately 50-60 trucks daily would take in order to reduce the impact on the residential community
- PDD staff noted that the applicant needed to revise their site plan to show appropriate screening; particularly of the tall storage piles
- Questions from CPC staff on community engagement that the applicant had done
- BSEED inspector questioned whether a permit was pulled by the applicant for the electrified fencing that was present at the time of inspection
- Whether the applicant had received previous violations from EGLE for a similar facility.

- 18 community members spoke during the public comment portion of the hearing. One member was in support of the proposed use. 17 of the community members spoke in opposition of the proposed use.
- One community member mentioned a petition that had been created to voice opposition to the establishment of this proposed use. That petition currently has over 600 signatures at the time of this report.

The following section includes the relevant review criteria for the industrial review committee stated in Section 50-2-104(b) and CPC Staff comments in italics.

(1) The site plan;

The site plan for this facility shows curb cuts on both Lawton Avenue and Jeffries Service Drive. The applicant mentioned that either of these entrances/exits would be available to be used by trucks depending on the height of the trucks and their ability to use the Jeffries and Lawton viaducts. PDD requested that the applicant shows an updated site plan with updated screening.

(3) The type of machinery and equipment proposed or any other facet of the proposed industry, especially as regards external emissions, such as noise, vibration, smoke, odor, noxious gas, dust, dirt, glare, heat, or other discharge or emission that may be harmful to adjacent or surrounding land uses;

The operation of this facility uses machinery to crush and grade concrete which expels dust and other particulate matter into the air. The noise, vibration, dust, and dirt emission from this use will have a significant impact to the surrounding uses. The applicant stated that water would be used to tamp down the dirt that is expelled and reduce the impact on air quality in the surrounding area. The applicant did not mention other fugitive dust mitigation strategies related to the operation of their machinery or the trucks that would haul the product in and out of the proposed facility. The applicant stated the type of machinery they use for this find of facility created less noise than the freeway located to the west of the site or the railroad adjacent to the north of the site. They did not provide a decibel count at the time of the hearing to verify this claim.

(4) The socioeconomic impact of the proposed facility, especially with regard to the effect on property values, tax and revenue generation, and public services;

The proposed use of this facility would have certainly have an impact on the property values of the surrounding community. Additionally, there are a significant number of urban farms and gardens located in the surrounding community, such as Fisheye Farms (2334 Buchanan Street) and HiO Farm (4454 18th Street), whose outdoor planting and harvesting operations would be impacted.

(5) Separation/buffering from sensitive, conforming land uses as defined in Section 50-16-153 of this Code, such as residences, schools, churches, hospitals, convalescent homes, childcare facilities, hotels or motels, public parks and similar community facilities, and possible over-concentration of facilities within a given geographic area;

The Pope Francis Center Bridge Housing Campus is a 40-unit housing facility that is currently under construction across the railroad to the north of the proposed facility. The Bridge Housing Campus will house the chronically homeless and provide them with social services to help transition them into permanent supportive housing. The spacing of less than 300ft from the

Bridge Housing Campus to the proposed facility could cause a potential exposure to the external emissions of the facility mentioned above.

(6) Environmental impact of the proposed facility, especially with regard to air quality, water quality, soil erosion and sedimentation, and flooding potential as designated or identified by the Michigan Department of Environment, Great Lakes, and Energy and the impact upon natural resource areas and wildlife habitats as designated or identified by the Michigan Department of Natural Resources;

CPC staff is of the belief that there is a potential significant environmental impact of the proposed facility. We would defer the evaluation of specifics of such an impact to the Environmental Affairs Division of BSEED.

(8) Truck traffic and the adequacy of access routes so as to minimize traffic congestion and maximize safety in the transport of solid and hazardous waste and materials;

The applicant mentioned that there will be 50-60 trucks a day coming in and out of the proposed facility hauling the unfinished and finished product. CPC staff believes that this amount of truck traffic will cause a significant impact to the surrounding community. The viaduct heights of the Lawton Avenue and Jeffries Freeway Service Drive are 13 feet 5 inches and 14 feet 2 inches respectively. We would defer to BSEED to evaluate the height of the trucks that would carry the product to and from the facility and their ability to use the viaducts to access the proposed truck routes.

(11) The use of an acceptable stormwater management plan, dust management plan, soil erosion plan, environmental management system, closure and post closure plan, financial assurance plan, and other necessary plans and procedures;

The applicant did not identify a stormwater management plan to deal with the significant runoff that would occur due to the use of water trucks to tamp down the dust. CPC staff is of the belief that there would be a significant impact to the combined sewer/storm water system located near the site.

(13) The facility's compliance with the City of Detroit Master Plan of Policies, Solid Waste Management Plan, and any other applicable plans and policies; and

The Master Plan future general land use of the proposed facility is IL (Light Industrial). The M4 (Intensive Industrial District) is not consistent with the IL (Light industrial) designation in the Master Plan future general land use table. CPC defers to PDD to render its interpretation of the Master Plan.

(14) The proposed development's potential for impeding the normal and orderly development of surrounding property for uses that are permitted in the district, and the potential to be detrimental to or to endanger the physical or economic well-being of the area.

Due to the very high impact of the proposed use the site will impact the orderly development of the surrounding properties regardless of their zoning. The facility is within 500 feet of both the Pope Francis Center Bridge Housing Campus and a residential property (4260 Jeffries Service Drive). This proposed use has the potential to deter other development in the community and have a negative impact on the physical and economic well-being of the area.

Given the proposed site's proximity to residential properties, potential impact on the health and wellbeing of the surrounding community, and inconsistency with the Master Plan's Future General Land Use of Light Industrial, CPC staff recommends **denial** of the request. Our office has limited confidence that approval with conditions would mitigate these concerns.

If you have any questions, please email Mr. Roland Amarteifio of my staff at roland.amarteifio@detroitmi.gov

Sincerely,

A handwritten signature in cursive script that reads "Marcell R. Todd Jr.".

Marcell R. Todd Jr., Director

cc: Crystal Rogers, BSEED
Rickelle Winton, BSEED



**PLANNING AND
DEVELOPMENT DEPARTMENT**

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 808
Detroit, Michigan 48226

Phone 313•224•1339
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December 14, 2022

Buildings Safety Engineering & Environmental Department
Coleman A. Young Municipal Center
2 Woodward Avenue
Detroit, Michigan 48226

Re: **BSEED Case#SLU2022-00131, SPR #2022-00052**

Location: **4445 Lawton St.**

Recommendation: Deny

In accordance with the Memorandum of Understanding between P&DD and BSEED (entered into on June 1, 2014), P&DD has reviewed the proposed project with respect to Community Planning Issues:

I. Description of the Proposed Use and the Site

Can-Am International Trade Crossing (Murray Wikol) is requesting to establish a Very High-Impact Manufacturing or Processing facility (crushing, grading, and screening of rock, stone, slag, clay or concrete) on an approximately 4.7-acre vacant site in an M4 (Intensive Industrial) Zoning District.

The proposed facility will receive raw concrete that will be weighed, inspected, crushed and sorted. Equipment will consist of an impact crusher, jaw crusher, and a truck scale. According to the Material Safety Inspection Protocols and Procedures, the facility will accept asbestos-free concrete products from pre-screened customers including Detroit home demolition projects and commercial building/structure projects. Piles will consist of various size aggregate stone and raw cement piles that will be a maximum of 32 feet tall.

The site will house a mobile office, include employee parking. Per the site plan, the entire site will be enclosed by a 1,955 linear foot security fence and access is proposed from Lawton Ave. The existing electrified fencing encircling the site is not indicated on the proposed site plan. Per applicant testimony, 10-60 trucks per day are anticipated to visit the site. One catch basin is provided on the site plan. DWSD review and approval are still required for the drainage and runoff for the proposed development.

The subject parcel is located within the Core City community on the north side of Buchanan St., between Lawton St. and the Jeffries Service Drive. The northwest corner of the subject site at the intersection of the Jeffries Service Drive and Buchanan St. is owned by a different entity and out

of the scope of this project. The immediately adjacent properties are primarily zoned B4 and M4, with occupied commercial directly east of the property and the in-progress Pope Francis Bridge Housing Center located to the north of the property. The surrounding blocks contain a mix of single-family homes, urban farms, and churches in an R2 zone.

II. Community Planning Issues

A. Master Plan of Policies

According to the Master Plan of Policies, this address is within the Jeffries subsector. The future general land use designation is Light Industrial. Such areas generally consist of industrial uses of low intensity that have minimum undesirable effects on adjacent residential or commercial land uses. Small-scale industrial uses may include machine shops, small scale assembly or packaging, warehousing, or technology parks. The proposed use **is not consistent** with this designation.

B. Historic District

This site is not located within a Historic District.

C. Design Overview

The subject site is not located in a district that requires design review.

D. Public Hearing Results

At the November 30, 2022 hearing on this matter, no members of the public spoke in support of the proposal, but 5 letters of support were sent from surrounding residents and businesses.

17 members of the public spoke in opposition of the proposal. Their main concerns were related to dust, noise, and truck traffic that would be generated by the proposed use. Many are residents or business owners in the area that spoke to the incompatibility of a very high-impact industrial use near homes, urban farms, and the forthcoming Pope Francis Center.

In addition, 13 letters and 550 signatures on a petition in opposition were received from property owners and stakeholders. Also, one video of opposition was submitted via email.

The BSEED staff report indicated that there were current (within the previous two weeks) property maintenance issues for the current use of the property. The inspector noted that the electric fence surrounding the site was not shown on the permit and was not shown on the site plan. There was also information missing such as the number of employees to determine the parking requirement, stormwater review, DPW review and approval of proposed ingress and egress and IRC review before the applicant could legally operate.

E. IRC Review Comments

In accordance with Sec. 50-2-101 of the Zoning Ordinance, this use required review by the IRC. Our comments with respect to the relevant IRC review criteria are as follows:

1. **Operations.** The applicant has submitted a one-page document titled Material Safety Inspection Protocols and Procedures. No chemical substances are listed. The types of materials accepted are indicated, along with the note that customers that drop-off waste are pre-screened.

2. **Harmful emissions and environmental impacts.** The proposed use will generate noise, dust, and diesel emissions that may be disruptive and harmful to nearby residents. The applicant will employ techniques to mitigate dust creating from the concrete crushing operations and truck circulation on-site, however no mitigation for track out or noise controls are proposed. We defer to BSEED to determine whether the applicant's proposed Fugitive Dust Plan complies with Sec. 42-2-176 of the Detroit City Code. At the hearing the applicant was asked to provide decibel levels for noise generated by their equipment to determine how disruptive the operations might be for residents.
3. **Socioeconomic impacts.** The proposed use could have a positive economic impact by returning this site to a productive use and creating new jobs.
4. **Separation/buffering from sensitive land uses.** Outdoor storage and storage of bulk solid materials require screening under Section 50-14-344 and Section 42-2-213. Such screening should consist of a minimum 20-foot landscaped setback and solid wall. Additional plantings, such as evergreens, may be needed to block views of the storage from the street and adjacent residential uses. The applicant has proposed adding slats to the existing chain link fence and low shrubs as screening, which does not meet the ordinance requirements and will not be adequate to screen the storage piles on site.
5. **Truck traffic and access.** Primary site access is anticipated to be from Lawton, with secondary access off of the freeway service drive to the west of the site via Buchanan. None of the proposed routes prohibit trucks, but staff raised concerns about the capacity of these asphalt streets to handle the number of heavy trucks anticipated over time, as well as the clearance height of the overpasses on Lawton and the service drive allowing for the proposed circulation. The applicant has not submitted employee counts, so we are unable to verify whether the proposed parking meets ordinance standards.
6. **Compliance with applicable regulations and procedures.** The BSEED inspector noted several compliance issues with the property including: failure to receive temporary operating permit, illegal operation of the use, and installation of an electric fence without a permit. This operation is also within 500 feet of residential, which is one of the requirements to obtain a Permit to Install (PTI) from EGLE.
7. **Policy compliance.** As noted above, the proposed use is not consistent with the Master Plan future land use designation for this parcel. Industrial policy goals for the Jeffries subsector call for increasing the viability of industrial areas. The Master Plan envisions Light Industrial uses being viable adjacent to the surrounding residential uses. The proposed use is very high-impact industrial and is not compatible with a residential neighborhood with various active agricultural and land-based project areas.
8. **Potential impacts on surrounding area, including the physical or economic well-being of the area.** Overall, the intensity of this use (including both concrete crushing operations and truck traffic) so close to a residential area may have negative impacts on health outcomes and property values that outweigh the economic benefits of the proposal.

F. Other Considerations (Conditions)

1. Install required screening on all sides of the property, in accordance with Section 50-14-344. At a minimum, screening shall include a 20-foot landscaped setback with a mix of evergreen and deciduous trees meeting the minimum planting criteria of Sec. 50-14-328 and a solid berm or wall at least six feet in height.
2. Comply with Sec. 42-2-179 of the Detroit City Code by providing a Fugitive Dust Plan.
3. Comply with Sec. 42-2-172 of the Detroit City Code by obtaining a Certificate of Operation for Bulk Solid Material Facilities.
4. Obtain site plan review and approval from the State of Michigan and the Department of Public Works for work done in the public rights of way.
5. Provide the decibel levels for all equipment that will be used in the proposed operation.
6. Obtain review and approval of drainage and runoff at the site from DWSD.

III. Recommendation

After careful consideration, the Planning & Development Department recommends denial. While the underlying zoning permits this use, it does so only as a conditional use, which allows the City to evaluate projects based on additional criteria to determine if a particular use is or is not appropriate for a specific location. Our findings of fact related to those criteria are documented above.

To summarize, this parcel is near a number of residential, commercial, and urban agriculture uses, including a proposed shelter for unhoused Detroiters directly adjacent to the north. Even an operation that adheres to all applicable state and local regulations is likely to generate noise, dust, and truck traffic that will negatively impact those nearby, which includes vulnerable populations. As such, we cannot find that the proposed use would not be injurious to the surrounding area, even if the above suggested conditions are met.

Should BSEED approve the use, we ask that it do so with the above conditions.

Respectfully,



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