

**MINUTES
CITY OF FARMINGTON HILLS
PLANNING COMMISSION MEETING
31555 W ELEVEN MILE ROAD
FARMINGTON HILLS, MICHIGAN
NOVEMBER 17, 2022, 7:30 P.M.**

CALL MEETING TO ORDER

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

ROLL CALL

Commissioners present: Aspinall, Brickner, Countegan, Mantey, Stimson, Trafelet, Varga, Ware
Commissioners Absent: Grant
Others Present: City Planner Perdonik, City Attorney Schultz, Planning Consultant
Tangari

APPROVAL OF THE AGENDA

MOTION by Trafelet, support by Brickner, to approve the agenda as presented.

MOTION passed by voice vote.

PUBLIC HEARING

A. SPECIAL APPROVAL PLAN 61-10-2022

LOCATION: 27055 Orchard Lake Rd. (28696 Oakland Dr.)
PARCEL I.D.: 23-15-176-004
PROPOSAL: Temporary concrete crusher and batch plant in an RA-2,
One Family Residential District
ACTION REQUESTED: Special Land Use and Site Plan Approval
APPLICANT: Connor Lenington, Dan's Excavating, Inc.
OWNER: Oakland Community College

Applicant presentation

Eric Rau, Project Manager for Dan's Excavating, were present on behalf of this application for a Special Land Use and Site Plan Approval for a temporary concrete crusher and batch plant in an RA-2, one-family residential district, at 27055 Orchard Lake Road (OCC Campus).

Mr. Rau provided the following information:

- Dan's Excavating has been contracted for the Michigan Department of Transportation (MDOT) project to rebuild I-696 from Lahser to I-275. They were beginning prep work for the 2023 construction season.
- The request was for a recycle/concrete crusher operation at Oakland Community College (OCC) property, as described in the submitted paperwork.
- They would be removing ~175,000 tons of concrete beginning spring 2023, equating to ~7000 truckloads of material that would need to leave the reconstruction site.
- The site at OCC would not require the use of public roads. They would haul with off-road trucks through the job site onto OCC property, and would crush and re-use the concrete on site.

In response to questions, Mr. Rau provided the following further information:

- Any concrete that was part of the demolition, including bridges, would go through the crusher and be reincorporated back into the project.
- The off-road haul trucks would not go on public roads. The trucks would access the site through MDOT's right-of-way, crush the concrete, and then haul it back to the site via the same route.
- The request was for January 1 2023 to January 1 2024. However, the crusher will not arrive at the site until the frost laws were removed, and construction would not start until March. The 12-month time period would allow the applicant to prep the site, including stripping the land, silt fence installation, start building the driveway, and be ready to go in March when the job would actually start.
- Their agreement with OCC was that the site will be returned to its existing state when they left the site. OCC had asked them to install prairie grasses upon job completion, in order to provide a no-mow area.
- All aspects of the construction site, including left-over mounds, would be gone by January 2024.
- Mr. Rau had not received the letter from the Fire Marshal requesting a meeting with the construction manager, the Fire Chief and the Fire Marshall.

Commissioner Trafelet said the letter from the Fire Marshall was an important communication, because the Fire Department wanted access to 696 through the site.

Consultant Report

Referencing his November 4, 2022 memorandum, Planning Consultant Tangari reviewed this request for Special Land Use and Site Plan Approval.

The applicant was proposing a temporary concrete batch plant. The application specified that the time frame for the batch plant will be late January, 2023, through January, 2024. Requested hours of operation are 7am to 7pm, Monday through Saturday. The plant would be located on an area of the Oakland Community College campus that used to be part of a large parking lot, as well as an area that has always been lawn.

Outstanding issues included:

- Applicant should provide setback distances and illustrations of the equipment, indicating maximum height.
- Setbacks were not provided but they did appear to be met. No diagrams or other documents have been provided showing the height of the proposed equipment.
- The applicant should discuss how the site will be staffed, and how potential conflicts between parking and circulation will be managed.
- The college and MDOT were both exempt from the City's tree replacement ordinance.

Planning Consultant Tangari reviewed the standards and conditions for approval of a temporary batch plant, as listed in Section 4.20.4.C of the Zoning Ordinance.

In response to a question from Chair Countegan, Planning Consultant Tangari said that the Commission should decide if they were comfortable enough with the information provided to move this request forward. In any event it would be helpful for the City to have on record some information about the height and appearance of the equipment.

In response to questions, the following information was given:

- City Attorney Schultz said that while the school and MDOT were not subject to the tree replacement ordinances, the operation needed Planning Commission approval because the use was not accessory to the primary use on the property.
- In terms of traffic control, Mr. Rau explained that the exit ramp at Orchard Lake Road will be staged construction. There would be truck traffic crossing the Orchard Lake Road off ramp.
- This request was for eastbound construction. The contract for westbound I-696 will cover 2024 construction; it was actually all part of the same contract. The primary focus for this site was for eastbound I-696, because of its accessibility. The OCC site may not work for west-bound construction, and the request was only for the 12 months in 2023.
- The tallest objects will be the temporary piles. There will be stacking conveyors, and the piles will be ever-changing. The crushing plant will be 25' tall. The stackers to put the material in a pile will be 70' tall. The batch plant will be 55' tall.

Chair Countegan said the plan would need to identify heights. The parking operation will need to be described.

Public Hearing

Chair Countegan opened the public hearing.

Steve Frey, 26781 Holly Hill Drive, noted that his property was ~500' from the subject site and proposed operation. He was concerned about environmental impacts of this project, in terms of impact on well water in the area, and air quality. Specifically, he was concerned about the crushing operation, which would release dust in the air.

The Commission responded that all environmental permits were handled by the State. Also, this was not a cement manufacturing plant, but was a mixing plant where materials including cement were brought from other locations and mixed on site to make concrete for the highway project. Mixing activity, including cement storage, would be encapsulated.

Commission discussion

Seeing that no other public indicated they wished to speak, Chair Countegan closed the public hearing, and asked Mr. Rau to address the issue of impact on water and air in the nearby residential neighborhood, as well as noise issues from the temporary batch plant.

Mr. Rau said concrete crushing plants were recorded with EGLE (Michigan Department of Environment, Great Lakes and Energy) each time they set up. An EGLE permit was required, which would include an in-person air quality review, to ensure that practices were in place for dust control. This was a one-time certification, but the State and EGLE can inspect the plant at any time. Part of the EGLE permit involves a study of the site and its proximity to waterways, and lists repercussions if standards are not met.

After approval, the applicant will apply for a soil erosion permit from the City.

In terms of noise, a noise pollution survey had to be performed when the crusher was set up. A crusher was not allowed to be set up within 500' of a residence.

This was the best location for this project. The next best location would mean putting haul trucks on the road with the motoring public.

Mr. Rau said the College was also very concerned with noise and dust. Mr. Rau had visited another site with College staff, where they observed the dust, noise, and overall activity for several hours, and the College was still opting to move forward with the project. The example site was part of the I-275 project, and there were two hotels that were within 500'-1000' of the operation. No complaints had been received from the hotels.

Water spray will control dust on the piles. Water was maintained daily throughout the site. In terms of activity, there would be trucks coming in and out throughout the day, loading and unloading. There was a sample permit in the submitted materials, and noise including decibel levels was part of that document.

City Planner Perdonik said an approval would not constitute any waiver of the noise ordinance.

Commissioner Aspinall said that this contractor had a very strong reputation for doing things right and by the book. This was a high-profile site which will be important to EGLE and MDOT. It was important to keep the weight from this project off the public roads.

Chair Countegan thanked Mr. Frey for his public comments, and indicated he was ready to entertain a motion.

MOTION by Brickner, support by Trafelet, that Special Approval 61-10-2022, submitted by Conner Lenington/Dan's Excavating, Inc., be approved, subject to all applicable provisions of the Zoning Chapter, for the following reasons:

1. The use would not be injurious to the district and environs.
2. The effects of the use would not be contrary to the spirit and intent of the Zoning Chapter.
3. The use would 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 approval will be for the period of January 1 2023 to January 1 2024.
2. Hours of operation will be 7am to 7pm Monday through Saturday.
3. Noise levels will not exceed those allowed by City Ordinance.
4. Nothing on the site will exceed 75 feet in height, including the tower, the crusher and the materials that are being stored.
5. All materials and equipment will be removed from the site by January 1, 2024 and the property will be restored to its original condition, and seeded for grass.

Motion passed by voice vote.

B. ZONING TEXT AMENDMENT 1, 2022

CHAPTER OF CODE: 34, Zoning Ordinance

PROPOSED AMENDMENT: Amend the time period that recreational equipment or trailers may be parked on a residential premises during loading or unloading.

ACTION REQUESTED: Recommendation to City Council

SECTIONS: 34-5.7.1 and 34-5.74

City Planner Perdonik introduced this agenda item, which was a proposed amendment to the zoning ordinance to amend the time period that recreational equipment or trailers may be parked on residential

premises during loading or unloading. The draft amendment was first introduced to the Commission at the September meeting, and was set for a public hearing to date uncertain at that time.

Tonight Staff was requesting that a public hearing be held on the item, followed by consideration as to whether to recommend adoption of the draft amendment to City Council. The text of the draft amendment had not changed since the September meeting and no changes were requested at that time. The draft has been reviewed by the City Attorney's office.

The draft amendment will change the time period during which recreational equipment may be parked anywhere on a residential lot for loading and unloading from what is currently an open-ended 24-hour period to 72 hours within a five-day period. This will bring the City in line with the requirements of similar communities.

As explained at the September meeting, the reasonableness of the current 24-hour limit was called into question. Upon researching the issue, staff found no other instances of 24-hour limits locally; the norm that emerged was 72 hours.

Chair Countegan opened the public hearing.

Cynthia Lukotch, 35263 Edythe Drive, spoke in favor of this zoning text amendment. 24 hours was too short a time, and the change to 72 hours would be very helpful.

Seeing that no other public indicated they wished to speak, Chair Countegan brought the issue back to the Commission for discussion and/or a motion.

MOTION by Trafelet, support by Stimson, to recommend approval to City Council Zoning Text Amendment 1, 2022, which proposes to amend Chapter 34, "Zoning", Article 5.0 "Site Standards," Section 5.7. "Recreational Equipment or Trailers," to revise the time period during which recreational equipment or trailers may be parked in residential districts for loading, unloading and maintenance.

Motion passed by voice vote.

APPROVAL OF MINUTES September 15, 2022, Special and Regular meetings

MOTION by Aspinall, support by Trafelet, to approve the September 15, 2022 Special Meeting and Regular Meeting minutes as submitted.

Motion passed by voice vote.

PUBLIC COMMENT

None

COMMISSIONERS' COMMENTS

None

ADJOURNMENT

MOTION by Stimson, support by Trafelet, to adjourn the meeting at 8:10pm.

MOTION carried unanimously by voice vote.

Respectfully Submitted,
Marisa Varga
Planning Commission Secretary

/cem