MINUTES OF THE REGULAR MEETING OF THE CITY OF ROMULUS PLANNING
COMMISSION HELD ON MONDAY, OCTOBER 29, 2018
COUNCIL CHAMBERS

1. The meeting was called to order by Chairperson Freitag at 7:00 p.m.

2. Roll Call Showing: Jerry Frederick, Cathy Freitag, Mike Glotfelter, Daniel McAnally, Dave Paul, Celeste Roscoe, Edna Talon-Jemison, Melvin Zilka

   Excused: Jessica Workman

   Also in attendance: Carol Maise, City Planner; Brad Strader and Ann Marie Kerby, Planning Consultants (MKSK); Jessica Katers, Engineering Consultant (OHM); Stephen Hitchcock, City Attorney; David Allison, Fire Chief

3. Approval of Agenda:

   Motion by Zilka, support by Glotfelter, to approve the agenda as presented. Roll Call Vote: Ayes – Zilka, Glotfelter, Frederick, Talon-Jemison, Paul, McAnally, Roscoe, and Freitag. Nays – none. Motion Carried.

   Agenda

1. Pledge of Allegiance
2. Roll Call – Frederick, Glotfelter, McAnally, Paul, Workman, Roscoe, Talon-Jemison, Zilka, Freitag
3. Approval of Agenda
4. Approval of Minutes
   A. Approval of the minutes of the regular Planning Commission meeting held on September 17, 2018
5. Comments from Public on Non Agenda Items
6. Public Hearings
   A. RZ-2018-001; GFL-NPR Recycling Center Conditional Rezoning

   Applicant: Michael Fleming, GFL Environmental USA Inc.
   Request: Conditional rezoning of 10.37 acres of property from RC, Regional Center and M-1, Light Industrial to M-2, General Industrial
   Location: 30880 Smith
   Parcel ID #80-042-99-0068-000, #80-042-99-0069-001, #80-042-99-0066-703, and #80-042-99-0066-702

   (Action required: hold a public hearing and then make recommendation to City Council)

   B. SLU-2018-003; GFL-NPR Recycling Center Special Land Use

   Applicant: Michael Fleming, GFL Environmental USA Inc.
   Request: Special land use approval for an indoor and outdoor recycling operation
   Location: 30880 Smith
   Parcel ID #80-042-99-0068-000, #80-042-99-0069-001, #80-042-99-0066-703, and #80-042-99-0066-702
(Action required: hold a public hearing and then make recommendation to City Council)

7. Old Business

8. New Business

A. SPR-2018-024; Concentra Urgent Care
   Applicant: Houston Wurtele, Turcotte Development
   Request: Construction of 9,707-sq. ft. urgent care facility with 78 vehicular parking spaces
   Location: 10912 Wayne
   DP# 80-068-01-0024-306, #80-068-01-0024-306, & #80-068-01-0024-004

   (Action required: approve, approve with conditions, deny or postpone site plan)

B. PDA-2018-002; Fairways at Gateway PDA Amendment
   Applicant: Rino Soave, Infinity Homes
   Request: Review of concept plan for amended PDA to replace 164 duplex units with 144
   single family detached units
   Location: Fairways at Gateway Subdivision No. 3, Lots 220, 221, and 222 and Parcel ID#
   80-009-001-0222-000

   (Action required: Direction to the applicant on the merits of the PDA amendment)

C. 2019 Planning Commission Meeting Dates

   (Action required: Approve, approve with conditions, postpone or deny 2019 meeting dates)

9. PC-Cases Involving Advice or Input from the Planning Commission

10. Reports
    A. Chairperson
    B. City Planner – Development Status Report

11. Reports on Interest Designation

12. Communications
    A. City of Taylor, Draft Master Plan Amendment
    B. Charter Township of Van Buren Master Plan Update

13. Adjournment

4. Approval of Minutes

Motion by McAnally, support by Roscoe, to approve the minutes of the regular Planning Commission
meeting held on September 17, 2018.
Roll Call Vote: Ayes – McAnally, Roscoe, Zilka, Paul, Talon-Jemison, Frederick, Glotfelty, and Freitag. Nays – None. **Motion Carried.**

5. **Comments from Public on Non Agenda Items:** None

6. **Public Hearings:**

Chair Freitag called both public hearing items together, and noted that there was an affidavit of public mailing.

**A. RZ-2018-001; GFL-NPR Recycling Center Conditional Rezoning**

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(Action required: hold a public hearing and then make recommendation to City Council)

Dennis Cowan, Plunkett Cooney, 38505 Woodward, Bloomfield Hills, presented on behalf of GFL-Environmental. Also present were: Evan Barrett, District Manager, GFL Environmental, Inc.; Rick Burns, NTH Consultants; Jeff Schroeder, Plunkett Cooney.

- Mr. Cowan explained that GFL Recycling wanted to continue to be in Romulus on this site. They wanted to invest $2.2 million on the site to be part of the solution and correct some of the historical issues which it inherited and which arose when they first applied for their business license and certificate of occupancy.
- GFL was headquartered in Toronto, with 5,000 employees in North America, serving 2.5 million households as well as 80,000 commercial and institutional customers. GFL entered the local market with the acquisition of a major southeast Michigan waste hauler that had 800 employees serving 55 communities in southeastern Michigan and beyond, as well as recycling operations in Romulus and Royal Oak.
- The Romulus recycling operation was at least 40 years old, and had been known as Nelson Brothers recycling. There had always been paper recycling on this site, and for the better part of the last 20 years, plastics and metals were also handled on the site. The facility handled 62,000 tons of recyclable material annually.
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- GFL did not burn or bury at this site. It did not process recyclables; there was no plastic shredding or the smelting of any metals. The site was what was known in the industry as a commercial packaging plant. Clean cardboard came into the site on various trucks; it was then organized, baled, and put on a truck for shipment to a paper mill or to a processor or to another transport such as a railroad car that moved the product to its destination. Ultimately the recycled products ended up around the world including China, Mexico and Europe.

- Mr. Cowan said that while he knew much material had been received, he wanted to first focus on what was common ground:
  1. Recycling was a positive for the State of Michigan and the environment.
  2. No harmful activities were at this site. There were no odors or smells, nor was there any inherently dangerous processing activity. There was no noise pollution or toxic or noxious release of any chemicals into the environment.
  3. The City and GFL could evaluate together the history of the site: what had gone right and what had gone wrong.

- There were three types of recycling uses on site: paper, plastic and metal. If GFL received a positive recommendation from the Planning Commission and eventual approval from the City Council, the uses would remain the same. As a practical matter, GFL was not expanding any uses. However, as a legal matter, the request was for uses to be expanded, because much to GFL’s surprise after the acquisition of the site, they discovered that the plastic and metal operations had never received approval from the City, although they had gone on for nearly 20 years.

- Mr. Cowan said the evidence showed that the site had not had a negative effect on any surrounding neighboring businesses, of which there were not many. There was a parking lot to the south, with much of the remaining land around them vacant. Future development to the north and west would be challenging as there was significant wetland on those properties.

- GFL believed Romulus was a City worth investing in, and GFL proposed to spend $2.2 million in the following upgrades:
  1. The complete renovation of the frontage on Smith Road with new fencing and landscaping.
  2. Acquisition of the adjacent residential parcel, which was nonconforming in this area.
  3. Construction and paving of a new interior road resulting in separate ingress and egress access to Smith Road.
  4. Paving of employee and visitor parking areas.
  5. Storm water management enhancements including new catch basins, conveyance and retention basin infrastructure.
  6. Over 1,000 feet of new fencing on the property perimeter.
  7. Replacement of damaged building siding, and reinforcement or protection of inside walls.

- The investment would result in resolving many of the aesthetic issues: littering would be caught by the fence, dust would be reduced because of the pavement, etc.

- Mr. Cowan shared a conceptual rendering of the look of the site for someone traveling on Smith Road going from the west to the east, and also from the east to the west. The rendering showed a wood-type styled fence, along with the ingress interior road with a gate to the east. There would be an enhanced fence all the way along the frontage as well as enhanced landscaping. While GFL met all landscaping requirements, the Fire Chief in his review had been concerned about future foliage growth blocking their view. GFL would work with the City on resolving those issues.

- On balance, Mr. Cowan felt that the recycling facility had been a net positive. It had paid its property taxes, and provided jobs for the 30 current employees at this location. The facility served not only southeastern Michigan, but specifically 142 businesses in Romulus and the airport, including Amazon, Delta Airlines, Detroit Metro Airport, Marathon Oil, Penske Logistics, Plastipak, Romulus Community Schools, Salvation Army, and others.
Regarding GFL’s request for conditional rezoning and special land use, Mr. Cowan made the following points:

1. **Outdoor storage/recycling**, as provided in Section 11.14(e).
   - GFL was not conducting any salvage or transfer operations that required an enclosed building. They did have a baling operation on the interior. The issue they faced on a daily basis was they were not certain how much product they would receive each day and where it was going to go. There were times they did not have capacity for interior storage of all the paper and cardboard product that was received that day.
   - GFL believed the ordinance allowed them to have the outdoor storage and recycling as long as they met the other criteria, which they believed they did except for the Smith Road issue.
   - GFL believed that they were not doing transfer and salvage operations that would require everything be done in an enclosed building. Transfer operations typically involved the separation of waste. All of their cardboard, paper and plastics almost always came on separate trucks and were baled and were then put on separate trucks for shipment. They tried to keep as much of the product as possible – particularly paper – inside until shipment.
   - It would be cost prohibitive to build the types of buildings that could hold everything 100% of the time. They had submitted a detailed operations plan that they believed would address outstanding issues such as littering.

2. **Health, safety and welfare**.
   - In spite of this facility’s past shortcomings, it had not had an adverse effect on the health, safety and welfare of the community or its specific area. The facility had specific hours of operation, and was not a 24-hour operation, as were many of the businesses around them, such as hotels, parking lots, etc.
   - In the nearly 40 years of operation there had never been any significant problems except last year, when a once-in a lifetime event occurred. During a record windstorm a utility pole at the facility broke during the daytime, and fell onto a paper bale and started a fire. This occurrence cost GFL $35,000. While they wished this had never had happened, even if every requirement that had been suggested had been put into place, the pole would still have fallen.
   - It was important to acknowledge that GFL kept 62,000 tons of recyclable material out of landfills every year.
   - GFL recognized the sins of the past and wanted to resolve past issues with the $2.2 million investment for the site as well as the operational plan that they believed would solve many of the issues, as well as achieve general compliance with most of the requirements. They also believed the conditional rezoning would protect GFL and the City’s interest. They had agreed not to allow specific types of industrial uses and make a number of upgrades. There would be significant positive changes.

3. **Alleged incompatibility with the Future Land Use Map**.
   - Mr. Cowan gave some of his history, including sitting on a Planning Commission in his community, as a background to his understanding of this issue. He understood the importance of the Future Land Use Map, and also understood that it was somewhat of a crystal ball. The Master Plan provided hope for what the future might bring, but in this instance he did not feel there was incompatibility, because:
     - The consultant’s report said that the intent for the area was to capitalize on activity related to the airport. GFL recycling already capitalized on their relationships with Delta, and airport facilities and businesses, where paper, cardboard and plastics were a by-product of airport operations.
     - Also, GFL had a sister operation in Royal Oak that was directly adjacent to a residential neighborhood. After GFL upgraded that facility, new residential development had been
produced in the surrounding area, including a 40-unit condo project, a 70-unit apartment project, and a large self-storage facility. Additionally, a new apartment project with 80 units had recently been approved to be constructed right across the street. People knew what was going to be there and that things would be done right because of the investment made in the facility.

Mr. Cowan did not believe the GFL facility would be any impediment to development. And as stated previously, to the east and north were significant wetlands; there might not be as significant a development immediately next to them because of that challenge.

Mr. Cowan closed his presentation by saying that GFL was looking for a reasonable resolution for the existing issues, that would allow them to retain and re-invest in the facility, and asked for approval of the conditional rezoning and special land use requests.

Chair Freitag invited Planning Consultant Strader (MKSK) to give his review. Utilizing a PowerPoint presentation, Planning Consultant Strader made the following points:

**Historical background**

- The 10.37-acre site was zoned M-1 and RC and was located on the north side of Smith Road east of Merriman. The site was shown as "Regional Business" in the City's Master Plan, and was divided into 4 parcels. Parcels 1 and 3 were zoned M-1 (Light Industrial), while Parcel 2 was zoned M-1 and RC (Regional Commercial). A 4th parcel, 30790 Smith, was included in the submittal though it was not owned by the applicant. That parcel was zoned M-1 and currently was occupied by a single-family home.

- A letter had been received from the owner of the adjacent property to the west that had been planned for hotels; that was one of the future land use concerns that had been expressed. While Planning Consultant Strader felt Mr. Cowan's comments regarding what had happened in Royal Oak were helpful in terms of what could be compatible if the site were contained and maintained as discussed, the issue for the adjacent property owner was the view from upper hotel rooms would look directly on the subject site. Also, the impact of tonight's request on future "regional business" use development was a concern.

- An aerial view showed existing conditions, including uses that had been going on for a long time. The request tonight was to legally expand the nonconforming uses on the site to those that had historically been present. Recycling centers had not been permitted in the M-1 zoning district since at least 1982, so that the City's position was that the Certificate of Occupancy issued in 1998 was to permit continuation of a non-conforming use as a paper recycling center only on what was noted as Parcel 2 in the aerial.

- Over time the uses expanded to Parcel 3 but that expansion was never approved.

- The applicant wanted to expand their facilities and operations to Parcel 1 to have recycling of paper, plastics and scrap metal, and outdoor activities within Parcels 1, 2, and 3. Also tonight Mr. Cowan had stated they wanted to acquire Parcel 4, currently a single-family use.

- One of the criteria in the ordinance for this use as a special land use was the requirement for a minimum of 10 acres. Without Parcel 4, that criterion was not met. There was a letter in the packet from the affected homeowner expressing concerns about the operation, including rats, and asking that if this request were approved, certain improvements would be made to make his property more habitable. If the property were not acquired by the applicants, they would need to seek a dimensional variance because they would not meet the 10-acre minimum.
• By 1999, Parcel 3 was being used for truck trailer storage, without City approval. Sometime between 1998 and 2008 plastic and scrap metal recycling were added to operations, again with no City approval.
• GFL purchased the property in 2016, inherited the conditions on the site, and continued the legal and illegal non-conforming operations.
• The City informed GFL that the expansion of recycling materials and outdoor storage were an illegal nonconforming use.
• In February 2018 a conditional rezoning application was submitted, asking to allow the existing uses on all 4 parcels, with conditions. The request was to rezone the parcels to M-2, to allow the uses to occur, with conditions to make the uses more compatible with the adjacent RC district, including landscaping, making improvements to the materials on the site, improving the access, and other further improvements that would address the nonconforming uses and incompatibility with adjacent districts and uses.
• Because of the use a special land use approval was also required.

Standards for Review:
• The following standards were applied for review: Conditional rezoning standards, general rezoning standards, special land use standards specific for the use, and general standards for all special land uses.

Recommendation and Summary of Findings:
MKSK recommended denial of the applications for the following reasons:
• Request was to permit the expansion of an illegal nonconforming use and operations. The City Master Plan identified the gradual elimination of nonconforming industrial uses where they might inhibit planned development on adjacent properties.
• Did not meet the Future Land Use Map designation of “Regional Business” for this site.
• Did not meet several standards in Section 11.14 Waste Handling and Disposal Standards (d) and (e).
• The segment of Smith Road was not designed to accommodate the level of truck traffic and did not meet the zoning requirement that such an operation should have access to a Class A Road (Section 8.04.b(6)).
• Outdoor storage was prevalent on the site and might not be in compliance with the M-2 zoning district.
• The applicant had not exhausted other methods of approval (ZBA).
• Additional detail was needed on the concept plan to indicate that the site was meeting certain requirements (landscaping, façaie improvements, fencing, traffic impact analysis, and anticipated trip generation).
• A new Fire Department letter may not have made it into the packet – the information in that letter was important and should be considered, specifically the addition of plastics was a concern in terms of firefighting capabilities, and was more of a potentially hazardous situation, especially in the vicinity of RC type uses and hotels.

Conditions to consider
• Even with the improvements offered, the uses and level of use would be incompatible with the surrounding area. However, this was a complicated request. The Commission might feel that the application represented an effort to improve the site and make it more compatible with the Zoning Ordinance and future adjacent RC uses.
• Therefore, conditions to consider were offered in the event the Commission did make a favorable recommendation to Council. The following conditions should be considered as part of the motion for approval:
  1. That the site plan and operations plan shall meet the requirements per Section 11.14 Waste Handling and Disposal Standards (d) and (d) as stated in the October 29, 2018 MKSK review letter.
  2. Require the construction of an 8-foot wide sidewalk along the right-of-way frontage of Smith Road (or payment in lieu of construction).
• The Commission could not attach conditions to a conditional rezoning; however the applicant had indicated they were open to making some changes to their conditional rezoning application in order to move the application forward. Therefore a revised Conditional Rezoning Agreement should be submitted by the applicant for further review by the Planning Commission.

Planning Consultant Strader concluded his review.

Chair Freitag asked when GFL applied for a new business license. City Planner Maise said that after purchasing the business, GFL had continued the uses on site without applying for a new business license or a new certificate of occupancy. The issues had been brought to the City’s attention via code enforcement. She understood that the business license was not filed until recently.

At Chair Freitag’s request, Commissioner Glotfelyt read an October 25, 2018 letter from Group 10 Management into the record. Group 10 owned 14 properties that bordered the western and northern boundaries of the subject property as well as a few parcels west of the subject property but east of Merriman Road. In addition, Group 10 owned a 15-acre parcel located a few parcels to the east of the subject property.

Group 10 Management objected to the rezoning of the property, because:
• The rezoning wasn’t consistent with the zoning of the surrounding parcels.
• Group 10’s current plans for development on some of their parcels immediately adjacent to the western boundary of the subject parcel were for a hotel(s); those plans would be in serious jeopardy as the rezoning would have a severe negative effect on the use of their development.

Chair Freitag opened the meeting for public comment.
• Daniel Lovenduski, 30790 Smith Road, said his was the residential property next door to the subject site. He had submitted a letter regarding tonight’s application. His concerns were:
  1. The applicants were asking for a rezoning of Mr. Lovenduski’s property; that property belonged to him and not GFL.
  2. Smith Road was often used for truck parking, creating a traffic hazard.
  3. On a daily basis trucks dropped garbage on Smith Road.
  4. Existing buildings were in disrepair, with walls broken and windows and doors missing, creating security issues.
  5. The property was a fire hazard.
  6. GFL and Nelson before them had shown their complete disregard for the building and ordinance departments, by attempting repairs and improvements on holidays and weekends.
  7. Business operations began around 4:30 a.m., complete with back-up beepers and truck noise including banging.
  8. A rat population had been encouraged by the existing site.
  9. Ground vibrations were an issue as container trucks drove over speed bumps without slowing down.
10. If the rezoning were approved, and no agreement was made concerning the purchase of Mr. Lovenduski’s property, he asked that the City require a 6 to 8-foot-tall cement wall with rat wall around his property.

Seeing that no one else came forward to speak, Chair Freitag brought the matter back to the Commission.

- Commissioner McAnally pointed out a discrepancy in the way various documents referred to this application. Some listed it as SLU-2018-002 and some had 003. City Planner Maise said the correct number was 003, as advertised.
- Commissioner McAnally asked Fire Chief Allison to speak to the issues called out in his review letter.
- Fire Chief Allison described the current situation and summarized Fire Department issues as follows:
  - Materials dumped on site were not being contained before they were baled.
  - Tractor trailers were staged in the fire lane. As a result, when the fire occurred that was referred to earlier the Fire Department had difficulty getting fire trucks in and out of the site.
  - The buildings were in disrepair and were being pushed out.
  - Should another fire occur on the site, with the rubbish and loose product currently there, Fire Chief Allison was concerned that the Department might not be able to contain the fire. Normally every 30 seconds a fire doubled in size. However, with the plastics on site, the fire would spread even more quickly.
  - What the applicants might see as product, Fire Chief Allison saw as waste material. All storage should be in a fire-suppressed building.
  - The applicants stated they wanted temporary storage outside for some of their product, but did not define “temporary.” What did that mean?
  - The proposed fire hydrant on site and the new access road would resolve some issues. However, one of the biggest issues remained: site clean-up and maintenance. The operational plan said GFL would pick up as needed. What did that mean? The requirement should be for daily cleanup, and in some cases twice a day.
  - Fire Chief Allison was open to discussing these issues with the applicant.
- Chair Freitag noted that GFL had owned the property for 2 years. She had driven through the property today and saw nothing that indicated any cleanup had occurred during that period. The first building on the west with big open doors showed the far wall stacked high with paper, coming out 4-5 feet into the building. The paper appeared to be old, and appeared to be all around the building. The metal was pushed out around the bottom of the buildings. Further, on the left side as she drove in, there were numerous bundles of paper that were ready to be shipped, with debris all around them. 30 to 40 55-gallon drums were stacked outside. The corner building on the west was supported on the outside with big cement blocks, with further debris scattered around. She had seen a large rat. She felt it would be better to raze the property; it was an embarrassment to have something like that in the City, and GFL should be embarrassed to have been there for 2 years with no cleanup or other improvements. If GFL had not been required to apply for a business license, how much longer would the operation have continued in that state?
- Commissioner Glotfelty said he had been on the site Friday and there was paper everywhere. He was also on site today and the paper appeared to be cleaned up but there was still significant debris. What was in the 55-gallon drums?
- Mr. Barrett said the drums were empty and had been rinsed. The drums would be recycled as scrap metal. While the site had aesthetic issues, at the heart of this site was a successful recycling center. GFL captured and diverted recyclables, helping businesses locally and beyond to segregate their waste streams, and to intelligently look at the products they were using so they could capture what was recyclable. The Romulus site had high volume turnover of materials and they were proud of what they
did there. GFL was the largest waste hauler in Canada, and were the 4th largest solid waste hauler in the United States, with facilities in 13 states. While the site might appear embarrassing, the Commission was looking at a company that didn’t walk away, and was willing to invest in this site. GFL’s goal was to redevelop the site into something to be proud of.

- In response to comments from Commissioner Glotfelty, Mr. Cowan said they had just received the Fire Department review letter on Friday. They were willing to address all the Fire Chief’s concerns.

- In response to further questions from Commissioner Glotfelty, Fire Chief Allison said the new building on the southeast was fire suppressed, but he did not know what the density rating was because originally the building was constructed for paper only. The system might not be able to handle plastics. Commissioner Glotfelty thought all the buildings would need to be fire suppressed and the site would need more than 1 hydrant. Perhaps GFL would be better off if it moved to another part of the City.

- Mr. Cowan said that they agreed with the descriptions of the current condition of the site. However, it was easier said than done to move to another location, after being in business at this location for 40 years.

- Mr. Cowan said GFL could not go forward without acquiring the neighboring residential property.

- Commissioner McAnally gave some of his history on the Commission and in the City, and commented that the recycling center was always a nonconforming use, and the Master Plan Future Land Use Map never envisioned this type of operation at this location. He did not think the use belonged there.

- Commissioner Frederick asked Mr. Cowan if the residential landowner decided not to sell, what would GFL do? Mr. Cowan said they were hopeful they could come to an appropriate agreement with Mr. Lovenduski, but if they could not, they would not move forward with the project. While GFL could ask for a dimensional variance from the 10-acre requirement if the sale did not happen, they felt it was inappropriate to have a residential neighbor next to this type of operation. It was not totally unusual to ask to rezone a property based on a potential acquisition, with the condition that if the property were not acquired, the rezoning would not occur. It would also be to Mr. Lovenduski’s advantage to know that the rezoning could move forward.

- Mr. Cowan said that while tonight’s requested action would give GFL the legal expansion of nonconforming uses, what tonight’s discussion boiled down to was where this facility was going to be located. The expenditure of funds was not to acquire significantly more land, but was to bring the facility up to ordinance standards, which had not happened for 30-40 years. Hopefully, GFL could have the security of a conditional rezoning, giving the City all the protections it needed, thus allowing GFL the ability to spend the $2.2 million to upgrade the site.

- Commissioner Talon-Jemison returned to Chair Freitag’s question about why the site had not been cleaned up in the past two years; this question had not been answered. Also, why hadn’t GFL done their homework prior to purchasing the property, so that they weren’t taken by surprise that the property was nonconforming and was in such disarray? Instead the property was purchased and GFL continued with business as usual, until City enforcement forced them to do something.

- Mr. Cowan said he wasn’t involved with the original purchase. However, once it became clear that there were governmental issues regarding this property, GFL had been moving forward with what needed to be done in terms of process. There were also other mitigating circumstances regarding the prior owner, as well as issues involving the purchase of multiple sites in a package deal.

- Mr. Barrett said there had been significant improvement on the site, especially in terms of fire prevention, and that improvement had begun before the fire discussed earlier had happened. A safety environmentalist had been hired who constantly walked the site.

- Commissioner Glotfelty pointed out that Smith Road was not a Class A road and there were no plans to upgrade it. Again, why would GFL purchase something that was so noncompliant?
MOTION by McAnally, support by Talon-Jemison, that the Planning Commission recommend to City Council denial of Special Land Use request SLU-2018-003, GFL-NPR Recycling Center, 30880 Smith Road, Romulus, Michigan, based on the following findings and determinations:

- The Planning Commission finds the request for expansion of a legal nonconforming use is for a site that includes 4 parcels, when only 2 parcels have a site plan approval from 1991 and a certificate of occupancy from 1998 for paper recycling only.
- The current use for plastics and scrap metal recycling for parcel 2 is an illegal nonconforming use, and the expansion to parcels 1 and 3 for the recycling of paper, plastics and scrap metal are all illegal nonconforming uses.
- The site on its west and north abuts RC property. It is clear that the applicant historically has not been able to control the paper product on the site and has had significant outdoor storage of highly flammable and toxic products, which resulted in one recent fire on the site. (See reports of MKSK, OHM, and the Fire Chief.)
- There is a significant negative health and safety factor for using this parcel for recycling of paper, plastics and metal, given the rapid flammability of these products, including toxic fumes, and the danger of rapid expansion of such fire fumes into the RC Districts that could have high occupancy uses.
- The proposed use is inconsistent with the Master Plan of the City which establishes the surrounding uses and the requirements of no outdoor storage in M-1 Districts.
- The standards of Section 11.4 for Waste Handling Disposal are not met by the proposed use. The property abuts on Smith Road, which is not a truck route, and the road was not built to accommodate the present level of truck traffic. Such use is required to be on a Class A Road. Specific requirements for Special Land Use approval for waste haulers require that the site should abut only C-2, C-3, M-1, or M-T Zoning Districts, which this site does not, and the applicant does not propose to have all recycling performed within the enclosed structure, and its outdoor storage is inconsistent with the Special Land Use approval.

Therefore, for all the above reasons and those identified in the reports of MKSK, OHM, and the Fire Chief, the Planning Commission recommends the denial of this special land use request.

Roll Call Vote: Ayes – McAnally, Talon-Jemison, Frederick, Glotfelty, Paul, Zilka, Roscoe, Freitag. Nays – None. **Motion Carried.**

MOTION by McAnally, support by Paul, that the Planning Commission recommend to City Council denial of RZ-2018-001, Conditional Rezoning Request for GFL-NPR Recycling Center, 30880 Smith Road, Romulus, Michigan, for the following reasons:
• All findings and reasons stated in the denial of the Special Land Use approval motion.
• The potential RC uses adjacent to the property, as well as such multi-purpose uses such as multi-story hotels and other uses that would result in high numbers of persons and tenants that would be required to view the subject site.
• The inconsistency with the recommendations of the Master Plan for Future Land Use for the area to be Regional Center, and the desire of the Master Plan to gradually eliminate nonconforming uses, and that the current and previous uses on this property are illegal and nonconforming uses with the exception of paper recycling on Parcel 2 only.
• The availability of M-2 property throughout the City east of Middlebelt and south of Eureka Road which are more appropriate for the proposed use in currently zoned M-2 or M-T property,

Therefore, for all the above reasons and those identified in the reports of MKSK and OHM, the Planning Commission recommends the denial of this conditional rezoning request.

Roll Call Vote: Ayes – McAnally, Paul, Glotfelty, Frederick, Zilka, Talon-Jemison, Roscoe, Freitag. Nays – None. Motion Carried.

7. Old Business: None.

8. New Business:

A. SPR-2018-024; Concentra Urgent Care

Applicant: Houston Wurtele, Turcotte Development
Request: Construction of 9,707-sq. ft. urgent care facility with 78 vehicular parking spaces
Location: 10912 Wayne
   DP# 80-068-01-0024-306, #80-068-01-0024-306, & #80-068-01-0024-004

(Action required: approve, approve with conditions, deny or postpone site plan)

Houston Wurtele and Richard Turcotte, Turcotte Development, 6116 N. Central Expressway, Dallas, TX were present on behalf of this application for construction of a 9,707 square foot Urgent Care facility with 78 vehicular parking spaces at 10919 Wayne, Romulus, MI. The five buildings on the three parcels would be demolished as part of this project.

Mr. Turcotte said that Concentric was currently located in a flex industrial building on Metro Airport Center Drive, and was woefully under parked for the volume of patients they saw there. Concentric was an occupational health company that provided services to large companies, including those related to the airport. They also provided occupational therapy and had a walk-in urgent care clinic that was open to the public. They were currently seeing over 200 patients a day in a multi-tenant building. Concentric had therefore decided they would be able to serve their patients better in a single-tenant facility.

Mr. Wurtele said they were requesting the following variances/waivers:
• A waiver from Section 6.05(d)(1) which prohibited front yard parking, in order to meet the parking needs at this facility. The most convenient natural place to park in a commercial environment was in the front of the building. This request matched with the other adjacent businesses that had parking in the front yard setback.
• A waiver from the City access management standards, Section 14.06. The plan indicated two drive approaches on site, 208.7 feet apart for improved site circulation with the southern drive 121.4 feet from the adjacent gas station drive, and an estimated 220 feet from Goddard Road. The site plan utilized the existing curb on Wayne Road at the southern drive and relocated the second drive as far north as practical for the site.
• A variance from 6.04(1), requesting that the 25-foot front yard maximum setback be increased up to 95 feet in order to provide front yard parking.
• A variance from 14.01(f)(6) that the 10% maximum parking requirement for the urgent care use be eliminated so that the site may be permitted to park up to 78 spaces.
• Mr. Wurtele showed examples of sites close by who were in excess of the 25-foot front yard setback and who had front yard parking.
• Commissioner Paul asked if the northern driveway would have to be widened. Mr. Wurtele said they would be creating a new driveway on the north side. The south side would utilize the existing drive. A new manhole would be provided.
• Commissioner Glotfelty asked if any samples of the building material had been provided, and if the building would be constructed of brick. Mr. Wurtele showed elevations of the building, which would utilize different colored brick and brick veneer.
• Mr. Wurtele said parking would be in the front and back.
• Commissioner Glotfelty asked the location of snow storage. City Planner Maise said it was shown in the rear. Mr. Wurtele said snow storage was shown on L-2.
• Commissioner McAnally asked when the applicants were planning on breaking ground. Mr. Turcotte said they would like to submit for permits in early December, and hoped to begin construction in March 2019.
• Commissioner Talon-Jemison commented that she supported the new location as it provided ease of access to the Concentra use.

Seeing that discussion had ended, Chair Freitag indicated she was ready to entertain a motion.

**MOTION by Glotfelty, support by Zilka, to approve SPR-2018-024, Concentra Urgent Care, 10912 Wayne, Romulus, MI, with the following waivers:**
• A waiver from Section 6.05(d)(1) to allow parking in the front yard.
• A waiver from Section 14.06 on the driveway spacing standards as described.

And with the following condition:
• Variances be obtained for (1) the front yard building setback and (2) to exceed the allowed number of parking spaces, as listed on page 4 of the October 24, 2018 planning review letter.

Roll Call Vote: Ayes – Glotfelty, Zilka, Roscoe, McAnally, Paul, Talon-Jemison, Frederick, Freitag. Nays – None. **Motion Carried.**

**B. PDA-2018-002; Fairways at Gateway PDA Amendment**

 Applicant: Rino Soave, Infinity Homes

 Request: Review of concept plan for amended PDA to replace 164 duplex units with 144 single family detached units

 Location: Fairways at Gateway Subdivision No. 3, Lots 220, 221, and 222 and Parcel ID# 80-009-001-0222-000

 (Action required: Direction to the applicant on the merits of the PDA amendment)
Rino Soave, Infinity Homes, 42400 Grand River, Novi, MI, was present on behalf of this application, as was Greg Donnan, Arpee/Donnan, Inc., the civil engineer for the project. Mr. Soave said he would be speaking without the benefit of a more formal presentation, which was going to have been made by his attorney who had been called away.

- Mr. Soave said Infinity Homes had been building in the Gateway development since 2013, and had built and sold approximately 120 homes there.
- Infinity Homes was requesting a PDA amendment to allow 144 single-family detached units rather than the approved duplex units in Subdivision No. 3 (Lots 220, 221, and 200) and in Subdivision 5 and 6, based on changed conditions in the real estate market and financing sector. The lots would be 50 feet wide, with home sizes ranging from small 1,200 square foot ranches to 2,700 square foot colonials.
- Chair Freitag asked about the 50-foot width lot sizes. Mr. Soave said currently the lots were sized for multi-family uses. The 50-foot lot sizes kept the integrity of the multi-family use while offering a single-family product.
- Mr. Soave said the development was originally approved in the mid-1990’s; the dynamics of the real estate market had changed since that time.
- Chair Freitag asked the lot sizes for the multi-family buildings. City Planner Maise said that each building was a unit, with common area around the units.
- In response to questions from Commissioner Paul, City Planner Maise said the underlying zoning was R-1A. Commissioner Paul pointed out that the proposed plan would only allow 10 feet between houses.
- Mr. Soave explained that the homes would have 2-car attached garages. Certain lots might have a side-entry garage based on the layout.
- Commissioner Paul said that lots 3 and 4 had easements running right through the property.
- City Planner Maise explained that this was a conceptual plan review for an amendment to the Planned Development Area Plan approved in 1997. As part of the PDA, the lot sizes were reduced to 60 feet per the R-1B standards, in return for the open space and the golf course. The applicant wants to reduce the lot sizes further to 50-foot widths.
- City Planner Maise further explained that a portion of this area was originally approved as fourplexes. In 2006 this was changed to duplexes for this specific area along Augusta Dr. The applicant was now asking for a change to smaller single-family homes than what had been constructed throughout the rest of the subdivision.
- Commissioner Paul and Chair Freitag were concerned about reducing the size of the lots. Chair Freitag asked what type of materials would be used.
- Mr. Soave said the materials would be similar to what they were currently building in phase 3, with brick fronts and vinyl siding elsewhere.
- Mr. Soave said the area in question was surrounded by multi-family, with vinyl duplexes and fourplexes. This area was not near the other single-family developments, and the homes would be buffered by the surrounding multi-family homes. The density would be reduced.
- Mr. Donnan said lots 3 and 4 were a little bigger so there would be room for a building envelope, even with the easements going through the property. Mr. Soave added that they had constructed successful similar developments in other southeast Michigan locations.
- In response to a question from Commissioner Paul, Mr. Donnan said storm sewers would have to be provided in the rear yards. The front of the homes would drain to the street, and the rear to the storm sewers. Commissioner Paul was concerned that properties would drain onto each other in order to...
reach the rear storm drains. The problem with that system was that people planted shrubs that blocked
storm water flow. Mr. Donnan said they would try to put enough catch basins in the rear to avoid that
problem.
- Chair Freitag asked about complaints regarding quality of the work and building materials that had
been received by Infinity Homes. Mr. Soave defended the quality of their work, and said they had
never been sued over quality of work or materials, or for any other matter. They did have a warranty
department to follow up any complaints.
- Chair Freitag said she was not in favor of changing the duplexes to single-family with 50-foot wide
lots.
- Noting that the plans had not yet been reviewed, Planning Consultant Strader asked if the applicants
were proposing to have the same 25-foot front and 35-foot rear setbacks. Mr. Donnan said they would
have the same front and rear setbacks; the side setbacks would change.
- Commissioner Talon-Jemison pointed out that Mr. Soave had said they would be building the same
product that they had in other areas of this development. However, Mr. Soave had also said the homes
would be 1,200 – 2,700 square feet; there were no other 2,700 square foot homes in the development.
Were they proposing to put a 2,700 square foot home on a 50-foot lot? A 2,700 square foot home was
not consistent with the multi-family units that were there. It was hard to see how that big of a home
would be desirable on that small of a lot.
- Commissioner Talon-Jemison continued that the Mayor’s office had recently commissioned as part of
the visioning process a study that showed that the type of housing approved for this area – duplexes,
etc. – was needed, and the Mayor was looking for exactly that type of housing downtown and off of
Vining Road, for instance. Mr. Soave’s information was contradictory to the study the Mayor’s office
had recently completed. Did Mr. Soave have further information regarding any study he had done to
show the multi-family housing was not desired?
- Mr. Soave said their Lark model could be converted from 2,350 square feet to include a loft, which
would enlarge it to 2,700 square feet. The homes did fit on those lots. They did offer that model
currently in this development; perhaps no one had selected it.
- Regarding a market study, Mr. Soave said their decision was based on the last 5 years of building
homes in Romulus. There was more of a trend for small single-family starter homes, than for a multi-
family product. To build fourplexes would result in a loss. They could not build a product they did not
feel was marketable.
- Some of the current product was selling in the $140,000’s. Going forward, this price-point would not
cover land and construction costs.
- Chair Freitag said what she was hearing was not that duplexes weren’t wanted or needed; rather
Infinity Homes needed to build single-family homes so they could make money.
- Mr. Soave said there were two components to consider: Not only did they need to make a profit, but
there were also financing constraints such that single family buyers for entry level homes could get
government financing (Fannie Mae, FHA, etc.). Financing for multi-family units such as duplexes
required 10-20% down, rather than the 3.5% of the government-backed financing. There was not a
market for people who had a $10-$20,000 down payment for multi-family housing.
- Commissioner Talon-Jemison said Mr. Soave was correct. As a realtor, she was familiar with
financing options. However, she had seen people with excellent credit offered a 3-5% down payment
under conventional financing.
- Mr. Soave related experience he had had with other developments of multi-family condo units, where
low down payments were not an option due to the high number of unsold homes. He would bring
further information regarding this to the next meeting.
- Chair Freitag said she could not support single-family homes on 50-foot lots.
• Commissioner Talon-Jemison referenced a recent court case involving Infinity Homes. She wondered why Mr. Soave had made the claim that Infinity had never been sued.

• Commissioners Paul and Glotfelter did not support reducing the 60-foot lot requirement to 50 feet. Commissioner McAnally agreed.

• City Planner Maise asked about the area coming in off of Merriman on Augusta Dr., where Mr. Soave was requesting the area where a driver turned north to change from duplexes to single family, before tying in to the fourplexes. Therefore, someone entering from Merriman would have to drive through duplexes, then single family, and then fourplexes. What did the Commission think about that transition?

• Chair Freitag said she would not support that transition.

• Commissioner Paul commented that there would be reduced density with the single-family homes.

• Mr. Soave said that the current rising rate environment reduced what people could afford. That was a concern because Infinity Homes served the middle-income market, and as rates went higher the value of what people could afford would be squeezed tighter.

Chair Freitag opened the meeting to public comment.

• Barbara Stanisz, 33182 Bay Hill Drive, Romulus, urged the Commission not to make a decision tonight. Chair Freitag explained that no decision would be made this evening; the agenda item was for discussion only.

• Maybelline Williams, 31955 Augusta Drive, and Michele Lawrence, 31977 Augusta Drive, lived in the duplexes. Ms. Williams said that their experience was that as soon as a duplex property became available, it was sold. It was not true that people did not want duplexes. Also, Infinity Homes did not have a good track record. Ms. Williams and Ms. Lawrence were opposed to Infinity building single-family homes and were opposed to the transition the single-family homes would provide, as the homes would be sandwiched in between duplex and fourplex units. Ms. Williams felt Infinity Homes did not respect the people who lived in the subdivision currently. Also, it was her understanding that the land behind the pond was also sold to Infinity, who wanted to build single-family homes there also.

• Ms. Lawrence was also concerned with the new single-family homes being placed in between duplexes and fourplexes. Also, would the new homeowners be allowed fences? The owners in the duplexes were not allowed to have fences.

• Chair Freitag asked about homeowners’ associations attached to this development. Ms. Lawrence said there were separate homeowners’ associations for the different parts of the development. Ms. Williams said the homeowners’ association fees covered grass cutting and snow removal.

• City Attorney Hitchcock said the question of how existing homeowners’ associations would be affected by this change was an important one.

Chair Freitag asked for final comments from the Commission.

• Commissioner McAnally said there was no way to make any kind of decision because they had been given next to no information. The applicants had said they wanted to make this change to benefit them, but there were many questions that were never answered and a lot of information that wasn’t provided. Questions that needed answering included: How would this change impact existing residents of the community? How would the associations work with this change? What would the continuity look like between the two different styles of homes in the area?
Speaking again, Ms. Stanisz asked how the storm system would work, and who would pay into it, because Pond #2 was never built. Would the existing plan for Pond #2 remain? The development was already having storm sewer problems.

Commissioner Zilka said he was concerned about the size of the lots. If the duplexes were not selling and single-family homes were permitted, they should be on 60-foot lots. The Commission needed a lot more information.

Commissioner Roscoe agreed that more information was needed, and she also would like to see bigger lots.

Commissioner Talon-Jemison said she was not a fan of the proposed change. She also wondered what the golf course owner felt about this proposed change. She agreed with the residents that to change from one style to another and then to another looked unplanned. She was concerned as to how the proposed change would impact current residents and homeowners’ associations, as well as how it would impact entrances and common areas. She supported the plan staying the way it was. She did not agree there was not a market for multi-family condo units. When the multi-family units went on the market they were gone within days.

Commissioner Frederick said he was opposed to the 50-foot wide lots.

Commissioner Glotfelty did not want to see anything less than a 60-foot wide lot. He also did not want the uniformity within the development to change. More information was needed.

Commissioner Paul was opposed to the 50-foot lot. He suggested that the developers meet with the homeowner’s associations affected by this proposal.

Chair Freitag closed the discussion on this item.

C. 2019 Planning Commission Meeting Dates

(Action required: Approve, approve with conditions, postpone or deny 2019 meeting dates)

MOTION by Zilka, support by McAnally, to accept the dates presented for the 2019 meeting dates.

Roll Call Vote: Ayes – Zilka, McAnally, Roscoe, Paul, Talon-Jemison, Frederick, Glotfelty, Freitag. Nays – None. Motion Carried.

Therefore the 2019 Planning Commission meeting dates were as follows:

Wednesday, January 23, 2019
Wednesday, February 20, 2019
Monday, March 18, 2019
Monday, April 15, 2019
Monday, May 20, 2019
Monday, June 17, 2019
Monday, July 15, 2019
Monday, August 19, 2019
Monday, September 16, 2019
Monday, October 21, 2019
Monday, November 18, 2019

9. PC-Cases Involving Advice or Input from the Planning Commission: None.
10. Reports

A. Chairperson: None

B. City Planner – Development Status Report
   • Discussion was held regarding various projects in the City.

11. Reports on Interest Designation

   • Chair Freitag reminded everyone to get their flu shots.
   • Commissioner Roscoe announced the following:
     1. A clothing and supply drive was in progress for the veterans, with all donations going to benefit the Veteran Center.
     2. Goodfellow applications were out and were available online and at several locations. They had to be postmarked prior to November 30 to be considered.
     3. The final fire and millage town hall would be Thursday November 1.

12. Communications

   A. City of Taylor, Draft Master Plan Amendment
   B. Charter Township of Van Buren Master Plan Update
      • The Commission acknowledged receipt of the communications listed.

13. Adjournment

   MOTION by Zilka, support by Roscoe, to adjourn the meeting at 9:34 p.m.

   Roll Call Vote: Ayes – Zilka, Roscoe, Frederick, Talon-Jemison, Goltfelter, McAnally, Paul, Freitag.
   Nays – None. Motion Carried.


cem

[Signature]

David Paul
City of Romulus Planning Commission