

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, DECEMBER 2, 2015**

1. The meeting was called to order by Chairman Chandler at 7:00 p.m.
2. Roll Call Showing: Sheldon Chandler, Donald Morris, Emery Long, John Clark (alternate), and Julie Allison (alternate)

Also in attendance: Carol Maise, City Planner and Christina Wilson, Secretary

3. Motion by Morris supported by Allison to approve the agenda as presented.
Roll Call Vote: Morris, Allison, Clark, Long & Chandler. Nays – none. Motion Carried.

Agenda

1. Pledge of Allegiance
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes

A. Board of Zoning Appeals regular meeting held on November 4, 2015

5. Petitions

A. **BZA-2015-022; Jimmy John's**

Location: 35351 Goddard
DP #80-082-01-0015-004

- Request:
1. **Front Yard Building Setback Variance.** A variance from *Section 6.04(a) Area, Height, and Placement Requirements* to allow a 49-foot front yard building setback; a front setback of between 15 - 25 feet is required.
 2. **Parking Space Width.** A variance from *Section 14.02(b)(4)c. Parking Construction and Development* to allow a 9.5 foot wide parking spaces; 10-foot wide spaces are required.
 3. **Lighting.** A variance from *Section 13.05(b) Light Levels*.

Project: Development of a 1,162-sq. ft. drive-thru fast-food restaurant for Jimmy John's

B. **BZA-2015-023; WCAA Temporary Batch Plant and Contractor Staging Area**

Location: 603 Metro Airport Building
DP #80-189-99-0059-002

- Request: Temporary use approval for contractor staging area including batch plants, construction trailers and stockpiles

Project: Reconstruction of runway 4L/22R and associated taxiways at Detroit Metropolitan Wayne County Airport

6. Old Business

7. New Business

A. 2016 Board of Zoning Appeals Meeting Dates

8. Communications

A. City Planner's Status Report

9. Discussion

10. Adjournment

4. Motion by Long supported by Clark to approve the minutes of the regular meeting of the Board of Zoning Appeals held on November 4, 2015. Roll Call Vote: Ayes – Long, Clark, Morris, and Chandler. Abstain – Allison. Nays – None.

5. Petitions

A. BZA-2015-022; Jimmy John's, 35351 Goddard

1. A variance to *Section 6.04(a); Area, Height, and Placement Requirements* is requested to allow a 49-foot building setback; a front yard setback of between 15-25 feet is required.
2. A variance from *Section 14.02(b)(4)c; Dimensions* is requested to allow 9.5-foot wide parking spaces; 10-foot wide spaces are *required*.
3. A variance from *Section 13.05(b); Light Levels*.

Ghassan Abdelnour of GAV Associates, 24001 Orchard Lake Rd., Farmington, MI stepped forward as petitioner on behalf of Nabil Zourob and Jimmy John's.

- Mr. Abdelnour stated that they are keeping the footprint of the existing building but making it approximately 900-sq. ft. smaller. A Jimmy John's restaurant is proposed with changes to the outside of the building to include new block and brick to the standards of Jimmy John's and requirements of the Planning, and Building departments and City engineer. He commented that the site is challenging with only 0.44 acres and trying to provide egress, parking and a drive-thru, which is why they are asking for the 3 variances.
- Mr. Abdelnour noted that after the ARC meeting it was suggested that the parking spaces be reduced to 9.5 feet in width (10 feet required) to accommodate parking and gain space for landscaping on the street sides. This recommendation turned out to be very helpful.
- Mr. Abdelnour stated that the request for the light level variance was because the light levels are the minimum and at that location it was difficult to meet the City ordinance requirements.

Let the record show an affidavit of first class mail has been shown and is on file.

Chairman Chandler closed the petition portion of the meeting and opened for public comment. He asked if anyone wished to speak on the matter to please step forward. Seeing no one, Chairman Chandler closed the public comments portion of the meeting and opened it up to comments from the Board members.

- Mr. Chandler asked Mr. Abdelnour if the fuel tanks from the previous gas station are still on the proposed property.
- Mr. Abdelnour replied that the fuel tanks had been removed. Any environmental issues have to be taken care of with the State of Michigan.
- Mr. Morris asked Mr. Abdelnour to explain what they intend to do with the existing building.
- Mr. Abdelnour explained that they are staying with the same foundation and are going to remove the sides of the building and make it smaller by approximately 900 feet.
- Mr. Morris asked Mr. Abdelnour if the same footprint will remain.
- Mr. Abdelnour replied yes and explained that the existing building is in bad shape, they will build new walls with block and brick, keep the center and take maybe 5 feet from one side and 10 feet from the other.
- Mr. Clark asked Mr. Abdelnour if there was going to be a wall between Jimmy John's and the neighbor.
- Mr. Abdelnour replied that they are not building a wall but plan to build a new 6 foot vinyl fence.
- Mr. Clark asked Mr. Abdelnour if the lighting on the neighbor's side will be a little dimmer.
- Mr. Abdelnour explained that they meet the requirement on that side so, no the lighting will not be dimmer.
- Ms. Maise explained that a variance is needed on the south side of the property. She referenced the site plans showing the property line with the adjoining residential use; the lighting has to be between 0-.1 foot candles. They concern is that the light pole is right next to the residence and in one spot the level is 2.5 footcandles and in another is 1.4 footcandles. A recommendation from the ARC committee was to see if the light levels could be lowered in this area.
- Mr. Long asked Mr. Abdelnour if the length of the lights could be set back further as to not reflect into the neighbor's residence.
- Mr. Abdelnour replied that they moved them the maximum allowed and that the lights are on the building.
- Ms. Maise stated that she believed it was the light pole on the property line that was in question and wondered if it could be moved in. Some concern was that the light is adjacent to the residence.
- Mr. Abdelnour paused to check his plans.
- Ms. Maise pointed out to Mr. Abdelnour on her plans; the light pole and lighting showing 2.8 and 1.4 footcandles.
- Mr. Abdelnour commented that the whole area is very close and they don't have any green area for movement. They are paving the whole side but, in order to put lighting on that side it has to go on the property line somewhere. He noted that they tried different scenarios and nothing worked to put lighting in the drive-thru area. They have shields for the lights and will try to prevent the lights from shining into the residence but the 2.5 footcandle light intensity still remains. If they move the light pole it will be dark in the drive-thru area.
- Ms. Maise replied that the light level at 2.5 footcandles is above the City Ordinance requirements and that the City would not like to see it dark, but the light levels on the inside of the site are high enough back through the drive-thru.
- Mr. Abdelnour stated that he will check to see if the levels can be lowered, maybe less bulbs.
- Mr. Morris questioned if the light from the pole would be pointing out away from the property.
- Ms. Maise commented that the light drops straight down.

- Mr. Morris stated that the light would be directed to the building.
- Ms. Maise commented that as you get closer to the building the light levels are higher than what the ordinance allows but, there will be a cut off shield and directed down.
- Mr. Morris stated that it is a commercial property and lighting is needed.
- Ms. Maise noted that the concern is the residents next door.
- Mr. Morris commented that once the project is complete there should be a way to adjust the lights. It is a commercial property and lighting is definitely needed.
- Ms. Maise asked Mr. Zourob if there was an existing light pole in that location.
- Mr. Zourob replied that there was.
- Mr. Morris commented that there had always been a light pole at the location in question.
- Mr. Abdelnour stated that the light pole is staying in that same location with shields and they will try to direct the light from the neighbors.
- Ms. Maise noted that the residents did receive notice of today's meeting and have not commented.
- Mr. Morris mentioned that he used to own the property and there was never an issue with the light pole or the neighbors.
- Ms. Maise stated that the light level could go as high as 10 and the light levels proposed in this area only goes as high as 2 or so. If any issues arise, they can be handled administratively.
- Mr. Chandler asked Mr. Abdelnour if the fence is going to be replaced with a new fence since the existing fence is in disrepair.
- Mr. Abdelnour replied that the fence will be new.
- Mr. Long asked Mr. Abdelnour if the fence will be a privacy fence and what type it will be.
- Mr. Abdelnour replied yes, a six (6) foot high vinyl fence.
- Ms. Maise asked the board members to look at their plans, it shows a decorative vinyl fence on page SP101. She asked Mr. Abdelnour what color it was going to be.
- Mr. Abdelnour replied that he thought it was going to be beige/white; whatever Jimmy John's franchise wants the color to be.
- Mr. Long stated that gray would be a nice color.
- Mr. Abdelnour commented that if it was recommended, they could go with gray.

Motion by Long supported by Allison to approve **BZA-2015-022**; Jimmy John's, 35351 Goddard Rd., for 3 variance requests: front yard building setback, parking space width, and lighting levels. DP #80-082-01-0015-004 subject to the following recommendations:

1. Attempts should be made to reduce the light level along the south property line, especially adjacent to the residence.
2. Administrative site plan approval.

Roll Call Vote: Ayes – Long, Allison, Morris, Clark and Chandler. Nays – None. Motion Carried.

- B. **BZA-2015-023; WCAA Temporary Batch Plant and Contractor Staging Area**, A variance in accordance with *Section 22.03(e)*; to allow as part of the construction of runway 4L/22R a temporary contractor staging area including a concrete batch plant(s), construction equipment and trailers, material stockpiles, and vehicle parking are requested from February 1, 2016 – February 1, 2017. DP #80-053-99-0001-700

Theresa Samosiak; project manager for WCAA, located at 603, Detroit Metropolitan Airport and Bob Koller from C&S Companies, 3877 Six Mile Rd., Suite 202, Livonia, MI stepped forward as petitioners on behalf of WCAA

Let the record show an affidavit of first class mail is on file.

- Ms. Samosiak stated that Bob Koller has a PowerPoint presentation to show the board members and they will go over any questions or concerns they have of the proposed temporary project at Detroit Metropolitan Airport.
- Ms. Samosiak presented the board members with an overview of the project.
- Ms. Samosiak explained that the Wayne County Airport Authority is reconstructing runway 4L/22R and its associated taxiways. The runway is located on the western portion of the airfield, parallel to Wayne and Vining Rds. She explained that the reason for the reconstruction is that the pavement is failing prematurely. The pavement is in such poor condition, they have had to close the runway for a 2 ½-3 month period to perform maintenance and emergency repairs. The goal was to complete the project by the end of the 2016 construction season and return to full operations by November of 2016.
- Ms. Samosiak explained that the project is currently out for bids and the project has been being designed for about a year and a half. During the design process they completed an environmental assessment and have received full environmental approval from the FAA. Two public workshops were conducted and contractor outreach to educate the surrounding communities, residents and contractors about the project.
- Ms. Samosiak noted that the bid deadline for this project is December 12, 2015 and they anticipate awarding the contract immediately following a January Board Meeting. She explained that the reason they were at tonight's meeting was to request a temporary use approval for contractor staging areas, located along Wayne and Vining Rds. in between the road right-of way and the Detroit Metropolitan Airport runway.

Bob Koller stepped forward to speak on the project and show a PowerPoint presentation

- Mr. Koller explained that the reconstruction is for all of runway 4L/22R and parallel taxiway located on the north side of Eureka Road. The project scope will include: removal of the concrete pavement, millings of asphalt base course located underneath the concrete pavement, underdrain installation, repaving the runway, significant grading in the greenbelt areas around the project runway, and replacing all airfield electrical including lights, signs and lighting systems for the aircraft landing.
- Mr. Koller noted that they have incorporated some sustainability initiatives such as LED lighting, reusing some materials on site and salvaging of some materials for reuse by the WCAA. He referenced the PowerPoint showing that they are not going down full depth. They only intend to remove the concrete and a few inches of the asphalt underneath the concrete. The pavement section goes down 42" below grade for full frost protection and since they are not going down below full frost protection a lot of the base course materials will not be removed.
- Mr. Koller explained that the runway shoulders will be replaced, the shoulders are 35 feet wide, made of asphalt. He noted that the current grading doesn't meet FAA standards and there will be significant new grading in and around the runway. All the material will be spoiled on site so that there will not be any materials trucked off site, it will remain on airport property. Currently there is a red security fence being placed around the site to allow the work to be done outside of the air operations area, therefore the contractors will not need security badges to enter the work site; 75% of the fence is already staged, the remaining to be done late winter, before the project starts.
- Mr. Koller commented that the project schedule is as follows:
 - Administrative NTP – February 2015
 - Close Runway 4L/22R – April 1, 2016

- Construction NTP – April 4, 2016
- Substantial Completion – November 14, 2016
- Open Runway 4L/22R – November 15, 2016
- Complete AOA Fence Removal – December 15, 2016
- Work Hours:
 - No restrictions
 - Likely 7 days a week
 - Some work anticipated to be 24 hours per day
- Mr. Koller noted that as Ms. Samosiak stated earlier, the contract will be worked into the January Board Meeting and the winning contractor will be given notice to proceed and to start mobilizing and bringing equipment on site and preparing for the full construction. This is a lot of work that needs to be done so they are allowing the contractor to work around the clock if needed.
- Mr. Koller noted that the FAA has issued a Finding of No Significant Impact (FONSI) from the environmental assessment and cleared by the FAA. He pointed out on the map provided to the board members that the staging and batch plant areas that align with Goddard and Northline roads is the same as it was when the runways were originally built. He specified on the map the temporary use limit line with expectations that the batch plants and construction trailers will be located within that 700 foot buffer with 450 feet still between them and Wayne and Vining Roads.
- Mr. Koller showed some pictures of the current noise berms and mentioned that they will visually protect the project and construction from sight except the batch plants that may stick up above the berms. The construction and operations will not be seen from Wayne and Vining Roads. He remarked that there will be 2 gates that the contractors will be accessing the project site from; Gate 43 and Gate 41, located on Wayne/Vining.
- Mr. Koller explained that at the end of the project the staging areas will be restored to their original vegetated condition. The contractor will be using on site storm water to control the dust and other non-potable water needs and there will not be any trucking of water on or off site. There will be security on site as follows:
 - Non-AOA access through Gates 41 and 43 via Wayne and Vining Roads.
 - Gate guards will be posted at all open gates during work hours.
 - Gates will be locked during non-working hours.
 - AOA access through Checkpoint #34 and Checkpoint #1 for limited portions of the work.
- Mr. Koller commented on construction traffic. The WCAA understands there will be concern on this matter and they won't know until the contract is awarded where the contractor will be getting their materials from and where the concrete and asphalt millings will be hauled. He explained that this project is very similar to previous projects in the past (he referenced project: runway 4R/22L in 2012-2013) and doesn't believe that this project will be generating significantly more traffic than before.
- Mr. Koller stated that the contractor will be obtaining a Wayne County Soil Erosion Permit and that will make him maintain the soil erosion control measures, prevent debris (mud, dirt, stones) from being tracked off site and clean the roadways. A sweeper and vacuum will be on site at all times. They are required to clean on a regular basis.
- Mr. Koller stated that they did try to minimize the truck traffic leaving the site and they are going to be excavating about 500,000 yards of soil and all of that will remain on site. That is equivalent to about 28,000 truckloads.
- Mr. Koller commented that contractor will be submitting plans showing exactly where they will be locating their staging, trailers and batch plants and the WCAA will have to approve but they believe the PowerPoint has shown a close approximation.

- Mr. Koller ended his presentation with showing the board members pictures of Wayne and Vining Roads, the airport, and previous projects.
- Mr. Chandler thanked Mr. Koller and commented that Mr. Koller did a nice job with his presentation and answered a lot of the questions he had.

Chairman Chandler closed the public comment portion of the meeting and opened it to discussion from the board members.

- Ms. Maise commented that Kevin Maillard from OHM, the City's consulting engineer on this project, was at the meeting to answer any questions from the board members. Mr. Maillard will be involved once the contractor is chosen and monitoring truck routes and traffic impact.
- Mr. Morris commented to the petitioners that their presentation was great and that they covered any questions or concerns that he may have had. The board members and Ms. Maise agreed.
- Mr. Chandler asked what caused the premature failure of the runway.
- Ms. Samosiak replied it was from ASR, alkalized silica reaction; it is common in this area.
- Mr. Chandler asked Ms. Samosiak how they plan to keep it from happening with the new runway.
- Ms. Samosiak replied that once it was discovered that ASR was the problem with concrete in the area, there are mitigation efforts that they can implement. They will do testing before construction of the aggregate and the cement mixtures to determine the alkaline levels. Also, there are certain additives that can be added to the concrete mixtures as well.
- Ms. Allison commented that her only concern is the amount of traffic that this project will cause. With the short amount of time that the contractor will have on this project, maybe some off hours will be helpful and hoped that the WCAA will pass that concern onto the chosen contractor.
- Mr. Long stated his concerns were the dust, mud, and dirt that will be created and also the traffic that will arise.
- Ms. Samosiak asked Mr. Long if his concerns stemmed from the previous crushing project.
- Mr. Long replied yes.
- Ms. Samosiak commented that was because there was not a big buffer between the project and the road, with this project there will be approximately 450 feet of buffer zone between the project and the road.
- Mr. Koller stated that he's not sure if the contractor will be crushing on site but, they cannot reuse any of the used concrete containing the ASR. WCAA is not allowing them to reuse it so, there will be no need to keep it on site.
- Mr. Long commented to Ms. Maise if the contractor chooses to use the site the previous contractor had used, there will be a need for further discussion.
- Mr. Chandler commented to Mr. Koller and Ms. Samosiak that it will be a whole lot of concrete for the contractor to crush.
- Mr. Chandler asked Ms. Maise if there was still a crushing contractor on Beverly Road.
- Ms. Maise replied that there is a request for one on Ecorse Road and she had planned to discuss that with the board members later in her report. A meeting was conducted today with that company and the ARC Committee. They are looking to get on the January agenda and she believes they are very interested in this project.
- Ms. Samosiak stated that the bids are due December 11th and she's not sure what the plan is for hauling and/or crushing and hauling of the used concrete.
- Mr. Chandler commented that it would be convenient to have a local concrete crushing company haul the concrete.
- Mr. Clark asked that considering what has been going on in the world today, with the gates open and guards on duty, will the guards be armed. The airport is a prime target.

- Ms. Samosiak stated that she didn't believe it was a requirement to have armed guards.
- Mr. Chandler asked if the guards would be private or Airport Authority Police.
- Ms. Samosiak replied that there's a couple of weeks before the project is buttoned up and it's Non-Airport Operations Area that there will be a police officer and Airport Authority guards on site. Once the fence is complete and the area is secured and it's Non-AOA, then the contractor will provide the gate guard.
- Mr. Koller commented that the fence being installed now that is in between the work site and the active runways is the same fence that is around the entire airport now. Therefore, it wouldn't be any easier for someone to go through that fence than what is in place now.

Motion by Morris supported Clark to approve the temporary use for **BZA-2015-023**; for WCAA temporary batch plant and staging area operations located on Vining Road between Northline and Goddard subject to administrative review and approval of the traffic, truck routes, road conditions, etc. by the City's consulting traffic engineer prior to the start date and during construction to assure that mud and dust control is addressed. The permit is valid for 12 months from the start date.

Roll Call Vote: Ayes- Allison, Morris, Long, Clark & Chandler. Nays – none. Motion Carried.

6. Old Business

7. New Business

A. 2016 Board of Zoning Appeals Meeting Dates

Motion by Morris supported by Allison to approve 2016 Meeting Dates; the first Wednesday of every month. Roll Call Vote: Ayes – Morris Allison, Long, Clark and Chandler. Motion Carried.

8. Communications

A. City Planner's Status Report

- Ms. Maise stated that Mid-Michigan concrete crushing plant, tabled by the Board last May, will be back on the agenda in January to request temporary use approval. They will then seek Special Land Use approval to operate a permanent crushing business.

9. Discussion

10. Adjournment

Motion by Long supported by Alison to adjourn at 7:52 p.m. Roll Call Vote: Ayes – Long, Allison, Clark, Morris, and Chandler. Nays – None. Motion Carried.



Donald Morris, Secretary
Zoning Board of Appeals