



DEPARTMENT OF
Buildings, Safety Engineering &
Environmental

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BSEED Case No.: SLU2021-00158
Property Address: 12155 Southfield Freeway
Decision Date: November 30, 2021
Effective Date: December 14, 2021

Applicant

ASI JBE Holdings, LLC
1780 Highwood
Pontiac MI 48340
Attention: Bruce Israel

Owner

Mullins Borman LLC
410 West University Drive
Rochester, MI 48238

Request: Establish an Asphalt Mixing Facility (Very high-impact manufacturing or processing) on a 25 acre portion, on an approximately 43 acre site.

Location: 12155 Southfield Freeway, located between Borman Road and CSX Railroad in an M4 (Intensive Industrial) Zoning District and legally described as: *W SOUTHFIELD PT OF LOTS 148 THRU 171 & PT OF VAC WADSWORTH & ARTESIAN AVENUES ADJ LASHLEY COX LAND COS PLYMOUTH AND MILL ROAD SUB L50 P61 PLATS, W C R & PT OF SEC 26 T1 S R10E ALL DES AS FOLS COM AT A PT IN N & S 1/4 LINE OF SEC 26 TH N 00D 23M 15S W 194.99 FT TH N 42D 53M 30S W 418.74 FT TH N 42D 53M 30S W 480.81 FT TH TO POB TH N 42D 53M 30S W 627.57 FT TH N 89D 41M 20S E 67.94 FT TH N 42D 53M 30S W 85.59 FT TH N 32D 41M 10S W 249.21 FT TH N 00D 09M 20S W 359.21 FT TH S 89D 59M 20S E 1.37 FT TH N 00D 07M 27S W 34.63 FT TH N 51D 09M 12S E 74.52 FT TH S 84D 48M 43S E 347.74 FT TH S 89D 59M 20S E 813.73 FT TH N 87D 32M 17S E 428.00 FT TH N 84D 43M 17S E 504.98 FT TH S 00D 16M 17S E 115.02 FT TH S 89D 59M 20S E 0.37 FT TH S 00D 15M 30S E 628.24 FT TH S 89D 58M 03S W 829.82 FT TH S 00D 15M 45S E 1112.87 FT TH S 89D 47M 00S W 50.00 FT TH N 00D 15M 45S W 879.50 FT TH S 89D 44M 15S W 284.00 FT TH S 26D 41M 47S W 145.74 FT TH S 81D 28M 37S W 315.17 FT TH S 47D 06M 30S W 79.07 FT TH TO POB 42.603 ACRES 1,855,783 SQFT SPLIT/COMBINED ON 12/04/2018 FROM 22074261.001, 22074261.002L; (PIN 22074261.004)*

The current legal land use of the subject property is 'Warehouse' by permit number 69857 issued on March 22, 1972. The applicant, (Detroit Asphalt Company), proposes the purchase of approximately 25 acres of a 43 acre industrial site. Previous buildings that were located on the site have been demolished, except one. The applicant will



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need to obtain a parcel split with the Assessors Division prior to issuance of a building permit. The applicant is proposing an asphalt mixing facility with 50-foot high silos that will manufacture and store asphalt and cement on the site. The asphalt company will take raw aggregate and asphalt by which to manufacture and store cement onsite, then ship it via trucks to various work sites.

The proposed use of "Asphalt Manufacturing (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.

This request has been processed in accordance with the provisions of Sections 50-3-241, 50-10-113, and 50-12-331 of the Detroit Zoning Ordinance and the following submittals were considered as part of this request:

1. Preliminary Plans prepared by PEA Group, last revised 9/29/2021, approved by BSEED on 10/6/2021 and including site plan, floor plan and elevations; and
2. Recommendation to deny the use with conditions from the Detroit Planning & Development Department received 11/16/2021; and
3. Recommendation to deny the use from the Environmental Affairs Division dated 11/23/2021.
4. Recommendation to deny the use from Wayne County Department of Public Health Environmental Services Group, which were indicated at the hearing.

Our department held a public zoom hearing on 11/3/2020. Notice of this hearing was published in the Detroit Legal News on 10/19/2021 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 eight people: two members of the development team, community outreach consultant, architect, construction contractor, environmental consultant and two people who spoke in support.

Three letters of support and over 200 emails of opposition had been received by the department at time of this decision. General concerns articulated by residents in the opposition emails include: proximity of the asphalt facility 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 silos 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:



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- A) At the time of the inspection, the property owner was storing heavy trucks and machinery on the premises without benefit of a building permit. Additionally, the applicant proposed minimal coniferous screening in conjunction with an existing masonry wall along the southern boundary directly adjacent to a 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 asphalt production plant, heavy vehicle traffic associated with the use (over 100 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.

Therefore, this request is DENIED.

This decision will become effective **December 14, 2021**. 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,

A handwritten signature in black ink that reads "David Bell". The signature is fluid and cursive, with the first name being more prominent than the last.

David Bell
Director

DB/JSP/EL