



CITY of TRENTON

2800 Third Street
Trenton, Michigan 48183

Frequently Asked Questions Proposed Update of Trenton's Zoning Ordinance

Q1: What is being proposed?

A1: In 2016 the City put together a Committee to review the existing Zoning Ordinance, make any changes the Committee considered necessary, and make a recommendation to the Planning Commission. This was a revision of a City wide zoning ordinance, not about a single property. The Committee was comprised of representatives of most City departments/divisions and also included elected and appointed officials. Some of those involved included Planning professionals and representatives from Planning Commission, Public Safety, Parks & Recreation, Engineering, and Administration. The Zoning Ordinance was recommended by the Committee to the Planning Commission, who supported the Committee's recommendation at their July 22, 2020 meeting. Therefore, the new proposed Zoning Ordinance has been sent to the City Council from the Planning Commission on a recommendation to approve. City Council is the only body that can actually enact a zoning ordinance.

Q2: What is the current zoning of the former McLouth property?

A2: The property purchased by MSC Land Company, LLC from the Wayne County Land Bank is currently zoned Mixed Use. Crown Enterprises (a related entity) has owned the northern portion of property on the former McLouth site for nearly 20 years and that property (approximately 77 acres total) is zoned I-3 in Trenton and M-2 in Riverview. These are the heaviest industrial zoning classifications in each community with the most intense allowable uses. Approximately ½ of the linear shoreline of the Trenton property is currently zoned I-3.

Q3: Why is it mixed use right now?

A3: Prior owners of the site presented a proposed mixed used development and the property was rezoned to Mixed Use in 2005. That proposed redevelopment failed due to economic and environmental concerns. After beginning environmental studies on the site, the potential redevelopers found that clearing the site for the proposed mixed-use development would have cost them in excess of \$100 million at that time just for cleanup. It is noteworthy that since 2005, the City

is not aware of a single mixed use development proposal ever being presented to the prior owner, to Crown, to Wayne County or to MSC Land.

Q4: What is Industrial Waterfront?

A4: Currently the zoning on the City's waterfront is predominantly zoned I-3, or Heavy Industrial, the City's most intense district. Knowing there were active industrial uses along the waterfront, and that there has been no credible commercial or residential development proposals on the waterfront that the Committee was aware of, the Committee's goal was to remove the most intense uses along the waterfront while still allowing industrial, and also requiring additional buffering and protections. The Committee therefore changed the current Industrial districts, which are I-1 Light Industrial, I-2 Medium Industrial, and I-3 Heavy Industrial, to I-1 Light Industrial, I-W Industrial Waterfront, and I-2 Heavy Industrial. In essence, the proposed I-W is now the median industrial district, with additional buffering and therefore the most intense industrial uses are no longer allowed along the waterfront with the proposal before Council.

As an example, in our current ordinance, **not the one that is being proposed**, the City is allowing in the I-3 districts along the waterfront the following permitted uses. And note these are not special uses, but uses that are permitted by right:

- junk yards;
- petroleum or other inflammable liquids, production, refining, and storage;
- smelting of metallic ores or compounds;
- tire manufacturing; and
- commercial incineration or other forms of water treatment.

None of the above noted uses would be permitted by right in the proposed I-W district.

In addition, the new proposed ordinance has established a list of uses that are prohibited in the I-W district altogether. Previously there was not a section of prohibited uses. **The prohibited uses in the proposed I-W district are:**

- any storage of petroleum-coke or any derivative thereof;
- any storage, inside or out, on, or imported to, or exported from, the site of
 - (i) any explosives (defined as any article or device which is designed to function by explosion),
 - (ii) any radioactive materials,
 - (iii) any "hazardous waste" (as defined in the federal Resource Conservation and Recovery Act),

(iv) any toxic substances which are liable to cause death or serious injury to human health if inhaled, swallowed or by skin absorption, and

(v) any biohazards;

- junk yards when outdoors;
- parking and / or storage of disabled or damaged vehicles;
- commercial incineration or other forms of waste treatment;
- petroleum or other inflammable liquids, production, refining, or storage;
- smelting of metallic ores or compounds, such as copper, iron, or zinc ore;
- tire manufacturing;
- recycling centers, scrap and or material recovery facilities when done outdoors or with outdoor storage; and
- waste transfer facilities.

In summary, the Committee felt the goal of additional protections along the waterfront were met with the new waterfront zoning requiring additional buffering and outright prohibiting certain uses.

Q5: What does I-W do to protect the environment?

A5: By greatly limiting or entirely eliminating some of the more intensive industrial uses that are allowed under the current Zoning Ordinance, environmental protections would be enhanced under the proposed update to the Zoning Ordinance.

Q6: Why would the proposal the Planning Commission sent to the City Council propose changing the zoning from Mixed Use and Heavy Industrial to Industrial Waterfront for the former McLouth site?

A6: While many people wish the property would be used for something other than industrial purposes, there is also a reality that the property is highly contaminated after being a steel mill for the last 70 years or so. The property was purchased from the Wayne County Land Bank and the Purchase and Development Agreement specifically states it will be for an industrial development. The purchaser has an agreement with the EPA to perform a defined scope of work outlined in the agreement. In 2019 the site was added to the EPA's Superfund National Priorities List (NPL), which includes the nation's most serious uncontrolled or abandoned releases of contamination. There is a perpetual rail easement that was sold to Crown by the previous owner and runs directly through the entire property. This rail easement would greatly impede vehicular or pedestrian traffic to/from any of the variety of other suggested uses (restaurants, hotels, condos, etc.). And lastly, the cost of remediation has been cost prohibitive for any viable redevelopment of mixed uses that are often

discussed or suggested for the site. At a minimum, the foregoing led both the Zoning Committee and Planning Commission to recommend I-W zoning for the property.

Q7: With the proposed change from Mixed Use to Industrial Waterfront, does that mean only industrial uses will be allowed?

A7: No, there is a mixture of uses allowed which include offices, laboratories, green houses and retail uses which may have an industrial character among other uses. The proposed Zoning Ordinance would allow less intensive uses within Industrial Waterfront areas.

Q8: Where else does this proposed ordinance have Industrial Waterfront?

A8: DTE Trenton Channel Plant, Eastman (formerly Solutia/Monsanto), Edwin C. Levy, DSC, etc. All sites that are currently zoned I-3 or I-2 and located between West Jefferson Avenue and the Trenton Channel are proposed to be changed to Industrial Waterfront, thus imposing more restrictions on use, more protections for the environment and community, and providing visual buffers from waterfront industrial sites.

Q9: Why did the City sell the former McLouth Steel property to MSC?

A9: The City of Trenton did not sell the property to MSC Land. The City of Trenton has never owned the property. The property was foreclosed on by the Wayne County Treasurer due to back taxes. Wayne County exercised their "right of refusal" to purchase the property through the Wayne County Land Bank and sold it to MSC. It should be noted that there was only one other purchase offer submitted to Wayne County that met their minimum bid amount. The other purchase offer would have included extensive use of the deep water port for the transport of agricultural and other goods, proposed construction of new silos along the waterfront, would not have included the demolition of all structures, and would not include a prohibition on the transportation or storage of pet coke. Had Wayne County not awarded a bid through the RFQ process, the property would have then gone to auction. There would have been no certainty on sale price and there also would have been no ability to require demolition, cleanup or redevelopment, much less have a timeline requiring when each must take place.

Q10: Why didn't the City buy the property?

A10: Generally speaking, the majority of the City Council members at the time were unwilling to purchase the property for the amount of back taxes, penalties and interest owed to other taxing jurisdictions (approximately \$2.5 million). Aside from the cost of purchasing the property, the City would have additionally had uncertain costs with securing and maintaining the site, may have

assumed major environmental liability exposure, and removed the property as a tax paying parcel as it would now be owned by the government. The City did not feel they had the funds to do so responsibly without risking bankruptcy, and certainly did not have the funds for any environmental cleanup.

Q11: How much has been spent on cleanup on the site?

A11: MSC Land reports when the scope of work with the EPA is completed approximately \$20 million will have been spent in site acquisition, demolition and cleanup costs. To date, no funding or financial assistance has been provided by any federal, state or local government agencies to MSC.

Q12: Why doesn't MSC Land have to submit a site plan?

A12: MSC, and all other Industrial Waterfront property owners for that matter, will absolutely have to submit a site plan which must be approved before redevelopment can occur. Statements or representations that MSC will not have to submit a site plan for the site's redevelopment are 100% false.

Q13: What does MSC Land plan to do with the McLouth site?

A13: MSC Land has indicated that their primary focus to date has been on completing their current scope of work to meet their commitments to Wayne County and the EPA. MSC and Crown have consistently said they do not, yet, have a specific project for the site.

Q14: Can they turn it into a shipping container yard?

A14: The proposed new ordinance clearly states that if there is any outdoor storage of containers or other materials, they must be completely screened from view at 6' above grade from West Jefferson or any adjoining, non-industrial zoned properties. This can be accomplished by storing containers or materials inside of buildings, or alternatively through the use of berms or other screening methods. Statements or representations that the proposed ordinance would permit massive outdoor shipping container storage that would be visible from the road and an eyesore are 100% false.

Q15: Does the City have any say over the use of the rail lines or deep water port?

A15: No matter the zoning, the City cannot regulate anything designated as a deep water port or railway. That is all related to interstate commerce and is regulated solely by the federal government. The City does not issue permits for deep water ports or railways, nor can the City revoke or limit these uses when they are approved by the federal government. The City cannot control whether a property

owner pursues or is granted further designation as a railway and if that were to happen, local control through zoning would be irrelevant and superseded by federal authority.

Q16: Won't this cause more traffic?

A16: The proposed new ordinance requires a traffic study to be conducted with any site plan submission in this proposed zoning classification.

Q17: Why can't the City make it a park or greenspace?

A17: The City does not own the property and cannot force MSC Land to abandon the lawful use of their property as it could constitute an unlawful taking of private property. The City cannot afford to purchase the property.

Q18: What does this mean for the tax base and jobs?

A18: This is all to be determined based on the site plan and ensuing development not only at the McLouth site, but also at the DTE site and any other Industrial Waterfront zoned properties. It could have a substantial benefit for the Trenton tax base and services the City can provide. Additionally, the number of jobs created could provide a substantial benefit for the immediate area. Specifically with respect to the McLouth site, the Purchase and Development Agreement requires MSC Land to use good faith efforts to contract and employ Wayne County residents, Wayne County based businesses, and Veteran owned businesses.

Q19: When is the City Council going to vote on this?

A19: The City is still seeking a variety of opinions from attorneys and zoning experts and is doing our due diligence. No vote is currently scheduled at this time. We want to be thorough but also not drag along any uncertainty for residents or potential developers.

You can find links to the current and proposed documents here:

Current Zoning Map:

<https://www.trentonmi.org/DocumentCenter/View/408/Zoning-Map>

Current Zoning Ordinance:

https://library.municode.com/mi/trenton/codes/code_of_ordinances?nodeId=PTIICOOR_CH110ZO

Proposed Zoning Map

[https://www.trentonmi.org/DocumentCenter/View/1418/Trenton Zoning Map 11x17-July-02-2020](https://www.trentonmi.org/DocumentCenter/View/1418/Trenton_Zoning_Map_11x17-July-02-2020)

Proposed Zoning Ordinance:

<https://www.trentonmi.org/DocumentCenter/View/1417/City-of-Trenton-zoning-ordinacne-complete-July-05?bidId=>

August 14, 2020