

CITY COUNCIL PUBLIC SAFETY & HEALTH COMMITTEE MEETING

Wednesday, March 9, 2022

7:00 PM

Location:

Livonia City Hall, Council Chambers, 2nd Floor
33000 Civic Center Drive
Livonia, MI 48154

Members:

Kathleen McIntyre, Chair
Rob Donovic, Vice Chair
Scott Morgan, Member

AGENDA ITEM(S)

1. [Subject matter of developing the property located at 34437 Rosati Avenue, as specified in Petition 2021-10-02-22, submitted by Century 21 Row, with potential environmental issues and solutions. \(CR 18-22\)](#)

AUDIENCE COMMUNICATION

THE FOLLOWING HAVE BEEN NOTIFIED AND ARE REQUESTED TO ATTEND:

Mayor Maureen Miller Brosnan
City Attorney, Paul Bernier
Planning and Economic Development Director, Mark Taormina

**THIS IS AN OPEN MEETING
ALL INTERESTED PARTIES ARE WELCOME TO ATTEND.**

Minutes of this meeting will be available for public inspection in the City Clerk's Office not more than eight business days following the date of the meeting.

SUSAN M. NASH, CITY CLERK

In accordance with Title II of the American with Disabilities Act as it pertains to access to Public Meetings, the City Clerk's Office of the City of Livonia, upon adequate notice, will make reasonable accommodations for persons with special needs. Please call (734) 466-2236 or email clerk@livonia.gov if you need assistance. **Council agendas are available on the City's website – www.livonia.gov - under Government, City Council, Agendas.**



LETTER TO THE LIVONIA CITY COUNCIL

1.

Council Office
February 28, 2022

MEETING DATE

Public Safety & Health Committee Meeting
of March 9, 2022

PREPARED BY

Sara Kasprovicz, Council Office Manager

AGENDA ITEM

Subject matter of developing the property located at 34437 Rosati Avenue, as specified in Petition 2021-10-02-22, submitted by Century 21 Row, with potential environmental issues and solutions. (CR 18-22)

BACKGROUND

WAIVER PETITION: Planning Commission, re: Petition 2021-10-02-22, submitted by Century 21 ROW, requesting to construct and operate a vehicle tow yard (Excellerated Towing & Recovery) at 34437 Rosati Avenue, located on the west side of Stark Road just south of the CSX Railroad in the Southwest ¼ of Section 28.

RECOMMENDATION

To discuss the subject matter of developing the property located at 34437 Rosati Avenue, as specified in Petition 2021-10-02-22, submitted by Century 21 Row, with potential environmental issues and solutions. (CR 18-22)

FISCAL CONSIDERATION

N/A

ATTACHMENTS

1. R011922 Subject matter of developing the property located at 34437 Rosati to PSH CR 18-22
2. S010522 Petition 2021-10-02-22 Minutes
3. LTC S010522
4. 2021-10-02-22_Excillerated Towing_E-COUNCIL Pkt (1)

APPROVED BY

On a motion by McIntyre, seconded by Donovic, and unanimously adopted, it was:

#18-22 RESOLVED, that upon the motion by Councilmember Kathleen McIntyre, seconded by Councilmember Rob Donovic, at the Regular Meeting held January 19, 2022, the Council does hereby refer the subject matter of developing the property located at 34437 Rosati Avenue, as specified in Petition 2021-10-02-22, submitted by Century 21 Row, with potential environmental issues and solutions, to the Public Safety, Health and Environment Committee for its report and recommendation.

<i>RESOLUTION REQUESTED BY COUNCIL (Regular Meeting of January 19,2022)</i> <i>REFER TO THE PUBLIC SAFETY AND HEALTH COMMITTEE</i>

Motion by:	McIntyre
Seconded by:	Donovic
ROLL CALL:	
Ayes:	Bahr, Donovic, Morgan, McCullough, McIntyre, Jolly
Nays:	None
Absent:	Toy

**CITY OF LIVONIA – CITY COUNCIL
MINUTES OF STUDY MEETING HELD JANUARY 5, 2022**

Meeting was called to order at 8:00 p.m. by President Jim Jolly. Present: Scott Bahr, Rob Donovic, Scott Morgan, Brandon McCullough, Kathleen McIntyre, and Jim Jolly. Absent: Laura Toy.

Elected and appointed officials present: Mark Taormina, Director of Planning and Economic Development; Todd Zilincik, City Engineer; Paul Bernier, City Attorney; Susan M. Nash, City Clerk; Brandi Isaacson, Director of Housing; and Mayor Maureen Miller Brosnan.

1. WAIVER PETITION: Planning Commission, re: Petition 2021-10-02-22, submitted by Century 21 ROW, requesting to construct and operate a vehicle tow yard (Excellerated Towing & Recovery) at 34437 Rosati Avenue, located on the west side of Stark Road just south of the CSX Railroad in the Southwest ¼ of Section 28.

Terry Sever, 37152 Six Mile Road, Century 21 Office. He is a realtor and was involved in brining about the sale of this property and was representing both the owner and the prospective buyer. Mr. Sever stated he read through all of the information and the report from the Planning Commission and have no objections to their recommendations. There is only one item that he would like to address, and it might be his fault. In reading the Engineer's report it referred to a project, storm retention, and a few other things and as I asked earlier I assumed that you received in your packets the Minutes from the Planning Commission. If I could, I would like to just address, obviously we all know based on my experience at the local government level, that action taken by the Council is final and basically remains law per se. Back in 2005, I think it was late December, the owner of this property received site plan approval for this project. He assembled a number of parcels. Upon getting that approval and submitting an additional document showing the setbacks and building envelopes like you would normally get from any development, and this has been at the Engineering office for the last 15-16 years. When the owner got the approvals, he went ahead and built two (2) buildings and that was the only development that occurred on these lots, which are individual lots, retention pond, sewers were built, the road was built, all the utilities.

President Jolly indicated there may be a better way to go about this. Mr. Miller, can you give us a presentation with regards to what exactly is at hand here and then it may be a more appropriate time to go into what may need to be addressed here.

Scott Miller, Planning Department, stated Rosati Industrial Park was officially recorded in 2006 consisting of 15 lots. The entire sub is zoned M-1, Light Manufacturing. The subject site is Lot 8 of the subdivision. It is located at the end of the cul-de-sac on Rosati Avenue. The land area of the property is 31,000 square feet or roughly 7/10 of an acre. The front property line measures about 136' in frontage along the cul-de-sac with an average depth of 165'. Lot 8 is surrounded completely by industrial zoned properties. The closest residential district is located about 156' to the south, as you

can see on the zoning map. Part of the requirement of Section 6.58, Vehicle Tow Yards, are restricted to M-1 and M-2 zoning districts, are treated as waiver use approvals, except for the front yard setback lot area are required to be entirely enclosed by a fence.

The site plan shows that the building would be 5,800 square feet and is located near the front of the site. The parking lot area is entirely fenced and the parking area is behind the building and to the north. Parking required is based on one parking spot per each 500 square feet of building area therefore this building would require 12 parking spaces available to employees and customers. The facility would have 5 employees. The site plan shows 31 parking spaces that would be available to employees, customers, tow trucks and recovered vehicles. As specified in the requirements for waiver use approval, the entire lot would be completely enclosed by a six foot high chain-link fence. The access gate to the rear area is at the northeast corner of the building and would be a six foot high wrought iron fence.

The building would be constructed out of combination brick with split face block windows being installed in the front and portions of the side elevation. The rear and north side of the building would contain overhead doors. The building height would be 22'. Floor plan shows a very open floor plan, with a large shop area, an office, vehicle prep room, and restrooms. The site plan does show a dumpster area on the west side of the parking lot. It would be enclosed by a six foot high walls and have a corrugated aluminum solid gates. For site lighting, the elevation plan shows that there would be LED light packs along the top of the building. The site would not have any light poles in the parking lot. The landscaping would consist of four Dagwood trees along the front of the building, would have a row of arbor variety in the front of the building and then grass. For signage, this site would be allowed one sign based on two linear foot of the building frontage or 100 square feet.

President Jolly inquired if the waiver use petition is specifically for this purpose?

Scott Miller answered that is correct.

Mr. Sever approached the podium to answer questions of Council and stated he wanted to add this is an ideal spot for this lot as it sits at the end of a very secluded road off the main street. No residents drive by this property. In talking to different people at the City, he has not spoken with one person and followed through. We went to the Engineering Department when this first came up and at that I was able to obtain a site plan that was approved by the City Council and an additional document that was a working document shown here, which documented all of the setbacks, side yard, front yard and this is the blueprint that we have been working with to build buildings. Mr. Rosati who originally started this project, and I think it was in 2006 or 2007, he built two buildings. I don't know if you have the pictures.

President Jolly stated typically site plans expire if they are not acted upon.

Mr. Sever stated it was acted on, Mr. Rosati built the road, the utilities, etc.

President Jolly stated there would have been a site plan for this particular parcel. Is

the site plan that Mr. Miller presented the site plan you would like to proceed on at this point? How does the information you are presenting affect the site plan?

Mr. Sever stated they indicated it might require a variance and based on the site plan that was approved by Council years ago, and it was acted on, we don't want to have buildings' setbacks at different spaces and now the Ordinance enacted some 15 years later is not reasonable either. What I am asking is that Council consider language that it be referred to the Engineering Department for their review to see that it conforms to the plan that Engineering had. We have already gotten two additional approvals for site plan with the setbacks according to these documents that are at the Engineering Department.

President Jolly stated I think we understand you now.

Councilmember Bahr, through the Chair to Paul Bernier in Law, does the fact that we've recently adopted a new Zoning Ordinance for the City change what is required? Is that the only reason why this Item #2 is in here, saying they may have to go to the ZBA or would that have been the same even if we had not passed the Zoning Ordinance?

Mr. Bernier responded he believed the Petitioner may still have to go to the ZBA if it does not meet the requirements of the setback, stating only the ZBA could give them the variance on that.

Councilmember Bahr stated regardless of what we do here tonight with Item #2, I think you will still have to go to the ZBA for approval. I don't think we can keep that from happening. I understand the logic of what you are saying, I think the Petitioner will have to make that case at ZBA. I am not sure it has any bearing on what we are looking at here tonight.

Mr. Sever stated if they have to they will, but I'm appealing to the Law Department for interpretation stating to his knowledge an Ordinance cannot be retroactive to something that has already been done. You have subdivisions that have been designed and built and then you have different setbacks and designs.

Councilmember Bahr stated he understood the condition the Planning Commission included here states "subject to a determination by the Inspection Department". That's what you're saying here?

Mr. Sever responded yes, that is correct. And indicated they have approved two (2) additional lots and they built a third building last year so they are following these documents now.

Councilmember Bahr stated you most likely have a strong case. He indicated having reviewed the Planning Commission Minutes, and having looked at the plan, I am willing to offer approving on this petition on Consent if there is no objection, there may be more questions for you to answer, but I am putting that out there.

Councilmember McIntyre stated she is confused by the question that Councilmember Bahr asked and was answered. I thought that I read that the only deficiency in the

setback was caused by something not being carried over to the new Zoning Ordinance?

Mr. Sever replied yes, I think so, that is the issue. And my point is that it can't be going into effect after the fact.

Councilmember McIntyre stated it could, but that would be another issue. McIntyre asked Councilmember Bahr if she misunderstood the question he posed to the Petitioner.

Councilmember Bahr replied the conclusion that I came to is he thought the issue he is speaking to is outside of what we are being asked to approve tonight. We have a waiver that is before us to consider and let's presume that we approve this, there is going to be our Inspection Department is going to look to see if he needs to go to the ZBA. Regardless of what we include in here tonight, that is going to happen.

Councilmember McIntyre stated maybe I am just missing this. When I read the notes, the current plan with looking at this under the new Zoning Ordinance, the deficient setback is caused as a result of us not carrying over inadvertently. The correct or the setback requirements existed under the previous Zoning Ordinance for M-1. Is that correct, Mr. Miller?

Mr. Miller replied in the affirmative.

President Jolly indicated he understood where Councilmember McIntyre was coming from. He stated we have different Boards, Council, ZBA, we have different authorities and different things that we are able to approve, and to grant and to review. The Engineering Department will review as is indicated and if they find that it is necessary to go to the ZBA, you will have to do that. Do you understand? I understand what you are telling us. Fortunately or unfortunately, ordinances and laws tend to be fluid in nature sometimes where they do have the chance and the opportunity to be changed. This is a circumstance in which that may have affected the overall site's proposal here.

Mr. Sever stated the reason he is raising this is, he spent 14 years on the City Council for Farmington Hills, was a Mayor, County Commissioner and all that stuff, and I have never seen where a new Ordinance would be retroactive and affect work that the City Council has already approved as law. And on top of that, what appears to be in the communications that are written, the person we've been dealing with, Randy at the counter in the Inspection Department, and has approved additional development buildings, it is not a development project, each lot in and of itself, and it has been approved. But, before giving any of those approvals whoever wrote the letter does not seem to be aware of that, and I wanted to make sure that I don't mind that the Engineering Department should inspect and make sure that it meets the plans that the City has on file. So, I appreciate that I am only trying to get this cleared up so we don't keep having to go to get a different answer, from a different person in a different department.

President Jolly asked Mr. Miller if he understood what the Petitioner was saying?

Mr. Miller responded in the affirmative.

President Jolly asked Mr. Miller to provide additional information to the Council and if need be, it will be pulled off the Consent Agenda. As of now, you have an approving offered on the Consent Agenda.

Mr. Sever stated he will take whatever you decide, we are not going to dispute it. If we do we will go to the ZBA, but like you said, I've been there and I've never seen where it's been retroactive 15 years.

President Jolly stated we will look into it and if we find something different, we will let you know.

Councilmember Donovic, to Mr. Miller, or Mr. Bernier, is there an Ordinance that states how long vehicles can sit in a parking lot for recovery vehicles? Is it 24 hours, can it be there permanently?

Mr. Miller indicated he did not know but the plans stated the petitioner may keep the recovery vehicles up to six months.

Councilmember McCullough through the Chair to the Petitioner, part of the documents that show the 120 days for procedure for removing the cars and having it moved on from the site, correct?

Mr. Sever responded in the affirmative.

Councilmember McCullough asked if that would be the owner's policy, or is that a law that is in place?

Mr. Sever I can have the owner speak to that but I believe what he has indicated is that he doesn't do abandoned vehicles, the majority of his business he picks vehicles up on the side of the street and takes them to wherever they need to go for repair by the insurance company, repair shop, or whatever. He doesn't store the same vehicle for any length of time. He processes them. He does private insurance for stuff like that.

Councilmember McCullough stated the other question that I do have is maybe you can answer and if not, the owner, I notice that part of the backup did say that you have multiple locations, you're leasing at a dealership locally, and I think there were two other places. If this goes up, does any of this go away or is this business growing and thriving? I'm just trying to figure this out.

Mike Fields, 14310 21 ½ Mile Road, Marshall, Michigan, was present on behalf of the petitioner.

The question I have is looking through the packet you guys have multiple sites in the area. If this gets approved, do you have any, are you keeping those, is this an expansion of your business.

Mr. Fields stated no, actually we are looking to consolidate and we want to have one central-based location and that is what we planning to do here in Livonia.

President Jolly stated this item will be placed on the next Regular Agenda, meaning you will have to attend that meeting in case we have any questions so you can provide the answers. President Jolly also stated he hoped to have the information requested by the Petitioner at the next meeting as well.

DIRECTION:

APPROVING

REGULAR



LETTER TO THE LIVONIA CITY COUNCIL

11.

Planning
January 6, 2022

MEETING DATE

January 5, 2022

PREPARED BY

Lori Miller, Deputy City Clerk,

AGENDA ITEM

WAIVER PETITION: Planning Commission, re: Petition 2021-10-02-22, submitted by Century 21 ROW, requesting to construct and operate a vehicle tow yard (Excellerated Towing & Recovery) at 34437 Rosati Avenue, located on the west side of Stark Road just south of the CSX Railroad in the Southwest ¼ of Section 28.

BACKGROUND

RECOMMENDATION

At the 1,179th Public Hearing and Regular Meeting held by the City Planning Commission on November 30, 2021, the following resolution was unanimously adopted:

#11-67-2021 RESOLVED, That pursuant to a Public Hearing having been held by the City Planning Commission on November 9, 2021, on Petition 2021-10-02-22 submitted by Century 21 ROW requesting waiver use approval pursuant to Section 6.58 of the Livonia Vision 21 Zoning Ordinance to construct and operate a vehicle tow yard (Excellerated Towing & Recovery) at 34437 Rosati Avenue, located on the west side of Stark Road just south of the CSX Railroad in the Southwest ¼ of Section 28, the Planning Commission does hereby recommend to the City Council that Petition 2021-10-02-22 be approved subject to the following conditions:

1. That the Architectural Site Plan identified as Sheet # DA-2.0 dated October 28, 2021, prepared by Arista Design, Inc., is hereby approved and shall be adhered to.
2. Subject to a determination by the Inspection Department, the petitioner may be required to obtain a variance from the Zoning Board of Appeals for deficient building front yard setback and any conditions related thereto.
3. All parking spaces, except the required handicapped spaces, shall be doubled striped at ten feet (10') wide by twenty feet (20') in length as required.
4. That the maximum number of vehicles parked on the site at any given time, including employees, customers, tow trucks and recovered vehicles, shall not exceed thirty-one (31) vehicles.
5. That the Landscape Plan identified as Sheet # DA-3.0 dated October 28, 2021, prepared by Arista Design, Inc., is hereby approved and shall be adhered to,

6. That all disturbed lawn areas shall be sodded in lieu of hydro seeding,
7. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition.
8. That the Exterior Elevations Plan identified as Sheet # DA-4.0 dated October 28, 2021, prepared by Arista Design, Inc., is hereby approved and shall be adhered to.
9. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material and color to other exterior materials on the building.
10. That any pole-mounted light fixtures shall not exceed twenty feet (20') in height and shall be aimed and shielded to minimize stray light trespassing across property lines and glaring into adjacent roadways.
11. That the trash dumpster area and enclosure gates shall be constructed in accordance with the Dumpster Enclosure Details, as shown on the approved site plan.
12. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals.
13. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time the building permits are applied for; and,
14. Pursuant to Section 13.13 of the Livonia Vision 21 Zoning Ordinance, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 of Livonia Vision 21 Zoning Ordinance.

FISCAL CONSIDERATION

ATTACHMENTS

1. 2021-10-02-22_Excelerated Towing_E-COUNCIL Pkt

APPROVED BY



Date: December 13,
2021

Mark Taormina, Planning and Economic Development
Director

A handwritten signature in black ink, reading "Maureen Miller Brosnan". The signature is written in a cursive, flowing style.

Date: December 22,
2021

Maureen Miller Brosnan, Mayor

Petition 2021-10-02-22 submitted by Century 21 ROW
requesting waiver use approval pursuant to Section 6.58 of the
Livonia Vision 21 Zoning Ordinance to construct and operate a
vehicle tow yard (Excellerated Towing & Recovery) at 34437
Rosati Avenue, located on the west side of Stark Road just south
of the CSX Railroad in the Southwest ¼ of Section 28.

**CITY OF LIVONIA, MICHIGAN
APPLICATION FOR WAIVER USE APPROVAL**

All applications must be presented in triplicate to the City Clerk, 33000 Civic Center Drive, Livonia, MI 48154-3097. Applications must include property owner's name, address and notarized signature.

Filing fee = \$600.00 plus \$20.00 for each 1,000 sq. ft. of gross floor area of new construction.

Date Filed: 10-28-21 Petition 2021-10-02-22

Site Address: 34437 Rosati Ave. Sidwell 111-03-008-000 Zoning of Property M-1

Requesting Approval To OPERATE A TOWING COMPANY

Applicant: TERRY SEVER Business/Company: CENTURY 21 ROW

Applicant's Address: 37172 City: LIVONIA State: MI Zip Code: 48152

Applicant's Phone # (248) 982-9797 Applicant's Email terrysever@gmail.com

Contact Person: TERRY SEVER Business/Company: _____

Contact's Address: _____ City: _____ State: _____ Zip Code: _____

Contact's Phone # () _____ Contact's Email _____

Please provide the following information:

- 1) **Site Plan** showing:
 - property dimensions, including road right-of-way & building setback lines
 - foot print of building(s), including dimensions & square footage
 - all easements, protective walls, sidewalks & existing trees
 - any significant topographic features (existing or proposed)
 - parking layout, including type of surface material, sizes of spaces & aisles
 - method used in calculating parking requirement
 - location of light standards servicing parking lot & cutout showing type & height
 - location of trash receptacle, including description of screening
 - location of signs
- 2) **Detailed Landscape Plan** including:
 - listing or labeling of all planted materials as to type and size
 - areas to be fully irrigated
 - percentage of landscaping provided (15% of total site required)
- 3) **Building Elevation Plan** depicting:
 - architectural quality
 - wall section & detail plan - exterior building materials must be labeled (i.e. brick, thin brick, E.F.I.S.)
 - all visible rooftop mechanical equipment and how they will be screened
- 4) **General Floor Plan** showing:
 - floor layout
 - entrances & exits
 - restaurants are required to illustrate seating arrangement & capacity
- 5) **One (1) set of reduced plans** (i.e. site, landscape, elevation, floor), a maximum 11" x 17" in size, or digital file in a .pdf format either on CD or emailed to smiller@ci.livonia.mi.us
- 6) **Legal Description** of the property to be considered (Clearly Printed)
- 7) **Three (3) completed application forms & three (3) sets of full-size drawings**

You are invited and encouraged to review your proposal with the Planning Department staff. Only one set of preliminary drawings will be necessary for this analysis.

FEE COMPUTATION		\$600.00
_____ sq. ft. of new construction	x \$20.00 per 1,000 sq. ft.	
(NOTE: Round off to nearest 1,000)		+
Total Amount Due		\$ _____

Owner of Property: SAHAR JARJOSA

Owner's Address: 15338 LEONA City: Redford State: MI Zip Code: 48239

Owner's Phone # (248) 766-1179 Owner's Email _____

Signature of Owner: Sahar Jarjosa Print Name: Sahar Jarjosa

Subscribed and sworn to before me, a Notary Public in and for the County of WAYNE State of MI

on this 26th day of OCTOBER 20 21

Signature of Notary Michael Keith Cheatham My commission expires 9/9/2027

Acting in the County of WAYNE

RECEIVED
OFFICE OF THE CITY CLERK

2021 OCT 28 PM 2:58

RECEIVED
CITY OF LIVONIA
PLANNING COMMISSION
OCT 29 2021

MICHAEL KEITH CHEATHAM
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires September 09, 2027
Acting in the County of _____

TO: Scott Miller

FROM: Terry Sever

This is a responses to you requesting additional information:

- 1) There are 5 employees. Drivers alternate shifts.
- 2) 24 hour operation.
- 3) 2 trucks on site 2 mobile.
- 4) They respond to calls and have two trucks that move around during rush hour.
- 5) The fence is for security and there are very few inbounds. The majority of vehicles are accident related or break downs. Most vehicles are taken directly to a repair shop. All vehicles are processed within 120 days depending on the nature of their processing. Service trucks will be stored inside.
- 6) After processing the vehicle it is released to the owner, insurance company, taken to a repair shop or scrapped upon proper processing. The vehicles are not to be sold for spare parts and must be removed from the site in a timely manner either to an owner or scrap yard. This is not a junk yard for cars.

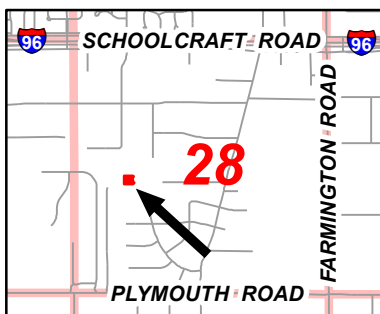
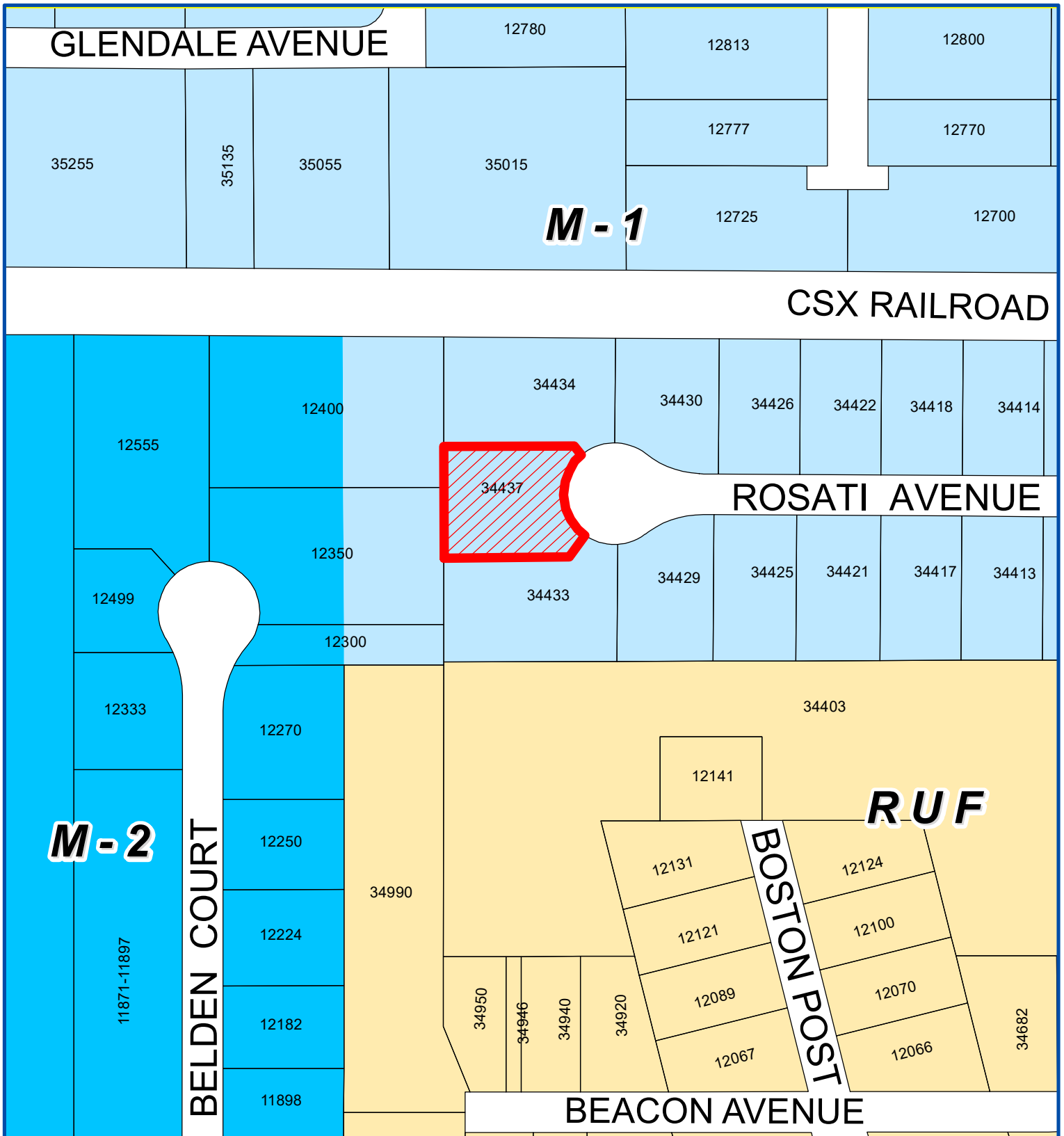
He services Livonia and surrounding communities as well as areas along with I96, I275, I94, I696, I75.

His current yard consist of renting space at 28585 Telegraph, Tamaroff Honda with 25-30 vehicles . He is renting a building at 26120 Grand River, Redford, MI and has an additional location at 21 ½ Mile, Marshall, MI.

This is of course a land use issue. This owner upon completion will have spent close to a Million Dollars, properly screened his business from the public eye and operate in an exclusive area of the Industrial District having located at the end of a cul-de-sac. The surrounding area within the M1 district consist of considerable outside storage operations. See enclosed photos from the City of Livonia GIS website. Just north there is a RV storage business with between 50 to 100 items on a daily basis.

The towing operation has been in business for 14 years and he is working to improve it from what it is today.

Please take a moment and review the City's GIS website that shows the many uses in the area.



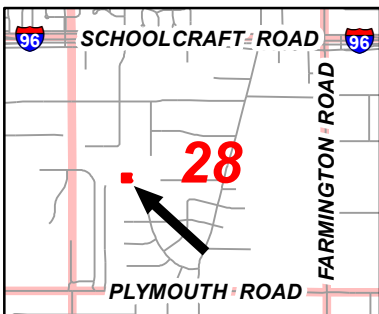
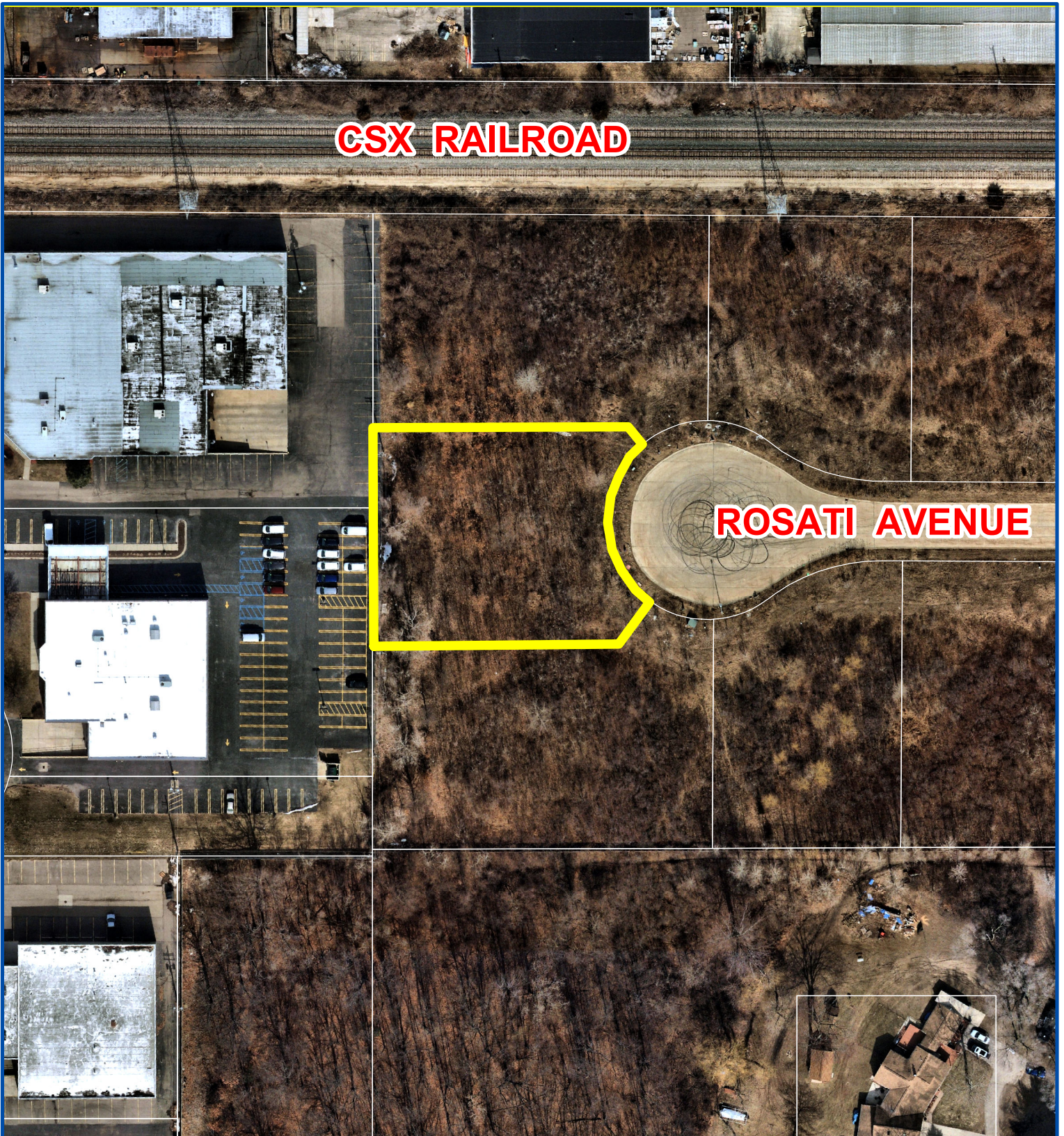
Address & Zoning Map

Petition 2021-10-02-22
Excellerated Towing & Recovery
34437 Rosati Avenue
To Construct & Operate Towing Company



Not to Scale

City of Livonia
Planning Department



Aerial Map

Petition 2021-10-02-22
Excellerated Towing & Recovery
34437 Rosati Avenue
To Construct & Operate Towing Company



Not to Scale



City of Livonia
Planning Department

PLANNING COMMISSION STAFF NOTES

PUBLIC HEARING

ITEM 2

Petition 2021-10-02-22 submitted by Century 21 ROW requesting waiver use approval pursuant to Section 6.58 of the Livonia Vision 21 Zoning Ordinance to construct and operate a vehicle tow yard (Excellerated Towing & Recovery) at 34437 Rosati Avenue, located on the west side of Stark Road just south of the CSX Railroad in the Southwest ¼ of Section 28.

November 16, 2021: Study Meeting:

This petition seeks waiver use approval to construct and operate a vehicle tow yard on property located on Rosati Drive within the Rosati Industrial Park Subdivision. This platted industrial park, zoned M-1 Light Manufacturing, is located on the west side of Stark Road just south of the CSX Railroad. Rosati Park consists of 16 industrial lots including one devoted solely for the purpose of storm water management. The tow yard is proposed on Lot 8 which is at the west end of the cul-de-sac. Lot 8 totals 31,129 square feet in area (0.71 acre) and is surrounded by other industrial-zoned parcels. The closest residential district is located approximately 156 feet to the south of Lot 8.

Per Section 6.58 of the Livonia Vision 21 Zoning Ordinance, vehicle tow yards are allowed as a waiver use subject to the following special requirements:

- i. Except for the front yard setback, the lot area shall be enclosed with a fence of a type approved by the Inspection Department which shall be located and maintained on the boundaries of such lot area, with only such openings therein as may be necessary for ingress and egress; provided, however, that in the case of a corner lot such fence shall be located on the side yard setback line abutting a public or private thoroughfare.
- ii. Landscaping of the front yard and, in the case of a corner lot, also the side yard abutting a public or private thoroughfare, shall be required.
- iii. The outside stacking or stockpiling of materials shall not exceed eight feet (8') in height above ground level.
- iv. Notwithstanding any other provisions of this Ordinance, wherever the outside storage of equipment and/or material occurs on the site of an approved waiver use and is immediately adjacent to or abutting any residentially zoned property, there shall be provided a greenbelt which shall be at least twenty feet (20') in width, which shall consist of at least two (2) rows of appropriate live plant materials, so placed as to provide continuous screening over and above that which is provided by the protective wall, as is required by other provisions of this Ordinance and shall thereafter be permanently maintained; and further provided, that such greenbelt shall attain a minimum height of at least eight feet (8') after one full growing season.

PUBLIC HEARING

ITEM 2 Petition 2021-10-02-22 – Excellerated Towing & Recovery

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The submitted plans show a 5,800 square-foot building located near the front of the site. For buildings in an M-1 district located on parcels less than one (1) acre in size, the Zoning Ordinance requires a minimum front yard setback of fifty feet (50'). The proposed building would be setback thirty-five feet (35') from the road right-of-way. Unfortunately, a special setback provision that applied only to industrial parks did not carryover from Ordinance No. 543 to the Livonia Vision 21 Zoning Ordinance. Section 16.10(a) previously provided that when an industrial building fronted on an internal road within a park, the front yard shall be at least sixty feet (60') in depth as measured from the centerline of the publicly dedicated street. In this case, measuring sixty feet (60') to the centerline of the right-of-way as opposed to fifty feet (50') to the edge of the right-of-way is a significant difference. The building, as proposed, would have conformed to the old ordinance, but because the language of Section 16.10(a) was inadvertently omitted from the new ordinance, it fails to comply, and therefore will require a variance for deficient front yard setback. (Note: It is staff's intention to introduce this language for future adoption as an amendment to Livonia Vision 21.) The building would have a rear yard setback of eight-four feet (84') and both side yards would be at least twenty feet (20') in depth. The proposed structure would have a maximum height, as measured from the finished grade to the top edge of the roof, of twenty-two feet (22'). As typical with most industrial buildings, the building would have a high interior ceiling height. The floor plan shows that the interior would include a large shop area, an office, a vehicle prep room and a bathroom.

In an email received November 8, 2021, the Petitioner indicates that this facility would have five (5) employees and that drivers would alternate shifts. Additionally, the business would operate 24 hours a day. There would be two (2) trucks on site that would respond to calls, and two (2) mobile trucks that would move around during rush hour. The majority of vehicles that are recovered are either accident related or break downs. Most vehicles are taken directly to a repair shop. All vehicles are processed within 120 days. After processing the vehicle, it is released to the owner, insurance company, taken to a repair shop, or scrapped. Vehicles are not sold for spare parts and are removed from the site in a timely manner to either an owner or scrap yard. The towing operation has been in business for 14 years. They currently rent space from Tamaroff Honda at 28585 Telegraph Road where there is space for 25-30 vehicles. The Petitioner also rents a building at 26120 Grand River in Redford Township and has an additional location at 21-½ Mile Road in Marshall, Michigan.

Required parking is calculated according to a ratio of one (1) space per 500 square feet of building floor area. Based on the square footage of the building, the proposed facility would require twelve (12) parking spaces available for employees and customers. The site plan shows thirty-one (31) parking spaces available for all aspects of the business, including employees, customers, tow trucks and recovered vehicles. As specified in the requirements for waiver use approval, the entire parking lot area, which is located along the north side of the building and behind the building, must be completely enclosed with a six foot (6') high chain link fence. The yard's access gate, located next to the northeast corner of the building, would be comprised of a six foot (6') high black wrought-iron type fencing. All 31 parking spaces, including one (1) barrier-free space,

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are shown within behind the fence and gate, so it is uncertain where customers or public visitors would park.

The elevation plans show the exterior materials of the proposed building would consist of a combination brick and split-face block. The front and the front half of the side elevations would be brick. The remaining back half of the side elevations and the rear of the building would be constructed out of split-face block. Windows would be installed along the brick portions to the building. The rear and north elevation would have large metal overhead doors.

A single dumpster enclosure is shown behind the building along the western edge of the parking lot. According to the “Dumpster Enclosure Detail” shown on Sheet # DA-2.0, the enclosure walls would be six feet (6’) in height and would be constructed out of eight inch (8”) split face block. The enclosure swing gates would be solid corrugated aluminum. It is not known how trash pickup would be handled since the dumpster is within the fenced-in area.

For site lighting, the elevation plan shows LED wall packs along the top section of the proposed building. The Petitioner has stated that these would be the only type of security lighting on site, there would be no type of light poles in the parking lot.

As required, the front yard of the site would be landscaped. The proposed landscaping consists of four (4) White Dogwood trees, a row of arborvitae along the front of the building and grass. Sheet # DA-3.0 indicate the type, quantity and size of plant materials, along with planting details and general landscape notes. This site does not lie adjacent to a residential district and therefore does not require a greenbelt or screen wall between adjacent properties.

According to the provisions set forth in Section 11.08 of the sign regulations, this site would be allowed one (1) wall sign at one (1) square foot of area for each two (2) lineal foot of front building width or 100 square feet, whichever is lesser. Because the development is deficient in front yard setback it would not be allowed a ground sign.

November 30, 2021: Public Hearing:

Approving Resolution: That the request to construct and operate a vehicle tow yard (Excellerated Towing & Recovery) at 34437 Rosati Avenue is hereby approved, subject to City Council approval and the following conditions:

1. That the Architectural Site Plan identified as Sheet # DA-2.0 dated October 28, 2021, prepared by Arista Design, Inc., is hereby approved and shall be adhered to.

PUBLIC HEARING

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2. Subject to a determination by the Inspection Department, the petitioner may be required to obtain a variance from the Zoning Board of Appeals for deficient building front yard setback and any conditions related thereto.
3. All parking spaces, except the required handicapped spaces, shall be doubled striped at ten feet (10') wide by twenty feet (20') in length as required.
4. That the maximum number of vehicles parked on the site at any given time, including employees, customers, tow trucks and recovered vehicles, shall not exceed thirty-one (31) vehicles.
5. That the Landscape Plan identified as Sheet # DA-3.0 dated October 28, 2021, prepared by Arista Design, Inc., is hereby approved and shall be adhered to,
6. That all disturbed lawn areas shall be sodded in lieu of hydro seeding,
7. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition.
8. That the Exterior Elevations Plan identified as Sheet # DA-4.0 dated October 28, 2021, prepared by Arista Design, Inc., is hereby approved and shall be adhered to.
9. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material and color to other exterior materials on the building.
10. That any pole-mounted light fixtures shall not exceed twenty feet (20') in height and shall be aimed and shielded to minimize stray light trespassing across property lines and glaring into adjacent roadways.
11. That the trash dumpster area and encloser gates shall be constructed in accordance with the Dumpster Enclosure Details, as shown on the approved site plan.
12. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals.
13. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time the building permits are applied for; and,

PUBLIC HEARING

ITEM 2 Petition 2021-10-02-22 – Excellerated Towing & Recovery

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14. Pursuant to Section 13.13 of the Livonia Vision 21 Zoning Ordinance, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

Denying Resolution: That the request to construct and operate a vehicle tow yard (Excellerated Towing & Recovery) at 34437 Rosati Avenue is hereby denied for the following reasons:

1. That the petitioner has failed to comply with all general standards and requirements as set forth in Sections 1.02 and 13.13 of the Livonia Vision 21 Zoning Ordinance.
2. That the intensity of the proposed use and the hours of operation are inconsistent with the surrounding land uses.
3. That the proposal creates significant adverse impacts on the neighboring properties, public services, and community planning efforts, and
4. That the petitioner has failed to comply with all the concerns deemed necessary for the safety and welfare of the City and its residents.

Pertinent Information:

Owner/Developer:
Excellerated Towing & Recovery, LLC
14310 211/2 Mile Road, Marshall, MI 49068

Zoning District: M-1 (Light Manufacturing)

Setback Requirements:

FRONT:	35' Required	35' Provided
SIDE:	20' Required	20' Provided
REAR:	20' Required	20' Provided

Parking Requirements: Section 18.38 - Industrial Establishments
Required: (1) Space per employee, 6 Employees = (6) Spaces required
Provided: (31) Spaces

Max. Height of Structure: Max. Allowable: 50'-0" Proposed: +/- 22'-3"

Site Area: 31,129 s.f.

Proposed Building Area: 5,800 s.f.

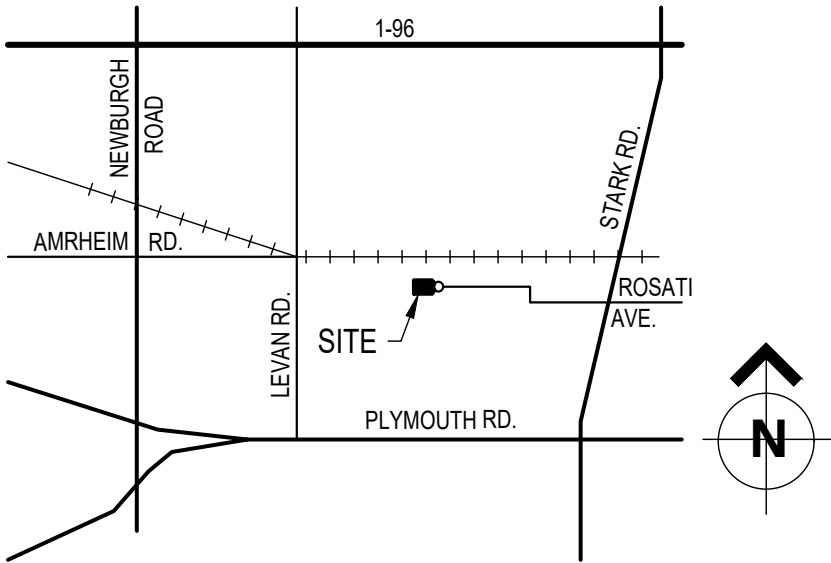


Drawing Index:

- DA-1.0 - Project Title, Project Information
- DA-2.0 - Architectural Site Plans, Dumpster Details
- DA-3.0 - Landscape Plan, Landscape Details
- DA-4.0 - Building Floor Plan, Exterior Elevations
- Survey

EXTERIOR MATERIAL SELECTIONS TO MATCH THAT OF EXISTING BUILDING THAT HAS RECENTLY BEEN COMPLETED AS DEPICTED ON VICINITY MAP BELOW. SEE ALSO MATERIAL PHOTO EXAMPLES PROVIDED.

Location Map: (NOT TO SCALE)



EXCELLERATED TOWING & RECOVERY, LLC
34437 ROSATI AVE., LIVONIA, MICHIGAN

Proposed New Building
34437 Rosati Avenue
Livonia, MI 48150
Lot 8, Rosati Industrial Park
Owner/Developer:
R & E Landscaping and Construction, LLC
34422 Rosati Avenue
Livonia, MI 48150



Arista Design, Inc.
PO Box 531507, Livonia, MI 48153
Tel: 734-812-7450

THESE DRAWINGS, IDEAS AND DESIGNS ARE THE PROPERTY OF ARISTA DESIGN, INC. AND MAY NOT BE REPRODUCED IN ANY MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING EXPRESS WRITTEN PERMISSION FROM ARISTA DESIGN, INC.



Issued:

Drawing Title:
Title Sheet
Project Information

Drawing Scale: As Shown

Date: 10/28/2021

Project Number:

Sheet #:
DA-1.0



Legal Description:

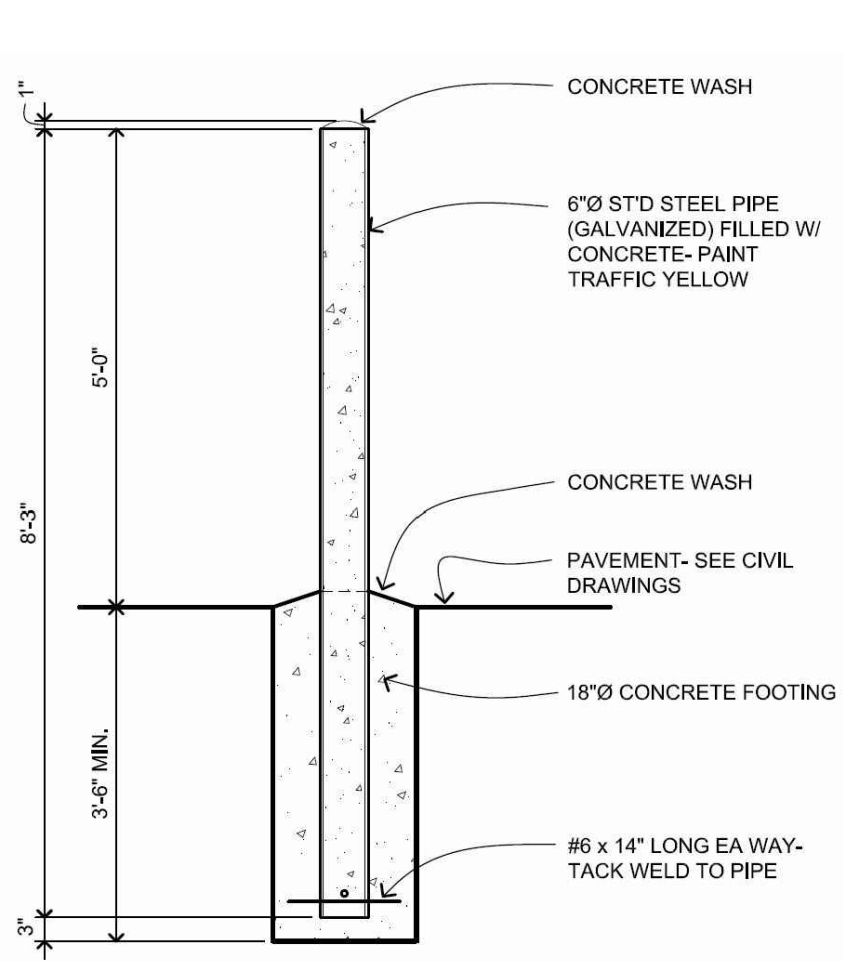
PARCEL ID# 111-03-0008-000

LOT 8, OF "ROSATI INDUSTRIAL PARK", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF SECTION 28, TOWN 1 SOUTH, RANGE 9 EAST, CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN, AS RECORDED IN LIBER 122 OF PLATS ON PAGES 63-66 OF WAYNE COUNTY RECORDS. CONTAINING 0.55 ACRES OF LAND MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

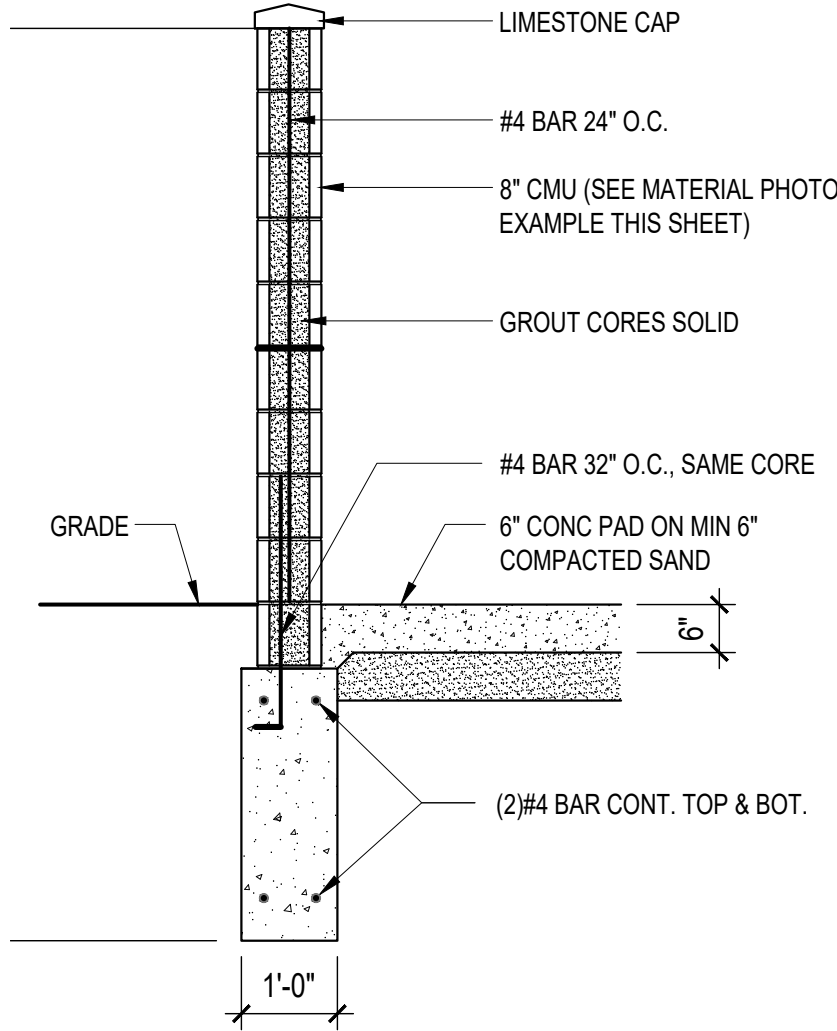


Split Face Block Material
Photo Example

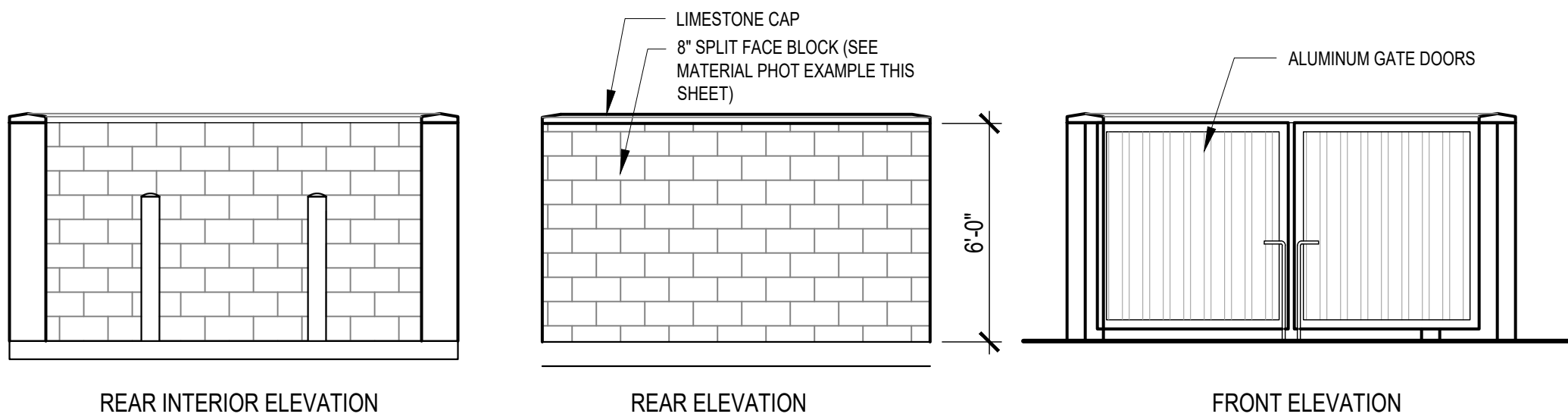
Aluminum Gate Example
NOT TO SCALE



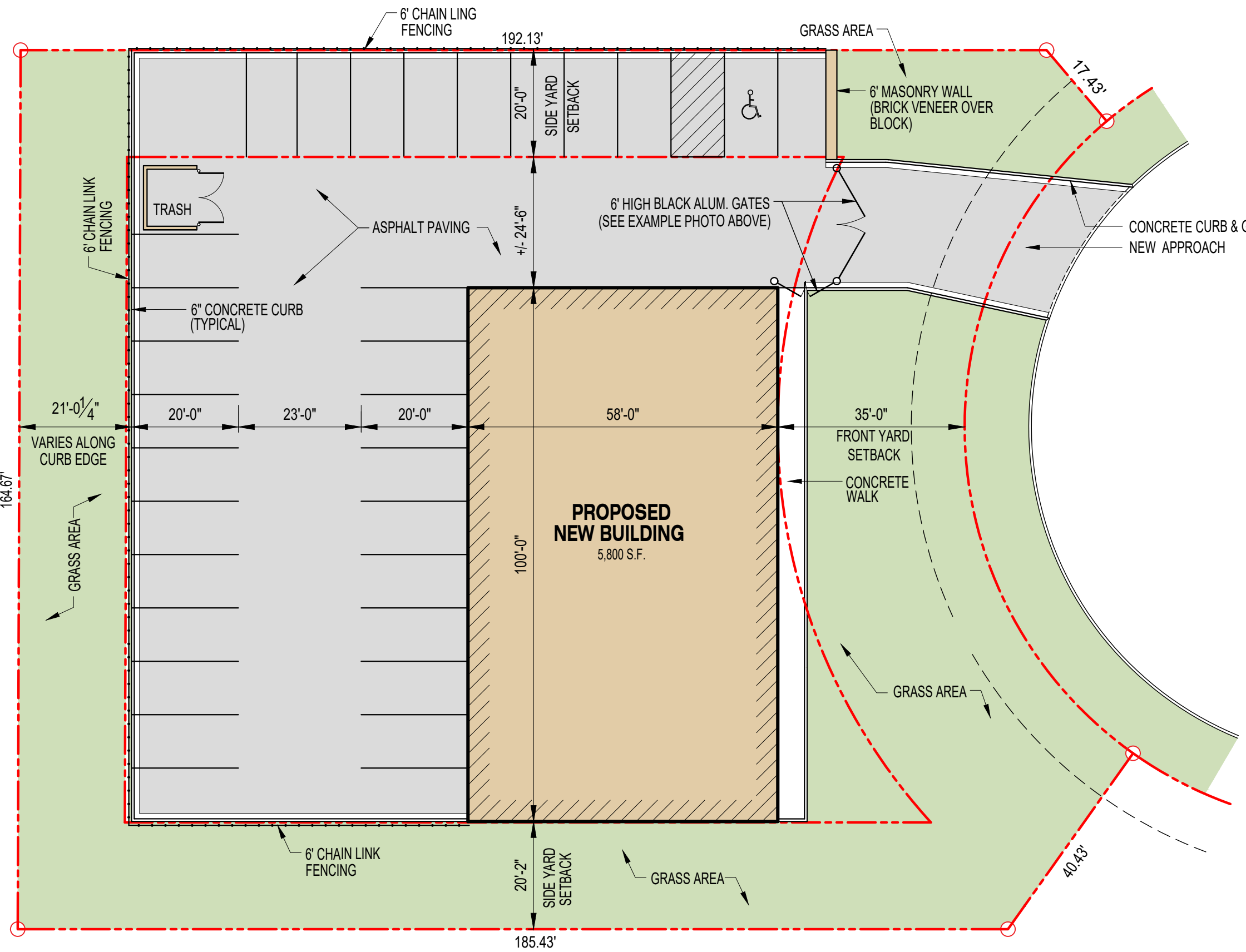
Typical Guard Post Detail
Scale: 1/2" = 1'-0"



Dumpster Enclosure Section
Scale: 1/2" = 1'-0"



Dumpster Enclosure Details
Scale: 1" = 20'-0"



Architectural Site Plan/Landscape Plan
Scale: 1" = 20'-0"

Proposed New Building

34437 Rosati Avenue
Livonia, MI 48150
Lot 8, Rosati Industrial Park
Owner/Developer:
R & E Landscaping and Construction, LLC
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Issued:

Drawing Title:
**Architectural Site Plan
Dumpster Details**

Drawing Scale: As Shown

Date: 10/28/2021

Project Number:

Sheet #:
DA-2.0

Landscape Development Notes:

PLANTING

- Installation of all plant material shall be in accordance with the latest edition of the *American Association of Nurserymen Standards for Nursery Stock* and with the specifications set forth by the City of Taylor, Michigan.
- The plant materials shall conform to the type stated on the plant list. Sizes shall be the minimum stated on the plant list or larger. All measurements shall be in accordance with the latest edition of the *American Association of Nurserymen Standards for Nursery Stock*.
- The plant material shall be nursery grown and inspected by the Owner's representative before planting. The Owner's representative reserves the right to reject any plant material at any time.
- Plants designated "B&B" shall be balled and burlapped with firm balls of earth.
- Dig shrub pits one foot (1') larger than the shrub rootball, tree pits three (3) times the width of the tree rootball and backfill with one (1) part topsoil and one (1) part soil from excavated pit. Plant trees and shrubs at the same grade level at which they were planted at the nursery. If wet, clay soils are evident, plant trees and shrubs slightly higher.
- The Contractor is responsible for planting the materials at the correct grades and spacing. The plants shall be oriented to give the best appearance.
- When the plant has been properly set, the pit shall be backfilled with the topsoil mixture, gradually filling, patting, and settling with water.
- Trees in lawn areas to have a four foot (4') circle of mulch, four inches (4") deep, and three inches (3") away from the trunk. Shrub beds are to be mulched with shredded bark mulch to a minimum depth of four inches (4"). Only natural color shredded hardwood bark mulch will be accepted.
- Remove all twine, wire, and burlap from the top one third (1/3) of tree and shrub root balls and from tree trunks. Remove all non-biodegradable material such as plastic or nylon completely from branches and stems.
- All plant materials shall be pruned and injuries repaired. The amount of pruning shall be limited to the removal of dead or injured limbs and to compensate for the loss of roots from transplanting. Cuts should be flush, leaving no stubs. Cuts over three quarters of an inch (3/4") shall be painted with tree paint. Shrubs along the site perimeter shall be allowed to grow together in a natural form.
- Organic, friable topsoil shall be evenly distributed and fine graded over all areas to receive lawns at uniform depth of four inches (4") after settlement.
- All lawn areas shall be seeded with a Grade A Kentucky Blue Grass blend over the topsoil. Install a soil erosion control blanket for stabilization of the side slopes of the detention basin after seeding.
- All plantings shall be completed within three (3) months, and no later than November 30, from the date of issuance of a certificate of occupancy if such certificate is issued during the April 1 thru September 30 period; if the certificate is issued during the October 1 thru March 31 period, the planting shall be completed no later than the ensuing May 31; plantings shall thereafter be reasonably maintained, including permanence and health of plant materials to provide a screen to abutting properties and including the absence of weeds and refuse.
- Plant trees and shrubs no closer than the following minimum distances from sidewalks, curbs, and parking stalls:
 - Shade/Canopy Trees Three feet (3')
 - Ornamental/Flowering Trees Five feet (5')
 - Evergreen Trees Five feet (5')
 - Evergreen/Flowering Shrubs Four feet (4')
- Backfill directly behind all curbs and along sidewalks and compact to the to of curbs or walk to support vehicle and pedestrian weight without settling.
- All landscape areas, especially parking lot islands and landscape beds next to buildings shall be excavated of all building materials and poor soils to a depth of twelve inches to eighteen inches (12"-18") and backfilled with good, medium-textured planting soil (loam or light yellow clay). Add four inches to six inches (4"-6") of topsoil over the fill material and crown a minimum of six inches (6") above the top of curbs and/or walks after earth settling unless otherwise noted on the landscape plan.
- Conversion of all asphalt and gravel areas to landscape planting beds shall be done in the following manner:
 - Remove all asphalt, gravel, and compacted earth to a depth of six inches to eighteen inches (6"-18") depending on the depth of the sub base and dispose of off site;
 - Call the City for an inspection prior to backfilling;
 - Replace excavated material with good, medium-textured planting soil (loam or light yellow clay) to a minimum of two inches (2") above the top of the curb and sidewalk, add four inches to six inches (4"-6") of topsoil and crown to a minimum of six inches (6") above the adjacent curb and walk after earth settling, unless otherwise noted on the landscape plan.If conversion from asphalt to landscape occurs in or between an existing landscape area(s), replace excavated material from four inches to six inches (4"-6") below adjacent existing grade with good, medium-textured planting soil (loam or light yellow clay) and add four inches to six inches (4"-6") of topsoil to meet existing grades after earth settling.

MATERIAL

- Required landscape material shall satisfy the criteria of the American Association of Nurserymen Standards for Nursery Stock and be:
 - Nursery grown;
 - State Department of Agriculture inspected;
 - No. 1 grade material with a straight, unscarred trunk, and well-developed uniform crown (park grade trees will not be accepted);
 - Staked, wrapped, watered, and mulched according to the details provided; and
 - Guaranteed for one (1) year.
- Topsoil shall be friable, fertile soil of clay loam character containing at least five percent (5%) but not more than twenty percent (20%) by weight of organic matter with a pH range between 6.0 and 7.0. The topsoil shall be free from clay lumps, coarse sand, plant roots, sticks, and other foreign materials.
- The seed mixture shall consist of the following types and proportions: Kentucky Blue Grass blend "Baron/Sheri/Adelphi" @ sixty percent (60%), Chewing Fescue @ twenty-five percent (25%), Creeping Red Fescue @ ten percent (10%), and Perennial Rye Grass @ five percent (5%). Weed content shall not exceed one percent (1%). The mix shall be applied at a rate of 200 pounds per acre.
- Sod shall be two (2) year old "Baron/Sheri/Adelphi" Kentucky Blue Grass blend grown in a sod nursery on loam soil.
- Cobblestone mulch shall consist of one inch to three inch (1" - 3") cobbles six inches (6") deep over geotextile fabric.

GENERAL

- Do not plant deciduous or evergreen trees directly over utility lines or under overhead wires. Maintain a six foot (6') distance from the centerline of utilities and twenty feet (20') from the centerline of overhead wires for planting holes. Call MISS DIG forty-eight (48) hours prior to landscape construction for field location of utility lines.
- The Contractor agrees to guarantee all plant material for a period of one (1) year. At that time, the Owner's representative reserves the right for a final inspection. Plant material with twenty-five percent (25%) die back, as determined by the Owner's representative shall be replaced. This guarantee includes the furnishing of new plants, labor, and materials. These new plants shall also be guaranteed for a period of one (1) year.
- The work shall consist of providing all necessary materials, labor, equipment, tools, and supervision required for the completion as indicated on the drawings.
- All planting beds shall be watered with an automatic underground irrigation system. Lawns and shrub/landscape areas shall be watered by separate zones to minimize overwatering.
- All written dimensions override scale dimensions on the plans.
- Report all changes, substitutions, or deletions to the Owner's representative.
- All bidders must inspect the site and report any discrepancies to the Owner's representative.
- All specifications are subject to change due to existing conditions.
- The Owner's representative reserves the right to approve all plant material.
- All ground mounted mechanical units shall be screened on three (3) sides with living plant material.

MAINTENANCE OF GENERAL LANDSCAPE AREAS

- The Owner of the landscaping shall perpetually maintain such landscaping in good condition so as to present a healthy, neat, and orderly appearance, free from refuse and debris.
- The Owner shall conduct a seasonal landscape maintenance program including regular lawn cutting (at least once per week during the growing season), pruning at appropriate times, watering, and snow removal during winter.
- The Contractor is responsible for watering and maintenance of all seed areas until a minimum of ninety percent (90%) coverage, as determined by the Owner's representative.
- All diseased and/or dead material shall be removed within sixty (60) days following notification and shall be replaced within the next appropriate planting season or within one (1) year, whichever comes first.
- Any debris such as lawn clippings, fallen leaves, fallen limbs, and litter shall be removed from the site on a weekly basis at the appropriate season.
- All planting beds shall be maintained by removing weeds, fertilizing, and replenishing mulch as needed.
- Annual beds shall be kept free of weeds and mulched with sphagnum peat of a neutral pH as needed. Perennial beds shall be kept free of weeds and mulched with fine textured shredded bark as needed. Cut spent flower stalks for perennial plants at regular intervals.

ALL LANDSCAPE AREAS TO BE IRRIGATED.

Site Coverage Calculations:

SITE AREA	= 31,129 S.F.
OFF-STREET PARKING COVER	= 13,066 S.F.
BUILDING AREA COVER	= 5,800 S.F.
SIDEWALKS COVER	= 500 S.F.
LANDSCAPING COVER	= 11,763 S.F.

Planting Schedule:

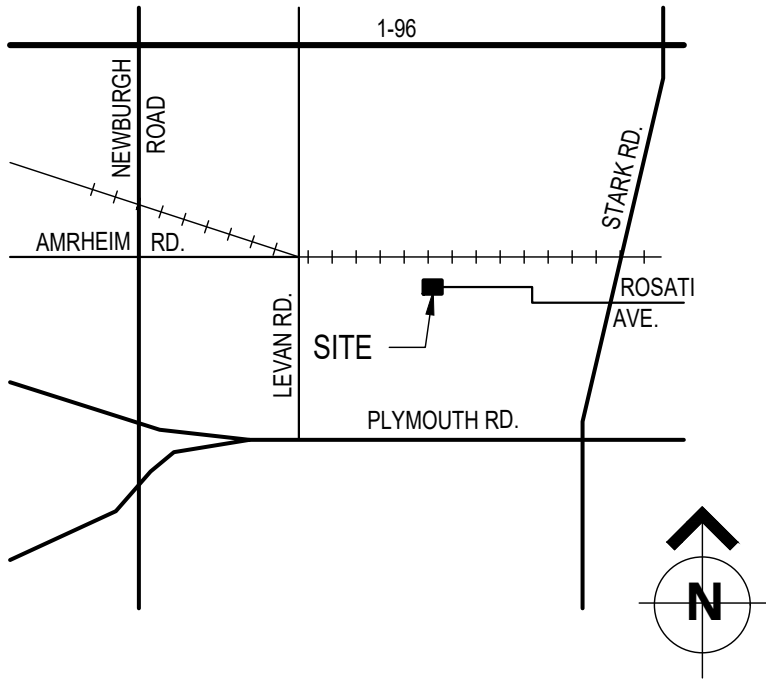
SYMBOL	COMMON NAME	QTY.	BOTANICAL NAME	HEIGHT	SIZE
AR	NORTH POLE ARBORVITAE GREEN FOLLAGE	30	THUJA	4'-0"	1 GAL.
WD	WHITE DOGWOOD	4	CORNUS FLORIDA		3" CAL.

Legal Description:

PARCEL ID# 111-03-0008-000

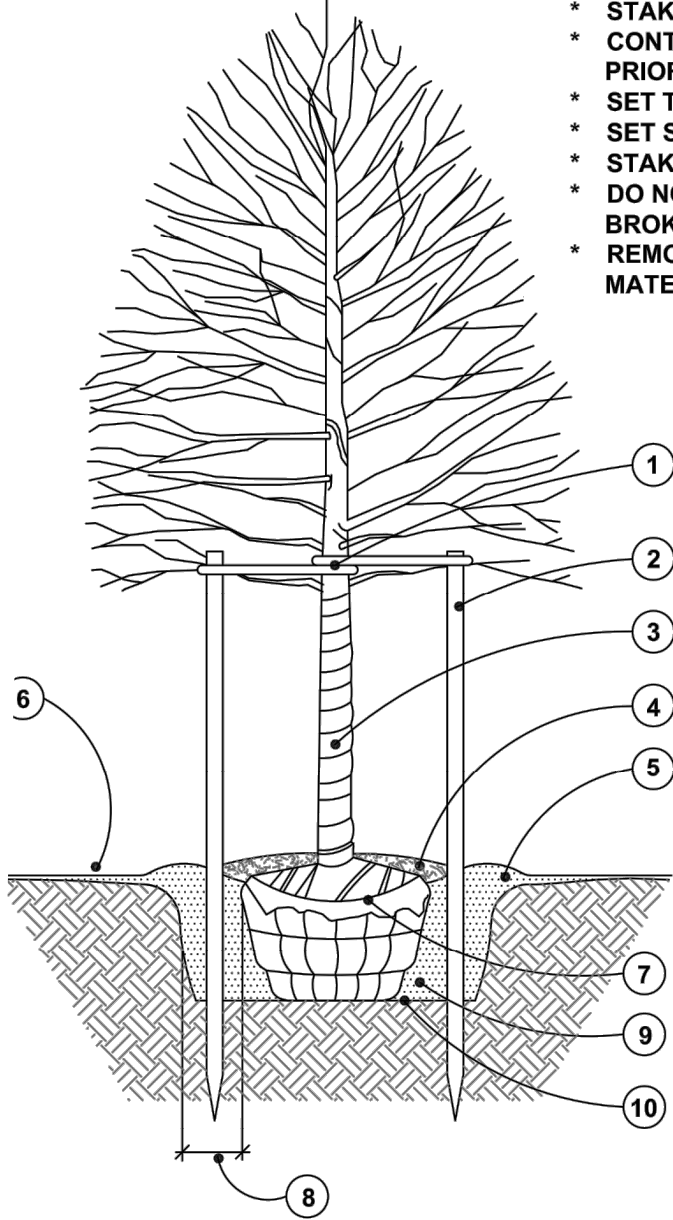
LOT 8, OF "ROSATI INDUSTRIAL PARK", A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4, 9 EAST, CITY OF LIVONIA, WAYNE COUNTY, MICHIGAN, AS RECORDED IN LIBER 122 OF PLATS ON PAGES 63-66 OF WAYNE COUNTY RECORDS, CONTAINING 0.55 ACRES OF LAND MORE OR LESS, SUBJECT TO ANY AND ALL EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.

Location Map: (NOT TO SCALE)



NOTES:

- STAKE TREES UNDER FOUR INCH (4") CALIPER.
- CONTRACTOR TO VERIFY PERCOLATION OF PLANTING PIT PRIOR TO INSTALLATION.
- SET TOP OF BALL THREE INCHES (3") ABOVE FINISH GRADE.
- SET STAKES VERTICAL & EVENLY SPACED.
- STAKES OR GUYS TO BE SECURED ABOVE THE FIRST BRANCH.
- DO NOT PRUNE TERMINAL LEADER. PRUNE ONLY DEAD OR BROKEN BRANCHES.
- REMOVE ALL TAGS, STRING, PLASTICS, AND OTHER MATERIALS THAT ARE UNSIGHTLY OR COULD CAUSE DAMAGE.



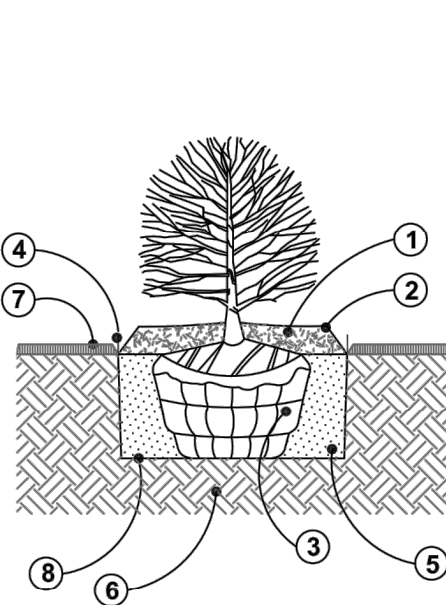
DECIDUOUS TREE

GENERAL NOTES FOR ALL PLANTINGS:

- DO NOT CUT CENTRAL LEADER.
- REMOVE ALL TAGS, STRINGS, PLASTICS, AND ANY OTHER NON-BIODEGRADABLE MATERIALS (EXCEPT LABEL FOR PLANT NAME) FROM PLANT STEMS OR CROWN WHICH ARE UNSIGHTLY OR COULD CAUSE GIRDLING.
- PLANTS SHALL BEAR THE SAME RELATION TO FINISH GRADE AS IT BORE TO THE PREVIOUS GRADE IN THE NURSERY. SET THE BASE OF THE PLANT SLIGHTLY HIGHER THAN EXISTING GRADE IF PLANTING IN CLAY SOILS.
- CENTER THE ROOTBALL IN THE PLANTING HOLE. LEAVE THE BOTTOM OF THE PLANTING HOLE FIRM. USE WATER TO SETTLE THE PLANTING MIX AND REMOVE ANY AIR POCKETS AND FIRMLY SET THE TREE OR SHRUB. GENTLY TAMP IF NEEDED.

NOTE:

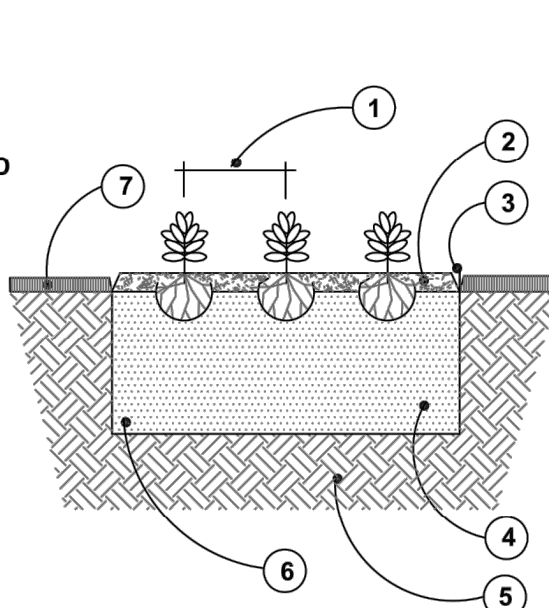
- CONTRACTOR TO VERIFY PERCOLATION OF PLANTING PIT PRIOR TO INSTALLATION.



SHRUB

NOTE:

- CONTRACTOR TO VERIFY PERCOLATION OF PLANTING PIT PRIOR TO INSTALLATION.
- PERENNIALS TO BE PLANTED UP TO THE EDGE OF THE SAUCER AROUND A TREE OR SHRUB BED.

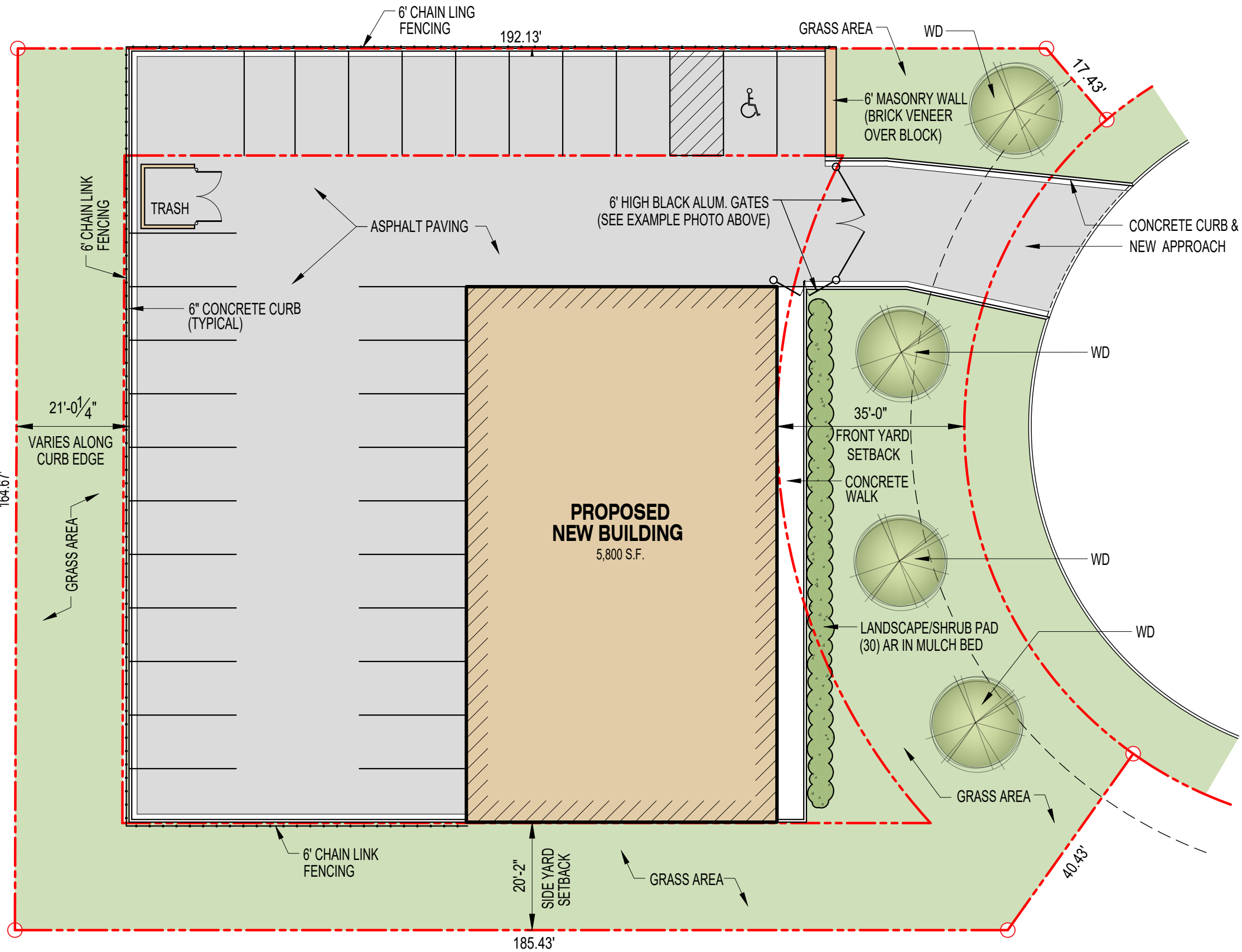


ANNUAL / PERENNIAL / GROUNDCOVER

Planting Details
NOT TO SCALE

ALL LANDSCAPE AREAS TO BE IRRIGATED.

PLANTING LOCATIONS TO BE VERIFIED IN FIELD AND SHALL NOT CONFLICT WITH UNDERGROUND AND ABOVE GROUND UTILITIES. CONTRACTOR TO BE RESPONSIBLE FOR COORDINATING FINAL LOCATIONS WITH THE OWNER PRIOR TO INSTALLATION.



Landscape Plan
Scale: 1"=20'-0"

Proposed New Building

34437 Rosati Avenue
Livonia, MI 48150
Lot 8, Rosati Industrial Park
Owner/Developer:
R & E Landscaping and Construction, LLC
34422 Rosati Avenue
Livonia, MI 48150

Arista Design, Inc.
PO Box 531507, Livonia, MI 48153
Tel: 734-812-7450

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Issued:

Drawing Title:
Landscape Plan Details

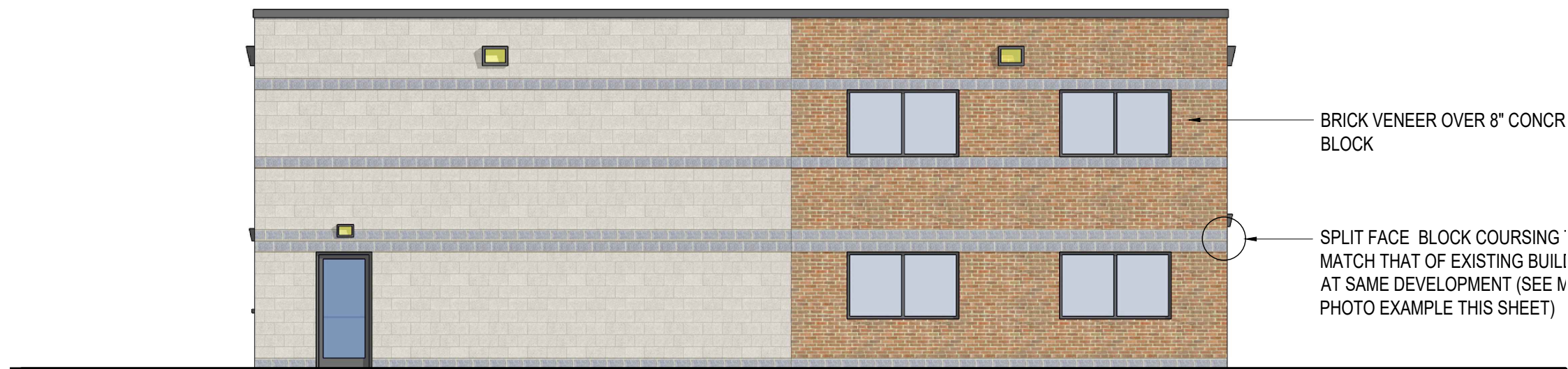
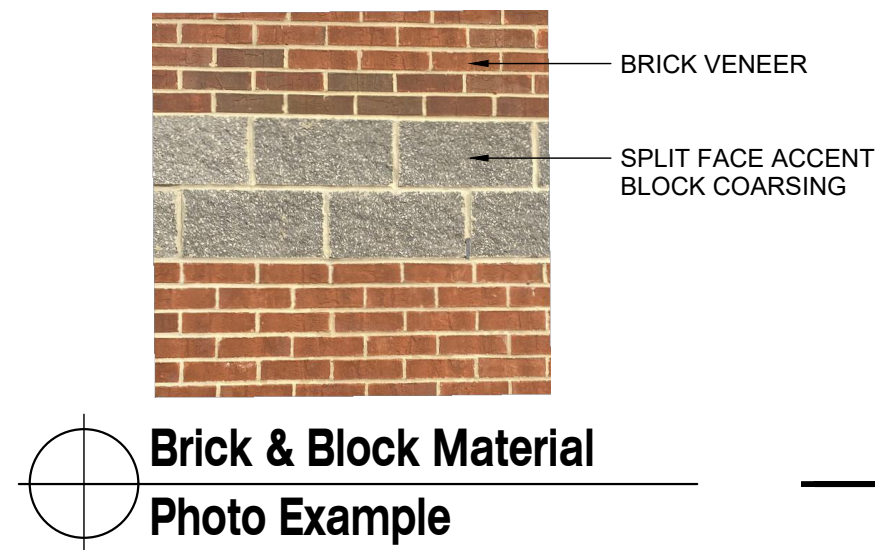
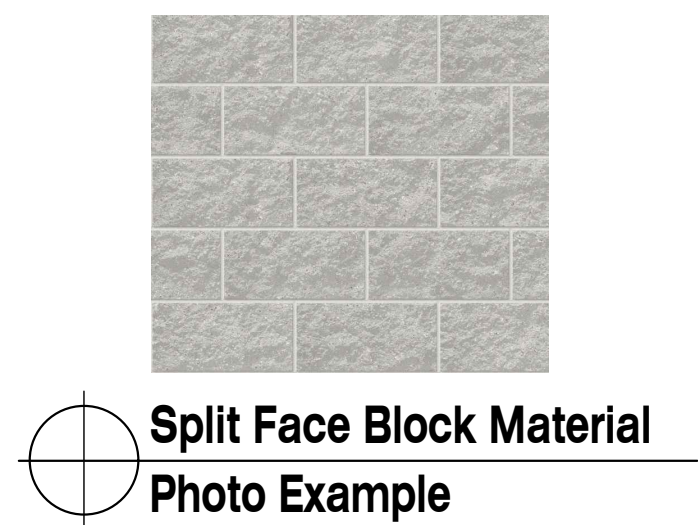
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Date: 10/28/2021

Project Number:

Sheet #:

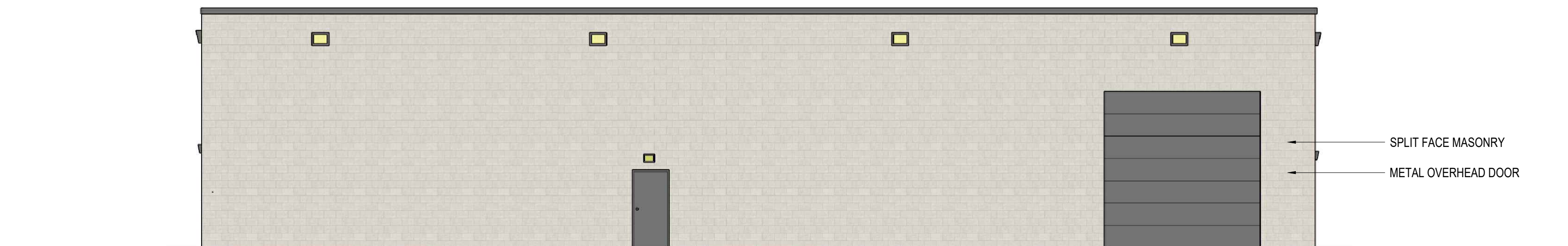
DA-3.0



South Elevation
Scale: 1/8" = 1'-0"



North Elevation
Scale: 1/8" = 1'-0"



West Elevation
Scale: 1/8" = 1'-0"



East Elevation
Scale: 1/8" = 1'-0"

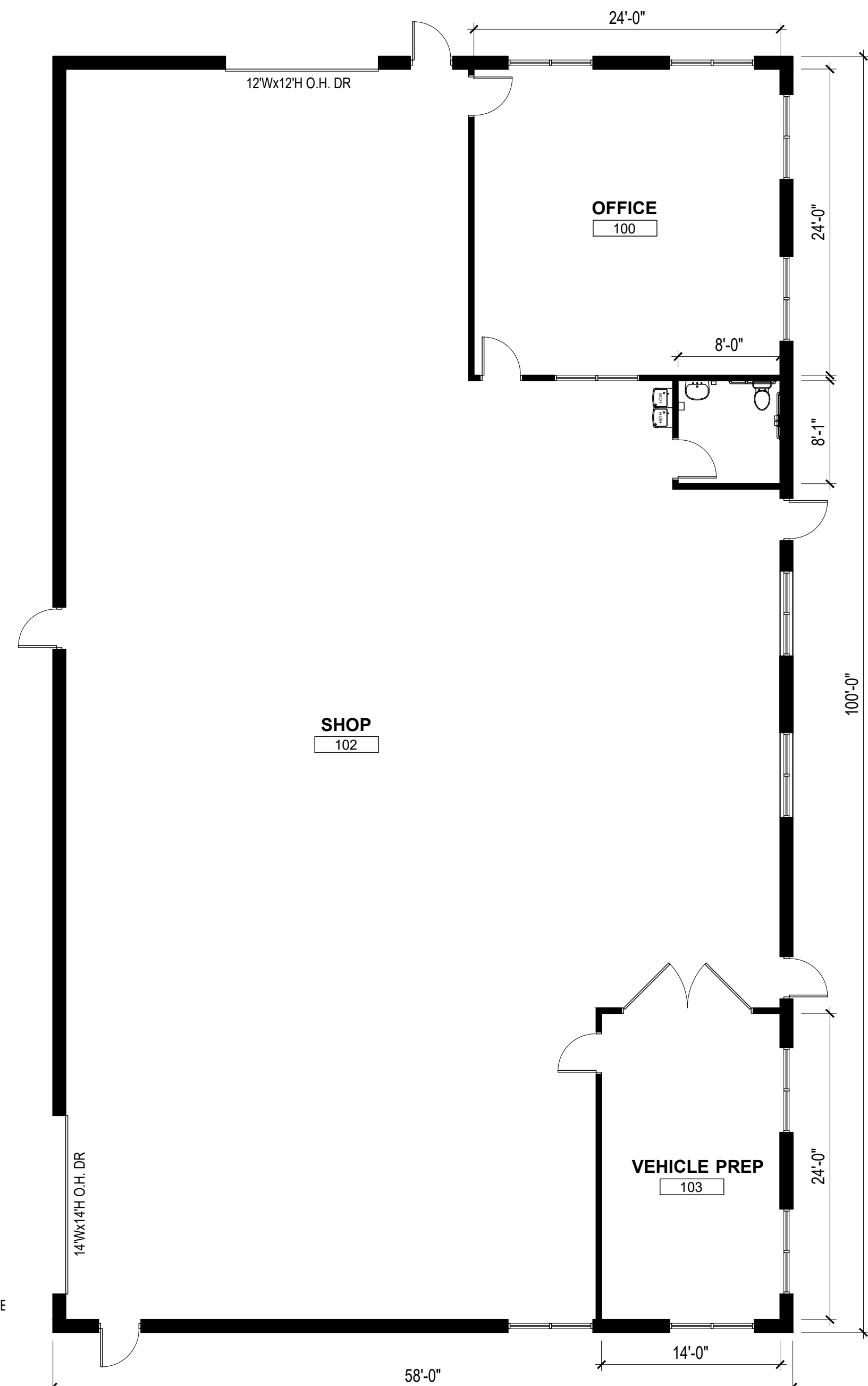
THREE WALL PACKS IN ONE
Our C-Lite Traditional-Style LED Wall Pack delivers up to 14,400 lumens. Select between four different wattages on each model and also choose your desired color temp (3000K, 4000K, or 5000K). Each model is shipped with the default setting at the highest wattage and at 4000K. Integrated battery backup option available.



PRODUCT SPECIFICATIONS

OVERVIEW

- Max. Delivered Lumens: Up to 6500 Lumens (\$6L), Up to 10,200 Lumens (\$10L), Up to 14,400 Lumens (\$14L)
- CRI: > 70
- CCT: Selectable 3000K, 4000K or 5000K
- Input Power: Up to 46W (\$6L), Up to 71W (\$10L), Up to 100W (\$14L)
- Estimated L70 Lifetime @ 25°C > 50,000 Hours
- Power Factor: > 0.9
- Total Harmonic Distortion: <20%
- Limited Warranty: 5-Year*
- Replaces: 150W PSMH (\$6L), 250W PSMH (\$10L), 400W MH (\$14L)



Floor Plan
Scale: 3/32" = 1'-0"

Proposed New Building
34437 Rosati Avenue
Livonia, MI 48150
Lot 8, Rosati Industrial Park
Owner/Developer:
R & E Landscaping and Construction, LLC
34422 Rosati Avenue
Livonia, MI 48150

Arista Design, Inc.
PO Box 531507, Livonia, MI 48153
Tel: 734-812-7450

THESE DRAWINGS, IDEAS AND DESIGNS ARE THE PROPERTY OF ARISTA DESIGN, INC. AND MAY NOT BE REPRODUCED IN ANY MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING EXPRESS WRITTEN PERMISSION FROM ARISTA DESIGN, INC.

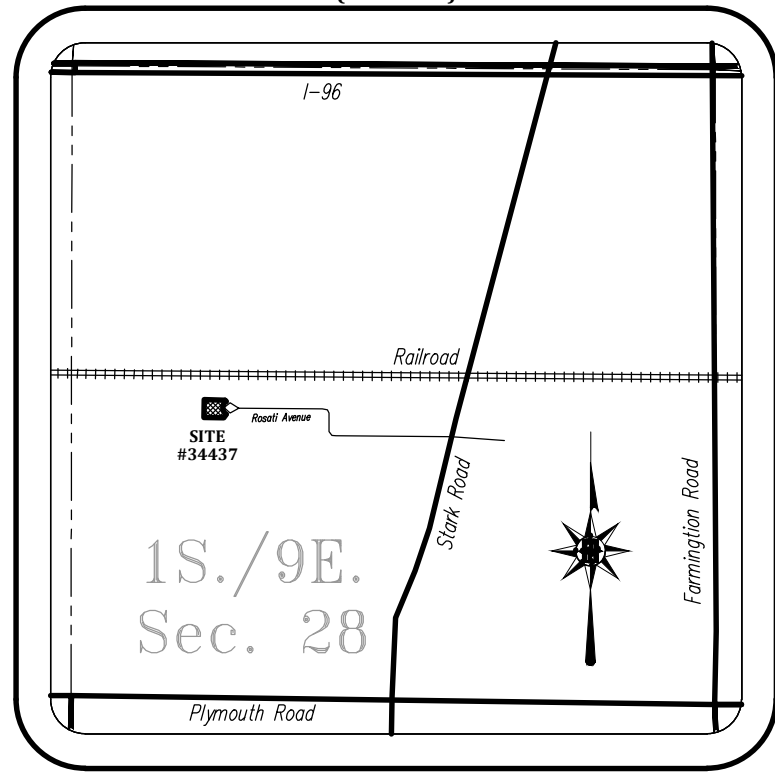


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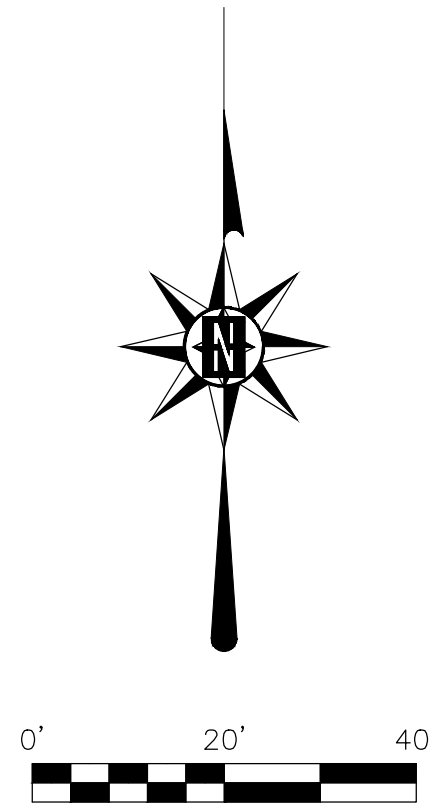
Drawing Title:
Building Floor Plan Exterior Elevations
Drawing Scale: As Shown
Date: 10/28/2021
Project Number:

Sheet #:
DA-4.0

SITE LOCATION MAP
(NO SCALE)



BOUNDARY AND TOPOGRAPHIC SURVEY
34437 Rosati Avenue



LEGEND

- FOUND MONUMENTATION
- SET MONUMENTATION
- SECTION CORNER
- RECORD MEAS.
- FIELD MEAS.
- PRORATED DIST.
- CALCULATED DIST.
- PROPERTY LINE
- SECTION LINE
- EASEMENT LINE
- PARCEL LINE
- PLATTED LINE
- FENCE LINE
- STORM SEWER
- SANITARY SEWER
- WATER LINE/MAIN
- GAS LINE/MAIN
- OVERHANG LINE
- BURIED CABLE
- BURIED ELEC.
- GAS METER
- GAS SHUT OFF
- GAS MARKER/FLAG
- WATER MANHOLE
- HYDRANT
- WATER SHUT OFF
- WATER METER
- WATER WELL
- WATER MARKER/FLAG
- STORM MANHOLE
- STORM BASIN
- STORM BEEHIVE BASIN
- STORM OUTLET
- SAN. MANHOLE
- SAN. CLEANOUT
- SAN. MARKER/FLAG
- COMM. MANHOLE
- COMM. PEDESTAL
- COMM. MARKER
- LIGHT POLE
- UTILITY POLE
- ELECTRIC MANHOLE
- POWER TRANSFORMER
- ELEC. MARKER/FLAG
- ELEC. METER
- GRND. WTR. MON. WELL
- SIGN
- AIR CONDITIONING UNIT
- FOUND CONC. MON.
- FOUND IRON ROD
- FOUND CAPPED IRON
- BACK OF CURB
- TOP OF CURB
- CURB OUTLET
- HIGH POINT
- LOW POINT
- FINISHED GRADE
- FINISHED FLOOR
- MATCH EX. GRADE
- AS-BUILT MEAS.
- POINT OF CURVE
- POINT OF REV. CURVE
- POINT OF COMP. CURVE
- RIGHT OF WAY
- POINT OF BEGIN
- POINT OF COMMENCE
- EX. SPOT ELEVATION
- PROPOSED ELEVATION
- DECIDUOUS TREE
- EVERGREEN TREE

BENCHMARK:

THE NORTH RIM OF A STORM
MANHOLE LOCATED 26.9 FEET WEST
AND 20.4 FEET NORTH OF THE
EAST MOST PROPERTY CORNER.

ELEVATION = 662.55 NAVD88

ZONING REQUIREMENTS

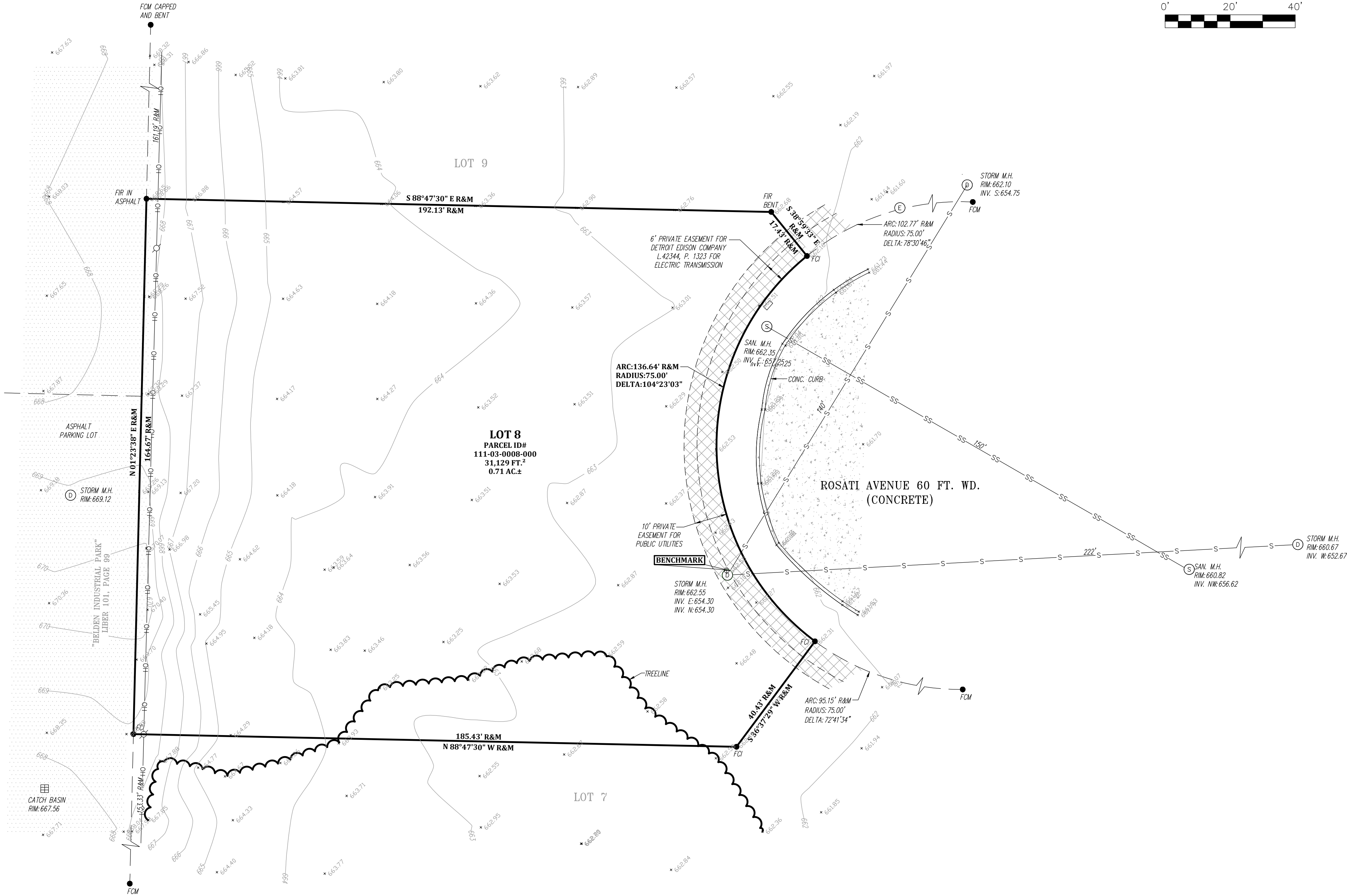
M-1 LIGHT MANUFACTURING

- LOT - MIN. AREA: N/A
- MIN. WIDTH: N/A
- COVERAGE - MAX. BLD.: N/A
- MAX. IMP.: N/A
- SETBACKS - FRONT YARD: 50 FT.
- REAR YARD: 20 FT.
- SIDE YARD: 20 FT.
- SIDE TOTAL: 20 FT.
- HEIGHT - MAX. BLD.: 50 FT.
- EXISTING CONDITIONS
- LOT - AREA: 31,129 FT.²
- WIDTH: 164 FT.
- COVERAGE - BLD.: VACANT
- IMP.: VACANT

LEGAL DESCRIPTION

PARCEL ID# 111-03-0008-000

LOT 8, OF "ROSATI INDUSTRIAL PARK", A SUBDIVISION OF
PART OF THE SOUTHEAST ¼ AND SOUTHWEST ¼ OF SECTION
28, TOWN 1 SOUTH, RANGE 9 EAST, CITY OF LIVONIA, WAYNE
COUNTY, MICHIGAN, AS RECORDED IN LIBER 122 OF PLATS ON
PAGES 63-66 OF WAYNE COUNTY RECORDS, CONTAINING 0.71
ACRES OF LAND MORE OR LESS, SUBJECT TO ANY AND ALL
EASEMENTS OR RIGHT OF WAYS OF RECORD IF ANY.



Boundary & Topographic Survey

LOT 8, OF "ROSATI INDUSTRIAL PARK", BEING PART OF THE S.E. ¼ AND
S.W. ¼ OF SEC. 28, T.1S., R.9E., CITY OF LIVONIA, WAYNE CO., MICH.



SECTION: S.E. 1/4 Sec. 28 DATE: 05/18/21
TN./RGE.: 1S./9E. PROJ. #: 021-075
CITY/TWP: Livonia DWG. BY: VP/JCP
COUNTY: Wayne 1 INCH = 20 FEET

CLIENT:
Arista Design, Inc. - Bill Moustakas
P.O. Box 531507
Livonia, MI 48153
PAGE # 1 OF 1

I, Michael J. Nowry, a Professional Surveyor in the State of Michigan do hereby
Certify that the parcel of land described and delineated herein has been surveyed
under my supervision, that the plat herein is a true representation of the survey as
performed, that the error of closure is no greater than 1 in 5000 and that I have
fully complied with the requirements of Section 3, Public Act 132 of 1970.

Michael J. Nowry Professional Surveyor # 52472









CORRESPONDENCE

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

TODD J. ZILINCIK, P.E.
CITY ENGINEER

DAVID W. LEAR, P.E.
ASST. CITY ENGINEER



MAUREEN MILLER BROSNAN
MAYOR

DONALD R ROHRAFF
DIRECTOR OF PUBLIC WORKS

12973 FARMINGTON ROAD
LIVONIA, MICHIGAN 48150
(734) 466-2571
FAX: (734) 466-2195

November 12, 2021

Mr. Scott Miller
Planner IV
City of Livonia

Re: Petition 2021-10-02-22 – #34437 Rosati Avenue

Dear Mr. Miller:

In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no objections to the proposed waiver use at this time. The subject parcel is assigned the address of **#34437 Rosati Avenue**.

The existing parcel currently has access to public water main, sanitary sewer and storm sewer within the Rosati Avenue right-of-way. The developer will need to meet current Engineering requirements for the proposed project, including storm water detention per the latest version of the Wayne County Storm Water Ordinance.

It should be noted that the parcel is within an area being investigated for soil and groundwater contamination. As a result, the developer may be required to provide special provisions under the slab of the new structure to protect against vapor intrusion or groundwater interface. Final requirements will not be known until the investigation has been completed, but until that time the developer may want to contact the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for more details.

Should you have any additional questions on this matter, please feel free to contact myself at (734) 466-2608 or the City Engineer, Mr. Todd Zilincik at (734) 466-2561. If you would prefer, you can e-mail either of us at dlear@livonia.gov or tzilincik@livonia.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "David W. Lear".

David W. Lear, P.E.
Assistant City Engineer

cc: 2021 Petition File

DEPARTMENT OF PUBLIC SAFETY
LIVONIA FIRE & RESCUE

DAVE HEAVENER
FIRE CHIEF



MAUREEN MILLER BROSNAN
MAYOR

14910 FARMINGTON ROAD
LIVONIA, MICHIGAN 48154-5419
734-466-2444
734-466-2082 fax

DATE: November 11th, 2021
TO: Scott O. Miller, Planner IV
FROM: Livonia Fire Prevention Division
SUBJECT: Petition 2021-10-02-22, Excellerated Towing & Recovery, 34437 Rosati Ave

This office has reviewed the site plan submitted in connection with a request to construct a commercial building on property located at the above referenced address.

We have no objections to this proposal.

Sincerely,

Greg Thomas

Greg Thomas
Fire Marshal

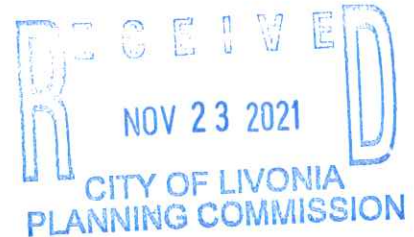
DEPARTMENT OF PUBLIC SAFETY
DIVISION OF POLICE

CURTIS CAID
CHIEF OF POLICE



MAUREEN MILLER BROSNAN
MAYOR

15050 FARMINGTON ROAD
LIVONIA, MICHIGAN 48154-5499
(734) 466-2470
FAX: (734) 261-2265



November 18, 2021

Mr. Scott O. Miller
Planning Commission
33000 Civic Center Drive
Livonia, MI 48154

Petition 2021-10-02-22 - 34437 Rosati Avenue

Dear Mr. Miller,

I have reviewed the plans in connection with the petitions. I have no objections to the proposals.

Please feel free to contact me should you have any questions.

Sincerely,

FOR THE CHIEF OF POLICE

Scott Sczepanski #543
Scott Sczepanski, Sergeant
Traffic Bureau
(734) 466-2107

INSPECTION DEPARTMENT

BUILDING
HEATING
PLUMBING
ELECTRICAL
ZONING
SANITATION
ENVIRONMENTAL PROTECTION
ORDINANCE ENFORCEMENT



MAUREEN MILLER BROSNAN
MAYOR

JEROME A. HANNA
DIRECTOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2580
FAX: (734) 466-2095

Date: November 22, 2021

To: Scott O. Miller

From: Jerome Hanna

RE: Petition 2021-10-02-22 – 34437 Rosati Avenue

Pursuant to your request, the above referenced Petition has been reviewed.

1. A variance from the Zoning Board of Appeals would be required to maintain the deficient front yard setback. The required minimum front yard setback is 50 feet.

This Department has no further objections to this Petition.

I trust this provides the requested information.

Jerome Hanna

Jerome Hanna
Director of Inspection

DEPARTMENT OF FINANCE

Michael T. Slater
DIRECTOR OF FINANCE

Connie Kumpula
CHIEF ACCOUNTANT



MAUREEN MILLER BROSNAN
MAYOR

33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3097
(734) 466-2260
FAX: (734) 421-1807

November 16, 2021

Mr. Scott O. Miller
Planning Commission
33000 Civic Center Drive
Livonia, MI 48154

Petition 2021-10-02-22 - 34437 Rosati Avenue

Dear Mr. Miller,

I have reviewed the address connected with the above noted petition. As there are no outstanding amounts receivable (general or water and sewer), I have no objections to the proposal.

Please contact me if you have any further questions.

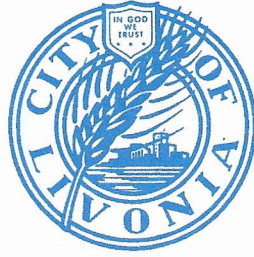
Very truly yours,


Connie Kumpula
Chief Accountant

CK: jw

OFFICE OF THE TREASURER

LYNDA L. SCHEEL
CITY TREASURER



33000 CIVIC CENTER DRIVE
LIVONIA, MICHIGAN 48154-3060
(734) 466-2245
FAX: (734) 421-7230

November 15, 2021

Mr. Scott Miller – Planner IV
Planning Commission
City of Livonia

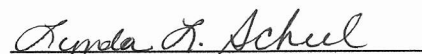
Re: Petition 2021-10-02-22

34437 Rosati Avenue

Dear Mr. Miller,

In accordance with your request, the Treasurer's Office has reviewed the name and addresses connected with the above noted petition. At this time there are no taxes due, therefore I have no objections to the proposal.

Sincerely,


Lynda L. Scheel
Treasurer, City of Livonia

**OTHER ITEMS
RELATED TO THE
PETITION**

UNAPPROVED MINUTES

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MINUTES OF THE 1,179th PUBLIC HEARINGS AND REGULAR MEETING HELD BY THE CITY PLANNING COMMISSION OF THE CITY OF LIVONIA

On Tuesday, November 30, 2021, the City Planning Commission of the City of Livonia held its 1,179th Public Hearing and Regular Meeting in the Livonia City Hall, 33000 Civic Center Drive, Livonia, Michigan.

Mr. Ian Wilshaw, Chairman, called the meeting to order at 7 p.m.

Members present:	Betsy McCue	David Bongero	Sam Caramagno
	Carol Smiley	Peter Ventura	Ian Wilshaw

Members absent: Glen Long

Mr. Mark Taormina, Planning Director, and Stephanie Reece, Program Supervisor, were also present.

Chairman Wilshaw informed the audience that if a petition on tonight's agenda involves a rezoning request, this Commission makes a recommendation to the City Council who, in turn, will hold its own public hearing and make the final determination as to whether a petition is approved or denied. The Planning Commission holds the only public hearing on a request for preliminary plat and/or vacating petition. The Commission's recommendation is forwarded to the City Council for the final determination as to whether a plat is accepted or rejected. If a petition requesting a waiver of use or site plan approval is denied tonight, the petitioner has ten days in which to appeal the decision, in writing, to the City Council. Resolutions adopted by the City Planning Commission become effective seven (7) days after the date of adoption. The Planning Commission and the professional staff have reviewed each of these petitions upon their filing. The staff has furnished the Commission with both approving and denying resolutions, which the Commission may, or may not, use depending on the outcome of the proceedings tonight.

ITEM #2 PETITION 2021-10-02-22

Century 21 ROW

Mr. Caramagno, Secretary, announced the next item on the agenda, Petition 2021-10-02-22 submitted by Century 21 ROW requesting waiver use approval pursuant to Section 6.58 of the Livonia Vision 21 Zoning Ordinance to construct and operate a vehicle tow yard (Excellerated Towing & Recovery) at 34437 Rosati Avenue, located on the west side of Stark Road just south of the CSX Railroad in the Southwest ¼ of Section 28.

Mr. Taormina: This is a request to construct and operate a vehicle tow yard at the west end of Rosati Avenue, which is on the west side of Stark Road, just south of the CSX railroad. Rosati Industrial Park sub-division was officially created in 2006. This industrial park consists of 15 lots. As you can see, the zoning is M-1 (Light Manufacturing). The subject property is described as Lot 8 of Rosati Industrial Park. This lot contains a land area of approximately 31,000 square feet, or roughly .7 acre. Lot 8 is at the west end of a cul-de-sac. The front lot line along the street measures roughly 136.6 feet. The average width of the lot at the building line is approximately 165 feet. Lot 8 is surrounded by other industrial zoned parcels. The closest residential district is located roughly 155 feet to the south. Vehicle tow yards are restricted to M-1 and M-2 districts, where they are treated as a waiver-use. Except for the front yard setback, the ordinance requires that the entire lot area be enclosed with a fence. The site plan for Excellerated Towing shows a 5,800 square foot building that would be located near the front of the lot. The fenced-in parking lot would at the rear and along the north side of the property. The parking lot shows 31 parking spaces, including one barrier-free space. The minimum required building setback is 50 feet. The plan shows the building with a 35-foot setback, which previous to the adoption of the Livonia Vision 21 Zoning Ordinance last summer, would have been conforming. Unfortunately, a special setback provision that applied only to industrial parks did not carry over from Ordinance 543 to the new zoning ordinance. Section 16.10(a) of Ordinance 543 provided that when an industrial building fronted on an internal road within a park, the front yard shall be at least 60 feet as measured from the centerline of the street. As applied in this case, the building would be conforming under Ordinance 543. The Planning Department does intend to amend the current zoning ordinance to include this language, however, because this will take several months to complete, the only options available at this time would be either to seek a variance or move the building back 15 feet. Required parking is based on a ratio of one space for every 500 square feet of building floor area. The proposed facility requires 12 parking spaces for employees and customers. The facility, as we understand would have five employees. The site plan shows 31 spaces that would be available to employees, customers, the tow trucks, as well as the recovered vehicles. As specified in the requirements for waiver-use approval, the entire parking lot would be completely enclosed with a six-foot-high chain-link fence. The yard's access gate, which is located in the northeast corner, would be constructed out of six-foot-high black wrought

iron type fencing. The building would be constructed out of a combination of both brick and split-face block. As you can see from the elevation plans, there are windows shown along the front and portions of the side elevations of the building. The rear and north side would contain overhead doors. The height of the building is shown as roughly 22 feet. We believe it is a single-story building, but unsure whether it would contain a mezzanine. The floor plan that was submitted with the application shows that the space would include a large shop area, an office, a vehicle prep room, and a restroom. A dumpster is shown along the west side of the property. This would be fully enclosed. The details show that it would be enclosed by walls that would be six-feet in height and constructed out of 8-inch split face block. Swing gates would be constructed out of solid corrugated aluminum. For lighting, LED wall packs are shown along the top of the building. These would be the only type of security lights for the site. No light poles are shown. A landscaping plan was provided showing four white dogwood trees that would be planted along the front in the right-of-way, as well as arborvitae and grass. This site would be allowed one wall sign not to exceed 100 square feet in total area. With that, Mr. Chairman, I can read out the departmental correspondence.

Mr. Wilshaw: Yes, please.

Mr. Taormina: The first item is from the Engineering Division, dated November 12, 2021, which reads as follows: *"In accordance with your request, the Engineering Division has reviewed the above referenced petition. We have no objections to the proposed waiver use at this time. The subject parcel is assigned the address of #34437 Rosati Avenue. The existing parcel currently has access to public water main, sanitary sewer and storm sewer within the Rosati Avenue right-of-way. The developer will need to meet current Engineering requirements for the proposed project, including storm water detention per the latest version of the Wayne County Storm Water Ordinance. It should be noted that the parcel is within an area being investigated for soil and groundwater contamination. As a result, the developer may be required to provide special provisions under the slab of the new structure to protect against vapor intrusion or groundwater interface. Final requirements will not be known until the investigation has been completed, but until that time the developer may want to contact the Michigan Department of Environment Great Lakes, and Energy (EGLE) for more details."* The letter is signed by David W. Lear, P.E., Assistant City

Engineer. The next letter is from the Livonia Fire & Rescue Division, dated November 11, 2021, which reads as follows: *"This office has reviewed the site plan submitted in connection with a request to construct a commercial building on property located at the above referenced address. We have no objections to this proposal."* The letter is signed by Greg Thomas, Fire Marshal. The next letter is from the Division of Police, dated November 18, 2021, which reads as follows: *"I have reviewed the plans in connection with the petition. I have no objections to the proposal."* The letter is signed by Scott Sczepanski, Sergeant, Traffic Bureau. The next letter is from the Inspection Department, dated November 22, 2021, which reads as follows: *Pursuant to your request, the above referenced Petition has been reviewed. 1. A variance from the Zoning Board of Appeals would be required to maintain the deficient front yard setback. The required minimum front yard setback is 50 feet. This Department has no further objections to this Petition."* The letter is signed by Jerome Hanna, Director of Inspection. The next letter is from the Finance Department, dated November 16, 2021, which reads as follows: *"I have reviewed the addresses connected with the above noted petition. As there are no outstanding amounts receivable, general or water and sewer, I have no objections to the proposal."* The letter is signed by Connie Kumpula, Chief Accountant. The next letter is from the Treasurer's Department, dated November 15, 2021, which reads as follows: *"In accordance with your request, the Treasurer's Office has reviewed the address connected with the above noted petition. At this time, there are no outstanding amounts receivable for taxes. Therefore, I have no objections to the proposal."* The letter is signed by Lynda Scheel, Treasurer. That is the extent of the correspondence.

Mr. Wilshaw: Thank you. Are there any questions of the Planning Director?

Mr. Caramagno: Mark, what other junk yards, towing yards have we got in the city right now?

Mr. Taormina: I can only think of two. Livonia Towing is the main tow yard, and then Ross Towing located on Inkster Road. I am not sure of the status of that particular tow yard which was approved by the Zoning Board of Appeals some number of years ago.

Mr. Caramagno: Thank you.

UNAPPROVED MINUTES

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Mr. Wilshaw: Thank you, Mr. Caramagno. Mr. Taormina, maybe this is a question for the petitioner, but how is the public supposed to access the parking spaces if the gate is in front of the parking spaces?

Mr. Taormina: I think we are going to defer that question to the petitioner. This question came up at the study meeting and it was passed on to the owners. I believe they are prepared to respond to that question.

Mr. Wilshaw: Great. We will make sure to ask them. Thank you. If there are no other questions for our planning staff, I will go to our petitioner who can come forward to our podium and we will ask that you start with your name and address for our record.

Terry Sever, Century 21 ROW, 1883 Teakwood, White Lake, MI, 48383. I am actually the petitioner and an agent with Century 21 ROW. I have been working on this industrial subdivision for the last year and a half.

Mr. Wilshaw: Thank you, sir.

Mr. Sever: I think the record has me, my business, Century 21 here in Livonia at Six Mile and Middlebelt. We are locally run. First of all, the question regarding the access. At the time I was at the study session, I wasn't completely sure of how that...how to answer that. The owner of the towing company would be happy to address it. The simple answer is that their operation is going to run from 8:00 a.m. in the morning to 4:00 p.m. in the afternoon. When they are open the fence will be open. When they close up and leave then the fence will be closed. So, there was some discussion about doing a design with the parking spots outside, but there really isn't a need to do that. I don't think they want to encourage people come in there and parking. The other thing is because it is such a secluded end of the road, it would probably be a half-mile road. At the end of it, it has become a fairly popular lovers lane type setup. They don't want to encourage that. With regard to the DEQ issue, Eagle, we have already communicated with them. The Engineering Department has talked to them. Ron Emling, who is back here, he is the owner of the property, and he has already built the house, or I mean a building almost the exact same design, except his is turned completely different than the one you see we did. From left to right so that we could screen the back as much as possible. He has one on Lot 12 and he met the requirements that Eagle was looking for. There hasn't been any

issue because the footings are above the ground water and all that kind of stuff. We believe that this is a very good site. From a service standpoint and a planning standpoint, there is probably not enough towing businesses in a community with all of the expressways and service. I know that I had a personal experience in trying to get my vehicle and it was not easy because the towing company had a second yard that was on Telegraph in Redford, and it was very difficult. In the end they said well you can come pick it up and we will push it outside the fence. I think it will be helpful for residents that do get a tow and do have an accident. He will address this, but his business is primarily call insurance work, and things like that. He doesn't do abandoned vehicles. Occasionally, maybe once a year or something, he may get that call from a private owner, but he is not in the business of creating a junk yard and bringing vehicles in and have them sit there for a length of time or sell spare parts and all that kind of stuff. He is really more into towing. When we had the floods along the expressway, he did have to pick up some vehicles with some residents that lived in Livonia. The insurance settlement and all of that took maybe 90 days, so he has areas where he has somebody come in and look at the vehicle. They end up totaling it because of the contaminated water in the flooded areas on the expressway. Other than that, I think this is a good fit for the city. We have taken care and tried to address the screening part of it. With that, I will let you...I will introduce Mike. Mike is the towing operator, and he will be happy to answer any questions.

Mr. Wilshaw: Thank you, Mr. Sever. Good evening, sir.

Michael Fields, 14310 21 ½ Mile Road, Marshall, MI.

Mr. Wilshaw: Thank you for coming tonight. Is there anything else you would like to tell us about your business?

Mr. Fields: I think Mr. Sever pretty much covered everything that we do. I guess we need to reiterate that we are not a salvage yard. We are not a scrap yard. We don't do any of those things. That is not our business. The majority of our business is road service. So, changing flat tires, jump starts, fuel delivery, and any vehicles that are going to be on the property are basically designed to be there for short amounts of time. It is not profitable for our business to store inoperable vehicles. The owners, when they have accidents or what have you, and the vehicle needs to go through a claim, the goal is to get it to a

UNAPPROVED MINUTES

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dealership or repair shop as soon as possible so they can move forward with their life and be back in their vehicle.

Mr. Wilshaw: Great. Thank you. Let's see if we have any questions from any of our commissioners for you.

Ms. Smiley: Good evening. So, like AAA would call you or how would I know how to call you?

Mr. Fields: Exactly. We have contractor rates with AAA, Agero, Nationsafe Drivers, and probably over 50 motor clubs that we work for. GM Roadside Assistance and things of that nature. So, a lot of our calls come in through Vehicle Tow Books. It is an app that all of the towing companies use. Also, we do Google advertising as well. So, for example, if you were in a situation and you needed a tow and you didn't know how to get a tow, a lot of people would do what is really common and Google tow truck near me and a lot of times we will come up and it is another way to service the citizens.

Ms. Smiley: Okay, and then there was a...when we were talking about this plan, they said you could move the building back 15 feet or get a variance. Which way are you going to go with that?

Mr. Fields: To be honest you...

Mr. Sever: Let me respond to that. Let's come back.

Ms. Smiley: Okay. You said you are only open from 8 to 4?

Mr. Fields: 8 to 4 Monday through Friday.

Ms. Smiley: Monday through Friday, so if I...what happens if I have an accident on Saturday?

Mr. Fields: Well, that is our office hours. 8 to 4. If you have an accident, we are a 24-hour service. That doesn't mean that our trucks stop running after that. That just means at four o'clock there is no need to tow a vehicle out because a lot of the facilities that would accept vehicles they close. Their primary hours basically 8 to 5. Generally, it takes us 45 minutes to get a car loaded and delivered in a reasonable area. That is why our hours are 8 to 4 and many dealerships are not open on Saturday and definitely not on Sunday. That is why.

UNAPPROVED MINUTES

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Ms. Smiley: So, if I was in an accident, I would call you. You wouldn't fix it but on Monday through Friday I could come and get my car, or my car insurance adjustor could come and look at it?

Mr. Fields: Exactly. That is how.

Ms. Smiley: You would take it somewhere to be fixed, but not you.

Mr. Fields: We would take it somewhere. To a shop of your choice or your insurance company...wherever they would like it to go. Sometimes vehicles are unable to be repaired. They will settle with a salvage yard like Co-Part or IAA and they will come and pick the vehicle up so the claim will be settled before the vehicle even leaves our facility.

Ms. Smiley: Thank you, sir.

Mr. Wilshaw: Thank you, Ms. Smiley. Any other questions for our petitioner?

Mr. Caramagno: Do you own the property now or is this pending an approval to open up a tow yard there?

Mr. Fields: It is pending approval.

Mr. Caramagno: I missed the study session and looked at some of the notes here and you have got a couple yards. You have a yard out in Redford?

Mr. Fields: Correct.

Mr. Caramagno: What do you plan to do with that yard?

Mr. Fields: We will consolidate everything to Livonia. We want all of our business to be in one central location where our trucks are stored, and a majority of our work is actually in Livonia, Farmington, and Bloomfield. So, it is right in that western cul-de-sac and that is better for our business.

Mr. Caramagno: Now, the work you have, you said the majority of the work you have got, is that based upon where your calls come from or do have contracts with Livonia? Or Farmington Hills?

Mr. Fields: Correct. We do not have any police contracts or anything like that. The area that we service is noted via satellite with Google. That is how all of our roadside assistance companies know our

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area and we have a range in which we work. We have a 20-mile range.

Mr. Caramagno: Okay. Wrecked cars, abandoned cars...how do you track them in your yard so that they don't stay there for four, five, or six years? How do you know that?

Mr. Fields: With wrecked cars there is usually no need to track it because if it comes through on an insurance type claim, the adjustors will notify usually within 24-hours of the accident. It is tracked automatically by the owner and the insurance company.

Mr. Caramagno: Okay, so say someone doesn't have insurance and we know there are many that don't. They wreck their car on Five Mile Road. You get the call to come get it.

Mr. Fields: Correct.

Mr. Caramagno: How do you purge that car? How do you get rid of that car when it is in limbo and no insurance?

Mr. Fields: It is one of three ways that that happens. First, the owner wants to redeem their vehicle so that they can seek repairs. Two, they will forward the title to us, and we will take it over to GLR which is literally across the street from this location. Then it would be dismantled by them. We don't do any dismantling. That is two ways. The third way is the longest way. That is where you file for title. Once it goes into a system, a database...the State of Michigan database, usually within 30 to 45 days you obtain a TR52. That is application for title. At that point in time, you either sell the car through auction or you dispose of it at GLR. Once again, our option will be to dispose of it at GLR.

Mr. Caramagno: Okay. How do you treat fluids that leak out of these cars? Oil. Antifreeze. How do you handle that?

Mr. Fields: Fortunately, and unfortunately, by the time the car gets to our yard at this site, it has leaked all of its fluids right then and there. So, at that point in time we do clean up the site because all of our trucks are equipped with Floor Dry, foam and mats to recover and secure all fluids. Once again, once the vehicle gets to our yard it is empty.

Mr. Caramagno: Okay. How long have you been in business?

Mr. Fields: I have been towing now for close to 30 years.

Mr. Caramagno: Thank you.

Mr. Fields: Your welcome.

Mr. Wilshaw: Thank you, Mr. Caramagno. Mr. Ventura?

Mr. Ventura: I noticed on the floor plan that you provided to us that there is a vehicle prep area in the building. What happens there?

Mr. Fields: A lot of stuff. In that area trucks will be washed or serviced. Our own personal trucks. We are not open to the public. We are not looking to do any repairs or anything like that to public vehicles.

Mr. Ventura: So, that is strictly for your own?

Mr. Fields: Yes. That is strictly for us.

Mr. Ventura: You are not doing any repairs?

Mr. Fields: Absolutely not.

Mr. Ventura: Okay. How many vehicles do you pick up on a weekly basis?

Mr. Fields: Pick up and house, I would say on an average week probably 2 to 5 at the most. Normally, anything that comes in, it pretty much goes out the next day. For example, if there was an accident and it happened after hours, and we picked it up, by the next day the insured or the insurance company either wants one or two things to happen. They want the claims adjuster to come by and evaluate the damages to see if it is repairable or totaled and then two, the owner wants the vehicle to be repaired as soon as possible because many of these cars' people are still paying a car payment and insurance. Everyone is wanting to get their vehicle moved expeditiously.

Mr. Ventura: Are there instances where you pick up a car and it doesn't come to your facility? It goes directly to...

Mr. Fields: A lot of times that is exactly what happens. Let's say for example, an accident occurs 12:30pm or 1:00 pm in the afternoon, there is ample amount of time for that vehicle to go to a dealership or repair facility and a lot of times that is exactly what will happen.

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- Mr. Ventura: Great. Thank you. I guess I have a question for Mr. Sever. I don't understand your role here, sir. Are you the developer of the property? Are you going to own the building? How do you fit in?
- Mr. Sever: I am the agent that was involved in putting together the offer to purchase and I represent the fellow selling the property and is going to build it. So, I just represented...
- Mr. Ventura: So, when you say you have been working on this for a while as an agent to put the deal together, not in terms of....
- Mr. Sever: I am sorry. What I was referring to was the industrial subdivision that totals 15 or 16 lots. Selling them one at a time.
- Mr. Ventura: Okay.
- Mr. Sever: There is other buildings that are in the process and have been submitted to Engineering for building. This one, because it is a towing, there was a waiver required. The other ones are not required. They meet the ordinance so there is no reason to be here for those, but I have background local government process and stuff so, as an agent I get involved and help the owners move through the process.
- Mr. Ventura: I understand. Thank you. I got it. Thank you.
- Mr. Wilshaw: Thank you, Mr. Ventura. Mr. Sever, was there another question that you were going to answer?
- Mr. Sever: I want to address the setback. I kind of surprised Mark threw it at him tonight, but from my experience and what knowledge I have, this site plan was approved with full engineering and building envelopes and everything back in like he said, 2006. At that point in time site plan was approved for specific setbacks, which I think called for a 60 foot from the center of the road. My question will be to the City Attorney is that that should have been grandfathered in, particularly since the owner of that site plan and the property built the road, put the utilities in, and built a couple buildings. It would probably be unreasonable to...like any subdivision to move the setbacks once a development has started. So, if I am wrong on that and it is not agreed upon from a grandfathered end standpoint, then we will most like go and take that information and go for a variance. We would prefer to keep the building where it is at, because it allows the additional 10 feet to the back of the lot. It doesn't affect any aesthetics or

any type of site distance and eyesore and stuff like that. We have a great deal of jobs there. There was at one time a proposed site plan, conceptual, where the building went long ways, so the frontage was only 58 feet. We redesigned it so that we would actually have about 100 feet of frontage. We will pursue it with whichever makes...whichever we have to do in terms of it, but...

Mr. Wilshaw: Sure. That makes sense. I think we understand kind of how things came about to where we are right now, given our ordinance change that happened recently and we will do what we need to do to rectify that.

Mr. Sever: Typically, ordinances, when they are amended, they don't go retroactive back 10 or 15 years so, that would be rather unusual, but whatever we need to do to get through it is what we will do.

Mr. Wilshaw: Sounds great. Thank you. Is there any other questions for our petitioner or their representatives? Mr. Taormina?

Mr. Taormina: If I may ask a question of Mr. Fields. Mr. Fields, do you have or intend to have a vehicle dealer license in connection with your business?

Mr. Fields: Absolutely not. It is not necessary for my business. I do not plan to apply for...I think it is an A, B, and C salvage license to dismantle and all that stuff. I am not interested in that.

Mr. Taormina: So, when a vehicle goes to auction, if you obtain title to the vehicle, then how is it that you sell that vehicle? I understand if you bring it over to GLR and go that route.

Mr. Fields: That is what we do every time. We do not have the desire or capability to rebuild or repair or part out vehicles. It takes away from our business. We have a limited amount of time to serve our customers and we do what we got into business to do, and that is towing and roadside. I can answer that question firmly and assure you we are not looking for a salvage license or anything. I don't even like the look of salvage cars on our property. The quicker they go, the better.

Mr. Taormina: I appreciate that. So, no Class A, no Class B, no Wholesale and no salvage license?

Mr. Fields: No. None of that.

Mr. Taormina: Thank you.

Mr. Wilshaw: Thank you, Mr. Taormina. Any other questions?

Mr. Caramagno: You might have said this in the study session or ever earlier today and I might not have heard you, but is the plan for this whole yard to be paved or concrete?

Mr. Wilshaw: Asphalt, right?

Mr. Taormina: So, the main lot here would be asphalt. Everything...it really speaks for itself. The turf areas are shown in green. Building in this brown color, and then balance would be asphalt, I believe, with concrete curbing completely around the parking lot.

Mr. Caramagno: Thank you.

Ms. Smiley: One more thing. We talked about that fence. That red line is not the fence. You know the red line? What is the story with that?

Mr. Wilshaw: Setbacks?

Mr. Taormina: The red line show two different things. One shows the property boundaries along the perimeter and then the inside line shows the setback requirements under the old ordinance. The fence line actually...there is a six-foot high masonry wall for these 20 feet approximately from this point forward or to the property line extending west to the northwest corner of the parking lot and the fence then carries down to the southwest corner of the parking lot and then ties into the southwest corner of the building here. That is the fence location.

Ms. Smiley: Okay. I just wanted to clarify that from the study session.

Mr. Taormina: I will point out that, while this short section of wall is a nice feature to consider, it might present a vision problem. So, a vehicle parked here, backing up, would not be able to see any incoming vehicle. In these cases, we usually step that wall down to a maximum height of 3 feet. That is something you should consider.

Mr. Wilshaw: Okay.

Ms. Smiley: Thank you.

Mr. Wilshaw: Thank you, Ms. Smiley. Any other questions? That was a good question about the red line. A little questionable there. Mr. Ventura?

Mr. Ventura: Are you going to own the building?

Mr. Fields: Yes, sir.

Mr. Ventura: Great, thank you.

Mr. Wilshaw: Good question. Any other questions? If not, I have just a couple brief questions since I wasn't at the study meeting. Just to understand, you were talking about different scenarios in which you have...that you keep vehicles for different lengths of time and you said that the longest process was if you needed to obtain a title for a vehicle.

Mr. Fields: Correct.

Mr. Wilshaw: So, a situation where someone has a vehicle that is not insured and it really isn't worth much of anything and for some reason you need to impound it or tow it, and that person probably isn't going to come back for it because it would cost more to get it out of tow than it would be to even justify the cost of the vehicle. Does that happen very often?

Mr. Fields: It happens, but to alleviate that issue, we deal with a lot of other tow yards. We offer them basically return of the title, so we don't pursue any legal actions. Then in many cases people come and give you the title, which allows you to take it to GLR and then they scarp it at that point in time. That saves a lot of time. I don't have to apply for a TR52 and put it into lien. I can tell you that happens more times than not, because when someone feels that it can be eliminated of a potential debt, they usually take advantage of the opportunity.

Mr. Wilshaw: Okay, so you have worked with that situation. Okay, great. That is interesting. The other question is, do you do any repossessions?

Mr. Fields: Absolutely not.

Mr. Wilshaw: Okay.

Mr. Fields: It is not worth putting my guys or my trucks into jeopardy. It is not a good thing. The amount of insurance you have carry to do that type of work is ungodly.

Mr. Wilshaw: Sure. It is a very risky business, and it is also potentially risky for your property as well. People will try and get their vehicles back. Okay, any other questions from anybody? If not, I think we have exhausted our questions. Is there anyone in the audience wishing to speak for or against this item? I don't think there is anyone else here, so with that, Mr. Fields, is there anything else you would like to tell us before we make our decision?

Mr. Fields: I think we pretty much covered everything. If you have any other questions you may think of I am more than willing to answer.

Mr. Wilshaw: Sounds good. Let's see what happens here with a motion. Is there anyone wishing to make a motion?

On a motion by Smiley, seconded by McCue, and unanimously adopted, it was

#11-67-2021 **RESOLVED**, That pursuant to a Public Hearing having been held by the City Planning Commission on November 9, 2021, on Petition 2021-10-02-22 submitted by Century 21 ROW requesting waiver use approval pursuant to Section 6.58 of the Livonia Vision 21 Zoning Ordinance to construct and operate a vehicle tow yard (Excellerated Towing & Recovery) at 34437 Rosati Avenue, located on the west side of Stark Road just south of the CSX Railroad in the Southwest ¼ of Section 28, the Planning Commission does hereby recommend to the City Council that Petition 2021-10-02-22 be approved subject to the following conditions:

1. That the Architectural Site Plan identified as Sheet # DA-2.0 dated October 28, 2021, prepared by Arista Design, Inc., is hereby approved and shall be adhered to.
2. Subject to a determination by the Inspection Department, the petitioner may be required to obtain a variance from the Zoning Board of Appeals for deficient building front yard setback and any conditions related thereto.
3. All parking spaces, except the required handicapped spaces, shall be doubled striped at ten feet (10') wide by twenty feet (20') in length as required.

4. That the maximum number of vehicles parked on the site at any given time, including employees, customers, tow trucks and recovered vehicles, shall not exceed thirty-one (31) vehicles.
5. That the Landscape Plan identified as Sheet # DA-3.0 dated October 28, 2021, prepared by Arista Design, Inc., is hereby approved and shall be adhered to,
6. That all disturbed lawn areas shall be sodded in lieu of hydro seeding,
7. That underground sprinklers are to be provided for all landscaped and sodded areas and all planted materials shall be installed to the satisfaction of the Inspection Department and thereafter permanently maintained in a healthy condition.
8. That the Exterior Elevations Plan identified as Sheet # DA-4.0 dated October 28, 2021, prepared by Arista Design, Inc., is hereby approved and shall be adhered to.
9. That all rooftop mechanical equipment shall be concealed from public view on all sides by screening that shall be of a compatible character, material and color to other exterior materials on the building.
10. That any pole-mounted light fixtures shall not exceed twenty feet (20') in height and shall be aimed and shielded to minimize stray light trespassing across property lines and glaring into adjacent roadways.
11. That the trash dumpster area and enclosure gates shall be constructed in accordance with the Dumpster Enclosure Details, as shown on the approved site plan.
12. That only conforming signage is approved with this petition, and any additional signage shall be separately submitted for review and approval by the Zoning Board of Appeals.
13. That the specific plans referenced in this approving resolution shall be submitted to the Inspection Department at the time the building permits are applied for; and,

14. Pursuant to Section 13.13 of the Livonia Vision 21 Zoning Ordinance, this approval is valid for a period of one year only from the date of approval by City Council, and unless a building permit is obtained, this approval shall be null and void at the expiration of said period.

FURTHER RESOLVED, That notice of the above hearing was given in accordance with the provisions of Section 13.13 of Livonia Vision 21 Zoning Ordinance.

Mr. Wilshaw: Is there any discussion?

Mr. Wilshaw, Chairman, declared the motion is carried and the foregoing resolution adopted. It will go on to City Council with an approving resolution.