

**CITY OF LIVONIA
PUBLIC HEARING**

Minutes of Meeting Held on Wednesday, August 3, 2022

A Public Hearing of the Council of the City of Livonia was held at the Livonia City Hall Auditorium on **August 3, 2022**.

MEMBERS PRESENT: Jim Jolly, President
 Laura Toy, Vice President
 Rob Donovic
 Brandon McCullough
 Kathleen McIntyre
 Scott Morgan

MEMBERS ABSENT: Scott Bahr

OTHERS PRESENT: Paul Bernier, Assistant City Attorney
 Mark Taormina, Planning and Economic Development Director
 Sara Kasprovicz, Recording Secretary

The Public Hearing was called to order at 7:00 p.m. with President Jim Jolly presiding. This item is regarding an appeal of the denial of the Planning Commission regarding Petition 2022-04-08-02 submitted by Middlebelt Plymouth Venture L.L.C. requesting to construct an apartment complex (Wonderland Flats), consisting of two (2) buildings and 201 units, on the properties at 29707 & 30273 Plymouth Road, located on the south side of Plymouth Road between Middlebelt Road and Milburn Avenue in the Northeast ¼ of Section 35. This item will move to the Regular Meeting of **September 26, 2022**.

The Public Hearing is now open. There were 31 persons in the audience.

Jolly: Petitioner, you've requested this appeal. Please approach the podium and tell us anything you'd like us to consider, in regard to the appeal, and identify yourself as well. Thank you.

Schostak: Good evening, everyone. I'm Jeffrey Schostak, Schostak Brothers, 1700 North Laurel Park Place Drive, Livonia, Michigan. It's nice to see everyone again tonight. We obviously know that you're all familiar with the plan and the property for the Wonderland Flats. So, we have our full presentation available and are happy to walk through that, step by step if that's what the Council is looking to do. Additionally, our plan will be to just have our team available to answer any questions. So, the team that we have here today; we have myself, we have Steve Duczynski, who's Vice President of Development and Construction, from Schostak Brothers, our Traffic Engineer from Fishbeck, Michael Beady, is caught in traffic due to the storm, but he should be here probably after public comment. If there's questions on the traffic, we have Mark Shovers, Architect from Aspire Architecture, and Michael Gold, our Site Engineer with Stonefield. So, we're happy to walk through the presentation

that has been sent. I just want to be conscious of everyone's time since you guys have all seen it. And we would yield to public comment now if that's preferred.

Jolly: Okay. Is there anything that has changed since the last time you were before us as a Council?

Schostak: We've made a few changes. Yes.

Jolly: We may want to go through those.

Schostak: Okay. So, I'll hand it off to Mark, but before I do, there's a couple things that we picked up from this meeting as well as Planning Commission, and those changes were incorporated since the last plan.

Jolly: Thank you, your name sir?

Shovers: Good evening, Mark Shovers, Aspire Design Group, business address, 115 East Core Street, Rochester, Michigan. In regards to the changes from the rezoning, if you go to, if we could have the site plan, there may be slide...yes, that's perfect. So, we adjusted the dumpsters, two dumpster enclosures, halfway up the site, one on the east, one on the west, to allow for the most northern building a closer access to dumpsters, so they're not going back to the site. They're located out of the way, not next to the building, but in the parking lane. The other item that we added is on the west side of the building. There are two automated package locker systems to allow Amazon, UPS, the parcel service, DHL, that rather than them having to go to the building and deal with the leasing agent, they have these lockers that they can put the packages in there. They record them and text the residents that your package is here. The resident can go down and pick it up. So, I was like, if there's a delivery after the leasing office is closed, the packages can still come without piling up outside, being stolen or damaged. Mark, if you can go to, I think the last slide. Do you me want to pass this around, the rendering of that package center? So, that was the two changes that we've made to the site from the last time you guys had seen it?

Jolly: Okay. Thank you very much.

Shovers: Oh, yes. Also, we rearranged kind of the lounge area, and we increased the gym and the lounge area for the resident spaces. So, those gained about, I'd say, about 700 more square feet of usable space for the residents.

Schostak: And just to reiterate our team, and hopefully Mike will be from Fishbeck, the Traffic Engineer, gets here. So, if there's any other questions or anything from obviously the plan that you've seen other parts of it, and we're gonna answer your questions, thanks.

Jolly: Okay, thank you. I'll ask you to note any concerns of the residents that you choose to address after they have all spoken for public comments. With that

being said, I will open up public comments. If you'd like to address the Council, please make your way to one of the podiums. At this time, I would ask you to be cognizant of the two-minute time. I'll ask Ms. McIntyre to keep time here. She will give you a warning when there's approximately 30 seconds remaining in your time. And I would ask, for the interests of everybody here and the time, who all are sharing this evening, to try not to duplicate, if possible, concerns. So, as we all don't have to continue to listen to things that we've heard already. We will note everything that's being said. Good evening, ma'am.

Jolly: Good evening, tell me your name and address please.

Sullivan: My name is Jeannie Sullivan, I live at 29944 Orangelawn. And none of us here are opposed to building on that property. So, I don't want anybody to think that we're not opposed to it, but we are opposed to anything that could prove detrimental to our neighborhood. Our privacy as homeowners, our peacefulness or safety, our infrastructure, and our family first. We had issues with the berm. They said they don't own the berm, but yet they're going to widen the berm add two more rows of trees and a fence. Some of us never got the two rows of trees that we were supposed to get the last time that we were promised. So, I'm wondering, do we now get that row plus two more plus our ornamentals? It's just shortchanged, I feel, again, I'm imploring the Council that all of these promises that they're making are going to be put into writing so that Council has, the city, has some kind of recourse to go to when things fail. Our sewers are our greatest concern, as is our retention pond. We have advantages being near one, such as our peace and quiet and greenspace, fewer houses in the area, and a very, very decreased risk of flooding. With this construction, should that pond ever fail or overflow, we would be the first ones to flood. I know they conceded a little bit of space for us from between the neighborhood and their building, which is fine, but what happens when people start using more electric vehicles? Will they, in that event, come back and say, well, we want to put a charging station on that piece of property, even though we left it empty for the neighborhood. We decided we're gonna put a charging station there. Okay, well, will they guarantee in writing that nothing will be put on that property that they're conceding to us, being left for our neighborhood. And I'm wondering if the city can dictate now that any proposed plan that comes to later on will be denied, because that's...

Jolly: I have to cut you off, thank you very much, you did well. We'll go to the side here, sir, please approach the podium. Tell me your name and address.

Bell: Hello, my name is Andrew Bell and I live in at 29880 Orangelawn Street. So, I have a concern with apartments in general, I believe, to me, there are three main types of apartments. There's student housing, there's housing for people currently looking for a home to buy, and then there are people who, you know, don't like to live in a house or can't afford to keep a house up and clean and everything. Their lifestyle doesn't go for house. So, what are these, who are these apartments actually for? Looking online, rental prices around

Livonia are anywhere between \$1,000 and \$2,000 for a one- or two-bedroom house. With inflation, with the cost of housing rising, I know in a previous session, they said oh, we've got 8000 units, we never have a problem filling any of them. That's because people are having a hard time finding houses in this market. I'm sure we're all aware of the economy as it is right now. I believe that this apartment complex is an exploitative construction. The only purpose is to make these people money. It's not, you're talking about a luxury complex next to a Walmart and I don't want that in my backyard. That's all.

Jolly: Thank you, sir. We'll go to the side here. Good evening. Please tell me your name and address.

Haverland: Good evening, my name is Michael Haverland. I reside at 29928 Orangelawn Street. I purchased that home over 50 years ago, after service in the Marine Corps. One of my first questions is the sewer system. This may or may not be answered later on in this meeting, but if they tap into that sewer system, which we have zero problems, all of a sudden you have over 500 people from one location into that sewer system, that's one of my concerns. Another concern is Jeannie already brought it up, but the water retention pond. After pouring many yards of cement, that additional water has to go to that retention pond. Will it be able to hold it? And if it doesn't, where's that water going to go? Is it going to go back towards our homes? We have zero flooding problems right now. So that's the two main concerns I have tonight.

Jolly: Thank you sir. We will go to the side ma'am. I prefer to go back and forth. Thank you. Good evening, tell me your name and address.

Lupu: Hi I am Cheryl Lupu, 29864 Orangelawn, Livonia. My main concern is our sewer system. I would like it in writing if something happens, they are responsible for anything, damage to our homes, anything surrounding our homes, in our homes, blah blah blah about that. And I totally disagreed with him taking care of the situation, that he will manage and pretty much take care of, because it's been proven in the past that it has never been taken care of. Take a walk up there and look up there, the dirt, filth, the truckers, the garbage from wherever. It's not just truckers, it's from people walking that berm, the dogs going to the bathroom, no one cleans up after themselves. It's just it's gonna be like a Day's Inn over there, that's what it reminds me of. So, is that what we want in Livonia, do we want another one? Because that's not a pretty looking site over there on Plymouth Road, is it? When we're on Plymouth, there's an apartment right there, there's apartments over there on Middlebelt. Why do we need one? They are filth. Why do we keep on adding apartments? I mean, this is no sense, three stories, ridiculous. Would you guys want it in your backyards? Do you really? Please, think about it and tell me if you want to have that in your backyard, with grandchildren, your own kids. It makes no sense. Put them on Seven Mile, they can't keep that place going or Six Mile. Thank you.

Jolly: Thank you, ma'am. Good evening, tell me your name and address.

Campbell: Hello, Karen Campbell, 29976 Orangelawn. I vote no on this because one reason is the sewer. I don't trust the sewer problem. I live by myself. I can't I mean, in case there is a backup, who am I supposed to get to clean it up for me? I mean, just no on this, thank you.

Jolly: Thank you ma'am. We will go to the side. Good evening ma'am, your name and address.

C. McNall: Hi, my name is Cheryl McNall. I live at 29961 Orangelawn. I've been a resident there since 1966, a long time. We've pleaded. We've thought of everything that we can think of, even positive things, but there isn't. If you can come up with some positive things, give us some feedback, I don't think there is any. I'm going to get personal. Every time I've approached the podium before, I try to think of the community, the citizens, the children, the traffic, the food situation, the economy. Now I'm going to get personal, because where my house is, right out my front window, there it is. I don't care how big the berm is, I'm set back, so I mean, you have to go through history. I'm not seeing it. Right now, I'm in the process of upgrading our home and putting in new things and updating. If you have a turnover of residents, you might not like the outcome of the new people you'd get in Livonia. I only have two minutes. I'm looking at every corner, is getting a new subdivision establishment. I think there's no room. This is your city too and I know you love Livonia as much as we do. If we don't put a stop to this, it's just gonna snowball, get out of control at Harrison and West Chicago by Clement Circle, new subdivision. I just found out Jefferson where I went to elementary school, there's a subdivision going up there and Henry Ruff. We're really getting crowded from all angles. And we beg you, we implore you, side with us.

Jolly: Okay. You've reached your time. Thank you, ma'am. We'll go to this side, your name and address.

N. Haverland: Hi, good evening, Nancy Neverland, 29928 Orangelawn. I recently just made just a second trip over to the Haggerty apartment complex. I can absolutely see why these makes sense. There are so many nice restaurants and places to shop in that area. I did notice one thing on these apartments, they do have a private entrance and they do not back up to any homes. Wonderland Flats drive in, blood plasma, White Castle, a not so desirable Walmart and Target. The Chili's has very little business, I don't even know if that will stay in business. Some strip malls with FedEx, mattress stores and some fast-food eateries. I would like to ask all of you here tonight, is it something you would want behind your home? I do like the Vision 21 idea though. I do like it. I just don't feel it's the right fit here. So, please consider these points. And I do vote no again on this. Thank you for your time.

Jolly: Thank you. Good evening, sir. Please tell me your name and address.

Kosmalski: My name is Ron Kosmalski. My address is 30518 Elmira. I didn't make it your last meeting, so I'm hoping not to step on anybody's toes here tonight. Just, if any of you had the pleasure of going to that intersection of Middlebelt and

Plymouth Road, we all know it's already chaos and Chick-Fil-A hasn't been open yet. So, that's going to be much worse when it becomes a functioning business soon. I'm really hoping they'll reconsider maybe putting in a store or something, if they need an investment in that property, but last thing I want to see is a 200-unit apartment complex to add to the misery of traffic and everything else in that area. So, I hope that Council keeps that in mind. Thank you.

Jolly: Thank you, sir. Ma'am, please approach the podium and tell me your name and address.

Seligman: Terese Seligman, 29944 Orangelawn. I just vote no for all the points that have been brought up already, and there's more points that are going to be even brought up. I just think it's a bad idea that, as was mentioned earlier, so I just vote no. Thank you.

Jolly: Thank you, ma'am. Sir, your name and address.

M. McNall: Mike McNall, 29961 Orangelawn. I'm against this. Some of my reasons, you're going to have families moving in there, kids are going to be going to school. I remember at one of the meetings they were talking about bus routes, using the service drive behind Walmart for the buses to go through. That is ridiculous. The other thing is kids are going to be going to school, get home, mom, I want to the park and play with Johnny. It's a one-mile hike coming around the Wonderland down Orangelawn to get the Devonnaire Park or going around out on Plymouth Road. Who is going to let their kid walk a mile if they're in grade school? It's just ridiculous. And you get the kids running through the parking lots. There's already stupid kids run into those parking lots that I've almost hit going through there, because they don't pay attention, they're on their phones. Now you're gonna increase that, you're gonna have accidents in that parking lot. People drive to that parking lot, don't look, it's just, I think it's a nightmare looking for a place to happen. Thank you.

Jolly: Thank you, sir. Is there anybody on this side that would like to approach, come on up. If you'd like to speak, I ask that you line up a little bit closer.

Grad: Good evening, sorry about my voice, I just had surgery. Jeff Grad, 11325 Blackburn Street. I think we're at a precarious situation here in the city of Livonia, we have this great 2021 Vision and everything looked good, and you know, the residents thought it was going to be something presented as viable, walkable, maybe downtown that would be an asset to the community. You know, and developers are jumping on that. And they're basically using it as an excuse to put in apartment complexes wherever they want, including parking lot of a Walmart. This isn't the only apartment complex that was proposed in a very short period of time. You know this is gonna be a snowball effect. So, I think we need to set a precedent here. You know, I've been thinking about investing. I live in Rosedale Gardens, investing in my house. We're going to complete a brand new basement. My neighbor's gonna put on an addition. You know, with this coming up, I've talked to my neighbor,

we're both holding off on doing these kinds of investments. When you get divestiture, you know, by the local residents, that decide not to improve their home because they don't have the support City Council or the city to have their voice heard, which is a common factor of our residents of southwest Livonia, you know. I was born in northwest, like businesses in northwest Livonia. We live in southeast Livonia, not very common move. But, you know, it's palpable, you know, the, the feeling that the residents get that they're not supported. And the other thing, real quick is, you know, we haven't really talked about the formal petition put forward by about 150 residents in the neighborhood right behind us. I haven't heard any formal discussion on this petition and, you know, I think it's, it's just terrible that we have a zoning board commission that recommends this for denial twice, and we have 150 people living in right mind with a formal petition, and if the City council somehow decides to move this forward. I don't want to live in a community where the residents aren't supported by them.

Jolly: That's your time, sir. Thank you very much. We're going to this side. Good evening, ma'am.

Sabbadin: Tina Sabbadin, 9971 Oporto. I'm just not excited to hear about this. My grandparents bought the house in '56. I've lived there since '62. My kids grew up there. My grandkids are growing up there. It's terrible. There are trees growing out of the wall, out of the wall. That's not my department. I take care of mine, nobody takes care of it. It's a disaster waiting to happen. It's not going to be safe. It's like he said, cars, people walking, nobody pays attention. There needs to be something else for families. That is not a residence area. We are.

Jolly: Thank you ma'am. We'll go to this side. Again, if you would like to address the Council, please approach the podiums on either side, good evening, sir, your name and address.

Shekell: My name is Don Shekell. I live at 29161 Grandon in Livonia. A couple things I noticed, the developers, when they came up here to address you guys, they made the changes for the complex, nice little changes. Seven hundred or more feet from this, or dumpsters moved, so people don't have to walk so far for their trash, but nothing was addressed at all, of any of the concerns have been brought up in what, this is the fifth, sixth meeting we've had on this complex. They didn't bring up one single issue that anyone who's brought up, resident brought up, nothing. It's still, this complex will still have an adverse effect on the neighborhood. There's nothing good that's gonna come up with for the neighborhood whatsoever. It's still like many people brought up, this is not a fit for Vision 21 in Livonia. It's too dense of a population, for one, in that small of an area. Chick-fil-A being handed over around the corner from the Middlebelt, it's going to be a mess. That's all I have.

Jolly: You're name ma'am.

Kowaleski: Victoria Kowaleski, 29960 Orangelawn, directly behind the proposed zoning change. Do unto others as you would have them do unto you. Everything you

do, do to others what you would get them do to you. That's the Bible reading. Torah reading is, treat someone else as seriously as you would want them to treat you. To see another as a full human being created in God's image, just as you know, with certainty that to be the case about yourself. Just because you have the means to do something, does not mean that you have to do it.

Jolly: You have to address your comments looking at me, it's my job to help to take these. Thank you.

Kowaleski: As a City Council, we, the residents asked you to deny the zoning change and stand up for the citizens you presently represent. We are here asking for your concern and your safety and your mercy, safety for our neighborhood, mercy on us. Every homeowner in Livonia should be able to feel safe, secure and comfortable in their own backyard. Please stand up for our right to be safe, secure and comfortable in our own backyards. This proposed project, zoning change, should be denied for the simple reason, it is an apartment complex, it is not a neighborhood. Thank you. God bless and pray for Ukraine.

Jolly: Thank you, ma'am. Good evening, sir. Your name and address?

Weldon: Yes. My name is Steven Weldon on my 29912 Orangelawn. And as far as this whole concept of Livonia 21, that was kind of a false play to allow the Plymouth Road Development as well as Schostak, to be able to utilize that concept to now do things that are not a fit, as others have mentioned. There is no walking, there's no biking, there's no safe walking area. That whole a Walmart section, the police are telling us that it's a high crime area. I know several residents actually had the car broken into in the parking lot at Walmart. They've had muggings. They've had breakdown. They've come over into the neighborhood. They've actually broken into some of the houses there. So, now you're going to bring in 201 plus units, that's going to be an attraction for other people to look at cars in that area to break down and steal. This whole aspect of putting in an apartment complex where the city needs, the Council needs to put in a covenant that prevents this. If this goes through, it can never be resold without still remaining as a rental property, cannot have individual units to be sold and cannot be converted into condominiums. That can also be something that the city does not need to have, another aspect that are responsible for them. The streets or other aspects of providing for people that have a residency there. You guys are supposed to be, this family first Livonia, that's our motto. It doesn't seem to be that way. I've been here for over 50 plus years. Everything Schostak has done in this community in this area has gone bad. He put in the Jeepers Entertainment section that went bad. He put in a movie theater back in there right where they're the residents are, that went bad. Kids were throwing bottles after the last showing. Burglar, or car alarms were going off. It's a disruption, all these things that he thinks he's going to make happen. This apartment complex, I'm telling you, if it goes through, he's not going to attract the people that he says he's going to.

Jolly: Thank you sir. Tell me your name and address.

Smith: Merlin Smith. Hi, I'm all for this Vision 21, but in this case, it is the wrong place for this project. Our forefathers of Livonia created family first and if you vote to rezone this property, it's gonna go against family first. Isn't the tax income more important than the public safety? If I wanted to rezone my property which, I bought it zoned as residential to commercial, I believe you guys would turn me down. So, why would you allow property bought by commercial to be rezoned residential? It is not safe for the residents to walk in a shopping area, as there are no sidewalks. I emailed Council showing by photos and videos, showing this, and asked if you would check it out. I only know of one that did this and almost got hit three times. Okay, can you vote on something that you didn't check out? The Planning Commission turn this down six to one. Okay. The one vote was for someone that was in the construction industry, excuse me. To me that as a conflict of interest. The Zoning Board turned this down unanimously. And these are your colleagues and your peers, thirteen no's and one yes. Rob Donovic is a real estate developer, a conflict of interest in my book. Scott Bahr has ties with Barton and Marlow, which is the biggest construction company in Michigan. Again, conflict of interest in my book. Mr. Jolly, you're in position to be a judge here in Livonia. Please judge your first case here. Turn this down for the safety of the public instead of a tax and income for the city. I hope that for the safety of all of our families that this rezoning be turned down. Thank you for your time.

Jolly: Thank you, sir. Perfect timing.

Smith: I've had practice.

Jolly: Good evening, sir. Your name address please.

Schmidt: Bill Schmidt, 2968 McIntyre. This project has been around for a while. It's aged. It's aged like milk. Its aged like milk in the back of my Pinto, sitting in the Walmart parking. The longer it sits there, the more fetid it becomes. This is a stinky project, been told no repeatedly by so many folks. Been told no by the Zoning Board. I don't know how many times the taxpayers, your friends, your neighbors, can plead with you, implore you, to see the rightness that our neighborhood deserves, and that's to say no, that's to say no to the spoiled milk of a project. Thank you.

Jolly: Thank you. Thank you, sir. Okay, I see nobody else approaching this will be the last call for public comment this evening. Going once, going twice. Public comment is now closed. I'll ask the petitioner if you would like to come up and address any of the concerns that were brought up or give any closing information.

Schostak: Thank you, Council President Jolly. Thank you, residents for your comments. It seems that the vast majority of them are geared on two or three main issues. So, I'm gonna just try to comment on those on what we believe to be the case and what we're planning on doing. The berm, one of the residents commented that we don't own the berm. So how are we going to improve the berm? We own the berm behind the apartments, behind Walmart and Target,

they own their land. They control that berm. So, I just wanted to clarify that. The changes we are making to the berm, is on the berm, obviously, that we own a control. We're adding two layers of trees and a new fence, as we've shown in prior meetings, that blocks any sight line from the apartments, third floor, as well as from the resident's backyards. You can't see the apartments past the two new level of trees that we're adding. Additionally, there was a lot of questions and comments on detention. When this project was originally developed, the detention was built for these future phases. It was, it's oversized. It was built for 100-year storm, and even a more intense use, which would be more of what it's zoned for today with big box retail. So, the detention, it can absolutely handle what we're bringing. And to further add to that, which I'm sure you're aware of, is that City Engineering will fully review and vet this as part of building plans, if we were to be approved. So, there's another level of checks and balances, in regard to the detention. And then there's some comments on the walkability, that it's not walkable and those sorts of comments. We heard those earlier on in this process and we have since added brick paved walkways with stop signs that connect from the apartments to the retail. So, it is safe and legitimately walkable through these new brick paved sidewalks. And then from a security perspective, obviously, when it's a vacant piece of land, it's going to attract, you know, bad actors, because there's nothing there and people can go around and do things. A brand-new building, 30 plus million-dollar project, nice, high-end apartments, we have a lot of security. We have onsite management. We have cameras on the buildings in plain sight, with facial recognition software, as well as license plate reading systems at the gates. So, if anyone were to come to try to commit any bad acts, we would catch them immediately. And obviously, it would deter future bad acts. So, I'm just gonna bring up Mike Gold from Stonefield. He's just gonna comment on the sewers, I know there was a few questions and he's the engineer and the expert on that. Thank you.

Jolly: Your name please, sir.

Gold: Good evening, Michael Gold, Stonefield Engineering. The concerns about the sewer. This property was stubbed out for future development. That sewer in the southeast corner is a 10-inch pipe and we're pretty confident that it is sized for this development. Again, like the stormwater, it will be vetted through engineering practices to confirm that it can handle the future uses. So, to alleviate any concerns, we're confident.

Jolly: Is there anything else from the petitioner at this time? Are there any questions from the Council? Mr. Donovic.

Donovic: Thank you, Mr. President. First, thanks to all the residents that reached out. I received a lot of emails, and social media, and different things like that, for this project, against this project, a lot of great input. And I'm kind of bummed, because some of the questions I wanted to ask tonight, have been brought up or already answered, but I do appreciate that. First, I'd like to make note that I may not be at the 22nd meeting, which I anticipate this will be moving forward to the 22nd meeting, I will be gone to military duty for a temporary

period of time. I will be able to participate virtually, whether it be on Zoom or conference call. I've already spoken to our Council Office and notified them, that I will be not present here, but I will be, again, on conference call or on Zoom, one way or another. I just want to make sure everyone knows that. A few of my questions were going to be geared towards traffic and others. There were supposed to be a Traffic Engineer here, but unfortunately can't be. Oh, great. Well, I mean, if that's okay with you, I'd like to ask the question about traffic. I know there's a lot of discussion about that intersection being busy. The way I understand traffic, it'd be much more intense traffic, if there was a large, big box store. Proceeding, maybe, there's, you know, a few 1000 people coming and going on a daily basis. if there was another big box store there. I don't believe that there would be as much traffic on a 200-unit development. Could you kind of elaborate to that?

Labadie: You are absolutely right.

Jolly: Your name please. Sir.

Labadie: Mike Labadie. I work for Fishbeck.

Jolly: Thank you, please proceed.

Labadie: There's no, I mean, how large of a big box store could you put there? That's known too right, but the difference in traffic is significant. That'd be a good planning thing to do, if you're planning, trying to look out for traffic, is to put something in there generates a less intense track. So, one thing though, that is important about just that area in general, is the intersection, Middlebelt and Plymouth. Anyway, we, we studied that intersection and it's challenging, and it's owned by Wayne County and by MDOT. And there's a lot to become there, but I don't think I think the idea. The best thing you can do as a city is plan for something that has a little less, certainly less traffic intensive than a big box store. So, the option is in front of you here.

Jolly: So, if you don't mind, I'm gonna direct you a little bit further here. Did you perform a traffic study? I think that was the question. Did you perform a traffic study and what were the results of that study? What did it show in terms of the intensity as is being proposed, is that correct? That's what the question was, if you could be more specific.

Labadie: You'd like a comparison of numbers, big box store versus...

Donovic: I'm just trying to understand. The research I've done, I've researched that big box stores will bring more traffic. Whereas in this development, whether it be multifamily residential, it's going to be less intense traffic, because it's a finite number of people, right? It's going to be, for this in particular, roughly 200 to 300, residential guests. My understanding is that I'm asking you, is that correct?

Labadie: That is absolutely correct. There's less. See, the thing about it is you're talking about this traffic generation numbers and impacts not measured just by that it's the increase in traffic delay and the change in something called level of service. The numbers are significantly different between the big box store and the residential development that's proposed.

Jolly: Showing what sir? Showing the big box store would be more or less intense?

Labadie: Much more, a big box store would be much more intense. Just traffic generations, so if that's all you need?

Donovic: Thank you, sir. I've got one more question. I want to touch base on the utilities. I know there's been a lot of discussion of, I've received input from residents about, and this isn't going to be in your department, sir. For utilities and then infrastructure. I know you've kind of elaborated on storm and sanitary. My understanding the storm and sanitary are separate. Storm is only stormwater, and there's a large retention pond, that the engineer alluded to earlier, that is able to handle, that was anticipated to be able to handle, more quantity of water in the future. And then sanitary, if I understand correctly, sanitary is separate. Sanitary being wastewater what not, right Mr. Engineer? Okay, and then utilities. I know there's a lot of discussion about DTE and whatnot with a lot of outages across the state, more specifically, our community. Are these, are these utility lines underneath the ground? Or are they just a wire from a pole to a building? Can someone kind of explain that?

Jolly: If you're gonna answer the questions, please approach the podium, as your approach, tell me your name?

Gold: Michael Gold. Yes, they'll be underground, the transformers are out of sight. And they were put in when Biolife was put in.

Donovic: So, I mean, one of the messages I got, would a building like this, you know, hurt the residential, electrical current, from I'm assuming, DTE has more than enough power?

Gold: That is correct.

Donovic: Okay, and I think that's my only questions. I'll pass the mic onto my colleagues. Thanks, Mr. President.

Jolly: Thank you. Thank you, Vice President Toy.

Toy: Thank you very much. To the gentleman that does the traffic, if I may. My concern is, I appreciate your study, in regard to the major roadways, but were you the eyeball any of the interior roads, and what that does to the impact of the site itself within the stores that are there that may be closed after a certain time and people coming in and out with that kind of traffic. I know that may be far reaching, but it is a consideration as we look at the site.

Labadie: Make sure I understand your question correctly. If I head down the wrong path and let me know, okay? We've studied the access points that a signalized, there's two signalized access points, okay. So, and then we studied Middlebelt and Plymouth. Typically, what you do is you study during the worst times of the day for the traffic on the adjacent roads. So, morning, peak hour of a weekday, you have evening peak hour of a weekday. So, you're, we're kind of trying to figure that out. We got those, the access points work fine. It's that intersection at Plymouth and Middlebelt that's challenging, no matter what you do. And I wanted to give you, just to kind of an idea of the difference if it fits, it was 100,000 square foot big box store, say, on a weekday, it would generate 6752 trips. That's a weekday. So that's the whole day. In comparison, the multifamily regenerate on whole day, on a weekday, 912. It's a big, that's a huge difference. So, on the Saturday, the difference is even more significant because the shopping, the store, would generate 8100 trips versus our 9021. So, those are in and out. So, if I divided by half, but bottom line is, the trips that are going to be out on the roads during those days, during those time periods, that are significantly different.

Toy: Okay, I guess my point, and maybe it's a little abstract, but would be the traffic within the site itself from the addition of the apartment building with the residents and their guests there at different times of the day. Then with the stores being closed, perhaps, that doesn't lend itself to a heavy traffic volume, but there's still gonna be private traffic because people work different times. You know what I mean, some people go to Amazon to work at 3am in the morning, and surely, certainly not tons of people.

Labadie: That wouldn't necessarily be a problem for that. I think I understand. But that wouldn't necessarily be a problem for the center. During the day, we had the add an extra 8000 trips to this to the driveways and circulation routes on this shopping center is going to be quite a bit different.

Toy: I appreciate it. Thank you so much. Thank you.

Jolly: We will move on to Mr. McCullough.

McCullough: Thank you, Mr. President, through the Chair to the petitioner. I guess, when you do traffic studies, do you put an element for safety for pedestrian crossing? I think that was my colleagues question, is you're gonna put potentially 500 people that would be residents, that this would be their home, that would potentially be walking to different, various stores, whether its Target, whether it's Chili's, whether it's any of these outlying lots, do you see an issue with the walkability of that site, taking into consideration you have two large big box stores, right, adjoining the property?

Labadie: Well, you have to have proper pedestrian facilities, right. So, the idea that you would have crosswalks or sidewalks that would be there. They certainly have to have that safe distance for pedestrians. In other words, you don't put stuff in the way we if you're driving a car, you can't see them.

McCullough: And I think that's obvious, not to cut you off, but I parked at that site and I walked to the Chili's and I nearly got hit by a car about five times. So, even any of the stuff that is brought up, whether it's even a crosswalk that's lit, or it's got different mechanisms that can stop traffic, I just think that if you're the expert, subject expert matter on this, what's your take on it, you're putting potentially 500 residents that could be walking around that site, do you see an issue?

Labadie: No, not if we do it right. There's no problem. I think, though, that if you have 8000 trips, how many more pedestrians is that going to become? It's retail, because it's a retail store out there, is going to be a lot more cars moving around throughout the lot and a lot more pedestrians.

McCullough: I guess my question to that is, if you have an apartment complex, these residents will be living and using the surrounding businesses. Whereas, the big box store, they're usually parking and walking into said building and walking back up out to their car, at least, I'm not an engineer in this field, but I definitely think that.

Labadie: I understand that there's still a big, it's really a matter of designing a proper facility that has adequate sight distance, and you have sidewalks where they don't have to walk in the street with aisleways and all that stuff, but the the numbers are going to be so significantly different. The opportunity for problems with a retail big box store versus pedestrian-wise versus the people who live there, if they had to live there, that's quite a bit different.

Jolly: Thank you very much, sir. At this time, I'll just in about a second here, I'm gonna go to the Council and ask them for direction, in regard to this item. You might hear various different motions here in a couple minutes. Like, you know, approving or denying, a Committee of the Whole, none of those things will be voted on tonight. I don't know what, if any of those things, are gonna be offered. But whatever's offered, it might be all of them. Those things will not be voted on tonight. Those will move to a regular meeting. It was previously said August 22. I'm gonna actually schedule this for September 6, because I'm not going to be here on August 22. So, with that being said if there's anything for the Council.

McIntyre: I have a question and maybe this goes to Mr. Bernier, there was discussion tonight about denial by the ZBA.

Bernie: I don't think this ever went to the ZBA.

McIntyre: If ZBA denies something it does not come to City Council.

Bernier: It wouldn't come to City Council, an appeal from the ZBA goes to Circuit Court.

McIntyre: Of course. When residents have talked about denial by the Zoning Board, this is an important point. Whatever their decision is, as a force of Law, and the only appeal is to the Circuit Court. So, there was no denial by the Zoning

Board. The other comments that we heard tonight, I understand, and I still have some concerns about this project, but this was zoned commercial and we've kind of talked around it tonight, but if this were not rezoned, the other option to go in there, without any requirement of anything other than a site plan approval would be a big box store. So, when people talk about private property owners, and they just want to make money, that's the reason you have private property, it's the same with your house. So, a developer who wants to develop something, to make a profit, that's how this country works. It doesn't mean that every project is good, or that we approve every project that comes before us, where we have the authority to act, but there's nothing inherently bad about that. Again, it's the same reason that we make improvements to our homes and hope to sell them for profit. There are a number of points had been brought up tonight that I do want to understand better. The impact on the sewer system is one. I think I heard the consultants say they were pretty sure that it would work. All those things, to me, needs to be established with facts and numbers. The other thing that I still don't have a good handle on, and I guess, Mr. Chair, through you, I just like to ask the developer, if you've done any modeling on the site lines, because I am concerned about the third floor. And you know, I think residents have the expectation of privacy in areas where we can control it. Unfortunately, some areas like drones, we have no jurisdiction over that, but we do over this. So, has there been any modeling done the sightlines in the residence backyards and homes? And if there is, I'd like to hear about it, and if there hasn't been I'd be interested in that. Everything that the residents have said tonight, I'd just like to echo to all of you. Thank you for coming and we appreciate every single comment that's brought up. I will address one other thing. When you say that there are conflicts of interest because somebody works in this industry, and somebody works in this industry, Livonia's standards for recusing yourself if there's a conflict, are very, very clear, and it's that you have a financial stake in the outcome of a project. And just because you work in a certain industry, there is no benefit that accrues to you because of the specific project. If there are true conflicts of interest and fortunately, we don't have those often, but because these are part time jobs, sometimes you will see somebody recuse themselves. But there's absolutely to say there is conflict of interest because of an industry association, that's not a conflict of interest. It may mean that you have subject matter expertise. But you know, I worked for Ford, and when we have things come before us with vehicles or Ford, I didn't automatically approve it because I was in the auto industry, so thank you, Mr. Chair.

Jolly: So, looking at the schedule here, I have to correct myself, the previously said September 6, but then noticing, I believe Mr. McCullough will not be present at the September 6 meeting. I think it's very important to have a full board for this, because I want to avoid a tie or playing any kind of well, not playing anything by having a meeting that's going to potentially end and having to redo any of this over again later on. Right. I want a definitive answer to come out of this. So, this will be heard on September 26 at the Regular meeting. I think that'll be the first time we have an opportunity to have everybody here

and I think because of the way the previous votes went it's important to have a full board. With that being said, I look for direction from the Council.

Donovic: Thank you, Mr. President. I just want to elaborate really quick to my colleague, Councilwoman McIntyre. I would appreciate something for the engineer and the engineer saying, hey, this is the impact that we anticipate on the storm system. I think that would be very helpful. What is a two-unit development? What do you anticipate those numbers to look like? I'm completely confident with my experience in the industry, that the storm system can take the water run off because it was built for that in the future, but it would be nice to see some numbers there. And then also, I'd just like to touch on, I do know in our packets, we do have some visuals on the sightline, because my understanding is this proposal is the same exact elevation, same height as the surrounding buildings that the Walmart and Target to the east, however, is I think it's like a football field way. Whereas, if it was a commercial development, a big box store, which it is currently zoned for, I believe the zoning would allow it to be roughly 90 feet away from the property line, give or take a few feet. So, and that is a question precludes the Law department, Mr. Bernier, through the Chair, if this were to, let's just say this was not a multifamily development. My understanding of the zoning parameters would be, that the owner of this property would not have to come before City Council if they wanted to do a big box store, because it's currently zoned for that usage. They would only have to go through the internal Planning Department, which would be Mr. Taormina, correct?

Bernier: If somebody was putting up a commercial business, it's designed right now, it is zoned for commercial, so it would not have to come to Council.

Donovic: Whereas, because this is a different zoning, Council does have some...

Bernier: It's because there is the rezoning to NM-2, I believe it is, that Council then would have a say because of the site plan, whether or not to grant the rezoning based upon the site, if this is an acceptable site plan. If this was a commercial enterprise, and it was developed commercial, it wouldn't be in front of Council, except for a site plan. You would not have rezoning aspect. But if the site plan review is different than a zoning review, if it was just a site plan, there are different things council would be looking at and different rules than if there's a rezoning.

Donovic: Thank you for that clarification. That being said, I offer an approving, denying and a Committee of the Whole for my colleagues, thank you, Mr. Chair.

Jolly: Okay, so Mr. Donovic, has offered an approving and denying and a Committee of the Whole, all three options, and any of those options may proceed on September 26, or none of them, or something completely different, but at this point, all things are on the table. Ms. McIntyre.

McIntyre: I'd like to clarify a request I made of the petitioner, if I may. I had seen the sightline, I'll call it a mathematical equation, because that's really what it is.

It's an angle, its geometry. When I talk about modeling, I'd like to see, and I know there's software that can do these sorts of things, I like to see what the view is into a home from third floor and maybe using some of the homes that are closest to the property line. So, thank you. You had pointed out that I appear to not recognize there was no, no, no, but I just wanted to clarify what I was looking for.

Jolly: Okay, if there's nothing else from the Council, I appreciate everybody's time and efforts tonight. Thank you for being civil and sharing your views and experience with us, thanks to the petitioner and everybody here. We'll see you all back on September 26. Thank you very much. Public hearing is closed.

As there were no further questions or comments, the Public Hearing was declared closed at 7:57PM.