

**CITY OF LIVONIA
PUBLIC HEARING**

Minutes of Meeting Held on Monday, April 22, 2024

A Public Hearing of the Council of the City of Livonia was held at the Livonia City Hall Auditorium on April 22, 2024.

MEMBERS PRESENT: Brandon McCullough, President
Martha Ptashnik, Vice President
Carrie Budzinski
Rob Donovic
Jim Jolly
Scott Morgan

MEMBERS ABSENT: Laura M. Toy

OTHERS PRESENT: Mike Fisher, Assistant City Attorney
Mark Taormina, Planning and Economic Development Director
Sara Kasproicz, Recording Secretary

1. The Public Hearing was called to order at 7:00 p.m. with Council President Brandon McCullough presiding. This item is regarding Petition 2024-01-01-01 submitted by SR&D Development under Sections 13.13 and 13.15 of the City of Livonia Zoning Ordinance, as amended, requesting to rezone the property at 18340 Middlebelt Road, located on the east side of Middlebelt Road between Six Mile Road and Pickford Avenue in the Northwest $\frac{1}{4}$ of Section 12, from RUF (Rural Urban Farm) to C1 (Local Business).

This item will be moved to the Regular Meeting of **May 20, 2024**.

The Public Hearing is now open. There were approximately 7 persons in the audience.

McCullough Mr. Taormina.

Taormina Thank you. This rezoning petition involves a single parcel 20340 Middlebelt Road, as you indicated, it's on the east side of Middlebelt between Six and Seven Mile Roads. This site is 1.87 acres in area it has 156 feet of frontage on Middlebelt, and the depth is roughly 512 feet, the properties abutting the site to the north to the west, and to the east are all zoned Single Family and then to the south is an office complex zoned C-1 local business. Despite the RUF zoning of this property, it does have a long history of commercial uses from 1959 to 1992. The site was occupied by a landscape business and a retail nursery. In 1993, the Zoning Board of Appeals granted a variance that allowed for the construction of a physical therapy rehabilitation clinic and that operated up until about two years ago. The current owner and applicant SR&D Development purchased a property late last year and is currently renovating the building

for reuse as a wellness health center. The building on the site is about 10,000 square feet in size. It's located near the front of the property it has parking available at the rear and along the north side. The developed portions of the site, including the building and parking areas, are mainly on the west half of the property. The east half extending for a distance of about 285 feet is undeveloped and maintained mainly as grass. There is a protective wall that runs along the property's north side. The remaining section along the north property line and the east and the south sides contain wooden fences.

The Zoning Board of Appeals in 1983 did grant a waiver to the protective wall in these other areas along the portion of the north and south sides. Then in 2005, the previous property owner, Theramatrix, entered into a five-year separation agreement with the adjoining properties. Those have since expired. So, one of the issues that has to be resolved with this property still is either continuing that separation agreement with the property owners to allow the wooden fences to remain or the construction of the wall. Changing the zoning would eliminate the non-conformity with respect to the commercial use of the property. In addition, it would facilitate the owners' desire to someday expand the use, realizing that any proposal to either construct a new building or in the large, the existing building will require site plan approval. The Planning Commission reviewed this item at a meeting I believe in February and is recommending approval of the rezoning of the property. Thank you.

McCullough Thank you Mr. Taormina. I'm gonna open it up to the Council and then I'm gonna open it up to the audience. Council? Councilmember Donovic.

Donovic Thanks, Mr. President. Mr. Taormina help me understand. Are we voting on, since we're talking about rezoning this. We are not currently talking about the site plan exterior facades or are we doing it all at the same time? How are we handling this?

Taormina We are not. The work that is being undertaken right now to the interior of the building is all being done under permit. So, there's no review with respect to the use of the property or any exterior improvements. It only affects the zoning. And I will add this. Mr. Fisher and I dealt with the buyer as Miss Durant had been negotiating the purchase of this property for several months and was inquiring about the use and what would be required. It was determined that the change of use was consistent with the long-standing use of the property. And we asked her, what we would like is for her to seek the rezoning of the property in order to eliminate the nonconformity. So, to a large extent, this petition is really one that was suggested by the city in order to correct the non-conformity. One issue I think the Council may want to delve into is whether the entire property should be rezoned to the C-1 or whether a portion of it should be rezoned. Miss Durant does have some future plans to expand the building, but at

this point, it would not involve using an entire property for that purpose. So that is something that I think is worthy of a discussion.

Dominic Because I was just thinking about that and I love the plans in the right areas. My girlfriend spent the weekend looking at your social media, and reviewing the renderings. And it's really, I hope it happens, because it's very impressive. But to Mr. Taormina, I'm just thinking about from a Council's perspective, since we're not looking at a site plan, where things like the dumpster enclosure are taken into consideration. Talks about adding additional building there, look at that red area, and then when we typically oversee renderings, I like that, but we're not going to have any, any input on that. So, I'm just trying to understand it.

Taormina Well, no, this is actually a visualization of what she would like to do in the future, for the back of the property for the area immediately behind the building. And that's something that we're considering tonight. I think what she wants to do is just illustrate what her long-term plans are for the property. This is certainly something that would have to come back before you.

Donovic Okay. Thanks Mr. Taormina, thanks Mr. President.

McCullough Councilman Jolly.

Jolly So, Mark, this picture. That would be a second, completely new building?

Taormina Yeah, so one of the concepts, let me just describe the site. So, this may be a little hard to read. But this is the property. And you can kind of match that up with the aerial photograph and the other information we provided to you. This is the main building, this is Middlebelt Road on the left-hand side. This is the main building. This is the parking area, the shaded area currently, this area of this square area behind it is where she would like to someday expand the use of the property. The complication here is a sanitary sewer easement that runs directly behind the existing building. So, it puts a constraint on the ability to expand the building anywhere along the rear at this time. So, one of the concepts, one of the thoughts, and I'll let the petitioner describe this, would be to potentially build a second building on the property directly behind. So, in looking at this plan, the question I raised is, do you want to see this whole area back here, zoned commercial, I don't think it's necessary. It's probably somewhere along this back portion where we could have a split zone parcel, there is some opportunity, I think, in the future for some of this surplus land in the back to either be combined with some of the adjacent residential property. So that's, that's something we can look at in terms of long-term future uses.

Jolly And I know we're not at this point yet, but in terms of the secondary building, would that be for a similar purpose as the intended use of the

first building now? Or would it be some kind of new additional service or use of the property?

Taormina That has not been really brought forward to the city, but I'll let the petitioner address it.

Jolly I'd like to hear what the plan is, not just yet, but and then Mark, what's the sidewalk that looks like runs in the middle of the grass area?

Taormina That was more than likely an access path. So, when the site was used as a nursery, I believe there were either temporary structures on the property or plant material that people could then gain access, so that allows for service vehicles and probably patrons of the nursery to go back there and look at the nursery stock.

Jolly Thank you, sir.

McCullough Ms. Ptashnik.

Ptashnik This is for Mr. Taormina as well. So, if we were to not rezone the entire property C-1, but only part of it that have been advantage of that leaving the back half for lack of a better description, RUF, the purpose being so it can be sold off to adjacent residential or become I mean, what would be the reason that we would want to split the zoning versus just going to C-1?

Taormina It would mostly be to maintain some consistency with the surrounding zoning. So, if you look at how the property is configured, that extends quite a distance into what is developed RUF land. So, I think what it does more than anything is that it limits the commercial activities to the rear portion of that property, which could present a nuisance to those homes.

Ptashnik So, would we be looking at like a 2/3, 1/3, kind of?

Taormina I actually drew it up today, just to give some idea, respecting the petitioners desire to maybe do something in the future. These are all pictures of what she provided for how she wants to develop the interior of the space. This kind of gives an illustration of what we might want to consider and that those boundaries are fixed by any means. It's just something that the Planning Department prepared as a suggestion.

Donovic Not to belabor it, but we already know what the petitioners eventual desire is to build on that portion of land back there. So, does it make sense to just get it over with now so that when the petitioner does come back in the future, they can come back for a site plan, as opposed to going through rezoning and everything in the future? What will be the logic?

- Taormina I will only, again, the petitioner is going to have to, I think respond to some of these questions. But the one thing, and I don't know what her situation is right now with the property, but oftentimes, when they go to get a permanent mortgage on the property, the issue of the zoning becomes a barrier or a factor. So, it might make sense, I think, to at least rezone a portion of it immediately, because it's kind of confirming the long-standing use of this property. Then in the future, if there's a need to extend that boundary one way or the other, beyond the line, if that is what the Council desires, then we can address it at that time. You can leave that issue open, while she develops her plans for the future. I think she's probably got her plate full over just getting existing building renovated and up and running. So, I think she'll give you a better sense of her timing for doing anything beyond just the current project.
- Donovic Thank you.
- McCullough I do have one question for Mr. Taormina. Did we have any neighbors or around the area have an issue with this any complaints?
- Taormina Written? I don't believe we received any written correspondence. I believe there's one or two neighbors here this evening that might want to speak on this issue. And I can't remember if they were at the Planning Commission, the minutes would reflect if anyone spoke at that meeting. I can't remember.
- McCullough Well, if the Council is good, I'm gonna go to the audience first, and then we can go to the petitioner. If you wouldn't mind, name and address for the record and you've got two minutes. Okay.
- Kelley Good evening. My name is Carmen Kelley, my address is 18359 Grimm Street. My property is the entire southern border of the property in question. So, the wooden fence line is my entire thing. At the previous meeting, I expressed my concern for what a nuisance it would be because on the other side of the property line, there's an office complex, I deal with trash, I deal with light pollution. I currently have a complaint with the City Ordinance Office because of a light pollution coming from that property. At the previous meeting, you know, I expressed that the back end of that property is 30 feet from my back door. None of us want a business being built 30 feet from our back door. So, that's what my concern is. I know we talked about future plans. That's not what's on the books right now. But you know, all of us think about our futures. That's how we plan, and I've lived in Livonia for five years, I purchased my house five years ago, and it's been great. I have no complaints. This has been my only thing. And the previous meeting was really disappointing because I even passed out photos of the current issues that I'm dealing with the other property, and it was okay. Okay, okay and then it was business first. Not Livonia family first. And with this, with the future in mind, you know, and the subject of splitting the property where the back half is still zoned as RUF, I don't

really have a problem with that. I have a problem with that extending all the way to my back door. How does that affect my utilities when they're in the process of construction, when you don't have water right now, you don't have lights right now, you don't have all of these things. The motto of Livonia on every sign when we go into the community is Family First. I have a family. And the neighbors that surround me, we are a community, we look out for each other. And so, we would expect the businesses in our community to do the same. I work for a company in the community, literally at the end of my street, so I am about this community. But you know, it just seemed in the last meeting, it was businesses first. And really, this is about people.

McCullough Thank you so much. One thing, and I'll open it up to some of my colleagues. But the one thing I if you could, there are cards right up at the podium. Can you send the ordinance complaints that you guys have currently with those two businesses? Can you send us some correspondence? And then obviously, thank you for coming up and giving your opinion on the lot split. So, I appreciate it. Anybody else from the audience? How are you sir?

Sielicki I'm doing well. Thank you. My name is Nicholas Sielicki, I reside at 18347 Grimm Street. I would like to echo all of the sentiments that my neighbor Carmen, Miss Kelley has just shared, I myself am also dealing with light pollution that is currently affecting both of our homes. When I purchased the home, I was fully aware that there was a commercial residence to the left. However, I am not comfortable with a commercial residence now surrounding both areas of my backyard. Should this move forward, it would render my backyard essentially useless because we would be sharing essentially, a parking lot, or the back end of a business building would be in the middle of my backyard as well. I will also say that I have never attended one of these meetings before. This is my first time speaking like this, but please know that that this is just the level of disagreement that I have for the rezoning of this property to put a business at our backdoors. I also don't know if this is the appropriate forum to ask. But, if possible, I would like to have some sort of market data research that indicates that this business would actually be successful in our community. My fear, as well as that of our neighbors, is that the business fails, and then now we have a vacant, abandoned building in our backyards, which only brings further safety concerns for blight, pillaging, whatever the case may be. And so, I fear what it may do to our property values as well.

McCullough Thank you for coming up and thanks for hanging out with us for the first meeting. So, I will tell you this. As for market data, I mean this it's more for the businesses and real estate and that I would assume that the business has done their due diligence to want to open up the business. So unfortunately, in the packet, if you got a chance to review the packet,

that's going to give you pretty much every information that's public. I appreciate you coming out and letting us know your feelings.

Sielicki Thank you for your time.

McCullough Good evening, sir.

Clinton Good evening. My name is Douglas Clinton. I live at 18339 Grimm and I'm here to voice my opposition to the committee's results. You need go no further than onto Middlebelt Road. Go up by Seven Mile. Boston Market empty for months or around the corner the old VFW hall on Seven Mile between Middlebelt and Maple. It's been vacant for well over a decade. The Up North Bar down by Gildan, abandoned and deteriorating. You go down to Antigo and Ressler on the north side of Seven Mile, empty storefronts. Back out to Middlebelt, between Vassar and St. Martin's, the old Livonia Pavilion, it's vacant and vandalized. Just up the road from that at Norfolk, the old Ram's Horn Restaurant, a large piece of commercial property just sitting empty. Sears. That probably speaks for itself. This is just a small snippet within a mile of this property. I know a city needs businesses to be vibrant, to be a good city. But I just feel it's much better if businesses could use the existing commercial property that we already have and renovate those and use that and not rezone other commercial properties, when I don't feel it's needed. I think that would be much better to have residential development on this property. The light pollution, the noise pollution, the traffic congestion would be so much less. And it would increase the property values of all the surrounding homeowners if there were more new residential homes in there. And if they did in the lot on Seven Mile, they built new houses on Harrison, those were all sold. They're all full. On the north side of Seven Mile, they put in that condo development. Just north of Gilman, I believe. They're all full and vibrant. So, I just feel that it's just not a good idea to add more commercial property to the maximum we already have a gaunt of commercial property.

McCullough I appreciate it, sir. That's the two minutes. Okay. But thank you so much for coming out and voicing your opinion.

Clinton Just in closing, where business comes first is not the city model. It's where families come first. Thank you.

McCullough Mr. King.

King Steve King. 33950 Coventry. Yeah, just wanted to echo the sentiments. It's always great when a petitioner comes forward and wants to renovate an existing property. And that's fantastic. And everybody's hoping that they do more of that. But it is very clear that area around there has a lot of vacant property. We desperately need housing, more housing in the city area, across the whole country, we know that. So, if it's a change of residential. It doesn't make sense here. If a house is good, it could be built

on that. That would be fantastic. Of course, you gotta find somebody who wants to do it. So, I just wanted to add my voice to the rest of it thanks.

McCullough Thank you, Mr. King. Anything else from the audience? Seeing none, I'm going to ask the petitioner if you wouldn't mind, make your way to the podium. And if Council has any questions for the petitioner, now it's time.

Durant Hello.

McCullough Would you mind maybe just give it a little brief history when you're looking to do with property?

Durant Yes. So, right now, what we're looking to do is offer a fitness and wellness center. So, this will be an all-encompassing center, it will have a fitness area, a spa area, child friendly areas as well. And our main focus behind this is actually to provide something for the community. So, all the families that live there actually don't have access anything like this, you actually won't find anything like this and all of Michigan, there, it's almost like putting a resort for people to come and enjoy without even having the need to travel. And the reason why I specifically picked the city like the Livonia, I could have easily put it in West Bloomfield, but I feel like a lot of times more of the luxury wellness businesses go out to these areas, and then no one has access to them. No one's gonna drive 30-40 minutes. To answer their questions.

McCullough Really fast. What's your name and address? I forgot to mention that in the beginning.

Durant It's Sahar Durant and the address is 200 North St. Clair, Toledo, Ohio. I know, Miss Kelly, last time did mention that the light pollution bothers her house. I did say this last time. So, even right now if you look at the current renderings, the light starts from the bottom. I personally hate it when businesses light up the whole streets in people's eyes. So, our lights actually come from the bottom, we're not going to be distracting any of the neighbors. And for any future addition we do, and probably follow the same model. And I know there was a discussion with how much you guys would let us use. And I know many people are against that. But in terms of the value that we're offering, we are investing millions into just this property alone. And we plan to invest even more to do any addition. So, along this property, when we purchased, it was going for \$85 a square foot and then he got raised for \$350 a square foot so we drastically increase the value for even other businesses. So, if anyone here even wants to open a business, their property value is automatically going to go up. And in regards to data. We have been in business for 10 years and we do have a big market rate. I would not invest millions if I didn't believe in the vision and didn't think that there is a need for it. And since we have finally that are unveiling, we actually have 1000s of people on the waitlist to register with us. And these are all people specifically looking for

community space that can offer them the amenities we're offering. A lot of them work in Livonia, Farmington Hills, Dearborn, Bloomfield, I mean, people are driving to us. And we have a whole list of that.

I know there's a lot of vacant businesses in Livonia. And that wasn't even a concern for us when we decided to purchase the property. But because I do believe that sometimes all it takes is one business to go in there and they flourish and other businesses will want to come. And we've already had people even reach out to us if we can rent them space inside that want to be in a space like this. So, I feel like sometimes even if we don't offer that rental space to people, if we are next to them, they're gonna want to rent the property next to us make it look nice, because now there's a lineup of nicer buildings, and they're willing to invest in improve, which I feel like will overall improve the value for homes as well. I feel like I covered most of what they said I missed anything.

McCullough Thank you. I'm gonna hand it over to Councilmember Jolly.

Jolly Can you, I've seen some of the pictures here in this photo packet. Can you give us a layout of what the business model is, you've said community, does that mean like a monthly membership? And also, if you could expand upon that, what's the range of services that you will be offering here? I look at the pictures and it looks like, I can guess what these pictures are presuming to tell us but I'd rather hear from you.

Durant So basically, we have like a cafe lounge area. And that one, even if you're not a member, you're more than welcome to come in there. You want to be on your laptop, have a coffee, grab a healthy snack. So that's going to be our cafe area here. And then we have also a spa area that's also open, whether you're a member or not, you want to get a massage or facial. What you see here is a salt room, which helps with like breathing. So, there's like a machine that goes in the back and breaks on the salt particles. This is the sauna room. And so, these are basically member amenities, what you're looking at. So, this is the stuff we would be offering for people who are members of the facility. This is just kind of the layout that we renovated the basement area. And then what you see over there is that Blue Room, it's basically called an ice room. So, basically what we're offering there, it's like these beds, its dry ice, lay in it, and engulfs you, this one is actually very, very cool. So, all these are basically what the member amenities would be. And then there's the fitness area, we're offering classes, we're offering open gyms, the fitness area here. And we are limiting our capacity. So, if you guys are worried about traffic, we are not overcrowding the place, we're actually taking, we can fit more people into the like membership area, but we're actually taking less people to ensure that it's not overcrowded in there. And we're also not overcrowding the street. These are just some of the spa rooms, massage rooms as well.

- Jolly Do the current plans anticipate a certain usage of parking spots?
- Durant Yes.
- Jolly Will those need to increase from the current footprint of parking spots?
- Durant If we expand, we do plan on increasing them, we would need to increase them. But what we have right now is sufficient enough for the occupancy that we were given.
- Budzinski Thank you. So, all of the things you just described would fit in the 10,000 square foot footprint that already exist in this space? Is that correct? Are you needing to build up or...
- Durant So the reason why we need to build up our existing business offers personal training. And in order for us to move our members there too, we do need to at least start with that small Phase 2 addition that Mark showcased. So that way, we don't have two businesses, it doesn't make sense for our members to go to Dearborn Height to do their training and then do their membership stuff here. And that's why we really wanted to do the Phase 2 addition in order to just make it easier for people. We're primarily known for offering personal training. But there's some people that can't afford that and that's the main reason why we're offering the community center. But we still have our existing community that still wants to continue to do training and I just felt like making them drive to two different places wouldn't it makes sense.
- Budzinski How long have you been in Dearborn Heights?
- Durant Seven years.
- Budzinski In terms of our conversation here about the lot split to RUF, what is your timeline for the secondary building that you're thinking about doing?
- Durant For the smaller one, the second one, if you guys give us approval, I plan on working on plans and hopefully, you know, starting to get some numbers together and all of that we have to budget at all. And that's the main reason why I wanted to know if we can rezone the whole thing, because we do have to plan years ahead to budget an expansion like this. So even this expansion, you know, I planned it for the last five years, it wasn't something that I was just able to do. So, we have to scale this business properly in order to go back to the bank and say, hey, we're doing good, we want to do an expansion. So, if we don't know if we can result in or not, I can't start financially planning appropriately, not knowing how much land I got to use or not. And then also, as Mark noted, some banks do have a problem with the RUF even as we were going through funding, that was a big issue until you know, the city explained to them

that we can go ahead because the second they see RUF, they say you can't do C-1 over there.

Budzinski Do you feel comfortable going forward with your business plan, if only half or two thirds of the current land is approved for commercial, but the remaining portion remains RUF?

Durant To be completely honest, I said comfortable only because I feel like I would be losing out on some value. Like I don't mind, obviously giving the neighbors enough space where they don't feel uncomfortable, I don't want to make anyone feel uncomfortable in their home. But I do feel like it can be like a fair split, because it's kind of like telling them they can't use their backyard. Because we did purchase, you know, the building and the land. And when we purchased it, part of the cost of the building, the seller took into account that half an acre, so it's a big parcel, it's actually almost as big as what the existing building is on. So, to just have that, because right now it's going to waste it's not being used, and I don't mind putting a high fence, you know, whatever makes the neighbors feel more comfortable with us being there. I just feel like whatever it is, I guess, fair to both sides.

Budzinski And I guess my final question would be, would you be willing to invest in landscaping that created a kind of barrier along the perimeter that is trees or something that created a more visually appealing, perhaps, dim some of the light pollution?

Durant 100%. That's actually something we already plan on doing. Because even if we're not going to build out that expansion right now, part of my goals is to actually redo all of the landscaping on that land just to make it look nicer, because right now it's you see how it looks, so we want to take into account you know, putting some trees or a fence, we'll have to kind of work with the city on what they allow us to do. But that's definitely in the plans.

Donovic Thanks, Mr. President. A couple of questions for Mr. Taormina and also the petitioner and a few comments. Mark, Mr. Taormina, we have to talk about future land use of this unique parcel because this parcel is unique. All the parcels that surround this virtual square essentially rectangle, are all unique in nature. What are the lot widths, for example, that back portion that abuts directly to that house back there with a small backyard has a lot of width is that maybe 60 feet wide?

Taormina You can see right here on the plan. This block for example is 70 feet, adjacent to it is only 45 feet, at least the street frontage. These are a little bit pie shaped, so it widens out at the building line. This next one is 50 feet, this one's only 35 feet. So, it's varied.

Donovic So, a couple a couple of comments to the residents. Definitely sympathetic to not wanting something more commercial in your backyard.

I mean, naturally, I understand that. At the same time, it's a commercial property, even though it's been zoned RUF. It's operating the commercial property. And I agree, I would love to see residential here. But when we talk about the lot widths, there isn't room, you could do a few houses, maybe. But you're talking about multiple neighbors all selling their backyards, which is very difficult to do if they own it free and clear. If they have a mortgage on it, it's virtually impossible, short of your bank allowing you to split off a piece of your property and paying the bank. So, my point is that no residential developer can come here so long as this commercial building is standing, and buy everyone's backyards, and make it financially feasible. So, I just don't think that's realistic. And that's just my opinion, as one Councilmember, I could be completely wrong. I just don't see commercial owners selling their property for what they want. And then all these other homeowners selling portions of their land for what they would want and making a big residential development here, again, my opinion I just don't see that happening. And then talking about some of the vacant buildings we have, it's super frustrating. We shouldn't have vacant properties, but we as Council in the city, we can't determine what will happen with vacant properties, we can only determine what a petitioner is bringing before us because they're the private property owner, we can't tell the vacant owner down the street to go and develop their property, because it's their property. But I do wish that all the vacant properties in our community were good owners and that's what I see here tonight is a good owner that's coming to a vacant property that is ugly and dilapidated and needs to be really addressed. And I see an opportunity here. At the same time, I understand the residents that, you know, that they they're used to having grass, a large grass area back there, mine is not theirs, you pay property taxes on it, the residents don't pay property tax, if you bought this piece of property, intending to use it and you paid a significant amount of money, I'm assuming for that area back there. And that's what Council needs to do is determine if you can use it or not. And then I guess we'll see what happens. But just a few comments there. To Petitioner this existing building that you have right now, do you plan on making exterior renovations to that building? When do you plan on doing that?

Durant We are actually doing exterior renovations. Right now, we're actually 50% completion with our interior renovations and that looks like we could see the exterior outside. So, we're redoing all the removing all that wood, we're putting porcelain tile, we're adding steel framing, we already replaced the roof, we're replacing all the glass, we're closing that skylight area, I mean, we're putting in a skylight, it's open in the middle, which causes water issues in the building, where we are redoing all the landscaping. It is basically directing the water wrong, we're going to fix all that. We're going to repave the lot, so we're doing a lot to the exterior.

Donovic I asked that question because I'm not comfortable with rezoning the property if you're not going to do exterior modifications. And that is my thought as one Councilmember, if you're asking us to redevelop because

you're promising us, you're going to do this really beautiful plan, which I love the plan. I think our community does need a type of luxury fitness. I mean, this would be the kind of project I'd see, so often we hear about projects at Haggerty Road and Eight Mile, Seven Mile, Six Mile, very rarely do we see these beautiful plans over on east side of town. So, I see this opportunity that you want to really do a nice high-end development over here. But my problem is, are you actually going to do it? Do you actually plan on doing the exterior modifications to this building?

Durant So, we are definitely doing it and Mr. Mark knows. This is, you know, we had to go through funding. So, everything that we proposed to the city that we're going to do we have to do, because that was our proposal we made, so we can't not do it. Even if we changed our mind, it's gonna get done regardless.

Donovic Good, good. And my last question, the renderings that you provided to us. Those renderings are the existing building right now. It's not the second building you're talking about.

Durant Yes, correct.

Donovic Okay, so what do you think the timeline is going to be between, you know, this body making a decision within a few weeks or months and the time that you're moving forward with the entire renovation outside and inside for the existing building?

Durant We already started construction on that one. Are you asking how much more time we have left? Like right now, based on what my contractor's timeline is, we're looking at about fall to be open and done.

Donovic Thank you. Thank you, Mr. President.

Ptashnik Thank you, Mr. Chair. Quick question, I'm not sure if this goes to Mr. Taormina or Mr. Fisher. First, I know that the wall agreement has expired. So, would be at a wall now at this point, as well?

Taormina That is something the Inspection Department is going to have to resolve. As I said, the separation agreements have expired and so they're either going to have to renew that or the petitioner is going to have to come back with a requirement for a wall. That's my understanding. But we I really haven't looked at all the scenarios with the Inspection Department on what has to be done.

Ptashnik I guess I'm just wondering if that would help with some of the separation from the residents and the business if the wall has to go up, but I'm not sure if you thought about that in your plan as well.

- Durant Are they talking about the existing wall that is already there?
- Taormina So let me just go back to the show.
- Ptashnik There was an agreement for a fence instead of a wall that has now expired.
- Taormina There is a partial wall along the north side and there's no requirement for a wall here. The question remains, how much of a wall was required here again, it's not a commercial zoned property at this point, but if we were to rezone it, if you were to rezone it, then that would definitely trigger the need for the wall to be constructed and at least along those areas where it's zoned commercial.
- Ptashnik So if we split it, however we split it, RUF to C-1, the wall would come into play under C-1?
- Taormina Correct.
- McCullough Councilman Jolly then Councilman Morgan.
- Jolly Yeah, the only question I would have is, it's just I'm critiquing some of the stuff you just said. You said, the second building. And there's currently the first building, you've kind of given us some plans for a second building. Are there plans for a potential third building at some point, because I kind of, the way you said, something kind of made me think that the second building was maybe not the end building.
- Durant So, that second building is only going to take up a small piece of what's already next to the existing building, but you're still going to have that whole area of grass is not going to be touched. And that's where we need to find that, financially, if we know if it is going to be resolved, we do plan on possibly having an addition there. Right now, with that building size that we have, it's really not enough to take on more people in the community and more people want to be members, like I said, we already have like a long waitlist. So, in order for us to stay in the same area, it would make sense to use the land and just have our extension over there.
- Jolly So, we're talking about potentially a third building.
- Durant Correct.
- Jolly All right, okay. Well, having all the information is helpful for us in regards to you know, Mr. Taormina has laid out potential splitting of the zoning, you're advocating to have the full zoning, just in terms of understanding where we potentially could be headed here, gives us a clearer idea of the decision we're making and what that means.

- Durant I mean, yeah, even for me, I did think of possibly putting myself a house in that area if it were turning residential, but even my contractor told me to be very difficult. Then to have a home right next to a commercial building, even if we were to build some homes there. What are the odds of someone buying it literally in the parking lot of a commercial building? So that's why for us, it didn't make sense to entertain the residential route. We didn't think, okay, how can we best use the land? But I feel like it would be best used if we were to have it as an extension to the business as we grow in scale.
- Jolly Yeah, I think, just to give you my quick thoughts here, I understand what you're saying in regards to a splitting of usages does not necessarily make sense. Right? Like, you're not going to build a house back there. No, I mean, nobody in their right mind would want to live, you know, go enter through a commercial property and then live behind it, right. But you're also in a very odd circumstance in terms of the shape of the lot, the surrounding usages of the lot. So, there's just a lot for us to navigate in terms of, it's not just what you want to do, it's if we rezone the whole thing for the commercial purpose, what are the other requirements? And so if you potentially want to put a third building there, then that kind of frames our mindset in regards to how close will that be, potentially, theoretically, to some of these other houses and stuff like that? It's just the broader picture of things. It allows us to get to a more clearer answer.
- Durant I mean, honestly, for me, I'm willing to work with the city, even with this building, whatever they advise us with, we took. In the coming years, we decided to expand whatever the recommendations are, is what we will follow. Like I said, I don't want to make it where is the neighbors and the residents mad at you? So, I don't know exactly yet because this is like a future plan thing. And we still have to get the engineers out, figure out the whole water sewer situation. So, for all we know, maybe engineers do say we have to stop way further. And then we think that's all going to depend, as we looked into it before in the future.
- Jolly I appreciate that. Mark, can I ask you a follow up? So that rear property line, I feel funny saying rear because it's kind of an angle in this position. But the rear property line there, if she were to build a potential third building, how close could the rear wall of that building needs to the property line, if this were to be rezoned? I know that's a loaded question.
- Taormina No, it's I believe it's the setback requirement. The minimum is 20 feet in the C-1 zoning district.
- Jolly So, we're talking 20 feet from that rear property line.
- Taormina Yeah, conceivably.

- Jolly Okay. And if she wanted to come back and do the second building, they would have to go through site plan approval.
- Taormina Correct.
- Jolly And if she wants to come back with a third time, we'd have to revisit that again through a new site approval.
- Taormina That is correct.
- Jolly Okay, so we really don't have to do too much worrying about that right now.
- Taormina I would agree.
- Jolly Thank you.
- McCullough Mr. Morgan.
- Morgan That pretty much covered what I had, what my questions were. So really, all's we're doing is we would be just changing this to a C-1, if we were to approve that and any other building that goes on this property before that takes place, it will have to come to this governing body, is that correct?
- Taormina Correct.
- Morgan Okay.
- Donovic Mr. President.
- McCullough Councilman Donovic.
- Donovic To my colleague's question. If we do rezone the entire thing, then it would give the petitioner the legal right to develop a commercially operated building on those properties, short of us having site plan concerns with the facades and whatnot. And they then legally have a right though. And we could just deny it because the residents don't want it, you have a right to those factors, so to speak.
- Taormina Well, I'm going to refer this your question to Council because the question of constructing a permitted use that otherwise complies with all the ordinance requirements, would suggest that you're in a position that you might have to act favorably on that. And so that's part of the reason why we're suggesting to scale back the rezoning as part of this first phase.
- Donovic Can you help clarify, I'm a little confused on the number of buildings, because the plan we have just shows an existing building. It doesn't show

a second building. I see a proposed building for the building that the petitioner is talking about, where is the second building?

Taormina Again, I'll describe this again. So, this is the second building. So, if you look at, look at this plan, this is the existing building. This is what she would propose as part of, this is called the second phase. This probably illustrates that the best, this is the existing building. So, picture this, I know, it's difficult, and it's probably not, it's just a rendering, you see the palm trees. But this would be Middlebelt Road on the far left. So, this is the existing building. This is that second building kind of tucked behind the existing buildings. So, this is the existing, this would be the second building.

Donovic If we were to sort of split this in half, or whatever the size is, would that second building be in that first portion closest to Middlebelt?

Taormina Back to this plan that I showed. That building, that second building, would sit roughly here.

Donovic And would that second building meet the setback requirements, and what have you? I guess what I'm thinking is, do we have to adjust that line accordingly to make sure that the petitioner meets all the proper criteria to build a second building?

Taormina That's a that's a very good question. So, this line, again, was just for kind of illustrative purposes. Just to give you a sense, this is 275 feet from this point to this point, it may or may not encompass everything that's needed for that second building. So, whether this line moves a little bit east, or west, for that matter, depending on how she would accomplish that phase. We don't have all the information to be able to make that determination right now. So, if the Council wanted to act on this, I would suggest that there would be some additional information provided by the petitioner that shows us more specifically, what would be required. If your thought is that you could rezone enough of this property to facilitate that second building, then we should make sure that this line is far enough east in order to facilitate the....

Donovic If we rezone a portion of this property, depending on what Council wants to do, rezone a portion of it, then you're like, oh, I can't build that building, because I'm two feet within the rezoning line we create.

Taormina I would say, based on this plan and with judging from the improvements that are shown, that probably going to at least this line right here, which is 330 feet, that'd be more than enough to accommodate that.

Donovic Thank you.

McCullough Councilwoman Budzinski.

- Budzinski I don't know exactly where the question goes. But if we just approve a partial or commercial to allow for the current space and the potential for a second, are we able to put in any requirements for trees in the RUF or would we have to wait for a site plan with what comes up for us and just do it along the perimeter for the new commercial zone?
- Taormina So there is a way to conditionally rezone the property. However, that would have to be by means of the petitioner voluntarily offering those improvements and conditions. So, this body has the authority to enter into a conditional zoning agreement, only where the applicant submits to you, and you approve those conditions, the statement of conditions that would outline these improvements. We cannot dictate to the applicant what those conditions can be. If she wants to voluntarily offer those and provide those in the form of a plan or a statement of conditions, as I said, that's something that you can accept. And we have done that on numerous occasions, as Mr. Fisher will testify.
- Fisher Certainly, we've done it on many occasions.
- Budzinski And just for my own knowledge, for the 20 feet from the neighbors, would it be all three neighbors that are abutting up or just the one on the far east?
- Taormina Let me verify the information on the setbacks. Okay. Because it varies, depending on circumstances. I think it might get 20 around, but let me check out the site and the rear yard requirements, give me a second so if you have other questions.
- McCullough Thank you. And then just to kind of get back on. I mean, right now, this is a public hearing, mostly for the zoning change. And I know, we're looking a lot under the plan and I appreciate you bringing that forward, and let's just keep it on topic in theory. Council, I don't think we have a motion, do we?
- Jolly At this time, Mr. President, I will offer an approving, a denying and committee of the whole to give us some time to think about what we're going to do before the next meeting.
- Donovic Mr. Chair, Mr. President. Are we, at this point, going to specifically say whether it's just for a portion of the property, the entire parcel itself?
- Jolly I'll offer an approving for partial, I'll offer an approving for the whole and I'll offer a denying for the Committee of the Whole. Mark tries to give us some very, very good direction. You heard some of the things that Council is interested in, in regards to, considering the full scope of what you're asking for. I think some of the Members might appreciate if you took some of those things into account before that meeting.

- Durant I personally would like to add trees, because if I can block the residential areas, I think it's even better for us moving forward. So, if we were to ever use the land, you know, you don't see residential houses or anything like that, because right now, there's a house next to us and if the person there tells us we can put a wall, we would like to. It's also for our privacy and their privacy. I feel like it's best for both parties.
- Donovic So I got a question for that point. And I don't want to put you on the spot, so you don't have to do this right now, the southern property, the wall that separates right now because it's a wooden fence, and then the one to the northern two properties, there's no fence on there, it's kind of sporadically open on that portion?
- Durant There is like halfway then a break point, and then there is a little while, so when it stops and then there's nothing.
- Donovic I guess my question is, it'd be a significant ask for us to ask you to install a masonry wall, if we're not going to rezone the entire thing. And I don't want to make you do something that is not financially feasible, at the same time, I want to offer some buffer to the residents. So, it'd be nice if you would conditionally, or you voluntarily would add some vegetation, some trees to buffer the northern portion and the southern portion. With that, I guess that's a difficult decision. Do we ask you to remove that wooden fence and put a masonry wall back there? Is that kind of overburdensome? Or do we just ask if you would you be okay with putting pine trees or some sort of trees back there? It's kind of hard to make a decision right now.
- Durant The thing is like, if it comes to that phase, and we are building, that is something that, these are the things I need to know. So financially, we've been taken into account, that's something that's going to make everyone happy. Where, you know, I think vegetation will look nice and appealing for both sides. And you're saying that's if we were to use the rest of the land, right? That's something we can do.
- Donovic Because I have my gut instinct. And I can only speak for myself. As you know, I wouldn't be shocked if Council only approved the one portion of this to be rezoned, and the other portion set for another day when you're ready, because I don't know if you do this often, but a lot of times petitioners will come before us and they're going to rezone a piece of property, speculatively are going to rezone it. And we will approve the zoning contingent upon the site plan being approved. So, what I could see theory here, that Council approves the one, the fronting portion along Middlebelt be rezoned, that 330 feet or whatever it may be, and then you're really successful in this first portion, and you come back, I'm bursting at the seams, I need to build that third building back there. You would come back before Council. The only caveat to that is you got to spend that money to do this really nice plan and go through all these hoops and maybe you still don't get approved, but that is just the cost of

doing business, I guess. So, do we make you do that masonry wall or buffer at that point, or do you voluntarily do the buffer trees right now?

Durant To do the buffer of trees right now, and we're not using the land, that's like half an acre of land that would cost a significant amount. So, if we're not using that land, it wouldn't make sense to do so. But in the case that you tell me, hey, when you're ready to build, that is something we would like you to volunteer, I feel like that's a fair exchange.

McCullough Vice President.

Ptashnik Thank you, Mr. President. I guess my question is, I'm trying to clarify what Mr. Donovan was actually saying, if we were to approve a portion, but that would be C-1, then the petitioner would have to build the wall unless they get the wall agreement signed.

Donovic I guess what I was saying is that I don't think it'd be fair for Council to require the petitioner to buffer all that half acre back there, the RUF part, if we don't rezone that portion. From my perspective, if we're not going to rezone the entire portion, then we shouldn't have the right to force you to go back there and do a bunch of enhancements on a piece of property that we're not allowing you to rezone currently. But if we do rezone this, this portion along Middlebelt, then I don't know what kind of conditions we could place in terms of buffering to that, just that 330 feet or whatever, to the north.

Durant Yeah, I understand it now. I mean, either way, we're doing landscaping in our portion, whether it was going to get rezoned or not. And I guess it's very hard to decide this, no one knows what we're gonna do with that. I also take into account if I do put in all those trees now, their maintenance yearly, and all that, and it's not being used.

McCullough All right. Is that it for Council? Alright, so, right now we have I think six motions, correct?

Jolly I think it's four.

McCullough So yeah, committee of the whole in general...

Jolly Then half approval for the rezone, a full approval and a or denial.

Fisher So, what meaning is this for?

McCullough Sara, are we targeting May 6th?

Kasprovicz So targeting May 6th.

Taormina Can I make a suggestion that we push this to the 20th? Allow me time to work with the conditions? I think it'd be a time well spent.

McCullough So May 20th this will be on the City Council agenda. Anything further from the audience? Seeing none, I'm going to close this item and move on to item number two.

As there were no further questions or comments, the Public Hearing was declared closed at 7:59 p.m.

**CITY OF LIVONIA
PUBLIC HEARING**

Minutes of Meeting Held on Monday, April 22, 2024

A Public Hearing of the Council of the City of Livonia was held at the Livonia City Hall Auditorium on April 22, 2024.

MEMBERS PRESENT: Brandon McCullough, President
Martha Ptashnik, Vice President
Carrie Budzinski
Rob Donovic
Jim Jolly
Scott Morgan

MEMBERS ABSENT: Laura M. Toy

OTHERS PRESENT: Mike Fisher, Assistant City Attorney
Mark Taormina, Planning and Economic Development Director
Sara Kasprowicz, Recording Secretary

The Public Hearing was called to order at 7:59 p.m. with Council President Brandon McCullough presiding. This item is regarding Petition 2024-02-06-01 submitted by resolution of the City Council, on its own motion, to the City Planning Commission under Section 13.15(1)A) of the Livonia Zoning Ordinance, as amended, to determine whether or not to amend Section 6.26 of the Livonia Zoning Ordinance, as amended, to provide that no more than two (2) gasoline service stations may be located within 500 feet of any intersection of two (2) or more major thoroughfares, including boulevards, arterial highways, arterial streets, and city major roads, as indicated on the Future Transportation Map of the Livonia Vision 21 Master Plan.

This item will be moved to the Regular Meeting of **May 6, 2024**.

The Public Hearing is now open. There were approximately 5 persons in the audience.

McCullough Mr. Taormina.

Taormina Thank you. This is a language amendment that was initiated by City Council. Planning Commission did hold a Public Hearing. The language was prepared by the Law Department in conjunction with Planning. The Planning Commission is recommending approval with one exception, in that the restriction on the number of gas stations per intersection not apply in cases of intersections along the I 96. expressway.

McCullough Thank you. Is there any audience communication on this matter?

King This happened because the Sheetz petitioner came forward and wanted to put a gas station at Five and Newburgh. This is a way to kind of like,

prevent them from doing that, which just seems kind of unfair to other gas station owners. It's kind of like it's protecting them. And I don't know why they should be protected from competition, quite honestly. Because we already have three or four gas stations at multiple intersections. But you're basically giving an unfair advantage to those two existing stations right there at Five and Newburgh. So, I just was hoping that, I don't know if this, in the future, if this amendment, maybe I guess you revisit it if a petitioner comes forward, you can always change the amendment, I guess.

McCullough All right. Thanks. Thanks, Mr. King, Mr. Jolly.

Jolly Thank you, Mr. President. I'm going to offer an approving for the Committee of the Whole here. Mr. King, part of the, just in response to what you said, so, the only intersections in the city that have more than two intersections are actually the ones that are exempted on the expressway. So, they did a survey of that.

King There's no other intersection?

Jolly Not other than on 96 Corridor there's not.

McCullough Hard to believe.

Donovic Mr. President.

McCullough Councilman Donovic.

Donovic I was the one that actually offered this motion some time ago, and I was actually not sure, I was shocked that we didn't already have an ordinance like this. There are no gas stations and no intersections in this community to have more than two gas stations. None. I personally checked with the exception of Merriman and Farmington along I-96 freeway. I'm going to make a motion for an approving for the Regular. I think Planning has already discussed this at great length. I think City Council has discussed this at great length. So, I'd like to see this approving for the Regular. There's been a lot of due diligence on this, other communities as well. And I think this is protecting the development of our community. Thank you. I'd like to reflect that I made the motion.

Jolly I'll withdraw my motion.

McCullough Did you want to say something on this item?

Budzinski Name and address for the record.

Unknown (Illegible) Glengarry. At Plymouth and Inkster, there are two on the Redford side. Hypothetically, if the Mobile in Livonia closes, someone could still move in there? Just make sure we're protecting Livonia.

McCullough We're going to adjourn the meeting at 8:04 p.m.

As there were no further questions or comments, the Public Hearing was declared closed at 8:04 p.m.