

**CITY OF LIVONIA
PUBLIC HEARING**

Minutes of Meeting Held on Monday, March 1, 2021

A Public Hearing of the Council of the City of Livonia was held virtually via ZOOM on **Monday, March 1, 2021**.

MEMBERS PRESENT: Kathleen McIntyre, President
Vice President Scott Bahr
Jim Jolly
Brandon McCullough
Laura M. Toy

MEMBERS ABSENT: Rob Donovic
Cathy K. White

OTHERS PRESENT: Mark Taormina, Director of Economic Development
Paul Bernier, City Attorney
Sara Kasprowicz, Recording Secretary

The Public Hearing was called to order at 7:02 p.m. with President Kathleen McIntyre presiding. This item is regarding **Petition 2020-12-01-07** submitted by Tiseo Architects, Inc., pursuant to Section 23.01(b) of the Livonia Zoning Ordinance #543, as amended, to rezone portions of the shopping center property at 19043 thru 19053 Middlebelt Road and 29475 thru 29493 Seven Mile Road, located on the west side of Middlebelt Road between Clarita Avenue and Seven Mile Road in the Northeast ¼ of Section 11, from C-1, Local Business & P, Parking to C-2, General Business.

This item will move to the Regular Meeting of **March 22, 2021**.

The Public Hearing is now open. There were 9 people in the audience.

McIntyre: We will now call the public hearing on a rezoning petition to order. I don't have a gavel, but I just gaveled the meeting to order at 7:02 PM. The public hearing is now open for comments. Please state your name and address clearly before making your comments. I assume our City Attorney is with us and just for **to** err on the side of caution, I'm going to ask the members of the council and the Elected Officials to state where you're joining us from. I'll start. Kathleen MacIntyre from Livonia, Wayne County, Michigan. Vice President Bahr.

Bahr: Scott Bahr from Livonia, Michigan. Here.

McIntyre: Brandon McCullough?

McCullough: Brandon McCullough, Livonia, Michigan.

McIntyre: Jim Jolly?

Jolly: Present, Livonia, Michigan.

McIntyre: Thank you and I think that's, that's everyone who is on the call from Elected Officials side. All right, at this time, we are open for comments. As I mentioned. Would anyone from the public like to address the Council on this public hearing? I see that we have the Petitioner with us this evening. Council, any questions for the petitioner?

Bahr: Madam President?

McIntyre: Vice President Bahr?

Bahr: Would we typically ask Mark to kind of talk through this?

McIntyre: Yes.

Bahr: When the time is appropriate, I'd be interested in that.

McIntyre: Okay. Mr. Taormina? You're on mute.

Taormina: Let me share my screen if I may, then that way, you'll have a visual, to follow. I hope everyone can see that. This is a rezoning request as was mentioned and property is located at the southwest corner of Seven Mile and Middlebelt Road. This site currently has three zoning classifications, C1, C2 and P which is the designation for the parking district. The proposed changes this evening would place the entire site under the C2 classification. Altogether the site is just under 5.4 acres and the building, the shopping center complex, is just under 57,000 square feet. The main tenants include Pet Supplies Plus and Planet Fitness. You'll recall this center from a fairly recent petition where a bank ATM kiosk was constructed at the South end of the parking lot. The purpose of the rezoning is to facilitate the development of an outlot building that would have drive-through facilities. This would occur in the on the easterly portion of the site along Middlebelt Road, between the Boston Market, which is to the North and the Wendy's restaurant, which is to the South. Both of those are located on adjacent parcels, by the way. Changing the zoning to C2 is necessary since the current parking designation would not allow for buildings or structures. As Council is aware, drive-up operations require waiver use approval. Should this rezoning petition move forward, any proposal to develop the property in question would go through the

waiver use approval process. The new commercial building would occupy an area that measures about 104 feet by 145 feet. Mid-Seven shopping center currently requires about 302 parking spaces. Adding the 2000 square foot outbuilding would increase the required parking to approximately 313 spaces. Right now, the site is conforming. There are 307 spaces available on the site. It's for a very slight surplus. Should this development occur as shown on the plans, that would eliminate about 50 parking spaces. It would cause a parking deficiency of about 42 parking spaces. Planning Commission did review this at a public hearing in January and is recommending approval of the rezoning. Thank you. Just to get everyone familiar with this map, so it may be a little bit difficult to read. This is the outline of the building as it exists today. Middlebelt Road is on the right-hand side of this drawing. The shaded area here would represent the new construction. This is the outlot building. The Wendy's restaurant that was referenced as located offsite here and then the Boston market is located here. So, this would be the new construction.

McIntyre: Councilmember Jolly and then Vice President Bahr.

Jolly: Thank you, Madam President. I'm not opposed to this usage here, but my curiosity is this. We just recently approved a waiver to allow for this drive-up free-standing ATM that's shown here at the bottom of the site plan.

Taormina: Correct.

Jolly: Now we're going through this request for this additional outlet. I think from a practical manner, I would have liked to have kind of had an idea that these were going on at the same time and I'm wondering what, if anything, additional, are they planning? I feel like, you know, we just did this less than a year ago. Or maybe, maybe slightly more than a year ago. I'm not sure. Can you comment on that? You know, well Mark, first off, and then the Petitioner's if they are available.

Taormina: Yes. Thank you. Councilman Jolly. I did not mention that also shown on the site plan, is another drive-up operation here at the South end of the building. Again, this is, would be a completely separate petition that would have to be filed once a user is identified. So, in response to your question. What else is planned for this site? In addition to this outline building. The conceptual plans, they show the potential for a drive-up operation on the South side of the building. Now this is complicated, a little bit more so in that, you know, how do you get access back here? The only way you really achieve access for that part of the site is by, and I'm zooming out. I'm trying to zoom out, is by going all the way around the building. So, that that presents challenges, in terms of access. Interferences with things that occur along the back of shopping centers like dumpsters and loading and unloading areas. Wayfaring or wayfinding, the signage that's needed to

direct traffic. So, this was looked at again, conceptually for the Planning Commission without any commitment either to this part of the project or really for that matter, the out lot. They did feel, however that C2 zoning was appropriate for the parcel in general.

Jolly: Yeah, I would agree on the C2 zoning in general, but I'll tell you right now, this additional element that you're talking about with the additional drive-up operation at what would be the South end of the building here, I'll just go on the record, I am not in favor of that. That's going to cause this entire South end of this parcel be completely way too busy and I don't like the access as you're describing it here from Seven Mile Road, either. I think that's, that's not how we typically do things in Livonia and I don't think we should start doing them this way. Like I said, I'm not opposed to this current out lot, but I would have appreciated understanding more so, these things all at once, as opposed to having them piecemeal come for us. Thank you.

McIntyre: Thank you, Councilmember Jolly. Vice President Bahr.

Bahr: Yeah. Thank you, Madam President. Mark. Can you go back to the slide? The first slide you showed that just showed the lot split, or was it a couple of slides before this, where you showed the, yeah, go back one more. I think. Yeah, that's what I'm looking for. So, everything in the red is what we're rezoning to C2. Correct?

Taormina: That is correct.

Bahr: So the parcel boundaries, just to orient you here, the parcel boundaries, if you can follow the, the mouse here, or this area. So, this area of the site is our, is currently zoned C2. That's why it falls outside of this request, but it is part of the property.

Bahr: That whole property has the same owner?

Taormina: That is correct.

Bahr: Okay and why, not necessarily that I have a problem, I'm just trying to understand the logic here. I don't have an issue with the out lot that they're asking to go to C2, that seems to make a lot of sense. I guess my question though, is why the entire site or this entire section is being asked to go to C2. Does that have some kind of parking ramifications? Why not just carve out that one section and call it C2?

Taormina: I'm going to allow the petitioner to respond to that. Well, the other reason is, if you look at this plan, yes, this area on the adjacent to Middlebelt Road is the parking zone. The C1, I believe, let's see here, you can see where

- the C1 extends. That would not facilitate necessarily the drive-up operation here at the South end of the building.
- Bahr: Okay, that makes sense. Trust me, it's cleaner. Just to do it all C2 in this site, really, probably should be C2, so I don't necessarily have an issue with it. We've piecemealed it before and I was curious what the rationale was for not doing it this time. Then those parking spaces Mark, at the Southwest corner behind the building. Those, I assume, figure into our current parking counts?
- Taormina: Yes, they do.
- Bahr: Okay, and you said the result of this action would be for the whole property to be deficient by 40 spaces or so, something like that?
- Taormina: Roughly.
- Bahr: I just want to make sure I have my facts straight. Okay. I might ask some more questions for the petitioner, but that's what I needed. Thanks.
- McIntyre: Alright, anyone else have any questions for Mr. Taormina?
- Toy: I'm on Kathleen, it's Laura.
- McIntyre: We have a Councilmember Toy with us by phone. Councilmember Toy, can you please give us your location, your city and your County?
- Toy: Certainly, Livonia, Michigan Wayne County.
- McIntyre: Thank you very much and at this time, we can go to the Petitioners and beginning was Mr. Denha. Mr. Denha, could you give us your name and your address, please?
- Denha: Good evening, everybody. Thank you for the time. My name is Kevin Denha. I am one of the principles of the shopping center, my address is 700 North Old Woodward, Birmingham, Michigan 48009. Thank you for having me. With your, with your permission, Madam Chair, I just want to respond a couple questions that popped up. Councilman Jolly, I just want to give a little feedback. We did the ATM machine as a standalone deal and I'm guessing probably 18 months ago. So, I had no idea at that time we were looking at doing something like this. You know, we tried our best to lease the existing structure and building and, you know, throughout the Summer and Fall, I was thinking about how to, how to maximize this property and thus, that's why we're here today. So there really wasn't any piecemeal or anything like that this is just the evolution of the center as we try to lease it. We've done a pretty good job, but the end cap has always been a challenge, hence the splitting up of 4,800 square feet and

commencing with a drive-thru. I'd just like to add a couple things. With respect to the rear lot, I know it's a long jog coming around for the drive-thru, but we're also going to clean up that back part of the lot where there's no dumpster enclosures right now, landscape it better and kind of cleaned it up. Secondly, with respect to the end cap drive through, you know, there's no restaurants in the center now there's not going to be any sit-down restaurants and that type of thing. The Center, especially the South end, has a parking field that's very rarely used, which hence is why I put the out lot there as well as the drive-through. So, I just wanted to address a couple of your questions with respect to, kind of the evolution of ATM and where we're at today.

McIntyre: Thank you, Mr. Denha

Denha: Mr. Tiseo is on if you want to answer anything.

McIntyre: Good evening, Mr. Tiseo. Did you want to add anything additional to Mr. Denha's comments?

Denha: Ben are you there?

McIntyre: It looks like Ben's here. Okay. It looks like Ben should be able to, oh, I'm sorry. Let's see. All right. There we go. All right, Ben? We should be able to hear you now.

Denha: Ben can you hear us?

McIntyre: It looks like it looks like Ben should be able to let's see, Ben?

Denha: I'll text him he might be on mute, Madam chair. Let me text him.

McCullough: All right. He should have the ability to, while we're waiting for Ben, Mr. McCullough, Councilmember McCullough, did you want to ask a question?

McCullough: I'm thinking Madam Chair, it's more of a statement. Just kind of looking over the site, if I may.

McIntyre: Please.

McCullough: Thank you. So, just kind of looking at this, I have no issue with the zoning change at this point, but kind of looking over the site, and I know obviously there are some vacancies in the strip mall, but, you know, if we're going to be losing potential spots and I am all for innovative planning, but I'm also not in favor of overloading a retail/center like this. I just hope that as things come forward, that you know, we take that in consideration. I do

look at that stacking a lot, kind of behind the building and even though I know you'd clean it up and I could see the vision, I'd be open to anything on that, it just seems like there's a lot going on, especially as you got Planet Fitness in there and you got Boston Market, you got the gas station, Pet Supplies Plus, so, you know, I'm going to look long and hard once we see if this goes through and we obviously see the site plan for this, but you know, you start getting them in, the more and more and more we're losing parking spots. I just have some concerns.

McIntyre: Thank you. Council member McCollough, Vice President Bahr.

Bahr: Thank you Madam President. To the Chair to Mark again, Mark, if they were to add a drive through restaurant on the end there in the future, does that, just off the top of your head, how does that affect parking from what it is today or is that likely to take it up or would it stay the same? I'm sure it doesn't take it down.

Taormina: No, the required parking is, we'd have to do the calculations. I think the numbers that I referenced earlier, assume that the only restaurants in the shopping center would be the end caps here and the 2000 square foot outbuilding, once they exceed 15% of the gross floor area then different parking standards apply and then that would even cause a greater deficiency at least by ordinance standards. Yeah, the shopping centers are not, the parking is not computed based on the individual uses. It's based, when you have a shopping center, this large, we just apply a single ratio.

Bahr: Got it.

Taormina: That ratio changes depending on how much of the space is devoted to places of assembly, meaning restaurants. So, once the amount of area of restaurants exceeds 15%, the standards, it kicks into a new standard, which requires even more parking, and they don't reach that threshold under this design. That's not to say they wouldn't. If another larger restaurant came in, we'd have to do the math on that.

Bahr: Okay, thank you, Mark and Mr. Denha, are you able to give us an idea of what you have planned for that out lot building out there? What business?

Denha: Mr. Bahr I have nothing planned right now. We are in design mode with the building, you know, obviously after this meeting, we've done some very conceptual stuff, but I have no tenants in mind. I am going to be upon approval of potential approval from the City marketing this accordingly. but I have nobody.

Bahr: Okay. as far as the zoning goes, I think C2 for this corner makes total sense and I'll offer an approving for that. That being said, I do want it, and recognizing that this is a rezoning, I just want to get that out there from a rezoning perspective, I don't have an issue with this. I think adding an ally building out there will actually help the entire site. This reminds me, just as a comparable of what happened over at Five Mile in Newburgh, a number of years back, I don't know how many years it's been packed now, and I don't remember if it was during my Planning days or my Council days, but when the Tim Horton's on Five Mile went in and how did people that were the biggest fans of that Tim Horton's being built, were all the stores in the plaza behind it, because all the eyeballs that it drew and I think history has born out how positive that's been for that Center. I think putting an out lot building here, presumably a drive through, in what is now a vacant piece of pavement, helps the entire corner. So, I'm, I'm very much in favor of that. So, having addressed that zoning thing, I just want to speak into the future a little bit. So, you guys look at this, my initial reaction when I saw the potential drive-through plans for the Southwest corner of the site was probably similar to Mr. Jolly's, I had a negative reaction to it. The more I think about it, I want to keep an open mind, it's certainly not unprecedented to have, you know, a longer entry to a drive through with some way-finding. You know, the potential to clean up that back alley as a result of that, I think is a good thing. Certainly, to help us run more traffic into the site and to help the southern edge of that Center to do as well as the northern edge. That's all attractive, but on the other hand, it is weird. It presents its own set of issues. You think about people coming from Seven Mile might have some decent wayfinding to get down there, but people coming from Middlebelt would end up driving all around the property counter-clockwise just to get to a drive-thru and then you also have the additional problem with you would end up losing more parking space, which, in order to come and make that drive through, since you would be getting rid of some of the parking spaces that are back there now, and well, I'm not concerned about parking at that property today. If you're successful with this out lot as I think he will be, that might become an issue in the future. So, we're here for zoning tonight. I'll offer an approving for that, but I am skeptical of the ability to do a drive through as you have shown on the southern edge of the shopping center. So, thanks.

McIntyre: Councilmember Jolly.

Jolly: Thank you. For the Petitioner and for Mark. When we see this next, will we see it in the near future for the out lot for a site plan approval or will that wait till it is possibly under contract with a restaurant or something like that. So, are we going to see this later on down the road? This is just for marketing purposes that we're doing the rezoning. Is that correct? Mr. Taormina or whoever.

- Denha: Councilman Jolly, this is Kevin Denha. I am moving forward, this is not a marketing piece or I'm moving forward to get this thing approved in the steps outlined by the City, I'm not waiting.
- Jolly: I understand. Well maybe I phrased my question inappropriately. What I'm saying is, will you be waiting until you have somebody on the hook who's interested in the project?
- McIntyre: Councilmember Jolly, just to be clear you'd like to address this specifically to Mr. Denha, is that correct?
- Jolly: Yeah. At this point, probably. Okay. So Mr. Denha, will you be waiting until you have a potential tenant on the hook before you bring us site plan before us? That's the question.
- Denha: Councilman Jolly, that is correct for simply reason is the design of the building per tenant specs, et cetera. However, no. Exactly. So as soon as I get that tenant, which I'll be marketing aggressively I'll come to you guys with their final design, et cetera.
- Jolly: Okay. So that being the case I expect if, and when we deal with that, we will not be dealing with this potential drive up at the same time, they will be segmented. Correct?
- Denha: Well, I mean, from my perspective on marketing the center in duality, so I could land two tenants at once. I could, land one beforehand. I can't represent how that's going to flow, sir.
- Jolly: Okay. Just to put my thoughts out there. In a way, I would like to see them separate because that would allow us to approve the one without the other, that's one hand. On the other hand, having them together would allow us to consider the entire site plan altogether. So, but that was just a question for my own knowledge.
- Denha: Can I just follow up with that, sir, real quick, with respect to the status quo of the center right now, there's zero restaurants and a very limited medical there I know we're losing parking, but, yeah, I'm not going to get in the weeds here, but the depths of these centers on the south part is 110 feet. I'm trying to make it attractable in the drive-through does that. I understand the flow is choppy, I understand all that, but I've done this before with these long drives, we can clean up that alley and with your guys' blessing, and when I bring you guys a tenant, we're not going to be short on parking there's oceans of parking in that Center, because there's no food and very limited medical.

- Jolly: Yeah, to be honest with you, I'm not concerned about parking a whole lot at all in regards to this site, because I think as time goes on, we're going to need less and less parking going forward here. In general. I am concerned about it, kind of, you know, we don't want to create a mess and I don't think your intention would ever be to create a mess, but that's kind of what jumps out to me as it is a big potential mess. So, we'll deal with it when it comes before us.
- Denha: I hear you.
- Jolly: I just think it's worth giving you our thoughts now. My thoughts everybody's.
- Denha: 100% sir. 100%.
- Jolly: Thank you, sir. Best wishes.
- Denha: Thank you, sir.
- McIntyre: All right. Just, just a procedural reminder. It's a little awkward in the zoom meetings, but comments should go through the Chair to individual Councilmembers. So again, just trying to keep things consistent with how we would do it if it were a live meeting. Let's see, Mr. Tiseo, we were not able to connect with you successfully. Your hand is not up, but it looks like you should have the ability to address us. Is there anything you would like to say or address the Council on before I go to other audience members who'd like to speak.
- Toy: Madam Chair?
- McIntyre: Yes?
- Toy: For the record.
- McIntyre: Councilmember Toy?
- Toy: I just want to say, this is the first time I've ever heard Ben Tiseo not have anything to say.
- McIntyre: Well, we're trying to.
- Toy: I know, I'm teasing ya.
- McIntyre: I know. Ben, I'm not sure why we're unable to hear you because you should be enabled to speak. So again, while we work on that, I'm going to go to the next member of the audience.

Tiseo: Can you hear me now?

McIntyre: There we go.

Tiseo: I think, I think I was blacked out. Yes. Thank you again. Again, we're here for the rezoning, not specifically the actual design of the out lot or the drive through, and I know we have to come back. We have some challenges, and we will take care of those.

McIntyre: All right. Thank you. Did anyone from the Council have any questions for Mr. Tiseo before I go to the other audience members who'd like to speak. All right, thank you. Ben you and Mr. Denha, you should be able to speak. If you have other things to say, just put your hand up and I'll recognize you, and we should not have a technical issue at this time. Next, I'm going to go to Kimberly Nakhleh and I hope you'll please correct the mispronunciation of your name.

Nakhleh: That's okay, it's Nakhleh. I'm sorry, I'm on Ben's team, I'm the one that drew up the site plans. So, I was just trying to chime in and speak for him because I was on the phone with him as he was trying to get his audio to work. He covered everything, so I'm all set.

McIntyre: All right. Thank you, Ms. Nakhleh, I appreciate that and I'm sorry for the mispronunciation of your name.

Nakhleh: No problem.

McIntyre: And next we're going to go to the last four digits are 3434. And if you're on, if you're joining us by phone, it's star six to unmute yourself. You should be able to unmute yourself. Now I do not see 3434. We'll give a second for the last four digits, 343,4 an opportunity.

Tiseo: That was my cell phone. Excuse me.

McIntyre: Oh, Okay.

Tiseo: That's why.

McIntyre: All right. Anyone else have any comments. I guess I'd like to share one and that is, I too, have concerns about the logistics of a long drive-up and as one of my colleagues mentioned, concern more from the access point from Middlebelt, but on the other hand, a long driveway approach that goes behind a building, gives us an opportunity to clean up an ugly alley and enclosed dumpsters and make it into something attractive. I think that's an opportunity that I wouldn't want to dismiss out of hand, so, thank

you. Does anyone else have any comments before we close the Public Hearing? All right, then.

Toy: I'm sorry. Madam Chair, it's Laura.

McIntyre: Yes. Councilmember Toy.

Toy: Thank you. Madam chair. Just real quick. In this environment and what's, what's going on in small business today. Anything we can do to help business owners with zoning, drive-ups or whatever. I'm all about. So, as long as they make sense, and as you pointed out all that makes an improvement in the property in an area we wouldn't normally look at like an alley like that. I'm all about it. These are difficult times for both owners of properties and business owners and whatever we can do. I want to be a little bit more sensitive for the needs, if you know what I'm saying, and that's just, I wanted to put that out there. Thank you.

McIntyre: Thank you. Councilmember Toy. All right. And if there's no one else, Vice President Bahr has offered an approving resolution on the rezoning, which is the subject matter of this Public Hearing. Sara, I'm not at City Hall. So, Sara, I'm going to ask you, do you know which meeting this will move on to the agenda of?

Kasprowicz: March 22nd.

McIntyre: Mr. Tessio and Mr. Denha, I apologize. I didn't have that in front of me, but as always Sara Kasprowicz, who is our Manager of the Council Office and the Council business is on top of things. So, it will be March 22nd, Ben and Kevin. We will look forward to seeing you then. Thank you. Good night. And we are adjourned.

As there were no further questions or comments, the Public Hearing was declared closed at 7:32 p.m.