

ZONING BOARD OF APPEALS

CITY OF LIVONIA

MINUTES OF SPECIAL MEETING HELD TUESDAY, AUGUST 24, 2021

A Special Meeting of the Zoning Board of Appeals of the City of Livonia was held on Tuesday, August 24, 2021.

MEMBERS PRESENT: Gregory G. Coppola, Chairman
James M. Baringhaus, Vice Chairman
Timothy J. Klisz, Secretary
Joel Turbiak
Michael Testa
Scott Morgan

MEMBERS ABSENT: Christopher Boloven

OTHERS PRESENT: Bob Stroble, Inspection Department
Leo Neville, Legal Department
Valerie Bertani, CEO 9489

The meeting was called to order at seven p.m. Chairman Coppola explained the Rules of Procedure to those interested parties. Each petitioner must give their name and address and declare hardship for appeal. Appeals of the Zoning Board's decisions are made to the Wayne County Circuit Court. The Chairman advised the audience that appeals can be filed within 21 days of the date tonight's minutes are approved. The decision of the Zoning Board shall become final within five (5) calendar days following the hearing and the applicant shall be mailed a copy of the decision. There are four decisions the Board can make: to deny, to grant, to grant as modified by the Board, or to table for further information. Each petitioner may ask to be heard by a full seven (7) member Board. Six (6) members were present this evening. The Chairman asked if anyone wished to be heard by a full Board, but no one wished to do so. The Secretary then read the Agenda and Legal Notice to each appeal, and each petitioner indicated their presence. Appeals came up for hearing after due legal notice was given to all interested parties within 300 feet, petitioners, and City Departments. There were two (2) people present in the audience.

(7:05)

TABLE OF CONTENTS

APPEAL CASE #	PAGES
2021-08-36 (LS Equity, LLC)	3- 30

APPEAL CASE NO. 2021-08-36: An appeal has been made to the Zoning Board of Appeals by LS Equity, LLC, 812 South Main Street, Ste. 200, Royal Oak, MI 48067, seeking to redevelop an existing retail center to include building additions to the current center and two new retail/restaurant buildings, resulting in this commercial/retail parcel to be deficient in total number of parking spaces.

Number of Parking Spaces:

Required: 404

Proposed: 342

Deficient: 62

The property is located on the north side of Plymouth (29320), between Middlebelt and Haller, Lot. No. 099-99-0007-009, C-2 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.38(17), (21), "Off-Street Parking; Schedule."

Coppola: Alright, thank you. Mr. Stroble anything to add?

Stroble: Not at this time, Mr. Chair.

Coppola: Any questions for the inspection department? I do. Mr. Stroble, two things. Number one, in the--in the application that the petitioner submitted, he had suggested that there was an alternative calculation based on a new zoning ordinances--I think they were approved as of last night. That calculation came out to 368 spaces. Have you had an opportunity to look at that calculation, and if you have, can you tell me whether or not that's accurate pursuant to the new zoning ordinance?

Stroble: The--the new zoning ordinance was approved last night. After consulting with law and planning and inspection department, the new calculation would be that they are required 274--no, 368 spaces and the new zoning ordinance which will be enacted in September, for a total of 354 spaces, they would be deficient by fourteen spaces.

Coppola: Okay. Thank you. Anybody have other further questions on that issue? And second of all, I saw in the approval that was provided and the council that there was also an issue with the setback. Can you--do you have any background on that?

Stroble: Yes. I believe the front setbacks are gonna be moved from 60 feet to fifteen feet. In regards to the canopy--will not--I believe the canopy was 20 feet to 30 feet, somewhere from the front setback, so that will not be required to come to zoning after September 1st or 2nd.

Coppola: Okay. Alright, thank you. Any questions--other questions for Mr. Stroble.

Baringhaus: No, I do have a question for Mr. Neville though. This particular project, just for my clarification, was approved by the planning commission based on the former set

of city ordinances. Going forward, will this be recalculated under the new set of city ordinances? I'm not sure which set of ordinances apply to this case?

Neville: Well, if you're talking with respect to the parking spaces, I guess it would have been--it would have been consistent under the existing ordinance with the deficiencies stated in the--in the public notice. But with the enactment now of the--of the new ordinance, so I--I guess if I'm looking at it from a procedural standpoint, I guess I would use the new ordinance if it's been officially enacted. If not--cause I'm not aware of what exactly transpired last night--then--

Coppola: I believe it was approved, but it's actually not--it's not enforced until--when Mr. Stroble?

Stroble: It was either September 1st or 2nd.

Coppola: Okay.

Neville: Alright. So--

Coppola: So, it's still under the--theoretically, we're still under the--

Neville: Technically, we would still be under--

Coppola: Yep.

Neville: --what was in existence at the time the petition was filed and as of today. But I think that's one thing you could take into consideration.

Coppola: Absolutely. I think from the perspective, absolutely.

Baringhaus: Okay, thank you.

Coppola: One other question, Mr. Neville. Since this entity that's filled out the application is a--is basically an LLC corporation, do we need any documentation to make sure that we've got the proper representative here representing the company? Do they need any authorization? Do we need some type of document that authorizes them?

Neville: Let's see. The petition was signed--I don't--is it Frank Jarbou. I don't know if Mr. Jarbou is a member of the LLC or--

Jarbou: That would be me and I am a member of the LLC, yes.

Coppola: Okay. Alright, why don't you give us your name and address, please.

Jarbou: Frank Jarbou, address is--(inaudible)--address is 2--812 Main Street, Suite 200, Royal Oak, Michigan, 48067.

Coppola: Alright, Mr. Jarbou, why don't you tell us about your project and what you're asking us for on the variance and why do you believe there's a practical difficulty or hardship that would require the approval of that variance.

Jarbou: Well, first of all, I'd just like to say thank you guys for showing up. I know that we're the only ones on the agenda. They did try to reschedule it, but timing of our construction is also critical as well for this development. Also, wanna apologize for being a little bit late. We got into a little bit of traffic on 696 getting here. So, when we--in the overall plan to develop this sight and redevelop it, we've been--you know--here--we've been the in community--we've owned this site for quite a while now. Looked at various different options to develop it. Obviously, we got the Chick-fil-A approved, get that through, and--you know--working with the rest of the retail that's there, we're spending a tremendous amount of time, effort, and money into redeveloping the site. We are with--you know--in all due respect to the--I know that this was approved last night. We are deficient 62 spots, but with the new calculations, I think it's--I was under the assumption it was ten, but--you know--correct me if I'm wrong, if it's sixteen or fourteen--

Stroble: Fourteen.

Jarbou: Fourteen. Majority of those spots that we have eliminated are to the rear of the building. So, it would be to the North of the site. Those spots sitting between the back of the building and the drive aisles. Not--and--and--

Coppola: When you say building, there's several buildings. Which particular building are you references?

Jarbou: So, any building line to the North of the building line, not--not facing the parking lot. We--I think we've only eliminated--in the parking field itself, we've only eliminated three to four spots. Only because we had to--we had to conform with a parking island for landscaping. Majority of those spots that we eliminated were to--on the North property line, facing--I think it's the McDonald's that's North of us. And again, don't--you know--with--with the redevelopment the way it's positioned, not too many patrons or even employees would be using those spots, so we thought it was--you know--a good--you know--that was where we--majority of our spots came from that we have eliminated. Overall, I think it works. We--we've been developing retail office industrial for the last 20 years and it's a good mix of the tenants that we do have on hand, and--you know--you do--it--the parking ordinance that was older--now that you guys have updated, we're only deficient the fourteen spots. We're asking if we could get that variance, please.

Coppola: Okay. Anything else?

Jarbou: Nope.

Coppola: So, if you had to create fourteen spots, what would you have to do to create fourteen spots?

Jarbou: It would shrink the building, eliminate two of the tenants. We've looked at that option. And the--where we could--where we could add those spots, wouldn't be a benefit to the retailers. It would be alongside the buildings where they're just useless at the end of the day.

Coppola: You say reduce two of the tenants. When I look at the site plan, I see a tenant one and a tenant two.

Jarbou: Mmhmm.

Coppola: And I see a Chick-fil-A, and then I see a Retail 1 up front, so where--where would you--which tenant, based on the site plan are you suggesting--

Jarbou: So, if you were to look at the big box that's in the back, the tenant one and tenant two, if we were to reduce their square footages, that would have--they--we wouldn't be able to do the deal with those two tenants, and that's the hardship we have. We tried to squeeze them in wherever we could. It wasn't something that wasn't--we've gone through numerous plans on this--numerous renditions, and countless back and forth with the retailers and trying to provide what the retailers are demanding of us and also what fits the community--ordinance I should say.

Coppola: Okay. Questions?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Yeah, to the petitioner, Mr. Jarbou, did--I might have missed it, I apologize, I heard you explain that you had to eliminate some parking spots--why did you eliminate some parking spots.

Jarbou: So, that's--in order to get--another reason that--that's a very good point. Another reason that we eliminated those parking spots to the North of the property is we wanted to keep all the drive--the truck's that--you know--unload and unload to the rear of the building. Last thing we wanna do is bring in a semi, unload, and then have them go through the parking field where--you know--patrons are parking or some--you know--pedestrians are, and with those wide turns that they make. So, we were able to keep the trucks in the back, loading and unloading. That's why--in the back you'll see that big circle. So, what they do is they load, unload, make that circle, and go out the same way on Middlebelt.

Turbiak: Okay, yeah, I'm looking at a drawing here. What's the latest date of the drawing? Or what's the date of the latest drawing, I should say.

Jarbou: You should have the most up to date drawing that we have a site plan approved for.

Turbiak: Okay, yeah, I have one here. It looks like it's dated April 9th of 2021, and I saw in the council resolution that that was the date of drawing "C01," that was to be used. Does that sound correct?

Jarbou: Yeah.

Turbiak: So, when I look in the site data table to the left of the middle of the drawing for my colleagues that might be looking--following along. It says parking summary total 354, but on our notice--public notice, it says that the total that you have is 342. Can you explain the difference why those numbers don't align?

Jarbou: I--I'm not sure which one--I mean, I thought you were looking at the most latest plan, but it could be something that's more different.

Turbiak: Well, let me--let me further explain because the deficiency here says 62--like I said it's 342 proposed--

Jarbou: Mmhmm.

Turbiak: --I'm looking at the notice now, not the drawing. 342 proposed compared to the 404 that was required under the old ordinance, which gives a deficiency or a delta of 62, which I believe is what you expected the deficiency to be. So, it seems like that proposed 342 aligns with what you expected, but the drawing has twelve more, 354 versus the 342.

Jarbou: That could be an old drawing. Again, we went through so many variations of those drawings.

Turbiak: Yeah. Well, again, all indicators point that it is the newest drawing. You sound like--you said it's newest drawing.

Jarbou: Mmhmm.

Turbiak: I--I guess the good news is that the drawing has more.

Jarbou: Mmhmm.

Turbiak: But I didn't actually count them, and I'm wondering why--why--

Jarbou: Yeah.

Turbiak: --these don't align. It just doesn't give me a good feeling--you know. Let me see if I have any other questions. Do you know if you'd be coming back before us for any sign variances? I know it's not related to tonight, but I'm just--

Jarbou: That would be up to the individual tenants. We don't normally handle that. We--we--all we require of them is to abide by the zoning laws for their signage.

Turbiak: Okay.

Jarbou: We have two monument signs approved--I should--we'll I'm sorry, we don't have them approved but we have them placed where we want them. They'll obviously go through the sign--or the building department to get approved. And then each individual tenants--it's up to their--what they--what they can get as long as they get approved by the city (inaudible)

Turbiak: Understood. Thanks. I think that's all the questions I have at this time. Thank you, Mr. Chair.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Yes, on your diagram, you indicate you have a tenant one, tenant two, and then Retail 1. Can you give us a description of what each of those businesses will be if you know that at this point?

Jarbou: We are under NDA on one of those tenants. So, I publicly can't say anything about one of those tenants. You obviously know the Chick-fil-A. The other one is a national Home Goods store that we've talked to countless times, but we have not--have not leased anything to them yet. The out-lot is of--been a variations of between bank branches that we've talked to. We've talked to credit unions. We've talked to multiple different other--you know--a little bit of--I think we got 2,000 square feet of restaurant space plus some other retail that we can fill. So, 6,000 is the max that we're gonna develop out there. And we originally shrunk that from the original 9,000 square feet that we had out there. So, we went as far as not even just--we shrink that as well, which brought up the count--the deficiency as well that we were looking for.

Baringhaus: Okay, thank you.

Coppola: Mr. Jarbou, if you can't tell us who it is, can you tell us what type of business it's going to be so we can get a feel for a level of traffic it'll be drawing?

Jarbou: To creatively answer that question--

Coppola: They don't need a name, we just need to understand what--is it a--is it a grocery store? Is it a--is it a good--a--I don't know--a--

Jarbou: I--I would classify it as a multipurpose store--

Coppola: Okay.

Jarbou: --that has a little bit of grocery component to it.

Coppola: Okay. So, that could theoretically be a pretty high traffic business.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Okay. On the property, there is a Walgreens and a Firestone. Those businesses will still be (inaudible)--

Jarbou: We do not know--we do not own any of that property right there, but they will continue there, yes.

Baringhaus: Okay. Great. Thank you.

Jarbou: Yep. None of the cross accesses--or none of the drive lanes or none of that's gonna be covered.

Baringhaus: You mentioned in the back of the store that you have a--basically, I'll call it a truck lane with a turnaround area. Is that area clearly identified--

Jarbou: Yep.

Baringhaus: --for truck traffic? In other words, it couldn't be utilized by retail customers as a short cut into the parking lot or anything like that?

Jarbou: No. We would want to just--I mean, we can't--you know--control every retail that goes around there, but we designate that for truck traffic only. But we can't help with retailers to tell them to have their trucks designate that area as their point of entry and exit.

Baringhaus: Yeah, because I noticed on the site plan there was always a fairly wide area on the building for a truck could potentially turn around. Are you modifying the size of that turnaround or are you keeping it that exact same size?

Jarbou: We--we have done countless truck studies on that back portion as it is. (Unknown Company), which is a national firm that does these truck studies has done over and over truck studies to make sure that--that--that is capable. That the largest semi-truck can make that turn.

Baringhaus: So, in terms of the truck traffic you're anticipating back there, is it smaller--you know--freight trucks? Are we talking more semis?

Jarbou: It could be various. It all depends on how the freight and how the deliveries come in. It could be small box trucks. It could be cube truck. It could be big semis. But according to planning, they always want it--what we always say, is if we can fit a fire truck back there then we're pretty safe.

Baringhaus: Sure.

Jarbou: You know.

Baringhaus: Okay. Thank you.

Jarbou: Mmhmm.

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Question for the petitioner. So, thank you for this detailed package. You've been before both the city council and planning commission--maybe not you specially but your LLC to get this approved, was there ever discussion about parking and the fact that you wouldn't be able to achieve the proper number of parking spots based on zoning?

Jarbou: Very good question, and yes, I have been a part of every single one of the planning commissions and the city council meetings and that has come up in every single--you can ask Mr. Tormina as well, he's brought up two saying that they are parking deficient, and they will have to go to the ZBA for that.

Testa: Question to legal. Does city council or planning have any power to take care of this ahead of time, so they don't have to come to us?

Neville: With regards to approving the number of parking spaces?

Testa: Yeah, deficient parking.

Neville: I would think that would be a matter--cause they require a variance, it's--if there is a deficiency of any number it would need a variance for that and it would have to come here.

Testa: Okay. So, it's gotta come before us no matter what. Council or planning can't approve it saying that they're okay with the parking deficiency.

Neville: I think they would have put in the resolutions, subject to ZBA approval or--or words to that effect. But that--that's this body's call whether or not to permit anything less than what's required in the ordinance.

Testa: Okay. Thank you.

Neville: You're welcome.

Testa: And regarding the Chick-fil-A, I--I've been to the one in Northville recently. My son desperately wanted to go. I noticed basically, right now, it's completely a drive thru. I think

there's no on-site service. Could you make an argument about not needing as much parking for a particular--not just the Chick-fil-A, but any of these other retail buildings. Is there one over another that maybe you can get away with deficient parking?

Jarbou: So--

Testa: Given the type of business.

Jarbou: I'm sorry. So, with the Chick-fil-A that's there, there is--there is a dine-in, so they do have a--plus or minus 5,000 square feet and they do have a dining room. The way it looks is that we have to show the car stacking that's there. The difference between this site and Northville, is this one has a double lane drive through, so we're able to accommodate and get people in and out quicker, sooner, faster through that. But there is the same--you know--people still wanna dine in and they're gonna be--these are just the ordinances that we're following that we had to abide by. I mean, there's--there's the retail. There's the restaurant component and there's also--you know--everything else that we've compiled by to get to the--the proposed--or the proposed or the required parking compared to what we're proposing.

Testa: Okay. Let me ask maybe a different way. Out of all your planned tenants--and I know you can't speak to the name on them--it looks like Retail 1, there isn't a lot of parking near them, whereas there's a lot of parking in front of Chick-fil-A and a lot of parking in front of retail two. Is that problematic in terms of where the parking is situated?

Jarbou: No. If you look at retail centers across the state and the country that we--we've done it too as well, is that what this site has is what every--majority of the sites that share in different uses but are shared in a parking--what we have is called an REA--restrictive easement agreement. So, we share in the parking calculations, so whether somebody's--and it goes to--you know--if somebody's going to Chick-fil-A at the end of the day and they park there, they--whether they wanna pick up something or just dine in and then just go to shop next door, that--that's--normally they just park somewhere and--whether it be in the parking field in front of Chick-fil-A or parking field that's in front of the other tenant one and tenant two. So, it's just--it's a shared parking area. So, relative to say that--you know--the ones that are in front of Chick-fil-A, if those are used, it's--it all depends on the time of the day, and--you know--what's going on and who's doing what at the shopping center.

Testa: Okay. And then, also regarding the deficiency in parking, why do you think this site will be okay with less parking spots than what's required?

Jarbou: So, again--we--you know--so, we've been doing this for 20 years and we've seen where parking has worked with this amount of deficiency. That's another reason--you know--I know that Livonia's had an older ordinance and that they've--they've revamped it, and Mr. Tormina told us they were doing that through the process, but we still would be short, so--you know--I don't know if the council's looking at the 62 or the--really the fourteen that we're deficient. And we've seen this work time and time again, but that's--

also as developers, we've done a very good job of doing a good mix of blend of tenants. You know--if this was all--if every single tenant was here was a restaurant use, those are the highest intensive use that we could have and--you know--that's where we'd maybe say, that--that wouldn't work, but we've done a good job where we've--you know--balanced the act of having retail, having--have a little bit of restaurant and having soft-goods users too. Soft-goods users being--call it a Home Goods store or something like that. That type of thing.

Testa: Okay. And also, on Middlebelt and Plymouth Road, in total, how many entrances or exits are there?

Jarbou: So, there's two--well, are we counting--so we share an entrances with the Walgreens.

Testa: Yup.

Jarbou: The former Walgreens on the corner. There's two on Middlebelt and--excuse me, there's three on Middlebelt, and there's two on Plymouth.

Testa: Okay.

Jarbou: And they all feed through our site.

Testa: Okay. And thank you, that's leading to my next question. If the--it looks like from the drawing, there would be access from your parking lot into the Walgreen's area?

Jarbou: Yep. Absolutely.

Testa: And same, people from Walgreens can drive into your--is that true for Firestone as well?

Jarbou: Yep.

Testa: Okay. And traffic flow wise, if someone pulls in there and every spot's full, what is kind of like the traffic pattern for people? They just gotta keep driving around and cycle out and come back in?

Jarbou: You know--at its peak with other developments that we've done, I've--I don't know if I've been in a situation where every single spot is full, and if it--call it Christmas Eve at the end of the day and everybody's doing their shopping or something and wants something to eat at the same time, yeah, you would have to maybe drive around a little bit.

Testa: Okay.

Jarbou: But no, the--the likelihood of that is--is--one percent I would say.

Testa: And one last question, in your truck traffic lane--I like how that's laid out--are there actually--there's actual spaces back there though right?

Jarbou: Yes.

Testa: Are those for like employees?

Jarbou: Employees. If there's somebody that's working on mech--you know--repair guy, somebody showing up to do something, deliveries for back and forth with the retailers, small deliveries--you know--FedEx, UPS, that type of thing.

Testa: You can't squeeze fourteen more spaces in there on a drawing, and then in reality don't use them?

Jarbou: Believe me--I--believe me, we--we--we would not want to--you know--to bother you guys on--on fourteen more spots. We've tried to squeeze it everywhere we could, and--you know--with this day and age, with the demand of the retailers of what they're demanding from us developers, it just becomes more and more problematic.

Testa: Okay. Thank you.

Baringhaus: Mr. Chairman.

Coppola: Vice Chair Baringhaus.

Baringhaus: Okay. On your property--going back to the Firestone Auto Center, have you observed where they park the cars that are waiting for service, and have you noticed any situations where those vehicles that are awaiting service are overflowing into your proposed parking areas?

Jarbou: So, we not--we not only develop but we manage--we self-manage everything that we have, and we've never gotten a call where any of those have--any of those cars have posed a problem and parked in our--in our site.

Baringhaus: They've been contained to the--

Jarbou: Yeah.

Baringhaus: --Firestone property.

Jarbou: And Firestone's always good about that. They're a national retailer. They've always done a good job. They're actually a tenant of ours in a couple other sites and they've always done a good job at that. Moving cars, stacking cars, I mean, back and forth on their site.

Baringhaus: Okay, great. Thank you.

Jarbou: Mmhmm.

Coppola: A couple questions, Mr. Jarbou. I always thought that Chick-fil-A always wanted to own--wants to own their own buildings. So, are you actually leasing the building to--to Chick--to the Chick-fil-A franchisee?

Jarbou: So, what we--what we did in this situation--we've been in multiple different situations with Chick-fil-A. There's multiple different ways you can do it. You can provide them a ground lease at the end of the day where you provide all the utilities, the parking lot, and then they go build their own building. We've done situations where we've come in and developed the site turn-key and handed it over to them. I think it's all about the business aspect of who they have and who their franchisee is going to be. And keep in mind also too is the franchisee--owner op--has to be an owner-operator.

Coppola: Mmhmm.

Jarbou: So, he can't own more than one site. I've seen where maybe a franchisee owns two sites because they were close enough to each other, but that's another reason why the model works so well and efficient because whoever--whoever is the operator is the actual owner.

Coppola: So, what's the--what's your arrangement here?

Jarbou: Our arrangement is the ground lease.

Coppola: And the ground lease is to Chick-fil-A or to the franchisee?

Jarbou: To the Chick-fil-A.

Coppola: Okay. So, when I--just real quick when I look at each of the separate sections, Chick-fil-A, you've got fourteen parking spots and the current requirement--not--and again, unfortunately, we don't see it pursuant to the new rules, was 27. So, that's thirteen spots deficient. The retail outline spot has 27 spaces. The requirement's 48. It's 21 spaces deficient. And then the tenant one and two spaces are two spaces deficient. Unfortunately, I don't have the breakdown with the new ordinance which would have been helpful to get a better feel for it, but I think you've got--you know--there's a real problem with Retail 1 and I would assume that once Chick-fil-A opens it's dining room, you may have a real problem with Chick-fil-A parking, although again, you have shared parking there which is helpful--relatively close. So, when you look at--on--but the Retail 1 is definitely--kind of stands alone. That's a long walk from--from the main parking lot to the Retail 1 and two and that one is--was 21. If you would just take a look at how much as a percentage decrease from 404 to 368, maybe you're now down to fifteen spots deficient instead of 21, but that's still--that's a big number when you consider what's required. So, your thoughts on--specifically on Retail 1 deficiency on a stand-alone basis. Again, because it's kind of separated by distance from the main parking area.

Jarbou: I would--in my opinion, in what we've done and what we've seen in other developments, is that--I mean, it'd be the same thing. When I went to the grocery store this weekend--I went to Costco--you know--I wanted to go to Dollar Tree that was a couple stores down. I left my car where it was at, went to the dollar store, came back and finished my shopping, and went back home. I think that--you know--does it work during the winter where I don't wanna walk during--and my two kids don't wanna walk with me? Yeah, I can agree with that, but it is--it is a shared parking development. I think that eventually, even with--you know--the ten--depends also--depends on the time of day, and I guess if you--again, if you look at it and the--the--the peak--call it the peak is--you know--normally everybody's out there grocery shopping, doing other things, and--you know--doing--you know--picking up stuff from Chick-fil-A or whatever it is--is--you know--call it Christmas Eve again, or call it--you know--before the holidays when everybody's doing that holiday rush. I still think we have plenty of spots. I've seen developments where we've done them before and we've been--the requirements are much less and they've worked, so--and--I mean, but that's that city ordinance, this is this city ordinance, totally two different things. I still feel that in our professional opinion that--that this will work.

Coppola: Okay. Any other questions?

Turbiak: Mr. Chair.

Coppola: Mr. Turbiak.

Turbiak: Not so much a question as a little bit of comment and update. So, I know--I started counting the spaces and I noticed that they're kind of tallied per row with a little circle around it and a number and so I added up all the spots and even double checked them. One of them I found said thirteen and there was only eleven. That was the only error I found, but adding them up, they came to 351, and I just wanted to confirm that Mr. Stroble said that 356 is what the new ordinance requires? Is that what you--

Coppola: 368.

Turbiak: 368 for the new ordinance?

Coppola: Correct.

Turbiak: Okay. I thought that they were only fourteen deficient from the 342?

Coppola: 354. From the 354.

Turbiak: Oh, from the 354.

Coppola: Correct.

Turbiak: Okay, so they didn't use the 342 that's on the notice. Thank you. So, it's 3--what was it 368?

Coppola: Correct.

Turbiak: Thank you.

Coppola: Any other questions. Okay. Mr. Jarbou, you can take a seat real quick, we've got procedural stuff to deal with and then we'll get back--

Jarbou: No problem.

Coppola: --with you shortly here. So, first of all, I have to ask if there's anybody in the audience who would like to speak for or against? I do see someone in the audience, I don't know if he's with you or not?

Jarbou: No, he's with me.

Coppola: Okay, so there's no one in the audience, so I don't need to ask that question. Do we have any correspondence?

Klisz: We have no letters.

Coppola: Okay, Mr. Jarbou, sorry for that. Went through the procedural process. Is there anything you'd like to add in closing?

Jarbou: Me?

Coppola: Yes.

Jarbou: Thank you for your time tonight. I appreciate it. I know this--we're the only one on the agenda, and we did--we did ask that we get this meeting and not postpone it. We've worked very hard on this development. I don't know if anybody knows the story, but this was an out of state owner that owned this property--was just being an absentee owner. We--we chased this property for years prior to Covid, probably--you know--we've owned it for three and a half, four years. Went to--the gentleman was out of New York and was reluctant to sell and we went out there and made--made a deal with him. And now we're spending--we spent a lot of time with Mr. Tormina. Probably more than he wants us to spend time with him at the end of the day. We've worked very hard on redeveloping this and attracting new tenants to the area. I think it's a dynamic corner. I've always been a believer in it. That's why we chased it so hard, and I think that the amount of money and the effort that we put into it, I hope that we could get over the deficiency of the parking spots and move forward with this development.

Coppola: Alright, thank you. Alright, I'm gonna close the public portion of the case and start the Board's comments with Mr. Morgan.

Morgan: You know--I--I see that they made some amendments to the--to the ordinance and with that being said--you know--the deficiency that they had there and the--the

changes that they've made. I don't really see a problem with this. This is a--this is going to be a high traffic area, and there's going to be a lot of influx of traffic there, but I feel that the spaces are probably gonna be sufficient that they have to do their--to put this together including in the outbuilding. They also have some extra spots that would be to the rear of the Walgreen that, since it is shared space, they would add to Retail 1. I don't see an issue with this.

Coppola: Alright, thank you. Mr. Testa.

Testa: Alright, thank you. I'm slightly torn, so I will be interested in other comments, but I think I can support this. The deficiency here is small percentage-wise compared to the overall amount of parking spaces and I'm not overly concerned. I do give pause to everything that's being put into this area, but it's really not in our purview, and I think it's already been obviously approved by council and planning. I do appreciate that you have found a couple--one space where I think you can put more spots, but you could probably explain to me why you couldn't. But I do appreciate it that it looks like you have put parking pretty much everywhere that you can and I--I think something like a Chick-fil-A may--may have less need for parking spaces--as much as we require, so maybe--that's why I was trying to ask about the needs of the other buildings to see if--you know--maybe retail two is gonna need more than Chick-fil-A based on the calculation wise, not just in theory. But I think overall I can be in support of this request.

Coppola: Alright, thank you. Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. Yes, I think I can also be in support of this. The petitioner has mentioned the hardship that they would lose the tenants that they are tentatively holding if they had to reduce the building size and that's the only way that they can get more parking on the site. Calculating seventeen spots deficient--you know--351 from the 368--you know--divided by the 368, that's less than five percent and I think that is for a worst-case scenario and I think that the site can handle it. It is a little bit difficult not knowing the exact tenants, and not even knowing the exact types of tenants, but I think that it--it'll work here and I would be in support.

Coppola: Alright, thank you. Secretary Klisz.

Klisz: I agree. I think that again, the spots that are probably being lost are probably those back spots and in exchange for that they've got the truck turn arounds. So, the truck traffic won't be interfering--won't be taking up any parking spots. I think that's something to consider. The shared parking between the area, I think Chairman Coppola's made some good points about the Retail 1 and maybe Chick-fil-A being overly used, but there is the ability to use the--the big bulk of the lot I think is all parking, and again, obviously, I think our ordinance is moving in that direction. Obviously, old fashion places had eight billion parking spots. They didn't need them. No one's ever filed them up and in fact, they've slowly added outbuildings, which obviously takes away from parking spaces anyhow, so I think it's trending in that direction. I guess the only thing I was thinking of is since technically the ordinance isn't in effect now, should we table it and bring it back in order

to approve the smaller variance after the ordinance is in effect or is that just sort of a deminimus, decision, I guess. But otherwise, I think I agree with what's been said and I'll be in support.

Coppola: Alright, thank you. Vice Chair Baringhaus.

Baringhaus: Alright, thank you. I think the petitioner's demonstrated a hardship with this case for a number of reasons. First of all, the shape of the parking lot--it's not really rectangular in nature, it's more "T" shaped which I think presents a bit of a challenge. Also, as Mr. Klisz pointed out, the rear of the building, especially the truck turn around area, while it's very convenient for the unloading and loading of freight, it cuts into your parking area because it's forced the buildings to move forward into what would be usable parking space itself. In terms of the nature of the businesses, the trend of those businesses seem to be more short-term, maybe quicker turn around type of businesses. My only concern was with Firestone, especially with vehicles that may be in there for like longer term repairs and the ability that if they do get backed up to start utilizing the space that the tenants and the retail businesses of your project would be utilizing, but Firestone, by it's very nature, is a lot of quick turnaround maintenance and repair items as well, so I didn't think that was a problem in that particular area. I think the area is in really dire need of development and I think this project would be very--very welcomed in the community and be a tremendous benefit for the city of Livonia. So, based on that I'll support the variance. Thank you.

Coppola: Alright, thank you. As was mentioned earlier in the meeting there's a new--there's amendments to the zoning ordinances that many people spent quite a bit of time studying and coming up with what made sense for the city and one of those things was parking and that created a reduction in the requirements which was needed to be addressed for quite some time, but they did spend quite a bit of time on this. They did look at this and they came up with what they felt was best in a sense of calculations for parking for this city. That number is--is 368. So, from my perspective, that's probably the right number. In addition--you know--my preamble, the opening statement, again, we talk about a variance can only be approved if the petitioner can satisfy the member that--one of the things is a desire to earn more money. If--if the only issue here is that he can't have a bigger building, so he can't earn more money. And if he can't get over that--that hurdle as it says in the opening statement, the Board has no power to grant that variance. So, for those two reasons, I am--I'm not in support of the variance. I--I actually, let me step back. I'm in support of a variance to 368 which is the new ordinance, which would be effective probably by our next meeting. I am not--I am not in support of--he has 342 here and so, from my perspective--and again, he had 354 in--in the other presentations he had, so I really actually don't even know what number he's looking for or what number we're really approving. Site plan has 353 you said or 350 because it was short three or something like that.

Turbiak: 351.

Coppola: One. So, I--I'm just not in support of this. I think--you know--supporting something like this in--in--it's not a (inaudible) of any of the members of the Board, just I think a lot of people spent a lot of time coming up with the right calculations and we've amended our--our zoning accordingly and I think that that's the number that it should be. So, I will go ahead and open up the floor for a motion.

Upon motion by: Baringhaus. Supported by: Turbiak.

RESOLVED: APPEAL CASE NO. 2021-08-36: An appeal has been made to the Zoning Board of Appeals by LS Equity, LLC, 812 South Main Street, Ste. 200, Royal Oak, MI 48067, seeking to redevelop an existing retail center to include building additions to the current center and two new retail/restaurant buildings, resulting in this commercial/retail parcel to be deficient in total number of parking spaces.

Number of Parking Spaces:

Required: 404

Proposed: 342

Deficient: 62

The property is located on the north side of Plymouth (29320), between Middlebelt and Haller, Lot. No. 099-99-0007-009, C-2 Zoning District. Rejected by the Inspection Department under Ordinance 543, Section 18.38(17), (21), "Off-Street Parking; Schedule," **be granted for the following reasons and findings of fact:**

1. The uniqueness requirement is met due to the basic configuration of property.
2. Denial of the variance would have severe consequences for the petitioner due to the result in businesses not being able to be constructed there.
3. The variance is fair in light of its effect on neighboring properties and is in the spirit of the zoning ordinance due to no objections or protest by neighboring businesses or residents.
4. The granting of this variance will not adversely affect the purpose or objective of the Master Plan because this property is classified as "C-2" under the Master Plan and the proposed variance is not inconsistent with that classification.

FURTHER, the variance be granted with the following conditions:

1. That the parking be constructed as presented this evening.
2. That the variance shall be granted for a period of six (6) months in which to allow the Petitioner to obtain a building permit.

Coppola: Discussion?

Turbiak: Yeah, Mr. Chair.

Coppola: Yes, Mr. Turbiak.

Turbiak: Yeah, I would just like to clarify, Vice Chair Baringhaus' comment condition that it's as presented that we just give the date and the page of the drawing to be April 8th I think it was, 2021 and page CO1, just so that we're very explicit as to what was presented.

Baringhaus: That's fine. I appreciate the suggestion.

Turbiak: Sure.

Coppola: Well, that raises a question. So, what exactly are we approving? The petition asks for 342 and the drawing has--says there's 354 in--in the parking summary, and Mr. Turbiak counted only 351. So, what exactly are we approving right now?

Turbiak: Mr. Chair.

Baringhaus: 342 spots based on the public notice.

Coppola: So, we're not--we're actually not approving the petition as it's presented, we're--we're modifying the petition? I'm trying to understand, cause again, the petition asks for 342. So, Mr. Neville.

Neville: Bear with me a second, please. So, his--the petitioner's plan asks for 342 spaces. And I believe--is that what the current number of--

Coppola: The--the plan shows--the plan shows 351, it states 354, and the petition asks for 342.

Neville: And the variance to be granted is based upon the 342, because as you scroll through their drawings dated November of 2020, some in September, but--

Coppola: But the one that--yeah, cause they go back to--they copied drawings from the other approvals that were done. Planning commission and council. The plans that he submitted were received on July 16th of 2021. They're dated--the amend--the last amended date was April 9th, 2021. And that shows--and that shows--it states on the parking summary, there's--well, depends on which one you're looking at, because one says 342 and then the next page says 354.

Neville: Okay. As I--as I scroll through, now granted, as--I'm not sure what page you're looking at--

Coppola: So, there's two pages. Page sixteen and page seventeen of the petition. So, on page sixteen--

Neville: Okay.

Coppola: --the parking summary, it says--it says 354 spaces. And then on page seventeen, which is pretty much the same thing, and it's dated the same date--

Neville: But it says 354?

Coppola: It says--it--on page seventeen, now--on page seventeen it says 342. So, I guess, again,--and again the petition says 342, so I wanna make sure everybody understands what they're approving here.

Neville: And my understanding is that what appears on pages sixteen and seventeen are the most recent drawings? Correct?

Coppola: Again, I didn't--I didn't count spaces on each of those drawings, but I don't know if they're exactly the same or not--

Neville: Well the representation is 342. So, I mean, if his representation is accurate and then the variance request--the potential variance to be granted is to give him the 342 spaces, then--

Coppola: Yeah, cause that's what on--that's what's on the petition, so we either approve the petition or we--we don't--we could table it or deny it.

Neville: But he has a drawing that shows 342 spaces, I guess is what I'm--that would appear to be a consistency versus a discrepancy.

Baringhaus: And the page with the 342 spaces--

Neville: And if the variance is for 342 and that's what he's asked for and if that is what is going to be granted, then I would say 342 space--342 spaces.

Coppola: Is that what--

Neville: I guess we have to rely on--

Turbiak: Mr. Chair.

Neville: --on the petitioner's drawings on pages sixteen and seventeen that there are in fact 342 spaces laid on in this drawing.

Turbiak: Mr. Chair. Oh, sorry. I thought you were done, Mr. Neville.

Coppola: Mr. Turbiak.

Turbiak: Thank you, Mr. Chair. So, I--I'm befuddled, much like you just pointed out that page sixteen and seventeen are dated the same. That's--should be a--I don't know if there's some other differentiator. I'd have to look. It seems unlikely that they were modified on the same date and released on the same date, and both made it into our packets. So, something--something seems off there, but it looks like maybe a date was missed when they went from 352 to--I'm sorry, when they went from 354 to 342. Cause I can see which twelve spaces they removed and those were the ones that I had early asked about, but now understand, Mr. Jarbou was talking about, it's--you know--for the semi-truck lane, I'll say. So, those on the North side of the lot, like I said, there was bank of ten and then a bank of two, so that's twelve. So, that takes your 354 down to the 342 that we see on the notice, however, I see the same error on the bank of thirteen at the very South of the lot in front of--South of Retail 1 and South of that restaurant. The Southmost bank says thirteen and when I count there's only eleven, and again, there's one missing somewhere. I don't know, maybe it's there and I just never found it, but that give us three short again, so it takes it from this drawing showing 342 to only showing 339. So, if we were to approve 342, I would--I would hesitate to say that the petitioner would have some difficulty finding three more spots and--and meeting--meeting that. So, I don't have the solution here, I'm just kind of laying out the--the difficulty of the situation we find ourselves in, and I'm looking for help from anyone.

Jarbou: Am I allowed to say anything?

Coppola: Step forward, please.

Jarbou: We put in a variance for the 342 spots to be approved. If the drawings have been miscued in anyway, we apologize for that. We did go through hundreds of revisions on this--on this deal. So, the 342 is what we're asking for from the ZBA. I--I appreciate the--Mr. Turbiak, saying--you know--relying on the drawing, but I think that if we just go to the 342, which we're deficient I think fourteen spots with the new ordinance. If we get that approved, that would be really appreciated.

Turbiak: It would be sixteen compared to the new ordinance.

Jarbou: Six--

Coppola: No, (inaudible) 342, is gonna be--368, so that's--that's 26.

Turbiak: Yeah, 26.

Coppola: So, if--I mean if you're asking them to put parking in as presented, which--which of these plans. This one that says 342 on it? Which of the plans is the one that's--or you want them to build to?

Turbiak: It's page seventeen in our packet is the one that has the 342 as you pointed out.

Coppola: I'm just not sure how to identify it specifically so that--because it's basically the same thing.

Turbiak: Right, yeah, I'll try to see if there's any other--

Coppola: Cause it's the same thing. It--It's got the same, I should say, identifiers, but it's not the same drawing.

Turbiak: Agree. Until I can find something unique, but I don't expect to find that.

Jarbou: I would think maybe--

Morgan: On page seven it says 359.

Coppola: Yeah, they did their calculations and our guys--

Morgan: Adjusted it.

Coppola: Calculated--came up with 368 is the required.

Jarbou: Chairman Coppola, can I say one more thing, please?

Coppola: Yes.

Jarbou: Yeah, so with us just--you know--I understand the discrepancy maybe in the drawings, and what we're asking for the 342, again, if we were--if we were able to achieve more spots, wouldn't that just be a benefit at the end of the day and that would be less required of a variance? I mean, we're--we're--

Coppola: Yeah, but again, once you have a variance, there's no incentive for you to--to achieve extra spots and I know most developers, they're--they're gonna do office--they're gonna do rentable space over parking space any time.

Jarbou: I appreciate that understatement, but--

Coppola: And that's not meant to be a--

Jarbou: We would just ask for the 342 spots to be approved.

Coppola: So, the problem--the problem is--is, so we'd have to identify what particular plan, if you want them to build as planned.

Testa: Mr. Chair. Or remove the as presented from the motion and just call it 342.

Baringhaus: Question for Mr. Neville, which diagram would you recommend as supporting documentation?

Neville: Pages sixteen and seventeen make the representation that there are 342 parking spaces on this supposedly amended drawing.

Coppola: Only page seventeen.

Neville: And I guess, not that I'm in the position to make any recommendations, but maybe then it would be incumbent to have the petitioner exactly number those spaces and make sure there are 342 spaces.

Coppola: So, why don't we--why don't we do this, it might be the easiest. I think we can probably reference the page in--in--

Baringhaus: That's fine.

Klisz: Sixteen.

Baringhaus: Yeah.

Coppola: Seventeen.

Klisz: Is it?

Baringhaus: I heard sixteen. I heard seventeen. I heard both.

Coppola: It's seventeen.

Klisz: Seventeen says 342.

Neville: It's a two-page set of documents.

Coppola: Yeah, seventeen has 342. And that's got the larger turn--

Baringhaus: I cannot--show me the--

Coppola: Cause see here's seventeen. It's got the 342. And that's page seventeen.

Baringhaus: If you look at--Mr. Neville--

Coppola: Page sixteen--

Baringhaus: --if you look at page seventeen, there is a specific reference to 342.

Neville: Okay. And on my Ipad, the reference to 342 is on page sixteen.

Baringhaus: Okay, well--

Neville: Now, if your--if your package is any different because of an omission of a page--

Baringhaus: Okay, well let's do this. Just--I think the suggestion is a good one. Let's just amend the statement to build as presented as referenced on pages sixteen and seventeen.

Coppola: You can't do that because one says 354.

Baringhaus: Well, I'm hearing two stories.

Neville: Or--

Coppola: I don't know why his is different, but all ours is the same, right. Is ours the same? What page--

Neville: All I'm--

Klisz: Seventeen.

Turbiak: Mr. Chair. I think what happened is, I think during the day today, Marilynn--

Coppola: Where's the--can I see the file--

Turbiak: --uploaded another page or--maybe if Mr. Neville were to refresh his--his browser it might--

Unknown/Inaudible background talking

Baringhaus: What's it say on the hard copy?

Turbiak: Mr. Neville, how many pages does your total package have?

Neville: 80.

Baringhaus: Yours showed seventeen specifically.

Turbiak: Oh, mine too.

Neville: Right. I cannot get it to scroll to 80, but I can get it down to 30 something. So, on pages--the plans, they--the site plans are contained on pages fifteen, sixteen, and seventeen--

Baringhaus: It has 342 on it.

Neville: --of my--

Coppola: Oh, it does?

Neville: --set of documents--

Baringhaus: Yeah.

Coppola: And that's the only one that's in this packet.

Klisz: (Inaudible) that's in there.

Coppola: That's the only one--

Klisz: So, we could reference--

Neville: --and they'll say revision, 2020-11-2-10--

Coppola: That's the only one in here.

Neville: -- and then the legend represents a change of April--

Coppola: Yeah, they may have.

Klisz: Swapped it out.

Coppola: You know what. And there's no receive date on this.

Baringhaus: It says 342 right here.

Neville: Correct.

Baringhaus: So, yeah, I mean, I guess going for just a point of reference.

Coppola: Can you share that with the petitioner? Make sure--

Neville: Sure.

Coppola: --this is the one. You may have submitted something earlier or something and changed it because there's only one here.

Neville: Well, I was just gonna say--

Jarbou: Contrary to popular belief, we wouldn't something like that.

(Inaudible)

Baringhaus: We're just trying to get a reference of fix for ya. See, now we see 342 here.

Coppola: That's the only one in the file, so.

Baringhaus: That's the only hard copy in our file, but yet when we go online like this, we have multiple maps and that's why we're getting a little confused.

(Inaudible background talking)

Neville: C--C1, right?

Jarobu: I would just--this is-- C01.

Neville: C01.

Baringhaus: C01.

Jarbou: Dated September 14, 2020.

Neville: With the revision of--

Coppola: Are you getting all that Val?

Neville: -- April 9th, 2021--

Bertani: Mmhmm.

Neville:--site plan resubmission?

Jarbou: Yep.

Baringhaus: Yes. This is--received July 16th.

Jarbou: What page is that of yours?

Neville: On mine it's sixteen.

Baringhaus: Sixteen.

Jarbou: Yeah, that's maybe--he might--I mean, sometimes I--when I--have documents it's sixteen of one, seventeen on the other.

Coppola: But my guess is--is that was a prior--it was on a prior approval plan--

Jarbou: Yep.

Coppola: --and it got messed--it got mixed up in our--

Jarbou: I do apologize.

Coppola: --the only one that's in--the only one that's in this is the one that's got 342.

Jarbou: Okay.

Coppola: So, it's--so, all we have to do is--we're good as presented. That's--

Klisz: We're good with presented. This is presented.

Coppola: Sorry for the confusion.

Jarbou: That's okay.

Baringhaus: We went full circle on that one.

Coppola: Because I do wanna make sure what we're approving, so you don't run into a problem--

Baringhaus: That's right.

Coppola: They'll walk up and pull out the one that says 354 and you're way below--

Jarbou: I promise you if we could squeeze more spaces we will.

Baringhaus: You probably wouldn't be that happy with us at that point if that happened, so.

Coppola: Okay. Anything else? Just got the two conditions. Constructed as presented and six months--six months--how long--

Jarbou: So, with the--with the winter months coming, if we--you know--I mean, does when constructed meaning striped?

Coppola: No, it means pulling the permit.

Jarbou: Oh, yeah, yeah, yeah. Yeah.

Coppola: Cause your approval will have a site plan and--

Jarbou: Yep.

Coppola: --so--

Jarbou: Absolutely. Yep.

Coppola: Okay.

Unknown: Very good.

Coppola: Okay. Go ahead and take roll, please.

ROLL CALL VOTE:

AYES: Turbiak, Testa, Morgan, Klisz, Baringhaus

NAYS: Coppola

ABSENT:

Klisz: Passes 5-1

Coppola: Alright.

Jarbou: Thank you for your time. I appreciate your time.

Coppola: Congratulations. Welcome to Livonia. I hope it goes--goes real well and smoothly.

Jarbou: Thank you. Very much. Appreciate it. Have a good night.

Coppola: Okay. We have some minutes to approve. We didn't--we passed on minutes last meeting. I didn't see them added back in, but minutes for July 13th need to be approved. We didn't have a--

Baringhaus: (Inaudible)

Coppola: --so, we'll need that--those approved first. So, if we can have a motion on--on the minutes for July 13th.

Klisz: Mr. Chair. Motion to approve the minutes from July 13th.

Coppola: Thank you, Mr. Secretary.

Testa: Second.

Coppola: Who was that--Mr. Testa? With all this I can't--so, I gotta motion by Secretary Klisz, support by Mr. Testa, all in favor?

Board: Aye.

Coppola: Okay, that passes. Then we have minutes for the 10th, right? Is that correct?

Klisz: Yes.

Coppola: Oh, they did put them in. Mine finally refreshed.

Baringhaus: There we go.

Coppola: Okay, so, looking for approval for the minutes for last meeting on August 10th.

Testa: Motion to approve the minutes for August 10th.

Coppola: You can't. You weren't there.

Klisz: He was there.

Coppola: Were you there?

Testa: Yeah.

Coppola: Oh, you were there.

Klisz: He wasn't there. I wasn't there. And Scott wasn't there.

Coppola: Okay, so you're moving, I'll support, and then the four that were there--we're missing one though, aren't we?

Turbiak: Still can't. Still can't.

Klisz: Can't vote on them.

Coppola: You can't vote on it if you weren't there.

Klisz: I guess we'll just have to wait.

Coppola: So, we'll have to table that. I'm sorry about that. I didn't think about that. Alright.

Baringhaus: Okay.

Coppola: Just real quick. Assuming Mr. Boloven's back at our next meeting which is the 14th, hopefully he heals up. We have five cases and then we'll need to--we're late, but we haven't been able to do it because we haven't had a full Board, we'll need to vote for officers for the next--we do it--usually it's in August. I think it's July or August. It's August, right?

Baringhaus: August. Yeah.

Coppola: August. So, it's for the year, through next August. We'll be voting for officers, so, just prepare for that. Anything else we need to cover?

Testa: Mr. Chair.

Coppola: Mr. Testa.

Testa: Maybe we can talk afterwards, but how does that process generally work? Just nominate and vote, or?

Coppola: Correct.

Testa: Okay. And I think I saw the email from Linda (Unknown) regarding conversation and music, all the departments were invited on September 9th. Are we planning on going or--I'm sorry, is anyone planning on going to be a representative or just it's a free for all, anyone that wants to go?

Baringhaus: Mr.--Mr. Chairman. I'll be for Greenleaf Commission or slash--

Coppola: So, wear both badges?

Baringhaus: I'll wear both badges. Kind of look like a field Marshall. It's an ego thing.

Coppola: I'm sure Mr. Morgan will be there.

Morgan: More than likely.

Testa: (Inaudible)

Turbiak: Likewise.

Coppola: Alright, anything else? Seeing not, I need one more motion.

Klisz: Motion to adjourn.

Testa: Move to adjourn.

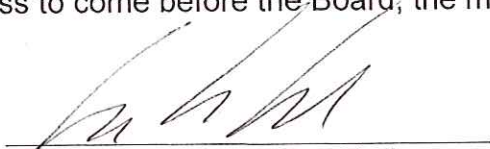
Coppola: Mr.--Secretary Klisz, supported--

Testa: Second.

Coppola: --by Mr. Testa. All in favor?

Board: Aye.

There being no further business to come before the Board, the meeting was adjourned at 8:09 p.m.



Gregory G. Coppola, Chairman

Timothy J. Klisz, Secretary

/vcb CEO 9489