

**MINUTES OF THE CITY OF ROMULUS REGULAR MEETING OF THE
BOARD OF ZONING APPEALS HELD ON WEDNESDAY, JUNE 1, 2022
ROMULUS CITY HALL COUNCIL CHAMBERS**

1. The meeting was called to order by Chair Chandler at 7:00 pm and all participated in the Pledge of Allegiance.

2. Roll Call Showing: Sheldon Chandler
Jerry Frederick
Brian Lloyd
Donald Morris

Excused: Ken Mientkiewicz

Also in attendance: Carol Maise, City Planner

Chair Chandler welcomed Member Lloyd to the Board.

Chair Chandler read a RESOLUTION IN APPRECIATION of Emory Long and his 17 years' service on the BZA. Mr. Long is now a member of the Planning Commission.

3. Approval of Agenda:

MOTION by Frederick, support by Morris, to approve the agenda as published.

Roll Call Vote: Ayes – Frederick, Morris, Lloyd, Chandler. Nays – none. **Motion carried 4-0.**

Agenda

1. Pledge of Allegiance
2. Roll Call – Mientkiewicz, Morris, Lloyd, Frederick, & Chandler
3. Approval of Agenda
4. Approval of Minutes - Board of Zoning Appeals regular meeting held on April 6, 2022
5. Petitions

A. BZA-2022-001/002; Avid Hotel

Location: 10077 Middlebelt (Parcel ID#80-051-0022-302)

Request: Requesting the following:

- a. Variances from *Section 7.04(a), Area, Height, and Placement Requirements* of the Zoning Ordinance to increase the allowable building height from 35 feet (3-story) to 50 feet (4-story) and to reduce the Hyde Park front yard parking setback from 15 feet to 8 feet; and
- b. A variance from *Section 14.01(f) Required Off-Street Parking Spaces* of the Zoning Ordinance to reduce the minimum off-street parking spaces from 89 to 81 spaces.

Project: A 39,000 SF hotel

B. TEMP-2021-003; Sheraton Hotel Airport Parking

Location: 8000 Merriman (Parcel ID #80-037-99-0028-710)

Requesting: Requesting temporary use approval in accordance with *Section 22.03(e), Temporary Uses and Buildings* of the Zoning Ordinance to allow approximately 230 of the 539 parking spaces on the property be temporarily used for park & fly parking spaces.

Project: Use of existing parking lot for park & fly

6. Old Business
 7. New Business
 8. Communications
 - A. City Planner's Status Report
 9. Discussion
 10. Adjournment
4. Approval of Minutes– Board of Zoning Appeals regular meeting held on April 6, 2022.

Motion by Frederick, support by Morris, to approve the minutes of the regular meeting of the Board of Zoning Appeals held on April 6, 2022.

Roll Call Vote: Ayes – Frederick, Morris, Lloyd, Chandler. Nays – None. **Motion carried 4-0.**

5. Petitions:

A. BZA-2022-001/002; Avid Hotel

Location: 10077 Middlebelt (Parcel ID#80-051-0022-302)

Request: Requesting the following:

- a. Variances from *Section 7.04(a), Area, Height, and Placement Requirements* of the Zoning Ordinance to increase the allowable building height from 35 feet (3-story) to 50 feet (4-story) and to reduce the Hyde Park front yard parking setback from 15 feet to 8 feet; and
- b. A variance from *Section 14.01(f) Required Off-Street Parking Spaces* of the Zoning Ordinance to reduce the minimum off-street parking spaces from 89 to 81 spaces.

Project: A 39,000 SF hotel

Bill Jarratt, 108 N. Lafayette, South Lyon MI and architect for the project, was present on behalf of this application for variances in order to construct a prototypical Avid hotel at 10077 Middlebelt Road. Owner Ajit Patel, 16922 Glenmore Drive, Northville, was also present.

Mr. Jarratt made the following points:

- The site was an unusually shaped piece of property, in that it was very narrow and had a sanitary easement running through the middle of it, which limited where they could build.

- Additionally, they had frontage on 3 sides of the parcel, and the setback and landscape requirements made it very difficult to put the prototypical hotel on the site.
- The shape of the property was the reason they were seeking 3 variances. They needed the extra height to provide the 4th story and necessary number of rooms to make this hotel viable.
 - Regarding the Hyde Park setback, Hyde Park was not an improved road, but was more like an alley. They were not asking for a variance for the building setback, but for the parking lot only. The Fire Marshal needed the paved area to meet turning radius requirements for fire vehicles. The building had to be placed where it was so it could be on the east side of the sanitary easement. In order to provide the turning radius they had to encroach on the 15' setback.
 - Regarding the request for reduced off-street parking spaces, providing the turning radius and providing the landscape items in such a tight area meant that they weren't quite able to make the parking count. With the airport so close, most of their guests would not have cars, and they felt that 81 spaces provided ample parking. They had approval from IHG, Avid's parent company, for the reduction in parking spaces, due to the proximity of the airport. Shuttles were available and most people did not bring their cars to their hotel. They were asking for a slight reduction in required parking spaces just to get all this to work given the unusual site conditions.

Mr. Patel also addressed the request for a reduction in parking spaces:

- Most of the guests would be shuttled to this location. The hotel would be used by those with delayed flights or cancellations. If in the rare case the hotel was fully booked with guests using their own cars, they would have their guests use US Park, which was next door, as well as other nearby parking lots.
- A guest that parked their own car at the hotel will be required to provide their car registration, and receive a pass that can be visibly placed in the windshield area, to enforce against any potential park and go violations.

Noting that an affidavit of mailing was on file, Chair Chandler opened the public hearing.

- An audience member asked how many rooms would be in the hotel. The applicants replied that there would be 120 guest rooms.

Seeing that there were no other questions or comments from the public, Chair Chandler closed the public hearing and brought the matter back to the Board for discussion and/or a motion.

Member Frederick explained that the applicant had appeared before the Planning Commission, where they had committed to providing a placard to be hung on the rear view mirror for any cars that were parked by their customers, so that unauthorized users would not be utilizing the lot for park and go, impacting the parking situation on this site. The shuttle would provide service from the terminal to the hotel and back again.

Member Lloyd confirmed that the hotel would have a relationship with the adjoining Park and Pay should the hotel parking lot be full with their own customers.

Member Frederick said the May 25, 2022 Planner's Review referred to a 4-story, 44,784sf, 103-room hotel. The variance request listed the project as a 39,000sf hotel, and when asked during public comment, the applicant had said there would be 120 rooms. What was correct?

The applicants said 103 rooms/44,784 sf was correct, as shown on the plans.

MOTION by Morris, support by Frederick, in the matter of BZA-2022-001/002; Avid Hotel, 10077 Middlebelt (Parcel ID#80-051-0022-302), that based on the analysis and findings in the May 25, 2022 Planner's Variance Review letter, and the information given in tonight's meeting, the Board of Zoning Appeals GRANT the following variance requests:

- a. Variances from *Section 7.04(a), Area, Height, and Placement Requirements* of the Zoning Ordinance to increase the allowable building height from 35 feet (3-story) to 50 feet (4-story) and to reduce the Hyde Park front yard parking setback from 15 feet to 8 feet; and
- b. A variance from *Section 14.01(f) Required Off-Street Parking Spaces* of the Zoning Ordinance to reduce the minimum off-street parking spaces from 89 to 81 spaces.

With the following conditions:

1. If screening is not adequate between the hotel and the nearby residence and office, additional screening measures (landscaping, fence, etc.) will be required;
2. The nearby public parking lots will be utilized for overflow parking, as described;
3. Provisions to be considered and approved by the City to ensure that vehicles of guests do not remain on the property while they are traveling (park & fly) as discussed by the Planning Commission;
4. Submittal of a revised site plan for administrative review and approval.

Roll Call Vote: Ayes –Morris, Frederick, Lloyd, Chandler. Nays – None. **Motion carried 4-0.**

B. TEMP-2021-003; Sheraton Hotel Airport Parking

Location: 8000 Merriman (Parcel ID #80-037-99-0028-710)
Requesting: Requesting temporary use approval in accordance with *Section 22.03(e), Temporary Uses and Buildings* of the Zoning Ordinance to allow approximately 230 of the 539 parking spaces on the property be temporarily used for park & fly parking spaces.
Project: Use of existing parking lot for park & fly

Nagib Lakhani, 10016 Laureate Way, Bethesda MD, was present on behalf of this request for temporary use approval for 230 of the 539 parking spaces at 8000 Merriman to be used for park & fly.

Chair Chandler asked if park & fly had existed at this location prior to this request.

Mr. Lakhani gave the following information:

- The hotel has a total of 539 parking spaces. According to zoning requirements, the hotel needed about 300 spaces. Therefore they had much more parking than required, and were exploring alternative uses for the extra space. In the interim they would like to use the extra space for park & fly purposes.
 - They were requesting a variance to use the space at the back of the hotel, or approximately 230 clearly demarcated spaces, for this use.
 - About 50% of their hotel is used for airline crew and distressed passenger traffic, which have no parking requirements.
 - Typically, of the 300 required spaces, about 150 are in use at any one time.

- Again, they were requesting a temporary park & fly use while they explored other avenues for development on the site.
- In August 2021 they filed for an application and registered for park & fly use. Since that time they have been recording all their parking use and revenues, and have been paying the 27% state tax on all of the parking that is sold on the site. They had detailed records of every reservation that has been made.
- In August 2021 they began to remit on a monthly basis the taxes that are associated with the parking revenues.

City Planner Maise explained that right after the time the Sheraton began this process, City Council put a moratorium on new park & fly uses, because of the number of hotels that were doing this during the Covid pandemic to try and stay afloat. The Sheraton's application was already in process when the moratorium began, and they were not subject to the discontinuance.

The City had since amended the ordinance, and enlisted the help of the Police Department, because park & fly is sometimes problematic in that non-secure park & fly operations provide opportunities for vehicle and vehicle parts theft, and the Police Department had provided a report that was in the Board packets. Specifically, should this project go forward, the Police Department is looking for security fencing around the parking lot. The Building Department also had a list of concerns, and required the entire parking lot to be resurfaced. The City's planning consultants MKSK addressed ordinance requirements for landscaping.

The original site plan for this hotel should have an approved landscape plan that would still be in effect. In any event, the applicant would need to provide a landscape plan to show how they are meeting ordinance requirements.

Mr. Lakhani said they had already contracted with a third party security company, who came on site every night, in addition to Sheraton's own security for the lot and inside the building. The use would not add traffic, because they already were providing 24/7 shuttle service to the airport. If granted the temporary use, they would upgrade the lighting fixtures, thereby increasing the dispersion from each existing light pole. Security cameras with a 30-day storage capacity would also be provided, to which the Police Department would be granted access.

Chair Chandler advised that notices of the public hearing had been mailed as per state law, and an affidavit of mailing was on file.

Chair Chandler opened the meeting for public comment.

Tim Falvey, general manager of Airlines Parking, 8325 Merriman, said that Airlines Parking was opposed to this variance request. The ordinance should not be circumvented for this temporary situation. If every hotel asked for a temporary park & fly use, and this was permitted, all the existing offsite parking lots would be negatively affected. Once hotels ask for these temporary allowances, they will ask for extensions when the allowances expire after one year.

Regarding the number of parking spaces that are available on this site, Mr. Falvey said that recently the Chamber of Commerce Person of the Year event was held at the Sheraton. Due to the parking of vehicles for park & fly, there was very limited parking available for the event and elderly people had to walk a long distance, if they could find a parking spot at all. This demonstrated that the hotel would

have difficulty providing parking for regular customers for event parking, with the park & fly program on the same property.

Mr. Falvey said that long established offsite parking facilities are in good standing with the city. Mr. Falvey currently had another lot that was not being used due to Covid, and was standing empty. Was there really a need to add a hotel park & fly program? Hotels can go to the established off-site parking lots and purchase vouchers to participate in park & fly programs through them. Airlines Parking asked that the Board not approve this request as it will hurt Airlines Parking's business and have a tremendous negative impact on their employees and families, many of whom are Romulus residents.

Mr. Valvey read a letter from Mike Koza, owner of Airlines Parking. Mr. Koza asked that the variance be denied for the following reasons:

- Airlines Parking is a long standing off-site operator of short and long term parking facilities for DTW customers. They employ a full staff of drivers, cashiers, and dispatchers, and operate a large fleet of well-maintained shuttles to be able to provide these services.
- Throughout the pandemic Airlines Parking remained open and continued to operate, providing work for their 300 team members who depended on their jobs, irrespective of the fact that continuing to employ their staff created a financial hardship for the company.
- Airlines Parking believed granting permission to one hotel for parking will open the door for other hotels to petition for the same. This would have devastating effects for their business, their employees and families.
- The application states temporary use for park & fly. This is open-ended and the terms are unclear. What is to stop the applicants from asking for an extension each year? How will the City monitor the collection of the taxes from the hotel if they are allowed to have a park & fly on site? Mr. Koza believed the City will lose revenue on parking taxes not being collected.

Seeing that no other public indicated they wished to speak, Chair Chandler closed the public hearing and brought the matter back to the Board for discussion and/or a motion.

Chair Chandler asked the applicant if they were familiar with the conditions listed in the various staff and consultant reports, including the Building Department requirement for asphalt replacement, and the Police Department requirement for fencing. He had visited the parking lot, which was in rough condition, with no striping at all.

Mr. Lakhani said he had reviewed the reports. Because of the temporary nature of this request, and the added security already provided, he asked that the fence requirement be waived.

Mr. Lakhani proposed to sealcoat, patch, and stripe the parking lot. They were asking not to repave at this time because they were still exploring alternate uses for the space on the lot, for which they would be presenting a plan to the city, and which will require some modification to the lot. The alternate use would affect where the pad would be and how the lot would eventually be paved.

Member Morris commented that the problem was how this proposed use would affect other hotels. If one hotel could do this, other hotels would argue that all should be able to offer park & fly. Additionally, there was quite a list of outstanding items to be resolved.

In response to a question from Chair Chandler, City Planner Maise said other hotels should not be offering park & fly, because they are not allowed this use by right, although they could apply for the use subject to special land use review and conditions.

Chair Chandler wondered if other hotels were offering this use without proper approvals.

Mr. Lakhani said that the hotel has always directed people who needed to leave their car on site to purchase a coupon from a local parking facility. As far as comparisons to other hotels, the Sheraton did have a lot of extra space at this site compared to others, with a significant amount of additional parking capacity on the lot. The park & fly is handled by a third party, and the Sheraton is required to record all of the revenues that are collected, and submit those records to the State along with payment on a monthly basis. There was a very clear demarcation between guest parking, and park & fly parking, because the park & fly is operated by a third party.

Chair Chandler asked about existing and proposed landscaping on the site.

Mr. Lakhani said they were intended to extend the landscaping along Smith Road as required.

Chair Chandler said that no real site plan had been submitted showing what the applicant was proposing to do with the lot.

Mr. Lakhani said they would do whatever was required by the BZA. They could sealcoat and stripe the parking lot immediately, and provide the required barrier free parking spaces.

Chair Chandler said he thought there should be a fence around the park & fly lot as requested by the Police Department. Additionally, he would like to see something in writing regarding the pavement repair.

Member Frederick asked how many people the banquet room could host.

Mr. Lakhani said that typically they could handle around about 300 attendees. When they anticipate a large event, they reduce the amount of available park & fly spaces. They have capped the park & fly spaces at 200 with the vendor who books those spaces, but there were times the number of available spaces went as low as 39, in order to provide extra parking for an event.

Member Frederick said that when the hotel was built, parking was provided with the guest rooms and banquet room in mind. It did not seem like the parking was over capacity, but rather the parking was properly proportioned for the business being done: overnight guests and banquet room use.

Mr. Lakhani explained that typically they do not use even half of the required 269 parking spaces that would still be provided, because half of the hotel, even at maximum capacity, is booked by airline crews who get shuttled to and from the airport. The exception was large events, which typically occurred once or twice a year, and for which they trimmed the allowable park & fly spaces to as low as 39.

Member Frederick asked about the Fire Department concern regarding access to the fire hydrant at the south end of the property.

Mr. Lakhani said they were not proposing to change the way parking was currently approved. If the area were fenced and gated, access to the hydrant becomes a consideration.

Member Frederick asked how the operation currently operated. Where was the park & fly business handled?

Mr. Lakhani explained that park & fly customers come in to the hotel, show their reservation, and hotel staff gives them a parking tag, after which they were directed to the back lot. Park & fly customers were also given a shuttle card so they can use the shuttle service to the airport. They use the same shuttle card to return back to the hotel.

Member Frederick said the Police Department concerns regarding the absence of a fence were valid, especially regarding car theft and catalytic converter theft. Everything that happens in and around the airport impacts everyone that lives in the City of Romulus in terms of their car insurance rates. Every car that is stolen out of the airport, whether it's in the terminal, in the parking garage, wherever, all those numbers stack against residents in the 48174 zip code. The lack of security fencing was a valid concern.

Member Frederick noted that MKSK's concerns also related to a fence, with the possible addition of parking gates to separate the park & fly areas from normal hotel customer parking. He felt the applicants presented an interesting situation: to use the overflow parking for park & fly when it was not needed by the hotel, and to close it off for park & fly use when the hotel needed the space. It was like they were in business one minute, and out of business the next, and then back in.

Mr. Lakhani explained that the parking spaces were sold by a third party based on availability as communicated by the hotel. They knew in advance when they would be hosting large events.

Mr. Lakhani said they had been brutally affected the pandemic, and the park & fly use was a lifeline for them. They had spent \$15M on the hotel during the pandemic.

Chair Chandler asked what the plan was for an alternative use when the temporary use ended on December 31.

Mr. Lakhani said they had shared some plans with City Planner Maise for a potential fast food restaurant. This still needed a lot of study, and if a fast food establishment was possible, they would still need to get approvals from their brand also. They recognized that park & fly was not the optimum use for the site, but they needed time to find something else they can present as a viable option.

In response to questions from Chair Chandler, Mr. Lakhani said the most desirable location for a fast food restaurant would be the highest profile location on site – the southeast corner, but because of other issues at that location, but they were also looking at the southwest side of the lot. A new pad would provide parking for that restaurant use.

Member Frederick said the letter from the Sheraton proposed a 12-month period, but the City Planner's Review referenced a 6-month temporary use.

City Planner Maise said the 6-month use was on the application. Up to a 12-month period could be allowed per ordinance, from the date of approval. Her recommendation had been for 6 months to December 31, 2022, based on the application materials. A 6-month trial would give the applicant time to monitor results. However, per the Police and Building Department reports, significant improvements needed to be made.

Member Lloyd was concerned about the impact on existing Park & Fly businesses. Extending to the full 12 months increased that concern.

Member Lloyd asked Mr. Falvey if he could quantify the impact that Sheraton's current park & fly had on their business. Mr. Falvey said that question should be directed the Airlines Parking owner/corporate office.

Member Lloyd asked how long the Sheraton had been operation as a park & fly, and how many police incidents had occurred on the lot.

Mr. Lakhani said he didn't know exactly, but he thought the use had begun about 3 months prior to August 1, when they became aware of the parking tax requirement, and applied for a park & fly use. They did have about 3-4 break-ins throughout the entire lot (hotel and park & fly), which is why they were using a new security service. If allowed the use, they would extend the hours the contracted security firm was on site. Currently the outside security services came in at 11pm and left at 7am. Sheraton also had their own security, including a driver that patrols the lot.

Noting that Romulus doesn't permit park & fly at the hotels, Member Morris asked how this happened.

City Planner Maise said there was increased park & fly activity during the Covid pandemic, when the Council eventually applied a moratorium to the use. Because this particular location already had an application submitted, the process went forward. No other hotels had applied.

If the Board allowed a temporary use for 6 or 12 months, the use could be based on the applicant applying for a permanent use after that time. A permanent use request could require market studies, traffic studies, distances from certain uses, parking structures, and so on, per ordinance requirements.

Member Morris said that people come to the City and made promises about what they were going to do, but don't follow through.

City Planner Maise advised that the BZA could condition a temporary use on a site plan for a future development being brought in after a certain amount of time, or at the end of the temporary use.

Member Frederick asked about the open permits referenced in the Planner's variance review letter.

City Planner Maise said she would need to ask the Building Department for more information regarding the open permits.

In response to further questions from Member Frederick, City Planner Maise explained that this request for a temporary use was not the same as a request for a variance, and had different criteria to consider. They did not have to demonstrate hardship, for instance. If the BZA grants a temporary use, they can put conditions on the use, such as duration, and other specific requirements.

Chair Chandler asked how the cars were currently separated between the hotel use and the park & fly use.

Mr. Lakhani said the park & fly customers were always directed to the back of the lot.

Chair Chandler said a fence was needed, and should comply with Fire Department and Police Department requirements. However, perhaps the fencing could be modified to only fence the west, north, and south sides of the lot.

Mr. Lakhani said if they had a 12-month permission for a temporary use, they might be able to price the fencing as just described.

Chair Chandler reviewed the 7 items as listed in the Building and Safety Department report:

1. *Provide an asphalt replacement plan for the entire parking area, include a striping plan; permits will be required.*
2. *Provide a photometric plan of the parking lot.*
3. *The property line at the northwest corner must be established and ownership of the fence determined; maintenance along all property lines is required.*
4. *Provide Police Department access to the security cameras.*
5. *All proposed signage plans must be submitted to the City of Romulus Building Department for review; permits will be required.*
6. *All open permits on file must first be addressed.*
7. *Provide the location of the barrier free parking spaces; they shall comply with Section 1106 of the 2015 MBC.*

City Planner Maise said the biggest items on this list and the Fire Department list were the fencing, landscaping, and resurfacing of the parking lot.

Mr. Lakhani reiterated that they could resolve outstanding issues, if they could repair and restripe the parking lot instead of a total replacement, and if they could modify or eliminate the fencing requirement.

Chair Chandler suggested the applicant should work with the various departments to see if a less complicated solution might be approved for fencing, and if a lesser improvement could be approved for the parking lot.

Mr. Lakhani said that if the Board would consider a 12-month period, it would be more viable for them to undertake the costs of the improvements.

City Planner Maise asked the Board to clarify the direction they were giving. Without having representatives of the Police and Building Departments here this evening, it was difficult to understand what modifications might be possible.

Member Morris emphasized the importance of having a written proposal from the applicants regarding the outstanding items in the review letters, and also giving information regarding when a new permanent use might be proposed for the property

Mr. Lakhani said it would take 12-18 months to bring a proposal for an alternative use for the site to the City.

After discussing options such as allowing a 6-month or 12-month use with no extensions, or giving a certain time limit to coming in with a plan for an alternative use, and acknowledging the difficulty of proceeding without having representatives of the Fire and Building Department here to answer

questions, it was the consensus of the Board that the matter should be postponed until Fire and Building Department representatives could be present, and also to give the applicant time to work with those departments to see if other options could meet requirements for a temporary use. Revised plans should be resubmitted no later than 60 days from this evening.

Member Morris emphasized the importance of the applicant bringing plans in writing to the Board.

MOTION by Frederick, support by Lloyd, that the Board of Zoning Appeals postpone action on TEMP-2021-003, Sheraton Hotel Airport Parking, for no longer than 60 days, to give the applicant time to revise their plans.

Roll Call Vote: Ayes – Frederick, Lloyd, Morris, and Chandler. Nays – None. **Motion carried 4-0.**

6. Old Business: None
7. New Business: None
8. Communications:
 - A. City Planner's Status Report

City Planner Maise reviewed the May Planning Department Status Report.

9. Discussion:

The Board discussed construction activity in the City.

10. Adjournment:

Motion by Morris, support by Frederick, to adjourn the meeting at 8:35 p.m.

Roll Call Vote: Ayes – Morris, Frederick, Lloyd, Chandler. Nays – None. **Motion carried 4-0.**



Donald Morris, Secretary
Zoning Board of Appeals

/cem