

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, OCTOBER 23, 2017 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Burke, Casey, Markham, Mutch, Wrobel

ALSO PRESENT: Peter Auger, City Manager (absent excused)
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 17-10-156 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY

To approve the Agenda as presented.

Roll call vote on CM 17-10-156 **Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING:

1. Proposed Amendment to Consent Judgment to allow independent multiple family residential dwelling units, in addition to proposed memory care and assisted living units as part of the proposed Novi Senior Community Project.

Public hearing - open 7:01

Marlene Fluharty, 28115 Meadowbrook Road, said she was the Executive Director of Americana Foundation which owns the 100 acres adjacent to this property. It was only a week and a half ago that she received the first and only notice of this development which is on their eastern property line. Tollgate Farm is a gem in the City, but she's afraid much less appreciated. It offers so many opportunities. It is a vision of quality of life, a place of peace, a regional asset, and a prime star thing for the people of Novi and Oakland County. The development of incompatible uses on all four sides of the 160 acres is causing difficulty. The loss of wetlands to the north, east and south are the result of some flooding and loss of ground water, which is critical to the function of the farm. Trees have been lost on all sides so there is no more soil control, carbon trapping and no ability to control the temperatures of all the concrete, asphalt and buildings that are now around them. More asphalt equals more traffic and contaminated runoff. Loss of wildlife habitat has been extreme. Therefore on the farm they have had to build more deer fences and have more control. There are complaints from neighbors who claim they are losing vegetation. She urged them to consider the adjacent property and damage being done to Tollgate Farm.

Closed 7:04

PRESENTATIONS: None

AUDIENCE COMMENT:

John Kuenzel 23819 Heartwood, said he thought it was interesting that the previous speaker also mentioned the short notice on activities going on by Council. Notices of Public Hearings were published two weeks ago for tonight. He said he wanted to speak on one of the issues. All residents of Novi pay property taxes on their homes. If he had political reasons to escape paying taxes or pay only part of them, all the other residents would say that is not fair. They would be right. All industrial and business properties also have property taxes which are assessed on their properties. Some of these industries and businesses have political connections to Mayor Gatt and his ruling majority on Council. As a result of that some businesses have been able to pay reduced or no taxes through tax abatement schemes. Examples of reduced taxes are the Hilton Hotel and Suburban Collection Showplace. On October 12, 2017 two notices appeared in the Novi News announcing hearings for Monday, October 23, 2017 to establish two industrial development districts in consideration of an industrial facilities exemption certificate under Public Act 198 of 1974 as amended. The descriptions of the properties were strictly the legal tax identification numbers. It said it was somewhere on 14 Mile Road in Novi. The other is at 39600 Lewis Drive. There are no descriptions of the type of industries existing on the property, nor are their names and addresses of the owners. He felt this obfuscation was intentional. The result is that two more friends of the ruling City Council majority will have their property taxes either reduced or eliminated. These property owners will still expect city services; they just won't pay for it. All city residents will pay their taxes and most businesses will pay their taxes. He has spoken about the unfairness of tax abatements. One of the petitioners is listed as Granite REIT America, Inc. His research found that this is a division of a Canadian real estate investment Trust. Not only do we have to worry about a Canadian oil company polluting our great lakes, or another Canadian company shipping Toronto garbage into our state, we now have a Canadian real estate investment company not wanting to pay taxes.

Karl Migrin, 49450 West Nine Mile Road, said he attended a Public Accuracy Test of the Optical Scan tabulating equipment to be used for the upcoming election and he found the test to be most interesting and it was capable of tabulating accurate, tamper proof voter counts. He believed many voters will be pleasantly surprised by the streamlined look of the new ballots and the process used in tabulating their votes. He thanked the City Clerk, Cortney Hanson and the City of Novi for affording him the opportunity to witness this Public Accuracy Test and encouraged all residents to visit their polling location on Tuesday, November 7 to try out the new equipment. On an unrelated matter, he wanted to inform City Council about a proposed 56-unit single-family housing development to be built in his backyard. He said too often, he hears that Council has not received advanced notice of these future developments and he was taking advantage of the opportunity to enlighten Council of this upcoming development. He indicated the development was to be located within the last

remaining undisturbed woodlands, wetlands, and wildlife corridor in this section of the city. He said the developer intends to remove several 70-year old trees in order to build 56 single-family homes in an area currently zoned to accommodate 30. He felt this was intrusion into the wildlife corridor and destroy much of the habitat needed by the resident wildlife to survive and will harm the quality of life afford many residents who have enjoyed their company. He encouraged City Council to walk through this area of southwest Novi so that they can truly appreciate the bounty that nature has provided and truly measure the impact a development will have on that area.

Bradley Gibbons said he lives in Novi and this is a very blessed city and most everyone knows that. There are beautiful neighborhoods, great schools and different cultures. Some have turned the city into a disgraceful place to live. He was talking about all the hate that has been posted on social media and print mailers that have gone out to resident's homes about a non-partisan election. He said when you have the money, you have the power and it seems the money and power has gone to some of their heads. He was shocked by the disrespect along with many other people. He said they stand and sit behind the desks claiming partisan politics, but they can't stop banning citizens from contacting them from asking simple questions or offering ideas. It goes silent. He said there was an advantage to select candidates who they want to feature on their mailers so they receive phone calls on their personal phone numbers. They answered those phone calls. He said they shouldn't claim partisan politics as offensive if they're going to own a non-profit that represents one of the political parties. They have called other candidates too progressive. The actual definition of progressive means making progress towards better conditions. He thought that was what everyone in the city was supposed to do. He said it was shameful that only two candidates showed up to a public forum that people asked question to. He said if Mayor Gatt really wanted to honor the challenge coin he received then he should stand up against hate in the town. He also wanted them to answer people's questions. He felt the city deserves better.

Anand Pappuri, 42210 Park Ridge, said he has been fortunate to be a Novi resident for last 5-6 years. He mentioned in the last 3 years, construction around Novi has affected the habitats. He said an example was Ten Mile and Beck Road on the northwest corner there are a lot of birds. The construction should be reduced to save the habitat.

Colleen Crossey, 22279 Brockshire Street, stated the night before she participated in a forum that had citizens come together to discuss issues like sexual harassment that are prevalent lately. She has noticed, like a previous speaker, about the meanness going on in Novi politics and it is just plain harassment. She said we can do better. She understood when the previous speakers talked about the over construction of Novi and it is ruining the habitats of the animals here. They are seeing coyotes and wild turkeys. She thought a lot of habitat is getting destroyed. City Council should step back and rethink the degree of building and the degree of destruction of our wetlands, trees, and stop the over building.

A Novi resident who lives on Wintergreen Circle said he has lived in Novi for last 4 years. He noticed a lot of construction going on in the city and yet his taxes are going up every year. He wanted to know if he should expect more services, such as an extra library. He said the library is too packed no matter when he goes. He asked if his tax rate was going down because of the additional construction. He said at the same time, road construction was happening in his neighborhood. He said that 60% of the road would be repaired, but then were told 30% would happen this year and the remainder would happen next year or the year after. He asked why not do it all at once and where did they go wrong in the planning of it.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 17-10-157 Moved by Wrobel, seconded by Burke; CARRIED UNANIMOUSLY

- A. Approve Minutes of:
 - 1. October 9, 2017 – Regular meeting
- B. Approval of a First Amendment to Storm Drainage System Maintenance Agreement for Meadowbrook Corporate Park located on the east side of Meadowbrook Road, north of I-96 (parcel 50-22-13-100-032).
- C. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Johnson Group, LLC, the developer of the commercial building at 45525 Grand River Avenue (parcel 50-22-16-451-067).
- D. Approval of recommendation from the Consultant Review Committee to award a contract for General Legal Services to Johnson Rosati Schultz Joppich PC for a four-year contract with two one-year renewal options, and adoption of associated fees and charges, effective January 1, 2018.
- E. Approval of recommendation from the Consultant Review Committee to award a contract for Prosecutorial Legal Services to The Baker Legal Group, PLLC for a two-year contract with two one-year renewal options, and adoption of associated fees and charges, effective January 1, 2018.
- F. Approval to purchase a 2018 Ford Utility Interceptor and a 2018 F-250 Utility for the Novi Fire Department in the amount of \$59,708 from Signature Ford, Owosso, MI through the Macomb County cooperative purchasing contract.
- G. Approval to purchase an unmarked vehicle from Todd Wenzel Buick GMC for the Novi Police Department in the amount of \$27,021 through the Oakland County cooperative purchasing contract.
- H. Approval to purchase a new Ford F550 Regular Cab 4X4 Chassis from Signature Ford Lincoln, using the State of Michigan and Macomb County Contract, in the amount of \$45,289.00.

I. Approval of Claims and Accounts – Warrant No. 998

Roll call vote on CM 17-10-157

**Yeas: Burke, Casey, Markham, Mutch, Wrobel,
Gatt, Staudt**

Nays: None

MATTERS FOR COUNCIL ACTION

1. Consideration of tentative approval of the request of Pulte Homes of Michigan, LLC, for Emerson Park, JSP 17-10, with Zoning Map Amendment 18.717, to rezone property in Section 22, located on the west side of Novi Road between Ten Mile Road and Grand River Avenue from OS-1, (Office Service) to RM-2 (High Density Multiple Family Residential) subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan. The property totals approximately 24 acres and the applicant is proposing a 120-unit multiple-family attached condominium development.

Joe Score, Vice President of land of Pulte Homes of Michigan said they were here two weeks ago and heard great feedback. It revolved around three main aspects of their plan. The pricing and the impact on affordable housing in the city, their collaboration with neighbors to west, proposed landscape plan with buffer and last the proposed public benefit. He stated in terms of the pricing, there was discussion regarding the missing middle, to offer more affordable housing. He said Pulte's main objective is to provide housing to the under served in the housing market. Specific to Emerson Park and Novi, Pulte is the largest home builder in Michigan. They are in a multitude of sub markets throughout metro Detroit. He said the City of Novi and the Novi School District; it's at the top, if not the top. That is reflected in the limited development opportunities and the price of land. To provide entry level housing in Novi, it's almost impossible. He mentioned their proposed price point is around \$350,000. The average price is for a detached home in the City of Novi is \$580,000. They are nowhere near that. The base pricing is in the high \$200,000 for a 2,000 square foot home. He is certain that pricing is not available in the City. They will cater to the missing middle. In terms of the buffer, they spent a lot of time with neighbors. They are preserving all existing vegetation on western and supplementing with a robust landscape plan. He stated they were originally planning 10-12 foot trees, but they will increase that to 12-14 foot trees. They want to do the right thing for the residents and the neighbors. In terms of the public benefit they thought it was positive. He explained they went back to drawing board and had some discussions. The first option revolves around the historic cemetery. Right now the internal roads are just dirt. They are proposing to pave the internal cemetery roads which are approximately 925 feet. This will allow residents to honor and connect to Novi's earliest settlers. The second option is an enhancement to pedestrian pathway network. There is an area on the north side of 10 Mile Road between Churchill Crossing and an office/commercial use that is close to Novi Road where there is a gap in pathway. Right now it is wetlands and has some challenging topography. They are proposing, subject to right-of-way, the installation of a boardwalk and concrete

pathway which would be about 380 feet. It will enhance connectivity to City offices, schools and library. They had discussions with Parks Director, Jeff Muck who supported both public benefit options. He felt they were substantial public benefits for the residents of the City of Novi.

Mayor Gatt spoke about Kathy Crawford, a former council member, State Representative and friend of the Novi Historical Commission who hosted a tour of the cemetery. There were quite a few people there. He met with a young lady who used to work at City of Novi and her grandparents are buried there. Every time her mother wants to visit the grave of her parents, she can't because she cannot walk and half the road is unusable. He believes that public benefit is something good. Mayor Gatt urged residents to visit the cemetery, he said it is really a historic grounds. He stated he would opt for the cemetery road paving benefit.

Mayor Pro Tem said he likes the enhancements to public benefit. He thought it was good and he was happy they spent time inquiring about the buffer that Council Member Casey discussed. It seems that is an acceptable situation. This particular piece of land is a keyhole type project where it's not seen from the road. It's primarily behind the scenes. Most people wouldn't know it is largely a big parking lot that does not provide financial benefit to the City. He said this project being in the Novi School District definitely helps in that situation. So much of what they have approved in the last several years has been a benefit to South Lyon and Walled Lakes Schools. This project is good from that standpoint. He said he doesn't have a lot of issues with this project.

**CM 17-10-158
(Main Motion)**

Moved by Staudt, seconded by Wrobel;

Tentative indication that Council may approve the request of Pulte Homes of Michigan, LLC, for Emerson Park, JSP 17-10, with Zoning Map Amendment 18.717, to rezone property in Section 22, located on the west side of Novi Road between Ten Mile Road and Grand River Avenue from OS-1, (Office Service) to RM-2 (High Density Multiple Family Residential) subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan, and direction to the City Attorney to prepare a proposed PRO Agreement with the following considerations:

- 1. The PRO Agreement shall contain the following Ordinance deviations, for which the City Council makes the finding, for the reasons stated, that each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas (which is hereby granted):**

- a. Planning Deviation from Sec. 3.1.8.D of Zoning Ordinance for reduction of the minimum required building side setbacks by 34 feet (Required 75 feet, provided 41 feet), *since the buildings are low profile, and would not necessarily benefit from the additional setback standards;*
- b. Planning Deviation from Sec. 3.8.1.B of Zoning Ordinance for exceeding the maximum number of rooms (423 maximum allowed, 480 provided), because the development will be built using only three-bedroom units, instead of a mix of 2- and 3-bedroom units, which could have met the ordinance standards, but would not meet the developer's understanding of the current market demand for this type of housing;
- c. Planning Deviation from Sec. 3.8.2.D of Zoning Ordinance for not meeting the minimum orientation for all buildings along an outer perimeter property line (45 degrees required, varied angles provided), since the buildings are low profile and would not necessarily benefit from the modified building orientation;
- d. Planning Deviation from Sec. 5.16.5.C of Zoning Ordinance for reduction of minimum required sidewalk width for bike parking (6 feet required, 5 feet provided), as the deviation will have minimal practical effect;
- e. Landscape deviation from Sec. 5.5.3.E.i.c and 5.5.3.E.ii of Zoning Ordinance for reduction/absence of street trees along Novi Road frontage (16 trees required, 16 *proposed contingent on RCOC approval*), *because the Road Commission for Oakland County may not allow the plantings for site distance and traffic safety reasons;*
- f. Landscape deviation Sec. 5.5.3.B.ii and iii of Zoning Ordinance for not meeting the minimum height of landscape berm along North boundary (4.5-6 feet required, 2-2.5 feet provided along approximately 950 of 1340 linear feet of boundary);
- g. Landscape deviation Sec. 5.5.3.B.ii and iii of Zoning Ordinance for absence of required berm along a portion of northern property

- boundary (no berm proposed for approximately 390 linear feet), *due to location of proposed detention ponds;*
- h. Landscape deviation from Sec. 5.5.3.B.ii and iii of Zoning Ordinance for lack of berms along the entire southern property boundary (4.5-6 feet required, 0 feet provided), *due to existing wetlands;*
 - i. Landscape deviation from Sec. 5.5.3.B.ii and iii of Zoning Ordinance for lack of berms within Novi Road green belt (779 Linear feet frontage required, 0 feet provided), *due to distance between Novi Road and the proposed homes, the proposed detention ponds, and heavy landscaping;*
 - j. Landscape deviation from Sec 5.5.3.E.ii of Zoning Ordinance for proposing sub canopy trees in lieu of some of the required Deciduous Canopy of Large evergreen trees (approximately 21 percent of required Canopy trees are replaced with sub canopy trees), *as it will provide additional visual and species diversity to the site;*
 - k. City Council variance from Sec. 4.04, Article IV, Appendix C-Subdivision ordinance of City Code of Ordinances for absence of a stub street required at 1,300 feet interval along the property boundary to connection to the adjacent property boundary, *due to conflict with existing wetlands;*
 - l. City Council variance from Chapter 7(c)(1) of Engineering Design manual for reducing the distance between the sidewalk and back of the curb to a minimum of 7.5 feet, *because of the low speed of traffic expected through the site.*
 - m. No deviation for Façade Ordinance requirements is granted. The applicant shall provide revised conceptual elevations that conform to—or exceed—Ordinance requirements.
2. The following conditions be requirements of the Planned Rezoning Overlay Agreement:

- a. Maximum number of units shall be 120.
 - b. Maximum height of building shall be 2 stories and 32 feet.
 - c. The development will have three bedroom units throughout the development.
 - d. Maximum Density of the development shall be 6.2 DUA.
 - e. All building facades will have brick up to the first floor belt line. Upgraded garage doors with windows shall be provided.
 - f. Additional buffer screening is provided for existing residents in the adjacent neighborhood along western property boundary.
 - g. Secondary emergency access will be maintained clear of snow or any other
 - h. Evergreen tree plantings along the west property line to be increased to 12-14 feet in height at initial planting (from the previous plan to provide 10-12 foot tall plantings).
 - i. Minor modifications to the approved Planned Rezoning Overlay Concept Plan (PRO) can be approved administratively, upon determination by the City Planner, that the modifications are minor, do not deviate from the general intent of the approved PRO Concept plan and result in reduced impacts on the surrounding development and existing infrastructure.
 - j. Applicant shall comply with the conditions listed in the staff and consultant review letters.
3. The following public benefits:
- A. Pave the existing Novi cemetery roads by providing a 10-12 foot wide, 3 inch asphalt pavement overlay on top of the existing vehicle pathways throughout the cemetery (approximately 925 feet) with further details to be determined working together with the City staff.
4. This motion is made for the following reasons:
- a. The applicant has presented a reasonable alternative to the Master Plan for Land Use recommendation of Community Office for the

parcel as indicated in the applicant's letter dated March 20, 2017, noting the appropriateness of a residential use for the site given the close proximity to Main Street and Town Center and the ability for additional nearby residents to add vibrancy and support for local businesses,

- b. The proposed plan meets several objectives of the Master Plan, as noted later in this review letter, including:
 - i. Provide residential developments that support healthy lifestyles by providing neighborhood open space between neighborhoods (by including the proposed play space, pedestrian walks and pocket parks).
 - ii. Provide a wide range of housing opportunities that meet the needs of all demographic groups including but not limited to singles, couples, first time home buyers, families and the elderly (the applicant has indicated that the proposed townhouse development meets the demand for "missing middle" housing, and will also provide an attractive alternative to the single family residential homes, by providing another option for young families and millennials to purchase property in the City.
 - iii. Protect and maintain the City's woodlands, wetlands, water features and open space (A majority of site is preserved in Open space. Over 99.5% of wetlands are preserved and only 20 % of woodlands are proposed to be removed as a part of the development plans).
- c. The proposed density of 6.2 units to the acre in attached townhouse format, provides a reasonable transition between the existing recommended density of no more than 3.3 units to the acre on the single family detached residential property to the west, and the non-residential uses proposed and existing along Novi Road.

- d. **The development plan will remove a long-standing non-conforming outdoor storage yard use of the property.**
- e. **The City's Traffic Engineering Consultant has reviewed the Rezoning Traffic Impact Study and found that a reduction of 1,402 trips per day, 264 trips for the AM peak hour, and 225 trips for the PM peak hour is estimated based on the zoning change from Office to residential.**
- f. **Submittal of a Concept Plan and any resulting PRO Agreement, provides assurance to the Planning Commission and to the City Council of the manner in which the property will be developed, and offers benefits that would not be likely to be offered under standard development options.**
- g. **This tentative approval does not guarantee final PRO Plan approval or approval of a PRO Agreement.**

Member Mutch said he wouldn't support the motion as presented. He said conceptually, while they didn't have this planned for residential use, with its proximity to the Main Street area, it is a use he was willing to consider. He did mention that he thought if they are going to have high density, it needed to be located in the core of the City. He would describe the core as being along Grand River within proximity of Main Street. He felt this was close enough to meet that. The infrastructure is there already. It makes more sense to have that kind of development in this area versus other locations. He thinks there are challenges because it stands alone. If they are moving forward, they accept the idea of an island of residential, because no residential will happen around it. The bigger issue with the proposed development wasn't the density as it was proposed; it was how the site is laid out. He mentioned hearing a lot of talk from Planning staff and discussion in the Master Plan about the missing middle. The kind of projects they are seeing in terms of the missing middle is not what they are seeing tonight. This is standard suburban high density residential attached condominium development that you could have seen in the 70's and 80's. He didn't feel it was as nice as terms of the layout as some of the existing development that is comparable. He doesn't feel it presents itself well as a community. He thought that was unfortunate because he felt there was a lot of opportunity here. His personal preference on the public benefit was the pathway along 10 Mile Road. The concern with the cemetery improvements, which sound good, is that if you've been in the cemetery, many gravestones are on top of the existing gravel road. It has a very tight layout. When you pave those interior roads and change from gravel/dirt to paved, there is runoff. He said there will be nowhere for the runoff to go. They already have trouble with erosion near the railroad tracks. That would create a situation where water runoff would have nowhere to go. There is no room to take the water and direct it someplace else.

Conceptually it sounded good, but in actual application, there would be a problem. As much as he would like people to visit the cemetery, it isn't good for the long term health of cemetery. It makes it easier for people that want to be there, but also for those people with bad intentions. He can't support motion for all of the reason he listed.

Member Markham said she went home after the last meeting and thought about it. She said she drove by the site and looked at aerial photos in more detail. She said with the changes they have made and after thinking about it she said there was more to like about this than she thought. She listed the features she did like, such as she agreed that it was a moderate income development. We have a need for that. She also liked the idea of walkability. Everyone talks about walkability to Main Street, but she sees it more so to 10 Mile Road and Novi Road. Those are locations you would want to get to, such as restaurants, the drug store, and the bank. When you go to Town Center, you take your car for purchases. She thought the public benefit feature she would support would be the sidewalk from Churchill Crossing. That would also feed the same center of retail development in both directions and help keep that alive and thriving. She has seen many people walking that section on 10 Mile Road. They walk to the corner and those restaurants. She would like to see that pathway completed, it is more important than paving the cemetery. She said she respects the cemetery, its history and role in the City, but as a public benefit, that sidewalk is better. She could not support the motion because of that. If they have higher density, it's on Novi Road. She also liked the idea that they are building on land that's been built upon. She also mentioned she liked the screening from street. She stated the proposal is in better shape to her than it was previously.

Member Wrobel thanked Pulte for listening and coming back with viable public benefit options. He felt they presented two good options. He said he would support the benefit that was stated in the motion.

Member Casey also thanked them for paying attention to their feedback. She thought the development is a good fit for area. They listened and made improvements to their proposal. She is torn on the public benefits, she liked them both. The public benefit she preferred would have been the connection of the pathway from Churchill Crossing to Novi Road to complete the pathway for residents. She was at the cemetery and she saw the condition of the gravel road. That is important, but they are missing an opportunity to finish that segment of pathway if they don't take that benefit. She said the City of Novi could take care of the cemetery.

Mayor Pro Tem requested that they change his motion to the second option which was completing the segment of pathway along 10 Mile Road instead of paving the cemetery.

The amended motion:

**CM 17-10-158 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY
(Amendment)**

Tentative indication that Council may approve the request of Pulte Homes of Michigan, LLC, for Emerson Park, JSP 17-10, with Zoning Map Amendment 18.717, to rezone property in Section 22, located on the west side of Novi Road between Ten Mile Road and Grand River Avenue from OS-1, (Office Service) to RM-2 (High Density Multiple Family Residential) subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan, and direction to the City Attorney to prepare a proposed PRO Agreement with the following considerations:

1. The PRO Agreement shall contain the following Ordinance deviations, for which the City Council makes the finding, for the reasons stated, that *each Zoning Ordinance provision sought to be deviated would, if the deviation were not granted, prohibit an enhancement of the development that would be in the public interest, and that approving the deviation would be consistent with the Master Plan and compatible with the surrounding areas* (which is hereby granted):
 - a. Planning Deviation from Sec. 3.1.8.D of Zoning Ordinance for reduction of the minimum required building side setbacks by 34 feet (Required 75 feet, provided 41 feet), *since the buildings are low profile, and would not necessarily benefit from the additional setback standards;*
 - b. Planning Deviation from Sec. 3.8.1.B of Zoning Ordinance for exceeding the maximum number of rooms (423 maximum allowed, 480 provided), because the development will be built using only three-bedroom units, instead of a mix of 2- and 3-bedroom units, which could have met the ordinance standards, but would not meet the developer's understanding of the current market demand for this type of housing;
 - c. Planning Deviation from Sec. 3.8.2.D of Zoning Ordinance for not meeting the minimum orientation for all buildings along an outer perimeter property line (45 degrees required, varied angles provided), since the buildings are low profile and would not necessarily benefit from the modified building orientation;
 - d. Planning Deviation from Sec. 5.16.5.C of Zoning Ordinance for reduction of minimum

- required sidewalk width for bike parking (6 feet required, 5 feet provided), as the deviation will have minimal practical effect;
- e. Landscape deviation from Sec. 5.5.3.E.i.c and 5.5.3.E.ii of Zoning Ordinance for reduction/absence of street trees along Novi Road frontage (16 trees required, 16 *proposed contingent on RCOC approval, because the Road Commission for Oakland County may not allow the plantings for site distance and traffic safety reasons;*
 - f. Landscape deviation Sec. 5.5.3.B.ii and iii of Zoning Ordinance for not meeting the minimum height of landscape berm along North boundary (4.5-6 feet required, 2-2.5 feet provided along approximately 950 of 1340 linear feet of boundary);
 - g. Landscape deviation Sec. 5.5.3.B.ii and iii of Zoning Ordinance for absence of required berm along a portion of northern property boundary (no berm proposed for approximately 390 linear feet), *due to location of proposed detention ponds;*
 - h. Landscape deviation from Sec. 5.5.3.B.ii and iii of Zoning Ordinance for lack of berms along the entire southern property boundary (4.5-6 feet required, 0 feet provided), *due to existing wetlands;*
 - i. Landscape deviation from Sec. 5.5.3.B.ii and iii of Zoning Ordinance for lack of berms within Novi Road green belt (779 Linear feet frontage required, 0 feet provided), *due to distance between Novi Road and the proposed homes, the proposed detention ponds, and heavy landscaping;*
 - j. Landscape deviation from Sec 5.5.3.E.ii of Zoning Ordinance for proposing sub canopy trees in lieu of some of the required Deciduous Canopy of Large evergreen trees (approximately 21 percent of required Canopy trees are replaced with sub canopy trees), *as it will provide additional visual and species diversity to the site;*
 - k. City Council variance from Sec. 4.04, Article IV, Appendix C-Subdivision ordinance of City Code of Ordinances for

absence of a stub street required at 1,300 feet interval along the property boundary to connection to the adjacent property boundary, *due to conflict with existing wetlands*;

- l. City Council variance from Chapter 7(c)(1) of Engineering Design manual for reducing the distance between the sidewalk and back of the curb to a minimum of 7.5 feet, *because of the low speed of traffic expected through the site.*
 - m. No deviation for Façade Ordinance requirements is granted. The applicant shall provide revised conceptual elevations that conform to—or exceed—Ordinance requirements.
2. The following conditions be requirements of the Planned Rezoning Overlay Agreement:
- a. Maximum number of units shall be 120.
 - b. Maximum height of building shall be 2 stories and 32 feet.
 - c. The development will have three bedroom units throughout the development.
 - d. Maximum Density of the development shall be 6.2 DUA.
 - e. All building facades will have brick up to the first floor belt line. Upgraded garage doors with windows shall be provided.
 - f. Additional buffer screening is provided for existing residents in the adjacent neighborhood along western property boundary.
 - g. Secondary emergency access will be maintained clear of snow or any other
 - h. Evergreen tree plantings along the west property line to be increased to 12-14 feet in height at initial planting (from the previous plan to provide 10-12 foot tall plantings).
 - i. Minor modifications to the approved Planned Rezoning Overlay Concept Plan (PRO) can be approved administratively, upon determination by the City Planner, that the modifications are minor, do not deviate from the general intent of the approved PRO Concept plan and result in

- reduced impacts on the surrounding development and existing infrastructure.
 - j. Applicant shall comply with the conditions listed in the staff and consultant review letters.
3. The following public benefits:
- B. Design and construct a key pedestrian on the north side of Ten Mile Road, west of Novi Road, and east of Churchill Crossing, approximately 380 feet, with the City providing the appropriate ROW and/or easement rights.
4. This motion is made for the following reasons:
- a. The applicant has presented a reasonable alternative to the Master Plan for Land Use recommendation of Community Office for the parcel as indicated in the applicant's letter dated March 20, 2017, noting the appropriateness of a residential use for the site given the close proximity to Main Street and Town Center and the ability for additional nearby residents to add vibrancy and support for local businesses,
 - b. The proposed plan meets several objectives of the Master Plan, as noted later in this review letter, including:
 - i. *Provide residential developments that support healthy lifestyles by providing neighborhood open space between neighborhoods (by including the proposed play space, pedestrian walks and pocket parks).*
 - ii. Provide a wide range of housing opportunities that meet the needs of all demographic groups including but not limited to singles, couples, first time home buyers, families and the elderly (the applicant has indicated that the proposed townhouse development meets the demand for "missing middle" housing, and will also provide an attractive alternative to the single family residential homes, by providing another option for young

- families and millennials to purchase property in the City.
- iii. Protect and maintain the City's woodlands, wetlands, water features and open space (A majority of site is preserved in Open space. Over 99.5% of wetlands are preserved and only 20 % of woodlands are proposed to be removed as a part of the development plans).
- c. The proposed density of 6.2 units to the acre in attached townhouse format, provides a reasonable transition between the existing recommended density of no more than 3.3 units to the acre on the single family detached residential property to the west, and the non-residential uses proposed and existing along Novi Road.
 - d. The development plan will remove a long-standing non-conforming outdoor storage yard use of the property.
 - e. The City's Traffic Engineering Consultant has reviewed the Rezoning Traffic Impact Study and found that a reduction of 1,402 trips per day, 264 trips for the AM peak hour, and 225 trips for the PM peak hour is estimated based on the zoning change from Office to residential.
 - f. Submittal of a Concept Plan and any resulting PRO Agreement, provides assurance to the Planning Commission and to the City Council of the manner in which the property will be developed, and offers benefits that would not be likely to be offered under standard development options.
 - g. This tentative approval does not guarantee final PRO Plan approval or approval of a PRO Agreement.

Roll call vote on CM 17-10-158

Yeas: Casey, Markham, Mutch, Wrobel, Gatt
Staudt, Burke

Nays: None

Member Burke mentioned he was trying to figure out how to get both options. All speakers have brought up valid points. He would like to see both, but knows it is not an option on the table. He appreciated the maker of the motion changing this to the

pathway on 10 Mile Road. He knows the pathway is a segment that needs to be filled. It is a priority for the Walkable Novi Committee. He appreciated Pulte stepping up and offering to do that. He supported the amended motion.

Mayor Pro Tem wondered what the value of the pathway was. Assistant City Manager Cardenas replied that it was about \$160,000.

Member Wrobel asked staff who owned the property that they would put the sidewalk on and is there anything planned to develop that property in the future. City Planner McBeth said that property is currently vacant land. She mentioned there are quite a few wetlands and woodlands on it. She believed it was in private ownership and not affiliated with the adjacent property owners. They haven't seen anything recently that they would like to develop. Member Wrobel said he thought years ago they talked about a supermarket.

Member Mutch commented he thought the property was wetlands and some property owner tried to fill it, but he has heard it's challenging to develop. He doesn't see development there anytime soon. In the interest of accommodating his fellow Council Members and they were willing to change public benefit, he would be willing to support the motion to move this forward. He stated on the record it was not his favorite project, but they are putting in an area that needs it.

2. Consideration to approve First Amendment to Consent Judgment in the case of Eldridge v City of Novi, Oakland County Circuit Court Case No. 06-073087-CH, relating to property on the north side of Twelve Mile Road east of Novi Road and the Oakland Hills Cemetery.

Assistant City Manager Cardenas said this related to the public hearing that was on the Agenda earlier. It involved a 10 acre piece of property that was involved in a 2006 lawsuit regarding how property would be zoned. In 2007 the consent judgment was entered into to permit the zoning of OS-1. The new owner would like to develop it as a senior living facility with part of the senior living as independent living. In the current zoning it only speaks to senior living facility which is more of group atmosphere. By amending the consent judgment it would allow the independent living aspect to the new facility.

Mayor Gatt commented that the property is zoned properly for this type of building that is being proposed, but this amendment would allow them to add a different type of resident. City Attorney Schultz said that was correct. Mayor Gatt said this would not change the landscape or cause the problems that someone in the public hearing spoke about any more than the property owner has the ability to do now. City Attorney Schultz said the settlement in 2007 authorized OS-1 uses on the entire 10 acre parcel, which includes a senior living facility. The only thing they want to do is in addition to a senior living facility, they want to have some units that allow senior independent living units. The footprint does not change, but it would allow them to

have a different type of resident. They could build the same facility, but only medical care and assisted living would be allowed.

Member Wrobel asked how wide the buffer between Tollgate Farms and the development was. City Attorney Schultz said there are setback changes required in the consent judgment which will remain. What is required by ordinance, they will meet. City Planner McBeth said the minimum setback is 50 feet per consent judgment. They exceed that, but she didn't have the number in front of her. City Attorney Schultz said they are following the consent judgment, they are not changing that.

Mayor Pro Tem said City Planner McBeth had listened to the speaker earlier in audience participation, and wondered if she could address her comments and concerns. As we grow out in Novi, we are taking some of these more sensitive areas and building around them. He asked if this something that was planned for or considered during the planning. City Planner McBeth said they have met with the applicant to take a look at the proposal. She stated they have known since 2007 that it would be a senior living facility. This came in earlier this year and they talked about the wetlands and woodlands on the site. The applicant has been doing some due diligence with that. They found that the wetlands are not as extensive as shown on City maps and there are just a few small areas that would be impacted. The comments regarding the public hearing notice was for tonight's meeting, she believe the next step is that this will go to the Planning Commission for consideration with a separate public hearing associated with that as well. The building itself and site have been carefully considered by staff and the applicant and will be presented to the Planning Commission in the next month or so. Mayor Pro Tem Staudt wondered if it would come back to Council in any form. City Planner McBeth responded they have not found any reason for it to come back to City Council.

Member Mutch asked City Attorney Schultz about a site plan that the applicant has been sharing with staff. That plan is not part of their approval process. City Attorney Schultz said that will go to Planning Commission. He confirmed with City Planner McBeth that the setback was a minimum of 50 feet, and they are proposing at least 70 feet. The setback for the parking lot was 15 feet. Member Mutch wondered if that was a reduced setback. She replied that it would be expected to be 50 feet all the way around and they are proposing 70 feet. Member Mutch pointed out that they are not approving the plan tonight. He said when you remove that many trees out of the woodlands it does have an impact on the property to the east, Tollgate Farm property and the woodlands. This is challenging from a perspective of what can go on this property because that was determined years ago by previous Councils. The discussion tonight is not necessarily about those impacts, but he thinks the points that Ms. Fluharty brought up are relevant. This vote doesn't change the fact that they can build. He asked the applicant to try to do a better job than what he is seeing in these plans. The plans wipe out a significant portion of woodlands on this property and that directly impacts Tollgate. They should do more to buffer instead of pushing development to the edge. His other question was in terms of gravesites in cemetery and how close they come to border. City Planner McBeth replied that there are some burial sites that are

not far, but she understood that they are not part of the cemetery plat. Member Mutch said that is something to be mindful of during the site plan process. If they are close, it really pushes itself right to the border and the impact on those gravesites. In terms of the aesthetics, he would like to see them provide appropriate screening. He will support a motion but thinks many points should be discussed and addressed at site plan level.

Member Markham said she would second what Member Mutch said about the maximum use of the site and trying to place the building in a way that minimizes the impact to the woodlands. She said as far as the amendment to the consent judgment allowing the senior facility a component of independent senior living. She has dealt with 4 parents and being able to be in a facility from the time they are independent to the time you have no memory, it makes it more comfortable in many ways for the elderly. It was helpful to her family. She sees no reason they shouldn't allow it. She would be in support of it.

CM 17-10-159 Moved by Burke, seconded by Wrobel; CARRIED UNANIMOUSLY

To consider the approval of the First Amendment to Consent Judgment in the case of Eldridge v City of Novi, Oakland County Circuit Court Case No. 06-073087-CH, relating to property on the north side of Twelve Mile Road east of Novi Road and the Oakland Hills Cemetery, with the final form of the Amendment, including any minor and non-substantive changes, to be approved by the City Manager and City Attorney's Office.

Member Casey said she would support the amendment to consent judgment. As previous speakers noted, the use of independent living fits within site. In terms of making sure they take extreme care to buffer the cemetery and minimize any impact to Tollgate.

Roll call vote on CM 17-10-159

**Yeas: Markham, Mutch, Wrobel, Gatt, Staudt,
Burke, Casey**

Nays: None

3. Approval to purchase five (5) 2018 Ford Police Interceptor Utility vehicles in the amount of \$138,620 from Signature Ford, Owosso, MI through the Macomb County cooperative purchasing contract.

Assistant City Manager Cardenas mentioned Ford Explorers have been in news recently with respect to carbon monoxide issues. Our current fleet of Ford Explorers do have carbon monoxide detectors on them and they've had no problems, so they do not see any problems going forward.

CM 17-10-160 Moved by Wrobel, seconded by Burke; CARRIED UNANIMOUSLY

To approve the purchase five (5) 2018 Ford Police Interceptor Utility vehicles in the amount of \$138,620 from Signature Ford, Owosso, MI through the Macomb County cooperative purchasing contract

Roll call vote on CM 17-10-160 Yeas: Mutch, Wrobel, Gatt, Staudt, Burke, Casey, Markham
Nays: None

4. Approval to award an amendment to the engineering services agreement with AECOM (URS Corporation - Great Lakes) for design engineering services associated with the Taft Road (Ten Mile Road to Grand River Ave) rehabilitation project in the amount of \$111,329.87.

Member Mutch made the comment that he can finally tell his neighbors that Taft Road will get paved next year. He wondered if the intersection at 11 Mile Road and Taft Road is being looked at because it has no dedicated left turn lanes going north and south. He asked if that was being looked at because the traffic queues up. Assistant City Manager Cardenas said they can look into it.

CM 17-10-161 Moved by Mutch, seconded by Casey; CARRIED UNANIMOUSLY

To approve the award of an amendment to the engineering services agreement with AECOM (URS Corporation - Great Lakes) for design engineering services associated with the Taft Road (Ten Mile Road to Grand River Ave) rehabilitation project in the amount of \$111,329.87.

Roll call vote on CM 17-10-161 Yeas: Wrobel, Gatt, Staudt, Burke, Casey, Markham, Mutch
Nays: None

5. Approval of the establishment of Contract Special Assessment District (SAD)182, the Dixon Road Sanitary Sewer Extension SAD, pursuant to Section 30-25 of the City's Code of Ordinances, and the corresponding Agreement for the Financing of Sanitary Sewer System Improvements and the Creation of Special Assessment on Property, for the extension of sanitary sewer to serve five parcels on Dixon Road, subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney and receipt of all signatures of the property owners affected.

CM 17-10-162 Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY

To approve of the establishment of Contract Special Assessment District (SAD)182, the Dixon Road Sanitary Sewer Extension SAD, pursuant to Section 30-25 of the City's Code of Ordinances, and the corresponding Agreement for the Financing of Sanitary Sewer

System Improvements and the Creation of Special Assessment on Property, for the extension of sanitary sewer to serve five parcels on Dixon Road, subject to final review and approval of the form and agreement by the City Manager's office and the City Attorney and receipt of all signatures of the property owners affected.

Roll call vote on CM 17-10-162

**Yeas: Gatt, Staudt, Burke, Casey, Markham,
Mutch, Wrobel**

Nays: None

AUDIENCE COMMENT:

Karl Migrin wanted to thank City Council for supporting the Napier and 10 Mile roundabout. He said he noticed the traffic on 9 Mile has slowed down to what it was previously. He is looking forward to the paving of Napier Road. He said this will take traffic off Beck and provide alternates. He thought they should approach Wayne County to pave Napier from 7 Mile to 8 Mile. He thanked them and said he appreciated all they do.

MAYOR AND COUNCIL ISSUES:

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: Consent Agenda items which have been removed for discussion and/or action.

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:09 P. M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: November 13, 2017