

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 23, 2015 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 Casey, Markham, Mutch, Poupard, Wrobel

ALSO PRESENT: Peter Auger, City Manager
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 15-03-032 Moved by Wrobel, seconded by Staudt; CARRIED UNANIMOUSLY:

To approve the Agenda as amended to add under presentations Katie Campbell from Congressmen David Trott's Office and 52-1 District Court Judge David Law.

Roll call vote on CM 15-03-032 **Yeas: Staudt, Casey, Markham, Mutch, Poupard, Wrobel, Gatt**
Nays: None

PRESENTATIONS

1. Proclamation in Recognition of Gorman's 75th Anniversary – Cheryl Sauer and Tom Lias

Mayor Gatt presented the proclamation to Cheryl Sauer, General Manager, and Tom Lias from Gorman's Home Furnishings and Home Design. Tom Lias thanked everyone for the recognition.

2. Proclamation in Recognition of National Library Week April 12 – 18, 2015 – Julie Farkas, Library Director

Mayor Gatt presented the proclamation to Julie Farkas, Library Director. She introduced the Library Board Member's; Ramesh Verma, Datara Michener, Paul Funk, and Bill Lawler. She believed they are doing a good job. She thanked Council for the opportunities they have provided for the Library. They started a new motto, "Inform, Inspire, and Include" for the City of Novi Library. She noted the new program called, Coupon Genie, is an app through the Library. Sunday afternoons they have Listen at the Library, where the Chamber Music Society of Detroit brings their music. She spoke about an opportunity called the Towel Hat USA Project out of Providence Hospital. The project sews terry cloth hats for cancer patients. The Library is working with them through a towel drive. She thanked everyone for supporting the Library.

Katie Campbell, Staff Assistant to Congressmen David Trott, said she will be at City Council, School Board, and Library Meetings once per quarter. It is a project for district staff to get a better idea of what is going on in the Community. Their website is Trott.house.gov with a link to e-mail them if they can help. They can attend events and will serve the community the best way they can.

Judge David Law spoke about his background prior to being appointed by Governor Snyder to the 52-1 District Court. The staff cares about the community and looked forward to working with the City.

PUBLIC HEARING

1. Michigan Natural Resources Trust Fund (MNRTF) land acquisition grant application of 12.5 acres of property parcel #22-30-476-005 located on Nine Mile Road west of Garfield.

Public hearing opened at 7:13 p.m. No audience comment, closed at 7:14 p.m.

2. Huntley Manor (fka Brooktown), Special Development Option Concept: The subject property is 26.62 acres in Section 23 of the City of Novi and located on the south side of Grand River Avenue, west of Meadowbrook Road in the GE, Gateway East District. The applicant is proposing a 210 unit multiple-family gated community.

Public hearing opened at 7:15 p.m. No audience comment, closed at 7:16 p.m.

REPORTS:

1. MANAGER/STAFF – None
2. ATTORNEY – None

AUDIENCE COMMENT:

Pam Sordyl, a Clarkston resident, representing Puppy Mill Awareness of SE Michigan, spoke against Petland and how they use large commercial breeders throughout the Midwest.

Courtney Jacobs, a Novi resident, spoke about how many large cities across the US have banned the use of puppy mills.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 15-03-033 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 - 1. March 9, 2015 – Regular meeting
- B. Approval of Pawnbroker License renewal requested by Gary Weinstein, owner of Weinstein Jewelers, 41990 Grand River Avenue.
- C. Approval to apply for the FY 2014 Fire Prevention and Safety Grant with a total project cost of \$12,437 and City of Novi 5% match of \$622.
- D. Approval to award engineering design services to Spalding DeDecker Associates for the Bishop and Ingersol Stream Bank Restoration project in the amount of \$48,220.
- E. Approval of Change Order No. 1 to Great Lakes Power and Lighting for the 2014 Sanitary Lift Station project in the amount of \$68,800 to add the installation of a permanent generator at the Taft Knolls Lift Station, located on the east side of Taft Road south of Jacob Drive.
- F. Approval to award engineering design services to Spalding DeDecker Associates for the 14 Mile Road Water Main Extension (Haverhill to Maples) project in the amount of \$10,140.
- G. Approval of Zoning Ordinance Text Amendment 18.272 to amend the City of Novi Zoning Ordinance at Article 4, Use Standards, Section 4.29, Fueling Stations and Minor Automobile Service Establishments in order to permit fueling stations with accessory minor automobile services that pre-date the ordinance to terminate fueling operations and continue minor automobile repair services.
SECOND READING
- H. Approval to change the April 6, 2015 City Council meeting to Monday, April 13, 2015.
- I. Approval of Claims and Accounts – Warrant No. 936

Roll call vote on CM 15-03-033

**Yeas: Casey, Markham, Mutch, Poupard,
Wrobel, Gatt, Staudt
Nays: None**

MATTERS FOR COUNCIL ACTION:

1. Consideration of the request of GR Meadowbrook LLC for a Special Development Option Concept Plan. The subject property is 26.62 acres in Section 23 of the City of Novi and located on the south side of Grand River Avenue, west of Meadowbrook Road in the GE, Gateway East District. The applicant is proposing a 210 unit multiple-family gated community.

Member Mutch directed questions to Deputy Community Development Director Barb McBeth. He asked about the variances that the applicant has requested within the Special Development Option agreement that is being proposed. She said the deviations are listed in the motion sheet. She explained the plan has a clubhouse located within the development with a deviation from the standard of a loading zone. There is a deviation regarding the light fixtures that are proposed and seeking a more decorative fixture. They are requesting a landscape waiver. Instead of berms they have chosen to provide a decorative fence and large trees that would normally be around detention basins. Also, the building materials waiver for the underage of brick and the overage of asphalt shingles with the finding that the design is consistent with the intent and purposes of the ordinance. Member Mutch thought Mr. Necci did have some areas of concern and was looking for more of an enhancement. Ms. McBeth said that Mr. Necci noted areas that have the materials that are expected in the ordinance in the areas are not quite up to the percentage that would be expected. He noted that the minor underage of brick doesn't significantly reduce the aesthetic value of the facades. The percentage of asphalt shingles exceeds the maximum amount allowed by the ordinance on all the models. A Section 9 waiver would be required for those deviations. The design exhibits well-proportioned massing with strongly delineated and well balanced roof lines. It is our consultants understanding that the features would be incorporated on all the models. City Attorney Schultz agreed it could be shown on the preliminary site plan or in the agreement because the agreement seems to be long and detailed. Member Mutch said it was unclear to him why a variance was required for the landscaping in front of the property. He understood they had an option of not doing a berm. Ms. McBeth said that they are pointing out they are requesting the decorative fence in that area. Member Mutch said he would prefer that as it made more sense for this district. He said there were concerns expressed from residents who live along Cherry Hill with the amount of buffer between the development and their homes. Ms. McBeth said there is a conservation easement with trees preserved in the area. There were supplemental plantings within the conservation easement. She learned that a utility company had cleared some of the vegetation that had been provided there that enhanced the buffer area. She recommended, if it is approved, looking at that area again to see if additional landscaping could be provided. Member Mutch said in one area there was no buffering at all. It looks like substantial in the aerial photo, but it is not. He would agree with Ms. McBeth. Member Mutch asked if it would be the appropriate solution to require the staff to develop a capacity requirement for the buffer. Ms. McBeth said it was a fairly good standard and has applied it in other situations. It is something they would want to work toward. He wanted to address an issue with the Northwest Building on the site. It did not have a sidewalk connection. Ms. McBeth said they could work with the applicant to provide a pedestrian sidewalk in the site plan. Member Mutch asked if there will be a sidewalk added near the funeral home. Ms. McBeth said that there will be a sidewalk to

connect to the future development to the east. Member Mutch said there was concern about the sidewalk connection at Cherry Hill. He commented it will allow pedestrian traffic to flow and discourage trespassing. He spoke about the volume of traffic generated from the development and the impact on Grand River. It was noted that it will not be addressed until the traffic is actually generated. He thought they shouldn't wait until there is a problem. Rob Hayes, Director of Public Services, said the traffic consultant determined that a signal would not be warranted at the entrance. He said they would look at actual conditions to see if that opinion would change. Member Mutch said he wants to see the sidewalk gap addressed to the west in the agreement because the Gateway District intent is to provide a residential base for the surrounding businesses. The applicant, Mark Kassab, GR Meadowbrook, LLC said landscaping on the southern property line would not be an issue. Regarding the sidewalk gap issue, it is not their property but will consider it. Member Mutch expects the pedestrian scale lights along Grand River similar to across the street. The applicant agreed. Member Mutch said they could address it through the language in the agreement.

CM 15-03-034 Moved by Mutch, seconded by Markham; MOTION FAILED: 2-5

In the matter of the request of GR Meadowbrook LLC for Huntley Manor JSP 14-56 motion to tentatively approve the Special Development Option Concept Plan and direct the City Attorney's Office to work with the applicant on the preparation of the Special Development Option Agreement for submission to the Council in connection with a final approval. The Agreement should include the following ordinance deviations:

- a. Deviation for the deficient loading area (940 sq. ft. required, 480 sq. ft. provided);
- b. Waiver to permit a decorative fence in lieu of the required berm along Grand River Avenue;
- c. Waiver to permit the use of evergreen trees in lieu of the required canopy trees as required building foundation landscaping;
- d. Waiver for the installation of large shrubs around the existing detention basin; and
- e. Section 9 facade waiver for the overage of Asphalt shingles and underage of brick.

The agreement shall also include language related to screening along the south property line that reflects the language that was in the previous agreement to provide sufficient buffering capacity between the adjacent properties.

The agreement shall also include language requiring pedestrian scale street lighting along the frontage of Grand River consistent with lighting used on adjacent developments.

The agreement shall also include language to require the developer to complete the sidewalk gap between Fountain Walk Apartments and the new development of a distance of approximately 200 feet.

The Applicant's compliance with the conditions and items listed in the staff and consultant review letters should be a requirement noted in the Special Development Option Agreement.

This motion is made based on the following findings:

- a. The project results in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved by a traditional development;
- b. In relation to a development otherwise permissible as a Principal Permitted Use under Section 3.1.16.8 the proposed type and density of development does not result in an unreasonable increase in the use of public services, facilities and utilities, and does not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment;
- c. Based upon proposed uses, layout and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment and the proposed signage, the Special Development Option project will result in a material enhancement to the area of the City in which it is situated;
- d. The proposed development does not have a materially adverse impact upon the Master Plan for Land Use of the City, and is consistent with the intent and spirit of this Section;
- e. In relation to a development otherwise permissible as a Principal Permitted Use under Section 3.1.16.8, the proposed development does not result in an unreasonable negative economic impact upon surrounding properties;
- f. The proposed development contains at least as much useable open space as would be required in this Ordinance in relation to the most dominant use in the development;
- g. Each particular proposed use in the development, as well as the size and location of such use, results in and contributes to a reasonable and mutually supportive mix of uses on the site, and a compatibility of uses in harmony with the surrounding area and other downtown areas of the City;
- h. The proposed development is under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance;

- i. Relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service;
- j. Relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area;
- k. Relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats;
- l. Relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood;
- m. Relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- n. Relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner; and
- o. Relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

Mayor Gatt could support the motion with everything except requiring the developer to add the sidewalk on property he doesn't own. He noted the development is not as dense as what was agreed to years ago on another development. He won't support the motion as stated. Member Wrobel asked the distance from buildings to the property line on Cherry Hill. McBeth said it is approximately 75 to 80 feet in one area and approximately 100 feet in another area. She said it was similar to the previous development that was approved but never built. Member Markham questioned Director Hayes regarding the length of the taper to the gated access. Mr. Hayes said typically that is taken into consideration and part of the evaluation. McBeth said the plan was evaluated by the Traffic Engineer and Fire Department. Member Markham asked how the gate will operate. The applicant explained there will be two lanes on the gated entrance. One will be for the resident that has a key fob or car fob that will open the gate and the other driveway would be for delivery or for visitors with a gate

attendant possibly. Member Markham agrees with Member Mutch about the sidewalk. She is a member of the Walkable Novi Committee and they get a lot of feedback from residents about unfinished sidewalks. She also agrees that this development is designed to be walkable to the City Center. She would support the concept and motion. She thought it was a good development for this site. The applicant commented that the property to the west has not dedicated his property to the Road Commission and asked Member Mutch to re-word motion to suggest they make every best effort to put in the sidewalk. Member Mutch changed the motion to have the applicant secure an easement or right-of-way at the developer's expense. Mayor Pro Tem Staudt said while he supports the sidewalk, he doesn't support a developer paying for something he can't control. He asked the applicant if he had agreed to do this. Mr. Kassab said there are added costs with the lighting, etc., and it is not his property. He can't maintain it. Member Staudt said he would not support the motion with the cost being the responsibility of the developer. The applicant said the City has installed the sidewalk on the corner at Meadowbrook. Member Mutch addressed a couple of points that were raised. He said if a sidewalk is constructed it will be the City's responsibility to maintain it because it is in the easement or right-of-way that the City owns. He wanted to alleviate the applicants' concerns. Offsite improvements are often required and in his opinion he finds it necessary for the development to function as the Gateway Use District. If it is not constructed as part of this development then the cost is on the City. He thought this was a way to capture funds for a sidewalk for the gap west of this large development. Mayor Gatt thought it was an opportunity to tell the developer he can't get an approval unless he adds a sidewalk on property that he does not own.

Roll call vote on CM 15-03-034

Yeas: Markham, Mutch,

Nays: Poupard, Wrobel, Gatt, Staudt, Casey

CM 15-03-035

Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

In the matter of the request of GR Meadowbrook LLC for Huntley Manor JSP 14-56 motion to tentatively approve the Special Development Option Concept Plan and direct the City Attorney's Office to work with the applicant on the preparation of the Special Development Option Agreement for submission to the Council in connection with a final approval. The Agreement should include the following ordinance deviations:

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- b. Waiver to permit a decorative fence in lieu of the required berm along Grand River Avenue;
- c. Waiver to permit the use of evergreen trees in lieu of the required canopy trees as required building foundation landscaping;
- d. Waiver for the installation of large shrubs around the existing detention basin; and

- e. Section 9 facade waiver for the overage of Asphalt shingles and underage of brick.

The agreement shall also include language related to screening along the south property line that reflects the language that was in the previous agreement to provide sufficient buffering capacity between the adjacent properties.

The agreement shall also include language requiring pedestrian scale street lighting along the frontage of Grand River consistent with lighting used on adjacent developments.

The Applicant's compliance with the conditions and items listed in the staff and consultant review letters should be a requirement noted in the Special Development Option Agreement.

This motion is made based on the following findings:

- a. The project results in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved by a traditional development;
- b. In relation to a development otherwise permissible as a Principal Permitted Use under Section 3.1.16.8 the proposed type and density of development does not result in an unreasonable increase in the use of public services, facilities and utilities, and does not place an unreasonable burden upon the subject and/or surrounding land and/or property owners and occupants and/or the natural environment;
- c. Based upon proposed uses, layout and design of the overall project, the proposed building facade treatment, the proposed landscaping treatment and the proposed signage, the Special Development Option project will result in a material enhancement to the area of the City in which it is situated;
- d. The proposed development does not have a materially adverse impact upon the Master Plan for Land Use of the City, and is consistent with the intent and spirit of this Section;
- e. In relation to a development otherwise permissible as a Principal Permitted Use under Section 3.1.16.8, the proposed development does not result in an unreasonable negative economic impact upon surrounding properties;
- f. The proposed development contains at least as much useable open space as would be required in this Ordinance in relation to the most dominant use in the development;
- g. Each particular proposed use in the development, as well as the size and location of such use, results in and contributes to

a reasonable and mutually supportive mix of uses on the site, and a compatibility of uses in harmony with the surrounding area and other downtown areas of the City;

- h. The proposed development is under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance;
- i. Relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on existing thoroughfares in terms of overall volumes, capacity, safety, vehicular turning patterns, intersections, view obstructions, line of sight, ingress and egress, acceleration/deceleration lanes, off-street parking, off-street loading/unloading, travel times and thoroughfare level of service;
- j. Relative to other feasible uses of the site, the proposed use will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal and police and fire protection to service existing and planned uses in the area;
- k. Relative to other feasible uses of the site, the proposed use is compatible with the natural features and characteristics of the land, including existing woodlands, wetlands, watercourses and wildlife habitats;
- l. Relative to other feasible uses of the site, the proposed use is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood;
- m. Relative to other feasible uses of the site, the proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.
- n. Relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner; and
- o. Relative to other feasible uses of the site, the proposed use is (1) listed among the provision of uses requiring special land use review as set forth in the various zoning districts of this Ordinance, and (2) is in harmony with the purposes and conforms to the applicable site design regulations of the zoning district in which it is located.

Roll call vote on CM 15-03-035

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

Nays: None

- 2. Consideration of requests from Ascension Brewing Company, Inc., relating to the establishment of a microbrewery at 42000 Grand River Avenue, Novi, MI 48375:

A) Consideration of a request for Special Land Use approval for service of alcoholic beverages.

CM 15-03-036 Moved by Casey, seconded by Poupard; **CARRIED UNANIMOUSLY:**
Approve request from Ascension Brewing Company, Inc., relating to the establishment of a microbrewery at 42000 Grand River Avenue, Novi, MI 48375: A) Approval of Special Land Use approval for service of alcoholic beverages at 42000 Grand River Avenue, Novi MI 48375.

Roll call vote on CM 15-03-036 Yeas: Poupard, Wrobel, Gatt, Staudt, Casey, Markham, Mutch
Nays: None

B) Consideration of request for a Micro Brewer License.

CM 15-03-037 Moved by Casey, seconded by Poupard; **CARRIED UNANIMOUSLY:**
Approve request from Ascension Brewing Company, Inc., relating to the establishment of a microbrewery at 42000 Grand River Avenue, Novi, MI 48375: B) Approval of a Micro Brewer License to be located at 42000 Grand River Avenue, Novi MI 48375.

Adam Czap, President of Ascension Brewing Company, named the company because he believed in the general principal that the human spirit has the ability to arise above different circumstances. His personal family history has something to do with it and also his faith beliefs as well.

Roll call vote on CM 15-03-037 Yeas: Wrobel, Gatt, Staudt, Casey, Markham, Mutch, Poupard
Nays: None

3. Approval of Resolution authorizing submission of a Michigan Natural Resources Trust Fund Grant (MNRTF) grant application for land acquisition of 12.57 acres of property parcel 50-22-33-476-005 located on Nine Mile Road west of Garfield Road. Total estimated project cost including grant is \$575,000 with the 30% City match of \$172,500.

City Manager Auger noted that this is the second grant within a few months and it shows they are doing a great job.

CM 15-03-038 Moved by Poupard, seconded by Wrobel; **CARRIED UNANIMOUSLY:**

Approval of Resolution authorizing submission of a Michigan Natural Resources Trust Fund Grant (MNRTF) grant application for land acquisition of 12.57 acres of property parcel 50-22-33-476-005 located on Nine Mile Road west of Garfield Road. Total estimated project cost including grant is \$575,000 with the 30% City match of \$172,500.

Mayor Pro Tem said the location is appropriate for the potential of the ITC corridor walkway and connecting ITC Community Sports Park. He thought this is the next step before the first trail is built through the corridor. Member Mutch noted that it was nice to have a letter of support that highlighted the trail and wildlife that lived in the area. He hoped he sees more progress in the area. Member Poupard liked to commend the Parks and Recreation staff and City Manager for seeking the grant for this property and rapidity of getting the paperwork done.

Roll call vote on CM 15-03-038

**Yeas: Gatt, Staudt, Casey, Markham, Mutch,
Poupard, Wrobel
Nays: None**

AUDIENCE COMMENT – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES – None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION – None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:07 P.M.

Robert J. Gatt, Mayor

Cortney Hanson, Deputy City Clerk

Transcribed by Jane Keller

Date approved: April 13, 2015