

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 8, 2014 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, Wrobel

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

APPROVAL OF AGENDA:

CM 14-12-186 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM 14-12-186 **Yeas: Staudt, Casey, Markham, Mutch,
Wrobel, Gatt**
Nays: None

PUBLIC HEARING

Public Hearing opened at 7:01 P.M.

1. Request of Foresta Architects, LLC to amend the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment to allow the construction of two single-family homes on two separate parcels to be created on the northwest side of Novi Road, south of Thirteen Mile Road within the Vistas PUD.

Kelly Hough-Breen, 242 Linhart, said she represented a group of neighbors. She was there to ask Council to refuse to amend the Consent Judgment and not allow this property to develop. They have lived in Novi for many years. They believed when they purchased their homes the property was protected woodlands and wetlands. She spoke about the history of the Consent Judgment on the property. A home the developer wants to build is approximately within ten feet of her property line. In the process of developing the property for two homes, it would involve destroying wildlife, flora, and fauna. The developer bought the property for a nominal amount of money. They strongly urge Council to consider their request. The developer bought this property knowing what the property was designated for. She felt not everyone was notified about the meeting or the proposed development. She questioned why the property wasn't used for passive park purposes. Nothing would be gained by building two small homes on the property.

Patrick Tortora, Developer, said when he purchased the property there was no mention about a park or preservation. It was simply a parcel that was set to be a mosque, church or pet cemetery and what the current zoning allowed for. With a lot of meetings with the City consultants, he felt comfortable with the plan he presented. The impact to woodlands and wetlands on the property would be minimal. He hoped they approve the change to allow the two houses.

Paul Kanan, Linhart St., said, when he got the notice from the City, he was disappointed there wasn't anything to see about the proposal. The development comes to the end of his property. He is at the end of St. Martin. He was concerned about the wetlands.

Marcella Kehus, 252 Linhart, said the proposed development will impact 7 houses. She believed the environmental impact would be great and would like their consultants to look at it. She wondered if the long term plan was more than two houses. When she bought the house, it was because of the wooded lot.

Kathy Bilowus, 43000 Emerson Way, said she was against the homes going up. She enjoys her wooded lot.

Hattie Brown, 43015 Emerson Way, spoke about a historical perspective of the wetlands. The function of the wetland is to preserve life. Half of the wetlands in America have been lost since the 1800's. She explained that we need wetlands because it is a water filtration system and a chain of life.

Anna Gregg, 226 Linhart St., said she had been a resident on Linhart St. for over 20 years. She feels she has an invested interest in the property behind their property. They have taken care of the property and the wild life. She feels they have enough development in Novi and asked why destroy this small wooded area.

Kyle Clarkson, 43120 Emerson Way, said he is a board member of Saratoga Circle subdivision south of the proposed property development. The property is upstream from the wetlands in their subdivision common area. He felt concerned there was a lack of notification and the development on the property will impact the wetlands in their Community. It was not enough time to do their due diligence. He talked about the packet of information they were given.

Belle Hornung, 29329 Whistler, said she is the President Camden Ct. She was against this and agreed with what others have said. They bought the house because of the beauty of the wetlands and woodlands.

Public Hearing closed at 7:22 P.M

PRESENTATIONS

1. Recognition of the Novi High School Cross Country Academic State Champions

Mayor Gatt presented a street sign to be erected in recognition of the 2014 Cross Country Academic State Champions. Coach Robert Smith, Novi High School Cross Country Coach introduced the team members.

2. Recognition of the Novi High School State Championship Boys Tennis Team

Mayor Gatt presented a street sign to be erected in recognition of the 2014 State Championship Boys Tennis Team. Coaches Jim Hanson & Dan Lowes introduced the team members.

INTERVIEWS FOR BOARDS AND COMMISSIONS

1. Kamran Qadeer – Library Board – unable to attend

2. Datará Michener – Library Board

Ms. Michener said libraries have been important to her for a long time. She is an author. She is on the Executive Board of the Novi Youth Assistance. She has taken part in some anti-bullying initiatives with other groups. She wants to be on the Board because she wouldn't have been an author had the Library not been a big part of her life. She would like to serve the Library instead of expecting the Library serve her. She has expertise in a few areas that would be beneficial to the Board. Member Casey asked if she had any goals or objectives she would like to accomplish, if she were appointed. Ms. Michener answered the first mission statement of the Library is similar to her own mission statement. The Library mission statement is inspiring. Her background in diversity and other areas tie into being a good Board member. Member Mutch asked what she saw as the biggest challenge for a Library going forward in the next 3 – 5 years. Ms. Michener answered talking with Julie Farkas, Library Director; one of her goals is to make sure the Library is accessible. She thought the challenges are already being worked on. The reading boxes in the parks are important and maybe expand that system. A lot of people are not able to get to the Library so it is good to have something available to them. Member Poupard asked what opportunities she saw as being on the Board as opposed to being supportive of literacy as an individual. Ms. Michener said she doesn't think anyone does anything in a vacuum. She was looking forward to working with a team. Mayor Pro Tem Staudt asked what she learned as a member of Novi Youth Assistance that she could bring to the Library Board. She said Novi Youth Assistance is an amazing group. They give opportunities to those at risk for whatever reason. It seems like the Library and NYA have the same goals. Member Wrobel asked what programs are not offered by the Library. She thought they should have a consistent program that focuses on relational aggression. She is passionate about anti-bullying and thought sometimes when there is a major issue it can become a fad when it is popular, then goes away. She said as a professional there needs to be awareness of bullying. Member Markham said she is interested in her work with anti-bullying and thought it was something that needs to be continued. She had no questions. Mayor Gatt said she was a wonderful candidate and he had no questions.

3. Sandra Kearney – Library Board

Ms. Kearney said she was interested in being on the Board because she has seen great value of being involved in the Community. She spoke about the achievements of her children because they were products of the Novi School System and Community. She is a registered Pharmacist. She would like to help others. She has spent hours in the Library. Member Mutch asked what she saw was the biggest challenge facing the Library in the next 3 – 5 years. Ms. Kearney thought its relevance and communication. There is a need to communicate use of the facility and the need for volunteers. Member Poupard asked her if she could give specific ideas of improving the relevance and the service. Ms. Kearney said she saw in the long term plan they did focus groups and to approach the High School by talking to specific teachers. Mayor Pro Tem Staudt asked what she saw the School and Library could do to collaborate. Ms. Kearney thought they need to use the Library during School hours and use the facilities. She suggested bringing in speakers to explain to students future goals. Member Wrobel asked what programs she believed should be offered. Ms. Kearney answered that education about bullying is important. Just because someone is different or learns different doesn't mean they are less capable or that they don't have as much to offer. She would like to see the Library to take an initiative to train children at an early age to be role models. Member Markham asked what features of the Library could be used to foster multi-generational learning and interaction. Ms. Kearney said there needs to be a plan to use seniors to mentor students. Member Casey asked if she had any specific goals, objectives, or programs she would like to see accomplished if chosen for the Library Board. Ms. Kearney thought they have a wonderful plan already and she would only add on to what is there. She mentioned a plan of communication. There are wonderful programs and there needs to be an outreach program. Mayor Gatt didn't have any questions.

4. William Lawler – Library Board

Mr. Lawler said he was a longtime resident. He feels he would be an excellent candidate for the Board for several reasons. He loves the Library and a unique opportunity to mentor as a Big Brother. They read together. He would bring a great background of work experience. He has worked in budgets, staffing and business areas. He worked for the Internal Revenue Service and has knowledge of government funding. Member Poupard asked what experience best prepares him to be on a board. He said the budget experience was challenging. He also noted all the boards he had been on would help him. Mayor Pro Tem Staudt asked if he would be interested in the Zoning Board of Appeals. Mr. Lawler said he could be even though he hadn't studied its background. Member Wrobel and Member Markham had talked with him earlier and had no questions. Member Casey asked if he had a specific goal, objective or program he would like to see accomplished. Mr. Lawler noted the Library is outstanding and thought there was a couple of things. He spoke with the Director who is interested in reaching residents North of I-96. He could assist with any committees that worked on the outreach. Another one would be a liaison with the Big Sisters and Big Brothers of Detroit. Member Mutch asked what he saw would be the

biggest challenge facing the Novi Public Library in the next 3 - 5 years. Mr. Lawler thought reviewing the strategic plan gave him several of the key initiatives that need continued work. The funding is first, recruitment and retention of employees, and the outreach to utilize the Library to its fullest potential. Mayor Gatt had no questions.

5. Jason Richert – Zoning Board of Appeals, Library Board

Mr. Richert moved to Novi with his family about 3 years ago and they are now starting to use the Library. He came from the Flint area where Libraries are closing down. He is glad he is here. The Library offers his family so much and he would like to give back. He wouldn't mind serving on the Zoning Board of Appeals, he understood how important that Board is also. Mayor Pro Tem Staudt asked him to give an example of when he had to say no at his job. Mr. Richert works with Treasurers throughout the US. They contact him about funds that he has to say no because Federal Law prohibits them. Member Wrobel spoke with him earlier. He asked how he would tell someone that they cannot have a variance. Mr. Richert said he would tell them the no with an explanation. Both sides have to be heard. Member Markham asked him if there was a Board he really wants or would he be flexible. He said he would be flexible. Member Casey said they had a good conversation prior and had no questions. Member Mutch thanked him for coming forward to serve. Member Poupard was curious why he was willing to come forward to volunteer. Mr. Richert said his children have made him willing to make the City a little better place to live. Mayor Gatt had no questions.

6. Cynthia Gronachan – Zoning Board of Appeals

Ms. Gronachan said she is currently on the Zoning Board of Appeals and was interested in serving on the Board again. The Chair is doing a great job. Member Wrobel had no questions. Member Markham asked if she noticed a common problem that needs to be addressed long term. Ms. Gronachan thought the ordinances need to be looked at. Garages are always an issue. Signs are a problem that should be addressed. She didn't think anything else needs to be addressed because Novi has done a good job. Members Casey, Mutch, Poupard, Staudt, and Mayor Gatt didn't have questions and appreciated her willingness to serve.

7. Carmela Langley – Library Board

Ms. Langley said she decided to serve because she loves Novi. She uses the Library a lot and is impressed with the Library. Her background is corporate and private. She questioned the Library Director about the marketing aspect. She wants to be a part of that and help perpetuate that. Member Markham asked what she thought the Library can do foster the multi-generation interaction. Ms. Langley said her passion is with youth. She is an at risk counselor. She sees a lot of tutoring and activities in the Library on weekends. She thought the mentoring was a good idea. She would like to see some counseling. Topics could be bullying and self-esteem. The Library is a good opportunity while the children are there to allow a venue to discuss any issue they do have. Member Casey asked if she was appointed to the Library Board was there a program, goals, or objective that she would like to see accomplished. Ms. Langley said

she addressed part of the question already and also would like to see some kind of transportation to get to other parts of the Community. Member Mutch asked what she thought was the biggest challenge for the Novi Library in the next 3 – 5 years. Ms. Langley said keeping current with technology is always a challenge, funding is a challenge, and the types of activities that will be kept funded. Member Poupard didn't have a question but thanked her for her service and for the great thoughts of what the Library needs. Mayor Pro Tem Staudt and Mayor Gatt had no questions for her. Member Wrobel thanked her for her CERT involvement. She thanked them for their service.

8. John Roznowski – Zoning Board of Appeals – withdrew his application for ZBA.

REPORTS:

1. MANAGER/STAFF –City Manager Pete Auger suggested a changeup for the Council Goals session scheduled January 10th to a casual workshop where he can share some observations and get Council's feedback on larger policy issues. Mayor Gatt was in favor of changing the format. City Manager Auger said there is no need for a consultant. They have differences on issues but there are similarities in their goals. Member Wrobel had no issue with changing it this year and there could be another meeting if it doesn't work out. Member Poupard said as a teacher she said with an input of ideas they may get more done than a formal structure. Member Casey said it was a unique opportunity having a new City Manager. Member Mutch said the past goal setting has served them well but he is open to new ways of approaching this topic. Mayor Pro Tem Staudt said he was in complete support. After a brief discussion, Council members agreed to the change for the January 10, 2015 session.

2. ATTORNEY – None

AUDIENCE COMMENT:

Kelly Hough-Breen, 242 Linhart, spoke against the request of Foresta Architects, LLC to amend the Sandstone Consent Judgment to allow construction of the two single-family homes. She recapped that the environmental impact will be affected, they have not met with agencies that regulate the woodlands and wetlands, and she noted the City has information on the website. There was a lot of input from the citizens at meetings discussing Pavilion Shore Park and believed it should be done regarding this property to find a solution for everyone involved. The property acts as a buffer to divide subdivisions. It sets a bad precedence if Council opens up the consent judgment. They do not want their homes to devalue that they have worked so hard to preserve.

Pam Sordyl, a Clarkston resident, reported that her organization, Puppy Mill Awareness of SE Michigan, had logged 109 complaints against pet stores in Novi since 2001. She hoped that some kind of regulation, as found in other counties, would be instituted in Oakland County.

Sandra Kearney, 21927 Greentree Lane, who had interviewed for Library Board, added that her finance experience would make her a good candidate.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 14-12-187 Moved by Casey, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the Consent Agenda as amended to remove Item B for Council Action. It was later approved.

- A. Approve Minutes of:
 - 1. November 24, 2014 – Regular meeting
- B. Approval of resolution in support of Lakes Area Homeowners Association's request to participate in the Michigan Department of Natural Resources Goose Nest Destruction Program. **Removed and later approved**
- C. Approval of the proposed City of Novi Emergency Operations Support Plan, supporting the Oakland County Emergency Operations Plan.
- D. Approval of Ordinance No. 14-124.19, Chapter 11 "Design and Construction Standards", Articles XI "Bicycle Paths", and Article XII "Pedestrian Safety Paths"; and Ordinance No. 14-45.30, Appendix C of the City of Novi Code of Ordinance, Article VI, "Design Standards", Section 4.05, "Pedestrian Safety Paths, Bicycle Paths and Public Walkways", in order to amend the existing design and construction standards to incorporate the Engineering Design Manual standards for off-road non-motorized facilities and to repeal conflicting Design and Construction Standards for Bicycle Paths, Pedestrian Safety Paths and public walkways. **SECOND READING**
- E. Approval to set a Public Hearing Date on January 12, 2015 regarding the proposed dissolution of the Lake Improvement Board for Walled Lake as set forth in the City Council resolution to establish the Lake Board on January 12, 2009.
- F. Approval of Claims and Accounts – Warrant No. 929

Roll call vote on CM 14-12-187

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

Nays: None

MATTERS FOR COUNCIL ACTION:

- 1. Consideration of the request of Foresta Architects, LLC to amend the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment to allow the construction of two single-family homes on two separate parcels to be created on the northwest side of Novi Road, south of Thirteen Mile Road within the Vistas PUD.

Chris Biggers, Architect, commented about the site. They have done everything they could to accommodate the wetlands and everything to meet the zoning ordinance wherever possible. Member Mutch asked Mr. Tortora to describe any other developing he has done in Novi. Mr. Tortora said he has just cleared the lot for houses at 13 Mile across from the park. He was a partner in developing Belagio on Beck and 8 Mile. He has done a few houses in Turnberry Subdivision. He has a rental in Simmons and built a house in White Pines. He has a lot of familiarity with building regulations in Novi. Member Mutch noted that the property was worth so little that it went through a County sale because the taxes were not paid. He should have done his due diligence and investigated the challenges with the property. Member Mutch is very familiar with the property. Whatever goes into that area will have an impact on the wetlands and woodlands. He is questioning this because the fact that Mr. Tortora is an experienced developer. The change he is proposing wasn't contemplated in that way as a part of the Vistas' PUD. Mr. Tortora said when he purchased the property, real estate everywhere was depreciated. The tax sale was published. No one was buying property at that time. He knew when he purchased that Novi is willing to work with developers to see the benefits of different projects. It has been a good experience. He thought this project falls along those lines. He said there are 3 acres in the heart of a residential area that is zoned for a cemetery and church. He thought there would be no problem building a half a dozen, maybe 10 or 12 houses on this parcel and a significant improvement of what would be put there. He didn't think a cemetery should go in the heart of a residential area. The reasonableness of his request certainly played into his decision to buy the property. Having sat in different meetings with City personnel and consultants, the project got significantly smaller because of the wetlands and woodlands. He had two wetland surveys done. There is a 25 foot setback and a property line setback. The whole plan looks good. He is proposing smaller houses that are in keeping with the neighborhood. Member Mutch agreed but if this property had been intended for residential homes he would have been more open to that. This entire development was planned as a whole and this property was specifically not included within the residential portion of that development, largely because of the environmental features on the property. He asked Mr. Schultz, since this is a request to amend an existing Consent Judgment, would Council be under any obligation to change the terms of the consent Judgment to allow the property owner to development the property as proposed? Mr. Schultz said no and the decision is one of the more discretionary decisions Council gets to make. Council has full discretion. Member Mutch asked if a single property owner had the ability to effectively amend either the Consent Judgment or the PUD as it is being presented. He had a concern there are multiple property owners that fall within the PUD. Mr. Schultz said the motion was written the way it was in the packet for a reason. If Council went forward with this item, there would be more to do than with a normal case to try to determine who has the right to ask for an amendment to the Consent Judgment. The PUD underlies the entire area covered by the Consent Judgment. He thought the difficult part in this development would be if Council makes a

decision on this, Legal Counsel will have to take some action with the owner or anyone else who wants to amend this Consent Judgment to create a process because when the Consent Judgment was entered into, it was with one property owner. It has now been partially bought. He said they probably would end up going to the court to help with the process to make sure the law has been followed. It depends on Council's determination. Member Mutch feels the history of this property is driving his decision because the previous owner saw that this property had little value and allowed it to go to the tax foreclosure process. The City Assessor values this property at a few thousand dollars. If the Assessor thought this property could be developed for residential use, he would have valued it appropriately. The applicant should have had knowledge that this property was not intended to be used as proposed. By the nature of the original agreement and the Consent Judgment that followed, limited the property to certain uses and it doesn't seem like anyone has found a way to monetize its development. He thought amending the Consent Judgment creates a bad precedent with a difficult legal issue and based on the impacts on the adjoining residences and the environmental features of the property, he would not support this request.

CM 14-12-188 Moved by Mutch, seconded by Staudt; CARRIED UNANIMOUSLY:

To deny the request of Foresta Architects, LLC to amend the Sandstone Associates Limited Partnership v. City of Novi Consent Judgment to allow the construction of two single-family homes on two separate parcels to be created on the northwest side of Novi Road, south of Thirteen Mile Road within the Vistas PUD based on the impacts on the adjoining residences and the environmental features of the property.

Member Markham noted this property went into tax foreclosure which means that the property owner decided not to pay their taxes. It means if this property were to be developed, it would be with a passive purpose. The idea of a pet cemetery or a religious institution there would have little activity. Many residents bought their homes in adjoining properties with the understanding that this property was going to a wooded quiet lot dividing the subdivision and she thought it was something Council should honor. Mayor Pro Tem Staudt's and Mayor Gatt supported the motion based on not amending the Consent Judgment.

Roll call vote on CM 14-12-188

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

Nays: None

2. Consideration of the request of Toll Brothers for JSP 14-18 with Zoning Map Amendment 18.707 to rezone property in Section 26, on the east side of Novi Road, south of Ten Mile Road from I-1, Light Industrial and OS-1, Office Service to

RM-1, Low Density Low-Rise Multiple-Family Residential with a Planned Rezoning Overlay. The property totals 20.9 acres and the applicant is proposing a 93 unit attached condominium multiple-family residential development.

Mr. Matthew Quinn, appearing on behalf of Toll Brothers, spoke about the rezoning request. The townhouses will be 2,000 square feet to 2,600 square feet and similar to the Island Lake townhouses. He said Toll builds quality units for residences. He showed the area on the overhead projector and described the subdivision. With the PRO overlay, they have to propose public benefit. The proposed public benefit is the high quality of residences, a pathway to the north with a bridge that will finish on the other side to connect with future development, a connecting path to the dog path on the south end, and there will be natural features that will be granted to the City so they will be protected. They have a positive recommendation from the consultants and staff. Member Casey asked about the remediation for arsenic and where the berm is going to go? Mr. Quinn said the property was apple orchards and has farm level arsenic. He explained it happens throughout the entire United States. The surface of the soil will be scrapped and removed. There will be trenches dug along 10 Mile Road. The good soil will replace the topsoil that had been removed. The contaminated soil will be placed underground and covered with mesh required by MDEQ. Member Casey asked if there would be any impact to the City with the soil underground in the future. City Attorney Schultz said it is more of a problem for the property owner in the future and whatever development comes into 10 Mile will be subject to a typical review. It will probably be recommended by the City to get expert advice. Member Wrobel asked how deep will they scrape the land to remove the toxic dirt. Jason Minock, Toll Brothers, said it depends by levels of testing. He suspected it will be less than a foot. Member Wrobel said he was concerned about the traffic at Novi and Lidstrom Roads. Barb McBeth, Community Development Deputy Director, explained the traffic consultant evaluated the area and didn't see a problem with that intersection. He asked about the infrastructure in that area. Ms. McBeth answered the Engineering Division did a review and didn't indicate any change of use with this density. Mayor Pro Tem Staudt asked if there was any indication of what is being considered for the frontage on 10 Mile. Mr. Quinn said he didn't know right now. He said he knew there was an interest but he didn't think there was anything firm.

CM 14-12-189

Moved by Staudt, seconded by Wrobel; CARRIED UNANIMOUSLY:

Tentative indication that Council may approve the request of Novi Ten Townhomes JSP14-18 with Zoning Map Amendment 18.707 to rezone the subject property from 1-1(Light Industrial) and OS-1 (Office Service) to RM-1 (Low Density Low-Rise Multiple Family Residential) with a Planned Rezoning Overlay Concept Plan and direction to the City Attorney to prepare a proposed PRO Agreement with the following ordinance deviations:

- a. Construction of proposed cul-de-sac to standards less than the general layout standards for local streets as described in the traffic review letter dated September 9, 2014;

- b. Deficient same-side driveway spacing for south access drive (84 feet provided, 105 feet required);
- c. Reduction in minimum berm height from 6 feet to 4-5 feet along the southern property boundary;
- d. Lack of berms along the east, west and north property boundaries;
- e. Section 9 facade waiver for the underage of brick and overage of siding and asphalt shingles;
- f. Building orientation to property lines greater than 45 degrees (50 degrees to 90 degrees proposed);
- g. Off-street parking, maneuvering lanes, service drives and/or loading areas covering 47 percent of the required front, side and rear yard building setback areas (maximum 30 percent coverage permitted);
- h. Reduction in required building setback for the southeastern most building (75 feet required, 66 feet provided);

And subject to the following conditions:

- a. Applicant must satisfy items i. through iv. under point 12.C in the traffic review letter dated September 9, 2014;
- b. Applicant must provide understory plantings on the proposed berm along the southern property boundary to assure adequate buffering;
- c. Applicant relocating interior sidewalks further away from the proposed roadway where feasible as indicated in the applicant's response letter;
- d. Applicant providing pedestrian style lighting along the frontage of City streets as indicated in the applicant's response letter;
- e. The staff and council will work with the owner and developer at the time of contract negotiations regarding the arsenic issues raised by Member Anthony during the public hearing and comments; and
- f. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and items listed in those letters begin addressed on the Preliminary Site Plan.

This motion is made because:

- a. The applicant has presented a reasonable alternative to the proposed Master Plan designation of Community Office and Industrial Research Development and Technology as outlined in the planning review letter;
- b. The proposed property lines maintain a significant buffer (approximately 350 feet) from the adjacent railroad and industrial uses to the east of the subject property;

- c. The proposed multiple-family use would complement the existing multiple-family uses to the south and in the general area;
- d. The plan meets several goals, objectives and implementation strategies included in the Master Plan for Land Use as outlined in the planning review letter;
- e. The applicant has made an effort to minimize impacts to on-site wetlands to the extent practical and has offered to preserve all remaining natural features via a conservation easement; and
- f. The site will be adequately served by public utilities and the proposed zoning and proposed use represents fewer peak hour trips than the current zoning would require.

Member Mutch clarified the motion details with the City Attorney. He reminded everyone at this point they agree the PRO agreement binds the Planning Commission and they can exercise any decisions on the project. Mr. Schultz said the approval of the PRO approves the concept plan. It is a site plan review that is not discretionary. Member Mutch gave an example of removal of trees; the Planning Commission has to approve it. He wants to emphasize that Council is the reviewing body. Member Mutch asked Mr. Quinn about the south pathway to the dog park. He confirmed that they are going to buy an easement from the owner for the pathway. He felt the pathway would only be used by the residents of the development and didn't think it was a public benefit. Member Mutch mentioned Parks and Recreation Department has wanted to make a loop pathway at the dog park that would encircle the fenced in area. It would provide an opportunity for residents to take a lap around the dog park. He may want to ask that from the developer. Mr. Minock answered that there is another path that comes out to Lidstrom Drive and it is not internal. It will be separate from the development. Member Mutch said he would be more open to it as a public benefit and would like more details on it. He asked about the trees being removed from the site. Mr. Quinn said the decision will be done at site plan. Toll has other properties that they would be able to use the tree credits for and/or make a contribution to the tree fund. Member Mutch said he would like at least a percentage of those trees be planted along the pathways. He confirmed that they will put street lights along the frontage of Nick Lidstrom Drive. He felt it would be a public benefit. He said it is a difficult site. He would like to see less impact of the woodlands and wetlands. He will support this. Member Markham asked to be shown the conservation easement.

Roll call vote on CM 14-12-189

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

Nays: None

AUDIENCE COMMENT – None

COMMITTEE REPORTS – None

MAYOR AND COUNCIL ISSUES – None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:

- B. Approval of resolution in support of Lakes Area Homeowners Association's request to participate in the Michigan Department of Natural Resources Goose Nest Destruction Program.

Member Casey said she could not vote for something that would enable the destruction of wildlife.

CM 14-12-190 Moved by Staudt, seconded by Wrobel; MOTION CARRIED: 6-1

To approve the resolution in support of Lakes Area Homeowners Association's request to participate in the Michigan Department of Natural Resources Goose Nest Destruction Program.

Roll call vote on CM 14-12-190

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

COMMUNICATIONS:

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 9:31 P.M.

Robert J. Gatt, Mayor

Marilyn S. Troutman, Executive Secretary

Transcribed by Jane Keller

Date approved: December 22, 2014