

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 14, 2016 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
Victor Cardenas, Assistant City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

CM 16-03-022 Moved by Casey, seconded by Burke; UNANIMOUSLY CARRIED:

To approve the Agenda as presented.

Roll call vote on CM 16-03-022 **Yeas: Staudt, Burke, Casey, Markham, Mutch, Wrobel, Gatt**
Nays: None

PUBLIC HEARING

1. Michigan Natural Resources Trust Fund Grant for land acquisition application(s)

Opened at 7:01 p.m. and closed with no public input.

PRESENTATIONS:

1. Michigan Recreation and Park Association Elected Official Award to Kathy Crawford

Jeff Muck, Director of Parks, Recreation and Cultural Services, spoke about his attendance at the Michigan Recreation of Park Association Annual Conference and announced the Elected Official of the Year went to Kathy Crawford, State Representative. She was nominated by representatives from Oakland Parks and it was due to her work of supporting Parks and Recreation at the State and Local governments. Ms. Crawford said she felt honored. She explained she has always supported Parks and Recreation. She had worked for the Novi Parks and Recreation Department for over 20 years. Her husband was the Chairman of the first Parks and Recreation Commission in the 70's. She feels Parks and Recreation is the one thing that provides richness in the Community. They are economic tools that make people want to move to communities with amenities such as Novi. She appreciated the award.

2. Michigan Recreation and Park Association Park Design Award for the toddler single-track at Lakeshore Park to Motor City Mountain Biking Association

Jeff Muck, Director of Parks, Recreation and Cultural Services, recognized Motor City Mountain Biking Association for their support of Novi's programs and members Loren Konkus and Dave Cox for their efforts in the design and building of a toddler single-track at Lakeshore Park. The track won the Michigan Recreation and Park Association's Design Award. The beginner trail, named the Sapling Loop, will provide tomorrow's mountain bikers a safe, fun place to develop balance and skills. Mr. Cox said it was a pleasure to work on the project but it was Mr. Konkus's who did the planning of the track. He said it is hard to get young people into the sport. The project was a very rewarding experience for him. Mr. Konkus explained that it will be used in events during the year. He explained they help with 11 different mountain biking trails and 6 different land manager agencies. They enjoy working with Novi's staff because they are responsive and professional in their interactions with them.

3. Update on the 52-1 District Court – Judge David Law

Judge David Law spoke about what has happened over the past year since he took office. He explained that the 52-1 District Court is considered the people's Court. He said it is a pleasure working with Judge Reeds and Judge Bondy. He publically thanked them for helping him through the process. He considers them very dedicated and hard working. They feel being a good judge doesn't end in the Court room but in being involved in the Community. To help explain what they do, they made a presentation. The main two types of cases they handle are criminal and civil cases. The criminal cases are misdemeanors where the punishment is up to a year in the Oakland County Jail and are handled in-house through the local District Court. Felony cases of over a year start in the Novi 52-1 District Court. A hearing determines if it goes to Circuit Court for trial at Oakland County. They handle civil cases if the value of the damages is under \$25,000. They handle numerous landlord tenant cases, traffic tickets and small claims. Judge Reeds explained that they feel it is important to give back to the community with information. The total number of cases they handle for Novi yearly is 14,209 which include 1,500 traffic misdemeanors, 11,673 civil infractions, 635 non-traffic misdemeanors, 175 drunk driving cases, and 123 felonies. The number of cases is actually a small number. The numbers show that Novi is an exceptionally safe Community. He said David Molloy, Director of Public Safety/Chief of Police, and his Department are dedicated to public safety. He explained the judges work closely with the attorney to be efficient stewards of the taxpayers' dollars. They dedicate Monday and Tuesday to Novi cases because they have the largest volume of cases. It saves the City money by expediting them while the City Prosecuting Attorney is there. The Court has initiated new programs that help with community safety. Some of the programs involve what is called Specialty Courts. They are specialize and intensive programs that are targeted at eliminating recidivism. They are trying to make them even more efficient. Their District Court has more specialty Court programs than any other District Court in the State. He spoke about a program called, "Court in School" where the Judges go into the schools to teach students about consequences of the decisions

they make. Judge Law spoke about the great job the Novi Police Department and the Prosecuting Attorneys do. He explained Judge Bondy couldn't be present because of another commitment. He explained the Veteran's Court. It is based on the Sobriety Treatment Court model where there is treatment and intensive monitoring is used in lieu of incarceration as long as they are compliant. If they can connect a Veteran Service to the issues the veteran is having, they will connect the two together. The veteran has to be willing to enter the program. If the veteran is doing well they encourage them with return visits every month. He feels it is very rewarding to see the veterans graduate from the programs. He spoke about a program where they do extra monitoring and testing around the holidays for those whose have a difficult time with sobriety. He gave everyone an invitation to visit his Court.

Member Wrobel asked him what the percentage of total cases were Novi cases. Judge Law answered they didn't have specifics as to whether they were Novi residents but he estimated about 25% of the cases took place in Novi. He said they are a lot of theft cases from the mall, drunk driving, abuse, and assault and battery but not always a Novi resident does the crime but is considered a Novi case. He thanked the Court for the proactive approach in the various areas and thought it very innovative. Hopefully, it will keep the crime rates lower in Novi and help to prevent people from becoming repeat offenders.

Mayor Pro Tem Staudt asked if he had the opportunity to utilize the services of the Court House dog for youth or veterans programs. Judge Law said he didn't but it was a good idea.

Member Burke applauded the Veterans Court and would like to sit in on one of the sessions. Judge Law said they take place twice a month and gave him a date to attend.

4. Preliminary Budget Overview – Carl Johnson, Finance Director

Mr. Johnson began by saying the Budget has been finished. He spoke about the significant items. They incorporated the entire January goal setting items into the Budget this year. He explained the key items in the General Fund. They put money in the Budget to do a Beck Road study. It is considered a priority. The sidewalks on 8 Mile from Garfield to Napier will be a substantial cost of over \$700,000 and is in the Budget to be completed next year. Another item is the DPS Facility improvements. The design and engineering phase will begin. The plan will be approximately \$4 million for the total project. The cost to begin the project is in the Budget. A full-time police officer and a full-time fire fighter are incorporated this year in the Budget. This year a part-time staffing model will be implemented at Station #3 to have staff there on a full-time basis. In addition, a new fire pumper will be purchased this year that will cost over \$400,000. A new shelter will be built this summer at Pavilion Park for around \$100,000. The design and engineering will start this year for a permanent facility for around \$2 million for Lakeshore Park. Also, there will be \$100,000 set aside for new software in Older Adult Services. He mentioned it because the Parks and Recreation millage only provides for

the operations. All the capital funding comes out of the General Fund. In summary, the goals added \$1.3 million of cost to our 3 year budget from the year before. He said the good news is that they found \$1.3 million to fund them. In two weeks, he will present a balanced budget with a projected fund balance of about \$11.2 million for 2016-17.

REPORTS:

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

AUDIENCE COMMENT – None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 16-03-023 Moved by Casey, seconded by Wrobel; UNANIMOUSLY CARRIED:

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
 1. February 29 – Regular meeting
- B. Enter Executive Session immediately following the regular meeting of March 14, 2016 in the Council Annex for the purpose of discussing privileged correspondence from legal counsel.
- C. Approval of Resolution granting the Novi Parks Foundation a one-time exemption from the City's policy regarding alcohol on public property for purposes of its July 22, 2016 fundraiser at Pavilion Shore Park.
- D. Acceptance of a water system easement as a donation from 46850 Magellan, LLC, for the on-site water main constructed at 46850 Magellan Drive as part of the Magellan Commerce Center development (22-09-176-003).
- E. Acceptance of a sidewalk easement from Novi Crescent 2, LLC, as part of the Novi Crescent, Phase 2 development located at 26425 Novi Road (parcel 22-15-476-048).
- F. Approval of a Storm Drainage Facility Maintenance Easement Agreement from Diversified Members Credit Union for the project located at 25880 Novi Road (parcel 22-23-176-033).
- G. Approval of Traffic Control Order 16-16 to prohibit parking on the south side of New Court near East Lake Drive.

- H. Approval to award a unit price contract for Catch Basin Cleaning Services to United Resources LLC., the low bidder, for a one-year term with two one-year renewal options at an estimated annual cost of \$36,000.
- I. Approval of resolution authorizing the issuance of 2016 Unlimited Tax General Obligation Library Refunding Bonds.
- J. Approval of the request of JS Evangelista Development, LLC for a revised Concept Plan and the "Second Amendment to the Planned Rezoning Overlay (PRO) Agreement for Maple Manor of Novi Development". This approval is associated with a previously approved zoning map amendment with Planned Rezoning Overlay (PRO) request. The subject property is located in Section 2, at the southwest corner of Fourteen Mile Road and Novi Road, on 3.88 net acres. The applicant is currently proposing to add an exterior storage garage and a pavilion/gazebo area to serve the existing convalescent / nursing home building.
- K. Approval of Ground Lease Agreement between the City of Novi and PI Telecom Infrastructure V, LLC for construction, use and operation of a commercial communication tower to be located at 49375 West Ten Mile Road.
- L. Approval of Claims and Accounts – Warrant No. 959

Roll call vote on CM 16-03-023

**Yeas: Burke, Casey, Markham, Mutch, Wrobel,
Gaff, Staudt
Nays: None**

MATTERS FOR COUNCIL ACTION:

- 1. Consideration of Ordinance 16-173.05 to amend the City of Novi Code of Ordinances Chapter 26.5, "Financial Guarantees", Ordinance 16-96.03 to amend Chapter 7," Buildings and Building Regulations" Article V, Site Restoration, and Ordinance 16-157.05 to amend Chapter 31, "Streets, Sidewalk and other Public Places", Section 31-1, "Construction within City Street, etc." **FIRST READING**

Member Mutch addressed the issues of developers stalling or not paying for development improvements and homeowners are left to pay for them. He mentioned the language is being stream lined and the process is being less burdensome but at the same time we want to ensure that those don't arise in the future where the homeowners end up in a bad situation. He asked the City Attorney to mention the changes to address those types of situations. City Attorney Schultz said definitions were added to help clarify who would succeed the original developer. They split up the private road and public road process. A couple of the issues that developed were developments that had private roads. It has been broken out to put more direction on how they will do the review of a private road process. He explained they spread throughout the idea that they are removing some obstacles for developers by reducing costs but we are also adding some protection on the back end. The protection that

was added is, if it appears a development has gone bad, they've added completion agreement requirements and made the ordinance clearer as to when it is expected to have things done.

CM 16-03-024 Moved by Casey, seconded by Mutch; UNANIMOUSLY CARRIED:

To approve consideration of Ordinance 16-173.05 to amend the City of Novi Code of Ordinances Chapter 26.5, "Financial Guarantees", Ordinance 16-96.03 to amend Chapter 7, "Buildings and Building Regulations" Article V, Site Restoration, and Ordinance 16-157.05 to amend Chapter 31, "Streets, Sidewalk and other Public Places", Section 31-1, "Construction within City Street, etc." FIRST READING

Roll call vote on CM 16-03-024

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

2. Approval to purchase a 2017 International 7500 SBA 4X2 Single Axle V-Box Truck with wing plow from Tri-County International Trucks, Inc., the lowest responsive bidder, in the amount of \$197,671.

Mr. Auger, City Manager, said these are the trucks with the wing plows that improve our driver's ability to clear streets in about a third less time.

CM 16-03-025 Moved by Wrobel, seconded by Burke; UNANIMOUSLY CARRIED:

To approve purchase of a 2017 International 7500 SBA 4X2 Single Axle V-Box Truck with wing plow from Tri-County International Trucks, Inc., the lowest responsive bidder, in the amount of \$197,671.

Roll call vote on CM 16-03-025

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

3. Consideration of approval of the request of Hunter Pasteur Homes for Dunhill, JSP 15-13, for Zoning Map Amendment 18.711, to rezone property in Section 32, located at the northwest corner of Beck Road and Eight Mile Road from RA (Residential Acreage) to R-1 (One-Family Residential) subject to the related Planned Rezoning Overlay (PRO) Plan Agreement, and corresponding PRO Plan. The property totals 23.76 acres and the applicant is proposing to construct a 31-unit single family residential development in a cluster arrangement with frontage on and access to Eight Mile Road.

CM 16-03-026 Moved by Wrobel, seconded by Staudt; MOTION CARRIED: 4-3

Approval of the request of Hunter Pasteur Homes for Dunhill JSP 15-13, for Zoning Map Amendment 18.711, to rezone property in Section 32, located at the northwest corner of Beck Road and Eight Mile Road from RA (Residential Acreage) to R-1 (One-Family Residential) subject to the related Planned Rezoning Overlay (PRO) Plan Agreement and corresponding PRO Plan. The property totals 23.76 acres and the applicant is proposing to construct a 31-unit single family residential development in a cluster arrangement with frontage on and access to Eight Mile Road.

This motion is made because:

- a. The applicant has presented a reasonable alternative to the proposed Master Plan designation of a maximum of 0.8 units/acre to an actual 1.32 units/acre, and which supports several objectives of the Master Plan for Land Use as noted in this review letter.
- b. The proposed density of 1.32 units/acre provides a reasonable transitional use between the lower density developments to the north and west and the existing higher density developments to the east, in the City of Northville, and Maybury State Park on the south side of Eight Mile Road.
- c. The site will be adequately served by public utilities.
- d. The proposed zoning and proposed use represents only a nominal increase in expected site generated traffic relative to development permitted under existing zoning.
- e. Submittal of the PRO Plan and PRO Agreement provides assurances to the Planning Commission and to the City Council of the manner in which the property will be developed.
- f. The proposed PRO Plan shows the intent of the applicant to remediate environmental contamination of the site as a part of the development plan, which will improve the land through the removal of potential environmental hazards.

The approval of the PRO Agreement is subject to final review and approval as to form by the City Manager and the City Attorney.

Member Mutch feels the developer has accomplished a lot in order to develop the property because they had to overcome the potential pollution hazards and the zoning for Residential Acreage density on the property. They convinced City Council of an increase in homes sites and to build a sidewalk/pathway across their property for \$175,000. The developer only has to contribute \$75,000 towards the cost of it. They have approval to remove 83% of the woodlands trees including 80% of the specimen trees. They don't have to pay into the tree fund for trees that they are not able to replace onsite. The cleanup of the property will be reimbursed through future taxes

that would have otherwise gone to the City, County, and State. They have offered to put a sign at 8 Mile and Beck that says, Welcome to Novi. He will not be able to support the proposal.

Member Casey said in the past she indicated she was not able to support the PRO given the woodland ordinance is being waved even though she believed they are going to bring in a quality development.

Roll call vote on CM 16-03-026

Yeas: Wrobel, Gatt, Staudt, Burke

Nays: Mutch, Casey, Markham

4. Approval and adoption of (1) Resolution of Understanding authorizing the Oakland County Brownfield Redevelopment Authority (OCBRA) to undertake review of a Brownfield Plan proposal for the Dunhill Park Development, 47500 and 47700 Eight Mile Road, and to collect various fees in connection with the proposal; (2) Resolution Concurring in the Provisions of a Brownfield Plan adopted by the OCBRA utilizing tax increment financing for a period of twelve years ending no later than 2028; and (3) Appointment of Victor Cardenas, Assistant City Manager as the City's representative on the Local Host Committee, subject to final approval of the Dunhill Park PRO Plan and Agreement.

CM 16-03-027

Moved by Wrobel, seconded by Gatt; MOTION CARRIED: 4-3

Approval and adoption of (1) Resolution of Understanding authorizing the Oakland County Brownfield Redevelopment Authority (OCBRA) to undertake review of a Brownfield Plan proposal for the Dunhill Park Development, 47500 and 47700 Eight Mile Road, and to collect various fees in connection with the proposal; (2) Resolution Concurring in the Provisions of a Brownfield Plan adopted by the OCBRA utilizing tax increment financing for a period of twelve years ending no later than 2028; and (3) Appointment of Victor Cardenas, Assistant City Manager as the City's representative on the Local Host Committee, subject to final approval of the Dunhill Park PRO Plan and Agreement.

Member Markham asked about how the school funding enters into the agreement and noted that the MDEQ and Michigan Strategic Fund may disapprove the use of some of the school funding. She explained that the parcel pays a portion of their property taxes to Northville Schools and wasn't sure what will happen in the long run. Assistant City Manager Cardenas explained that she was correct that they pay school tax to Northville Schools and a non-debt related millages for non-homestead taxes would be captured for this project under this Brownfield project. Member Markham asked if the School District will be affected by it and has it been discussed with the school district. Mr. Cardenas said they will receive the same funding as they are now. Then after the increased property taxes and the gains will be realized once the TIF is over with the uncapping. It will be a large new tax base once the project is complete.

Member Mutch asked who is legally liable for the pollution on the property and responsible for the cleanup. City Attorney Schultz said under the agreement that Council approved there were provisions that specifically required Dunhill to clean up the property to the MDEQ standards which is also what the Brownfield plan states. At the end of this process, if the plan is approved through Oakland County, then Dunhill will be responsible for the cleanup. Member Mutch confirmed that in the process there won't be an effort made to determine who was responsible for the pollution or any effort to recoup any costs from them. He explained the State Legislature said they will put in place a process to let people pollute property, then leave it and the person who buys it agrees to clean it up. The property owners pay for the cleanup and then the taxpayers reimburse them to clean it up. The cost will be \$1.4 million that will be reimbursed to them. The tax money that would have been paid to the taxing entities will go to the property owner to reimburse for the costs. Mr. Schultz said that is the legislative policy process that was put in place to assist in the property cleanup. Member Mutch asked the representative for the developer, Andy Millian, if his expectation for the cleanup was about \$1.4 million the high range. Mr. Millian explained that since he spoke in January there has been a plan developed and their estimation of costs are between \$500,000 and \$1.4 million. He said included in the \$1.4 million there is approximately \$900,000 if there is more contaminates than expected. It is a budget for removing 30,000 truck yards of contamination that would have to be taken to a land fill. They hope they don't have to spend that much and keep it closer to the \$500,000 amount. In which case the tax recapture will be done by 2020. If it is the worst case scenario it would be done by 2024. Member Mutch asked about other costs related to the clean-up that won't be reimbursed. Mr. Millian answered if they find fill that is not contaminated, it would be done at the developer's expense and not part of the Brownfield. Member Mutch asked Assistant City Manager Cardenas how the recapture amount would be corrected to exclude the bond millage amount. Mr. Cardenas said they would determine that amount when the Council and Board of Commissioners approve it and it depends on when the mills expire. Member Mutch said the biggest issue he had was the structure of the proposal. He is amazed that there is a policy that allows polluters to leave the damage that they have done and use tax dollars to reimburse the amount of the cleanup by the new owners. It may be 9 or 10 years before the City sees new tax dollars from the development. He pointed out that not only is the developer being reimbursed for eligible costs, the State is taking about \$300,000 plus to then go to another Brownfield Fund set up at the State level. He didn't see how it benefits Novi directly; maybe it does at some point. The County is taking monies from it also. He cannot support this proposal for those reasons.

Mayor Pro Tem Staudt used an analogy to explain the benefit. The glass half full part is that there is a developer who is willing to take on a very difficult project. The property could have been vacant for another 20-50 years. The Legislature may have recognized the inequities but doubted it. He was happy that this project was moving forward and thought in the next 4-6 years they will see more projects like these because there are difficult properties coming to the forefront. The Council will either support businesses that are investing or let those properties sit, fallow and will never generate a penny of

tax payer dollars other than for the value of the land. He could support this proposal and appreciated the effort of this developer and any future developers who take on these tough projects.

Roll call vote on CM 16-03-027

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

5. Adoption of Resolution authorizing cost participation in the Michigan Department of Transportation's (MDOT) I-96/I-275 Repaving project between 8 Mile Road and the I-96/I-696/M-5 interchange, and approval of a cost share agreement with MDOT, as required under Public Act 51 of 1951, in the amount of \$157,400.

CM 16-03-028

Moved by Staudt, seconded by Mutch; UNANIMOUSLY CARRIED:

To approve Adoption of Resolution authorizing cost participation in the Michigan Department of Transportation's (MDOT) I-96/I-275 Repaving project between 8 Mile Road and the I-96/I-696/M-5 interchange, and approval of a cost share agreement with MDOT, as required under Public Act 51 of 1951, in the amount of \$157,400.

Member Casey appreciated the information provided on the work hour variance request and asked when the 721 trees are going to be planted. Robert Hayes, Director of Public Services, said they expect the work to begin in the next couple of weeks. The challenge they are having is finding the prime location. She thanked everyone for the work they have done.

Roll call vote on CM 16-03-028

Yeas: Gatt, Staudt, Burke, Casey, Markham, Mutch, Wrobel
Nays: None

6. Consideration of the request of Pulte Homes for Dixon Meadows, JSP 14-46, with Zoning Map Amendment 18.709, to rezone property in Section 10, located on the east side of Dixon Road, north of Twelve Mile Road from RA (Residential Acreage) to RT (Two-Family Residential) with a Planned Rezoning Overlay (PRO), and corresponding alternate concept plan as reviewed by the Planning Commission on March 9, 2016. The property totals 22.36 acres and the applicant is proposing to construct a 90-unit single family residential detached site condominium.

Presentation slides from Pulte Homes.

Mr. Bob Halso, representing Pulte Homes, spoke about the history of the project during the slide presentation. He began that the project was presented to the Planning Department in the summer of 2014. They developed a plan with 102 units, originally. They presented the plan to the Land Use Sub-Committee of the Planning Commission for feedback. A Brownfield request was presented to Council 10 years ago which was denied. They are proposing to clean up the contaminated property themselves. Most

of the trees have to come down. Some of it is associated with the arsenic remediation and with the utilization of the property. They did identify with staff where the highest quality of trees were and relocated the park in the development. They added an active recreation area to the site. The pocket park has a tot lot, bike rack and seating benches. They have open space of about 19%. There are 90 planned units. The Planning Commission recommended approval of the plan. They have retained McDowell and Associates to do the remediation of arsenic to bring it to residential standards. They estimate around \$1 million to \$1.2 million costs to clean up the arsenic. They have estimated approximately 30,000 truckloads to transfer the contaminated soil. The arsenic is down to depths of 30 inches in some areas of the site. They will be able to do a lot of planting of replacement trees along Dixon Road with the help of the Liberty Park Homeowner's Association. It is an exciting product that is a success at Berkshire Pointe in Novi. This project is an upscale urban product that is perfect for the site. Currently, the Berkshire Pointe homes are selling in the high \$400,000's. They are professionals that are buying with around 1.5 children per household. This type of housing is walkable and easy to maintain. Taxable home value is \$42 million at the current sale price. Local income to the City will be \$9 million and according to National Association of House Builders statistics approximately \$2 million per year to local businesses from the residents. He thanked Council for their indulgence.

Mayor Pro Tem Staudt thanked them and asked about the long term growth to the south and the fact that the development doesn't extend further. The next builder to the south will probably build something different that will destroy the character of the area. Mr. Halso said the property to the south was not available. To the south, they are individual homes and one intends to stay. The property immediately to the southeast is office zoning. They would have liked to have all the properties but they didn't see them developed in a different way. Mayor Pro Tem Staudt agreed with him. Mr. Halso said he explained the history of how they have fought over every unit because there is a large cost to clean up the arsenic and pave Dixon Road. They have gone from 102 to 90 units but each unit lost hurts. Mayor Pro Tem Staudt asked about the property to the north. Mr. Halso said they did not have a seller. Mayor Pro Tem Staudt thanked him for developing a difficult lot.

CM 16-03-029 Moved by Staudt, seconded by Wrobel; MOTION CARRIED: 6-1

Tentative indication that Council may approve the request of Pulte Homes for Dixon Meadows, JSP 14-46, with Zoning Map Amendment 18.709, to rezone the subject property from RA (Residential Acreage) to RT (Two-Family Residential) with a Planned Rezoning Overlay (PRO) and corresponding "alternate" concept plan as reviewed by the Planning Commission on March 9, 2016 and direction to the City Attorney to prepare a proposed PRO Agreement with the following ordinance deviations:

- a. Reduction in the required minimum lot size and minimum lot width for one-family detached dwellings reviewed against R-4**

- Zoning standards to allow for smaller lots (10,000 square feet and 80 feet required, 5,400 square feet and 45 feet provided);
- b. Reduction in minimum front yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (30 feet required, 20 feet provided);
 - c. Reduction in minimum rear yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (35 feet required, 30 feet provided);
 - d. Reduction in minimum side yard setback and aggregate side yard setback for one-family detached dwellings reviewed against R-4 Zoning standards (10 feet with 25 feet aggregate required, 5 feet with 10 feet aggregate provided);
 - e. Increase in maximum lot coverage permitted per Zoning Ordinance (maximum of 30 percent of total site required; 35 percent of total site provided);
 - f. A Design and Construction Standards (DCS) waiver for the lack of paved eyebrows as per Traffic Engineering review.

If the City Council approves the rezoning, the following conditions shall be requirements of the Planned Rezoning Overlay Agreement:

- a. Acceptance of applicant's offer of Public benefits as proposed:
 - i. Maximum number of units shall be 90.
 - ii. Minimum unit width shall be 45 feet and minimum square footage of 5,400 square feet
 - iii. Paving of 1,800 linear feet of Dixon Road (as initially proposed by the applicant).
 - iv. Planting of woodland replacement trees along the Dixon Road frontage.
 - v. Remediation of on-site arsenic contamination.
 - vi. Pocket parks/tree preservation within the development.
 - vii. Housing style upgrades as shown on the elevations enclosed with the PRO Application.
 - viii. Dedication of public right-of-way along Dixon Road.
 - ix. Financial contribution for the design and construction of a meandering five feet wide concrete sidewalk along east side of Dixon Drive extending approximately 850 feet south from the subject property to the existing sidewalk just north of Twelve Mile Road, provided City secures the required easements. Alternatively, the applicant has offered to contribute the amount for the anticipated sidewalk construction to the City for future construction of the sidewalk.
- b. Applicant complying with the conditions listed in the staff and consultant review letters.

- c. **Subject to City approval, the Applicant planting required replacement trees in the Dixon Road right-of-way on both sides of the road rather than satisfying its responsibility for those trees by payment into the City tree fund**

This motion is made because:

- a. **The applicant has presented a reasonable alternative to the proposed Master Plan designation of a maximum of 1.65 units/acre to an actual 4.2 units/acre, and which supports several objectives of the Master Plan for Land Use as noted in the planning review letter.**
- b. **The proposed density of 4.2 units/acre provides a reasonable transitional use and density between the lower density Liberty Park – Single Family development to the west (approximately 3.5 units/acre), and the Carlton Forest development to the east (approximately 5.6 units/acre).**
- c. **The roadways and surrounding intersections are expected to maintain acceptable levels of service with the addition of the site generated traffic, and the proposed paving of approximately 1,800 linear feet of Dixon Road from the existing terminus point at Twelve Mile Road to the northern entrance of the proposed development may be seen as a public benefit to the potential residents of the new development, as well the residents who currently use Dixon Road.**
- d. **The site will be adequately served by public utilities.**
- e. **The City's Traffic Engineering Consultant has reviewed the Rezoning Traffic Impact Study and notes a minimal impact on surrounding traffic as a result of the development as the current traffic volume on Dixon Road is relatively low.**
- f. **Submittal of a concept plan, and any resulting PRO Agreement, provides assurances to the Planning Commission and to the City Council of the manner in which the property will be developed.**

Member Burke commended them for developing here and remediating the soil. He was also impressed with the many discussions they had with neighbors who were opposed to the development. He believed Dixon Road will look better once they repave it. He fully supported the project.

Member Mutch said it has been interesting because everyone has had input on the PRO process except Council. He feels Council should have made some of the decisions. He doesn't think the PRO process doesn't work. It doesn't give the body of government that has the ultimate responsibility to make any decisions. He asked what makes it more walkable. Mr. Haslo noted all the amenities available on 12 Mile Road. There is dining, shopping and recreation at the foot of Dixon Road the residents will be able to walk or bike to. It sets this community apart from others. He said they are providing the funding to make that connection possible across their property and

properties that are not theirs. Member Mutch mentioned the ability to get to Lakeshore Park from this project. He said it is a detail issue. There is no path for residents to get to the entrance. He didn't feel it was walkable and it shouldn't have been included as a public benefit. They are encouraging them to go to the park but there is not a safe way to do that. It is not a busy road but as more development is added it will not be safe. He said it is good they made the sidewalk down Dixon Road but there is no safe way to get across 12 Mile Road. He said it was a good marketing term but he didn't see the walkability the way it was presented. Member Mutch said the housing designs should have had some variation from Berkshire Pointe. They should get new designs because they don't need houses to look like others in Novi. He wanted something better than that. He commented on the design of the site concept plan because it has long straight streets. The drive to the north broke up the block. He thought the other design was better. He didn't like having them that long without any separation. He also said by bringing the drive to the south they are taking out high quality trees in that area. There are large specimen trees being taken down because the drive was moved to the south where if it had been further north they would not have had the same impact. He thought the other design did a better job of buffering the properties to the south. He suggested a home owner built based on the premise it was zoned RA and wouldn't have to worry about high density. He commented that the site plan needs to address some concerns, where the portion of the site, on the southern side abuts the office zoned property. He knew the offices didn't come up to it, but thought having homes in Novi would have some screening in place. He didn't know if it was an oversight or not. The entire woodland buffer will be removed because of the construction. He thought it should have been addressed in the plan. His final comment was the park was moved further away from the lots in the site. One of the earlier plans showed a centralized park and he thought it would have made the most sense. He asked Mr. Schultz about placing landscaping on the west side of Dixon Road. It is going on property that is owned by Liberty Park Subdivision. Mr. Schultz said it is one of the options permitted under the woodland ordinance. Member Mutch didn't believe it was. Mr. Schultz said that since it is a PRO agreement, it could be in the agreement as a variance. Member Mutch thought putting landscaping in the Dixon Road right-of-way would be appropriate. He thought it would not be an appropriate use of replacement trees by putting them on private property. One of the things required is a conservation easement and he wasn't sure how it would be accomplished in this case. It raises questions of public purpose of taking trees that would go to tree fund or being placed on public property. He had concerns about placing trees on private property and didn't feel comfortable with that aspect of it. He said they are approving multiple developments with lot sizes that are far smaller than that is allowed in the zoning ordinance or contemplated in the Master Plan. He noted the minimum in this project is lot size of 5,400 square feet. The zoning ordinance would allow 10,000 square feet for single family R-4 zoning and RT is 7,500 square feet. They are putting in many more homes than would be otherwise allowed. He was concerned that they are jamming as many houses into a small area without any discussion as to policy and any guidelines that say if it makes sense to have lots this small in this kind of layout. He didn't think it had any forethought to it and it is not a good way to approach it. He wanted to have a discussion about where these small lots are appropriate. Out of the two plans, he felt

the first plan with the driveway to the north is the better plan for several reasons and addresses some of his concerns.

Member Casey commended the developer and his team for efforts to talk to the residents, the due diligence they have shown, and the care they are giving to the residents who exist there. She asked Mr. Halso if they had sufficient screening to the south and east. She left it to his discretion if he would consider adding some screening. She was not in favor of building developments with a single entrance/exit. She was concerned in the long run, with more development in the area, residents may be tempted to exit or enter from the stub street to the north. She would like to see them do their best to have multiple entrances and exits to give residents options. She commended Barb McBeth, Deputy Community Development Director for putting in a lot of work on this project. She would support the project.

Member Markham was concerned about the density in this part of the City. The original Master Plan does not have anywhere near the kind of density in the area. In general, she had issues about density and wasn't concerned as much about lot size. She said people today don't want to mow big pieces of property. She tends to lean to smaller lot sizes with the associated preservation that they have by not digging into the woodlands. Her biggest issue with this development is taking down 83% of regulated woodlands of over 600 trees. It has been a common pattern with the developments that have come in. She didn't think it was the intent of the woodland ordinance. She understood it was an accumulated property and they couldn't be told not to take trees down to put a profitable developer on it. Only 15% of the open space is being preserved. She didn't think it was a lot of preservation where there is a PRO. Part of the purpose of the PRO is to benefit the community. However, there were a lot of things she liked about the development. They are cleaning up the contamination and absorbing the cost of it. She thought it can be made profitable. She is willing to support higher density as a balance. She thanked and commended Ms. McBeth for listening to Council about having parks in the developments. She thought staff has made an effort in the areas where they need to be sensitive. She wished more could be preserved. She agreed with Member Mutch about the access to Lakeshore Park. As a City, she felt the City should make an effort to look at accessing the Park from the south. She strongly agrees that the process is upside down and City Council does not get to make their concerns known until the very end of the process when they are responsible for changing the zoning. She felt the PRO process needs to be reviewed for the sequence of the process. As elected officials, she felt they are being left out of the process at a very critical point. She will support it.

Roll call vote on CM 16-03-029

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

Nays: Mutch

7. 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 50-22-30-476-005 located on Nine Mile Road, west of Garfield Road. Total

estimated project cost including grant is \$575,000 with the 30 percent City match of \$172,500.

City Manager Auger said it was a second attempt for the grant for the property.

CM 16-03-030 Moved by Wrobel, seconded by Casey; UNANIMOUSLY CARRIED:

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

Roll call vote on CM 16-03-030

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

Nays: None

8. Approval to award a contract for design and installation of equipment for the Novi Video Studio at the Civic Center, including HD cameras, master control and playback servers, lighting, field camera systems, remote internet streaming and editing systems to Advanced Lighting & Sound, the low qualified bidder, for an amount not to exceed \$155,124.45 and amend the budget.

CM 16-03-031 Moved by Staudt, seconded by Burke; UNANIMOUSLY CARRIED:

To approve an award of a contract for design and installation of equipment for the Novi Video Studio at the Civic Center, including HD cameras, master control and playback servers, lighting, field camera systems, remote internet streaming and editing systems to Advanced Lighting & Sound, the low qualified bidder, for an amount not to exceed \$155,124.45 and amend the budget.

Mayor Pro Tem Staudt explained this is the first step in acquiring the necessary equipment. One of the reasons they decided to move out of SWOCC Studios was because this was a necessary step to continue with SWOCC. This type of investment will be used primarily for Novi and not for adjoining communities. This is a great first step. There will be studio expenses they will have to expend. He said by next year they will have a robust programing that will include the residents of the Community.

Roll call vote on CM 16-03-031

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

Nays: None

COMMITTEE REPORTS:

Mayor Pro Tem Staudt reported that Consultant Review Committee met to discuss legal consultants and they gave a recommendation for a waste hauler to Council.

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 8:42 P.M.

Maryanne Cornelius, City Clerk

Robert J. Gatt, Mayor

Transcribed by Jane Keller

Date approved March 28, 2016