

REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI

MONDAY, MAY 5, 2025, AT 7:00 P.M.

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Fischer, Mayor Pro Tem Casey, Council Members Gurumurthy, Heintz, Smith, Staudt, Thomas

ALSO PRESENT: Victor Cardenas, City Manager
Danielle Mahoney, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 25-05-56 Moved by Thomas, seconded by Casey; MOTION CARRIED: 7-0

To approve the agenda as presented.

Roll call vote on CM 25-05-56

Yeas:	Casey, Gurumurthy, Heintz, Smith, Staudt, Thomas, Fischer
Nays:	None

PUBLIC HEARINGS: FY 2025-26 Budget and 2025 Millage Rates

The public hearing opened at 7:01 and closed at 7:02 with no public comment.

PRESENTATIONS: Third Quarter Council Goals Update

City Manager Cardenas stated they'll be giving an updated on their goals that they received a few months ago and this will be for the third quarter from the goals Council established in January of '24.

Assistant City Manager Mahoney stated she was there before Council to give an update on the status of their goals for the third quarter. Just as a reminder, Council set the goals in January 2024. Unlike previous years, it was decided that rather than getting together again to set new goals every year, they're going to focus on the goals that were set in early 2024. This was Council's time to give staff direction if priorities have shifted, if they want to unpack any of the goals or ask questions and staff would provide more information. In the second quarter, almost half of Council's 23 goals were in progress, all goals in INVEST were under way. Additional key highlights included the OPEB Investment Study (OPERATE), development at Town Center (BUILD) and completion of 8 Mile Road between Novi and Haggerty (INVEST). Similarly in the third quarter, nearly two-thirds of the goals that Council set are in progress or are completed. By program area, not much has changed. Under INVEST, they are still underway with two completed goals and of the 23 goals, only two haven't started. One of those goals is the Environmental Action Plan implementation because they are still working on creating that plan and the other is a regional trail network that has a lot of moving parts, like a railroad that's involved and regional collaboration efforts, so not much work has been done yet. She was happy to report that the 2050 plan is officially underway. Council had a workshop with the Futurist back in March and the trends from that workshop will help inform the plan. They are under contract with BerryDunn, and the core project team will meet this week to have a planning kickoff meeting. They are currently working to schedule a similar kickoff with the Long Range Strategic Planning Committee and is hoping to

get that scheduled soon, most definitely in May. They are reviewing the current Boards and Commissions structure and working with the Clerk's office and Legal to confirm some of the changes to the appointment frequency. The process currently could be more streamlined. They have appointments that happened a few times throughout the year and that puts a lot of stress on the Clerk's office, so they are looking to streamline that by potentially having appointments occur just once a year. That's sitting with Legal and they'll come back to the Rules Committee before any decisions get made to get Council's feedback. Then they're going to shift their focus to onboarding including Boards, Commissions, Committees and even Council. Under BUILD, the vibrancy strategy in the Novi Town Center area has a lot going on with Sakura. The Corridor Improvement Authority is resuming its regular meetings and they are meeting next week and staff has sent out information to that committee on the special assessment district process. This is a unique financing model that the Committee can take advantage of to further enhance that corridor along Grand River and in that area. Think of infrastructure, utility improvements and all of that will hopefully bring more community engagement to that area with those types of improvements. Staff is currently collaborating with Town Center business owners and the Chamber to figure out how they can activate engagement in that area. Hopefully at their next update, they'll have more to share there. Under INVEST, they have a lot going on in the accreditation and reaccreditation. Parks, Public Works and the Police department are all in the life cycle of their accreditation statuses. Novi Parks is one of only three accredited agencies in Michigan and they've been accredited since 2016. That's quite impressive. The Department of Public Works is currently working towards their accreditation, and they expect evaluation to occur in spring of 2026. The Police department holds three different accreditations and are currently in the reaccreditation process right now and they completed their assessments for the CALEA programs just in March. They are hoping to have final review hearings in August and reaccreditation is anticipated. They remain committed to service excellence through their involvement in these accreditations. Another fun update is the sidewalk maintenance policy. A sidewalk condition assessment was awarded back in February and that cool robot that Council approved is currently collecting data for approximately 220 miles of City sidewalks. They're hoping for that survey to be completed in Q4 after which staff will work to design a multi-year program. That's work that has come from the Mobility Committee. Lastly, they got some feedback at the last goals update where Member Gurumurthy wanted to see more transparency related to these goals reflected on their website. She was happy to report they have the status of Council goals updated on their website and it went live today so that can be seen under their transparency section, under Government and City Council. There are statuses reflected for each of the goals, and you can toggle through OPERATE, BUILD and INVEST to see the status of each of the goals. They are hoping to expand on that as they develop out, see what the current website will allow for them to further reflect goals, status and milestones on the website, but she thinks it's a good version one to get them started.

Member Gurumurthy wanted to say kudos to the team for moving these goals along. It's not a simple quick action item for something like that. Great progress and lots of effort by the City and the Committee for moving things forward. She said she noticed in the packet it was extensive and detailed every goal. She noticed that in the quarter four completion, it would be good to review that and maybe put some more realistic completion dates for the quarter and year as well. Then they can go there and see maybe it's not this year but maybe next year. In regard yard waste, goal #18 is to investigate opportunities to improve and enhance the City yard waste collection by offering a drop off facility during the off months. She thinks they also talked about hazardous waste because several residents have asked her about that as well. The Sustainability Committee had discussed this and it would be nice to do a follow up at the Committee and to walk through the data and educate themselves. She thinks the website looks awesome.

CITY MANAGER REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Joe Peddiboyina, 41326 Scarborough Lane, wanted to invite Council to the Sri Venkateswara Temple and Cultural Center in Novi, located at Taft Road. They are celebrating the 12th anniversary, called Maha Kumbhabhishekam. It's very auspicious for all the people. As usual, the City of Novi is always supportive of the Indian community. In terms of helping the temple with cultural programs, he wanted to give kudos on behalf of the temple, the Chairman, Board members and volunteers. He invited all of them to the May 19th event at 6:00 PM.

Mahesh Chintalapati, permanent trustee and event chair from the Sri Venkateswara Temple and Cultural Center, wanted to give a brief update of what Maha Kumbhabhishekam means. It's a very sacred and auspicious event that celebrated every 12 years for their temple. They perform a lot of ceremonies. It's over almost a seven day period and it mainly to consecrate the temple's main deities. This involves purifying the deities and the temple by pouring holy water from what is called a maha kumbh. That's the sacred part and that's why it's called Maha Kumbhabhishekam. It's poured over the deities and all the gopurams at the top of the temple. They pour this holy water basically to purify the deities and the temple, every 12 years. The main significance is very auspicious and a divine occasion where it's supposed to bring spiritual, emotional and social benefits to the devotees attending it and to the community also because it spreads the importance of purity and family unification. On behalf of the temple and the Board of Trustees, they invite the Council and the officials of the City to join them. Please come on the 19th at 6:00 PM so they can talk more about it in detail and show them around the temple.

Bob Copes, member of the Novi Election Commission, was present to read his letter of resignation to City Clerk Cortney Hanson. He said his letter, dated April 30th, said that he must submit his resignation as a member of the Novi Election Commission, effective May 8, 2025 as he is moving outside the City. He thanked Clerk Hanson for the joy he received in the years working alongside her and his fellow commissioner Pam Superfisky. He wished more people knew the care, diligence, and knowledge that has gone into their work over the years. He has no doubt that under the Clerk's leadership, the Election Commission will not skip a beat with his departure. He has lived in a number of states and overseas, but Novi has been his home far longer than anywhere else. He may be leaving Novi, but Novi will live on in his heart and in the fiber of his being. He thanked Clerk Hanson for the kindness she and Pam have shown him over the years. He said he's been involved in elections for about 20 years and not all of those on the Election Commission. The Commission created some awareness for him by Member Staudt who put his name forward for consideration for the Oakland County Board of Canvassers, the people who certify the elections in Oakland County. He served there having been elected by the County Commissioners. He served there for a number of terms. Novi will always be in his heart. He said the Council has the opportunity in the next coming of weeks to appoint someone to replace him and asked that they keep in mind that what the Election Commission does, not just in Novi but throughout the State of Michigan is heavily governed by MCL Michigan Compiled Laws Section 168. That's the part of their constitution that deals with elections. There's absolutely no politics involved with being on the Election Commission. It is all administration of the laws as the State legislature has put forth over the years. He asked Council that as they make their decision, please do so by

appointing the most qualified person, someone who knows elections and not someone to whom they have a political connection.

Ibed Syed was present to formally request a review of the current residential assessment practices, especially regarding finished basements and finished improvements property. For Novi to operate, the majority of the City's revenue comes from property tax. He wanted to caveat this by saying that he's lived in seven different cities and Novi is by far the best and he really loves everything about the City. His goal was to find the City a way of bringing in more revenue and or reducing mortgage rates. One or the other. He said the current practice of the assessor's office is that not everyone is holding the burden equally. What he means by that is the vast majority of homes in Novi have finished basements. He has a friend who recently moved to Novi and wanted an unfinished basement that could be finished to his specs. Practically every house he saw had a finished basement. On BS&A, a lot of homes show the basement is not finished so there's this discrepancy. The assessor's office waits until the property sells, and then they look through the MLS listings and identify if the basement is finished. Then they go back and hit the new owner with that burden. He's confronted the new assessor who started about two or three years ago. He said her stance was it was the only way to do it and if they try to do random inspections on homeowners that live here, it's not fair to the existing owners. He thinks that's an outrageous statement because existing homeowners that bought their homes 20 years ago already benefit from proposal A where they get the lessor of the market value or the inflation rate. This effectively creates an unfair burden on new homeowners or homeowners who want to do things properly and actually pull permits. One of his neighbors who lives in Royal Crown said that when he was finishing his basement, he pulled permits and did it by the book. A lot of his neighbors asked him why he was pulling permits when he was going to have to pay tax on it. He said we have this mindset and it's just not right. Ultimately, the goal is that if they properly do this, perhaps by sending out letters, everybody gets an assessment notice every year and if they sign off on it, they're effectively signing off that their basement's unfinished. He thinks there's more emphasis put on that and doesn't think people will lie to a municipal government. He thinks they need to take some proactive steps on this. Again, the end result will be either lower millage rates for everyone or more resources for the public.

David Landry, 45471 Kimberly Court of Novi, came to speak on item B on the consent agenda which is the engineering for the Pathway Project at Villa Barr. He was present on his own behalf as well as the Friends of Villa Barr, the volunteer group and the Novi Parks Foundation. He just wanted to say thank you. This is an amenity that is needed at Villa Barr and will allow people of all ages to enjoy the entire park. He also wanted to say thank you for considering a pathway completely around the pond because he can tell them from experience, whenever he goes out with seniors they go halfway around, and they want to go all the way around and he's constantly afraid that someone's going to fall so he wanted to thank them for considering this amenity and thinks it will greatly enhance the park.

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
 - April 16, 2025 - Special Meeting
 - April 21, 2025 - Regular Meeting
- B. Approval to award engineering design services to AECOM for the design of Villa Barr Pathway Paving and Extension, in the amount of \$23,629.

- C. Approval of two resolutions to update precinct boundaries and polling locations, and to temporarily consolidate precincts for 2025 elections.
- D. Adoption of Resolution seeking reimbursement from Oakland County for expenses associated with the City of Novi's annual Mosquito Control Program.
- E. Approval of a sidewalk easement for Driftwood Bar & Grill located on the east side of East Lake Road and south of Fourteen Mile Road (parcel 50-22-02-126-013).
- F. Approval of a Storm Drainage Facility Maintenance Easement Agreement for the Catholic Central STEM Addition project located on the south side of Twelve Mile Road and west of Wixom Road.
- G. Approval of a Storm Drainage Facility Maintenance Easement Agreement for the Porsche of Novi project located on the west side of Haggerty Road north of Ten Mile Road.
- H. Approval of a Storm Drainage Facility Maintenance Easement Agreement for Townes at Main Street located on the south side of Main Street, east of Novi Road.
- I. Approval of claims and warrants – Warrant 1179

CM 25-05-57 Moved by Smith, seconded by Thomas; MOTION CARRIED: 7-0

To approve the consent agenda as presented.

**Roll call vote on CM 25-05-57 Yeas: Gurumurthy, Heintz, Smith, Staudt,
 Thomas, Fischer, Casey
 Nays: None**

MATTERS FOR COUNCIL ACTION:

- 1. Consideration of a resolution for the Fiscal Year 2025 - 2026 Budget and Acknowledging the Multi-Year Budget, Including Projections of Future Fiscal Years 2026 - 2027 and 2027 - 2028.**

City Manager Cardenas said this was the final step in the process of approving next year's budget. This is just approving this year's budget and recognizing the future year. The actual budget itself is just for the state law is just this next fiscal year, starting July 1. Per the last Council meeting on April 16, they made different adjustments that were recommended at that meeting. Those are incorporated in the budget proposal before Council. He again thanks staff who worked really hard on putting this all together.

CM 25-05-58 Moved by Staudt, seconded by Casey; MOTION CARRIED: 7-0

Approval of Resolution for Fiscal-Year 2025-2026 Budget and Acknowledging the Multi- Year Budget, Including Projects of Future Fiscal-Years 2026- 2027 and 2027-2028.

Member Gurumurthy wanted to say a big thanks to the Council, the Park and Rec Cultural Services and the Finance team for setting aside the \$5,000 for the Diwali Festival because being the first year, it's going to be a huge help.

Roll call vote on CM 25-05-58

Yeas: Heintz, Smith, Staudt, Thomas, Fischer, Casey, Gurumurthy
Nays: None

2. Approval of Resolution for 2025 Millage Rates.

CM 25-05-59 Moved by Staudt, seconded by Casey; MOTION CARRIED: 7-0

Approval of Resolution for 2025 Millage Rates.

Roll call vote on CM 25-05-59

Yeas: Smith, Staudt, Thomas, Fischer, Casey, Gurumurthy, Heintz
Nays: None

3. Consideration of approval to award a unit price contract to Spray-Patch Road Repair, Inc., the low bidder, for the Spray Patch Road Repair Program in the estimated annual amount of \$224,540.

CM 25-05-60 Moved by Casey, seconded by Gurumurthy; MOTION CARRIED: 7-0

Approval to award a unit price contract to Spray-Patch Road Repair, Inc., the low bidder, for the Spray Patch Road Repair Program in the estimated annual amount of \$224,540. The contract term is one year with three potential one-year extensions.

Member Heintz said he liked seeing the quality score elements. He couldn't recall seeing that in previous documents and items for vote previously. He asked if it could be briefly explained what the simple quality score was based off. The City Manager said he would follow up the next day.

Roll call vote on CM 25-05-60

Yeas: Staudt, Thomas, Fischer, Casey, Gurumurthy, Heintz, Smith
Nays: None

4. FIRST READING of the consideration for an Ordinance Amendment amending Section 22-112, "Fireworks"

City Manager Cardenas started by saying this came from ordinance review after months of deliberation. This would establish an actual process which the City has never had. The number of permits that will be allowed for any individual or group will be limited to two per calendar year. This would also establish a fee for commercial fireworks for the application itself.

CM 25-05-61 Moved by Thomas, seconded by Casey; MOTION CARRIED: 7-0

Approval of Ordinance Amendment 25-160.04 to amend Section 22-112, "Fireworks", to add requirements for Commercial Fireworks Permits. FIRST READING

Member Heintz was curious about how entity was defined, is it going to be specific to the address compared to different departments within the organization like for school, church or whatever could have different departments. He didn't know if they had a group apply for a permit and then within that same address, a couple of months later, a different part from that site would apply. City Attorney Schultz responded that entity is sort of a known term or property and should be specific enough. If there's an oddball situation where people are trying to gain the system, they're also general enough that they can probably make sure that they apply the ordinance to them as well. What ordinance review wanted was an actual limitation here. It'll be flexible in that regard if they have to look behind who the applicant is, they'll do that. The State tells them they don't have to grant any of these so they're putting together a process that makes it easier for them to do so. Member Heintz said it would be limited to the address but with their discretion based on different factors and Attorney Schultz replied correct.

Roll call vote on CM 25-05-61

Yeas: Thomas, Fischer, Casey, Gurumurthy, Heintz, Smith, Staudt

Nays: None

5. Approval of the FIRST READING of Text Amendment 18.305 to allow increased capacity in childcare centers per the conditions stated in the amendment.

City Manager Cardenas said following the last Council meeting where this was brought forward, the ordinance review took this up at their last meeting and separated the two matters with respect to daycare centers and adult care facilities leaving in the existing standards for the adult cards and then making the recommendation or changes to the daycares per what Planning Commission brought forth.

CM 25-05-62

Moved by Casey, seconded by Staudt; MOTION CARRIED: 7-0

Approval of Text Amendment 18.305 to amend various sections of the Zoning Ordinance to allow increased accommodation in childcare centers subject to certain standards and conditions, along with other minor changes, subject to further modifications as determined necessary by the City Manager's office or City Attorney's office. FIRST READING

Member Heintz wanted to know if the area that's focused on the area for kids to have a lower amount of play space in this potential change. His background in studying play behavior. He wants to make sure kids have opportunities to run amuck and have a good time in these important developmental years. Barb McBeth said it is part of State law that a certain minimum amount of outdoor play area is required. Their ordinance actually requires a bit more than what the State requires. There was an amendment to the ordinance that allows the Planning Commission to reduce the amount of outdoor space, but it would never be less than what the State requires. Member Heintz wanted to know if there would be the potential for a center to have a little bit less space if there are additional kids. Barb McBeth responded that the State regulates the amount of play space based on the number of children so every additional child, there'd be additional square

footage of play space required. The State's standard would weigh in on that as well as their local standard.

Roll call vote on CM 25-05-62

**Yeas: Fischer, Casey, Gurumurthy, Heintz,
Smith, Staudt, Thomas**

Nays: None

6. Consideration of tentative approval of Feldman Kia, JZ24-32, with Zoning Map Amendment 18.746 to rezone property at the southwest corner of Grand River Avenue and Joseph Drive from Non-Center Commercial to General Business with a Planned Rezoning Overlay.

City Manager Cardenas commented that the Council initially considered the PRO back in December of last year. The Planning Commission then recommended this for approval this past April 9. This is rezoning 4.898 acres on Grand River. The public benefit the applicant is offering is to design and construct three pedestrian seating area and an enhanced sidewalk along Joseph drive as well as two covered seating areas at nearby bus stops.

David Landry was present on behalf of the applicant, Feldman KIA. They are there to request a rezoning from NCC to B-3 with a planned zoning overlay. They are proposing limiting the development to a single B-3 use, which is auto dealership. The property has a long history of being a non-conforming use with Glenda's. They would be replacing that non-conforming use. Under the current zoning NCC, a 36,000 square foot building could be built, and the parking could be as close as 10 feet from the neighboring people to the south. They are proposing a dealership that has a large detention pond and only a small number of parking adjacent to the residential. The building is going to be considerably farther away from the residential to the south. He pointed out that their proposal is consistent with the master plan. B-3 is consistent with community commercial and that's the way the master plan has this. It's consistent with the objective to support retail commercial uses along transportation corridors. Impact on traffic is similar to what is expected under NCC. No new curb cuts on Grand River and Joseph Drive. No increase in demand for public utilities and public services. It is compatible with other uses that could be developed in the NCC. The economic impact is \$7 million is being invested in this property with 175 – 200 constructions jobs and 40 – 50 full-time jobs being created. They're moving the KIA dealership so not all of those 40-50 jobs will be new, probably 10 to 15 because they're expanding. He wanted to focus on comments from the City Council. Last time they were there in December, there were four issues and he wanted to directly address them: adjacency to the residential to the south, lighting, sound, and the car haulers that unload in the middle of Grand River. With respect to the adjacency to the residential to the south, there are four residences that border this. The dealership building is 188 feet away. The NCC building setback is 20 feet from the rear. They are considerably farther than anything that could be built under NCC. The parking setback is 10 feet. The closest parking they have is 53 feet. There is an existing berm between the residential to the south and the current development there. They are going to raise this to 6-8 feet height, remove the dead trees, plant a double row of evergreens and add green giant arbor which will create 80-90% opacity as recognized by the City's landscape architect. In addition, there's a four foot wall on the dealership side of the berm. They will have a four foot brick wall and then the 6-8 foot berm with trees on top of that. They had a discussion with one resident of the southeast corner who did not want all the trees to be removed. They met with landscape architect, Rick Meader, and talked about it. The Administration initially wanted them to remove all the trees and replace them. They said fine, they'll do it. The resident thought that there were a number of trees that could be saved.

Mr. Meader looked at it and said they could do that so they've agreed with the resident to the south. The resident is satisfied because they are leaving the trees he wants. They agree that the first part of the construction of this project, if it's approved, is to build that berm and plant those trees so during the construction the residents to the south won't have to see it. In regard to lighting, the ordinance provides that the maximum height for the light poles can be 25 feet. Their lights are 22.6 feet. The lights meet the ordinance plus they have shields on them. The ordinance provides that at the property line of residential property; the maximum illumination is .5 foot-candles. Their illumination is one fifth of that so they are well below the City's requirement for illumination. Planning Commission member Avdoulos called their lighting "state of the art" and thought it was excellent the decrease in illumination at the property line. In regard to sound, adjacent to residential the daytime maximum is 60 decibels and the nighttime maximum is 55. Their building has HVAC units pointed at the top which emit 90 decibels but as far away as they are, it's reduced to 53 decibels. The alarms that are on the building can be controlled, they agree, and it can be specifically written in the PRO agreement that they will not exceed the nighttime 55 decibels. They can clearly do that and they're happy to have that written in the PRO. Lastly, nobody likes car haulers in the middle of Grand River. They don't like it but they can't control them. They have complained but the drivers tell them they don't like pulling in because the nature of the parking lot is such that the drivers have to maneuver and pull out and backing up is difficult. They have designed a complete loop all the way around the parking lot area so no need for a car hauler to back up. There's a specific loading and unloading dock. They've designed that into the system. They've designed the system so there's no excuse for the car haulers to stop in the middle of Grand River. There are two major requirements of the PRO ordinance. First, one site specific conditions that are more limiting than the proposed B-3 usage. B-3 has 20 principal permitted uses and they only want one. Under B-3, the building setback is 30 feet and theirs is 90 feet. The building rear setback is 20 feet, theirs is 188 feet. Building side setback is 15 feet and they're 212 feet on the east and 77 feet on the west. The parking setback in the front is 20 feet and they're at 20 feet because they want the cars near the road. The rear parking setback is 10 feet and they're at 53 feet. Under days of operations, B-3 allows for seven and they're at six day with no Sunday hours of operation. They'd be open 7:00 AM to 6:00 PM Tuesday, Wednesday & Friday, 7:00 AM to 9:00 PM Monday & Thursday and 8:00 AM to 4:00 PM on Saturday. On numerous items they are more strict than the B-3. Secondly, the public benefit outweighs the detriment. He doesn't see a lot of detriment. It's consistent with the master plan. It's compatible with the adjacent uses. No increase in public services. They are proposing in addition that on Joseph Drive, they will create a meandering sidewalk. They will create three seating areas with significant landscaping behind them. They are proposing decorative light poles for Grand River. They are proposing to install three covered bus stops. They've contacted the bus company and they're all right with it and are happy with the plan and have given approval to do it. They would willingly agree to all of that and the items in the proposed PRO agreement. They respectfully request that Council gives tentative approval to the PRO and allow the City Attorney to draft an agreement.

Mayor Pro Tem Casey said she looked back over her comments from the last time and looked at the plan and she appreciated that most of her feedback was taken in and was thankful. She also wanted to commend the applicant for working with the resident to the southeast and not just making him satisfied but for also committing to building the berm first. She would like that to become standard in a lot of other developments where the residents nearby are taken care of first and then the development happens. She then inquired when do the car haulers generally come onto the property and deliver the cars. Steve Saltz for Feldman replied that unfortunately it was random times throughout the day but generally mid-morning. She said the reason she asked the question had to do with the sound of the trucks and the engines starting as they're offloading the cars. The other piece of feedback that she had given but didn't see documented anywhere is the

idea of restricting test drives on Joseph Drive. She's assuming that if the salesperson goes along for the ride, they can just say to take Grand River, loop around whatever. She doesn't know what kind of signage can be done. That was feedback that was brought up by residents on Joseph who were worried about test drives going up and down that street. Mr. Saltz said from their side they'll handle it with the sales staff personnel and tell them not to go down that road or direct them not to go down that road.

Member Smith also thanked the applicant for working with the neighbors. His biggest concern was the lighting and he thinks that's been addressed. The only thing he would ask about is the size of the trees the applicant was planning on putting in when they build up the berm. Existing trees are taken out and it'll be some time when the trees have grown to their full height and there'll be some excess lighting. Dave Landry responded by saying they'll put in the height of the trees as required by the City's landscape architect which he believes is 6-8 feet and he believes evergreens grow at the rate of one foot per year but whatever the City requires them to put in they'll put in. In regard to foot-candles, Member Smith wanted to know how that was measured because he didn't know what a foot-candle looked like so an explanation would be useful. Mr. Landry responded that Council has a subsequent report since the December meeting, from their lighting expert that deals with that. He doesn't know where it's measured from but wherever the City measures it, that's where their lighting expert measured it. He thinks a foot-candle is the amount of lumination that a single candle gives off at one foot away. Member Smith thinks it looks like a good proposal and sounds like the applicant has addressed the lighting issue.

Member Staudt asked Mr. Landry if they could assume that Feldman will listen to the concerns of residents in the event they overlook something during the process of all these inspections and measurements. Feldman's been a long-term part of the business community. Mr. Landry replied short answer is yes; they will abide by it. They're not investing \$7 million to start a fight with the City. That's not why they're here. This is not a general rezoning, it's a PRO and there's a contract they're going to be held to. Member Staudt concluded by saying Feldman Automotive has been extremely good customers of the City and they're looking forward to their investment.

CM 25-05-63 Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-1

Tentative indication that Council may approve the request of Feldman Automotive, for JZ24-32, with Zoning Map Amendment 18.746, to rezone property at the southwest corner of Grand River Avenue and Joseph Drive from NonCenter Commercial to General Business with a Planned Rezoning Overlay Agreement, and corresponding PRO Concept Plan, and direction to the City Attorney to prepare the PRO Agreement including items A through C:

A. All deviations from the ordinance requirements shall be identified and included in PRO Agreement, including:

- 1. Deviation from Section 3.10.3 to allow the Service Bay Doors to face a major thoroughfare and a residential district. The service reception area is proposed to have a total of four overhead doors. The northern overhead doors are 129 feet from the Grand River Avenue right of way. The southern overhead doors are located 281 feet from the southern property line. There will be a screen wall and berm with**

landscaping along the southern property line to screen the overhead doors from the residential uses from the south. The overhead doors are needed for customer use.

2. Traffic deviation from Section 5.3.12. There are two locations, on either side of the building, where 2 customer parking spaces have an end island on one side, but not the side adjacent to the entry/exit point of the service area. This is supported as the area next to the parking spaces has been striped out.
 3. Landscape deviation from Section 5.5.3.B.ii and iii to permit a continuous evergreen hedge along Grand River Avenue and Joseph Drive in lieu of the required minimum 3-foot-high berm along the road rights of way. The deviation is supported as the applicant has proposed to use evergreen shrubs to achieve the intent of the ordinance.
 4. Landscape deviation from Section 5.5.3.D to permit only 79% of the building foundation landscaping to be located at the building. This is supported as the required foundation area is provided in total, and the remaining landscaping is placed in areas that will enhance the appearance of the site.
 5. Lighting deviation from Section 5.7.3.L to exceed the 1 footcandle limit at the north and east property lines (3.4 fc and 6.2 fc, respectively). This deviation is supported as these areas are illuminating the sidewalks along the road frontages.
 6. Façade deviation from Section 5.15 for the north facade to contain 0% brick rather than the minimum 30% brick. The front consists of 70% showroom glass and 30% flat metal panels. The deviation is supported as the addition of brick would not offer an enhancement to the design.
 7. Landscape deviation from Section 5.5.3.B.ii and iii for insufficient screening berm for the southeastern portion of the property that abuts parcel 22-24- 326-004. This deviation is supported as it was requested by the adjacent property owner in order to preserve existing trees, however additional inspection as to the viability of the trees shall be conducted by the applicant before final approval and landscaping shall be provided to achieve the 80-90% opacity requirement.
- B. The following conditions shall be requirements of the PRO Agreement:
1. The use of the property is a New and Used Car Salesroom, Showroom and Office with a Servicing department and

outdoor inventory of vehicles, as typically associated with dealerships.

2. Accessory to the Car Dealership, Outdoor Space for exclusive sale of new or used automobiles will be permitted under the conditions for Special Land Use approval:

- i. Whether, relative to other feasible uses of the site, the proposed use will 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, offstreet loading/unloading, travel times and thoroughfare level of service. (The traffic impact study provided indicates fewer trips generated by the proposed use than other potential uses.)**
- ii. Whether, relative to other feasible uses of the site, the proposed use will 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. (The use is not expected to increase the demand on public services and utilities relative to other feasible uses of the site.)**
- iii. Whether, 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. (There are no significant natural features or characteristics present on the site.)**
- iv. Whether, 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. (The proposed use is similarly compatible to other uses that could be developed under the current NCC zoning district. No major automobile repair or service, as defined in Section 4.50 of the Zoning Ordinance, shall be permitted on the site.)**
- v. Whether, 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. (The Master Plan recommends Community Commercial uses, which includes uses permitted within the B-2 and B-3 districts.)**

- vi. Whether, relative to other feasible uses of the site, the proposed use will promote the use of land in a socially and economically desirable manner. (The redevelopment of the site will remove a long-standing non-conforming use and improve the site visually from Grand River Avenue. The investments in the site improvements as well as the jobs created will benefit the area economically.)
 - vii. Whether, 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. (1. Outdoor Space for exclusive sale of new or used automobiles is listed as a Special Land Use in the B-3 District, and 2. the applicant has addressed the concerns previously raised so that the proposed use better conforms to the site design regulations.)
- 3. The applicant shall provide a unique streetscape along Joseph Drive with a winding sidewalk and the installation of a bench node on a concrete platform, decorative light poles, and significant landscaping across the western side of Joseph Drive, as shown on the PRO Plan.
 - 4. The applicant shall construct two covered bus stop shelters along Grand River Avenue to serve the nearby SMART bus stops.
 - 5. The days of operation shall be limited to Monday – Saturday. The business shall not be open on Sundays.
 - 6. The hours of operation shall be limited to the following, as described by the applicant: 7:00 a.m. to 6:00 p.m. on Tuesday, Wednesday and Friday, 7:00 a.m. to 9:00 p.m. on Monday and Thursday, and 8:00 a.m. to 4:00 p.m. on Saturdays.
 - 7. Outdoor speakers for security purposes may be permitted but must be attuned to meet the requirements of the noise ordinance and avoid disturbance of the adjacent residential neighborhood.
 - 8. No outdoor compressors shall be permitted.
 - 9. Automobile transit deliveries shall be limited to 8:00 a.m. to 6:00 p.m. on weekdays and must take place on the site in the designated loading/unloading area. Unloading shall not take place in any public right-of-way.

- 10. The parking setback shall be no less than 53 feet from the property line to the south.**
 - 11. The footprint of the building shall be limited to approximately 18,900 square feet, excluding mezzanine space.**
 - 12. The overhead service doors shall remain closed except to allow the entering and existing of vehicles.**
 - 13. The berm and landscape plantings along the southern property line shall be installed early in construction to protect the residents from the negative impacts of construction.**
- C. This motion is made because the proposed B-3 General Business zoning district is a reasonable alternative to the NCC Non-Center Commercial district and fulfills the intent of the Master Plan for Land Use, and because of the following enhancements that will result in an overall benefit to the public:**
- 1. The applicant proposes a unique streetscape along Joseph Drive with a winding sidewalk and the installation of a bench node on a concrete platform, decorative light poles, and significant landscaping across the western side of Joseph Drive.**
 - 2. The applicant states that the economic impact of this development includes an investment of \$7 million, the creation of 175-200 construction jobs, and the creation of 40-50 full-time permanent jobs.**
 - 3. The applicant has proposed to construct two covered bus stop shelters along Grand River Avenue to serve the nearby SMART bus stops.**

Member Heintz said he agreed with what was said and appreciated the applicant working with the public and City staff. He commended the work that's been done. He shared that two weeks ago he attended the Michigan Healthy Climate Conference and during those sessions it was stated multiple times that the transportation sector is responsible for producing about 20% of greenhouse gases. He understands the importance of dealerships and everything. It's just a weird twist of fate to have a car dealership go into what was previously a garden center. The reason he brings this up is it sounds like the applicant is focused on planting alongside the residential front and in other areas and he wanted to strongly encourage to use this to pay homage to Glenda's Garden Center and use this to be a leader in the automotive front to do their best to care for the environment. It's great to maximize the trees they have for a barrier between the public and taking in all that good old CO2 and helping out the environment as best they can. It could be a potential win-win for everyone and wants to encourage that. Dave Katarski, one of the owners and Chief Operating Officer of Feldman Automotive, said yes, they'll be a good partner and feels they always are. He said one thing to be proud of was their Chevy store in Novi is the number one selling EV store for General Motors in the country. They won that award this year by a landslide. They're going to plant the trees and continue to support EV's. They thought of all the recommendations

early on and they are all reasonable. They have friends and customers that live behind there and they took everything into consideration. They want to be a good partner. Member Heintz congratulated Mr. Katarski on the award and hopes those sales continue.

Member Gurumurthy wanted to echo all the comments and appreciated the collaboration that happened with their landscape architect, the residents and everybody by going through one by one the buffering or lighting or acoustics and appreciated the thoroughness. She was curious about the overall timing of this project and how does it work when dealing with multiple people. Mr. Saltz responded by saying they wanted to move as quickly as the City will allow them to move. They'll be right back going for site plan approval and grading permits. They have a schedule where if they can hold to it, they'd like to start some of the groundwork in June or July and would like to be operational by June of next year. In regard to the covered bus stops, they've spoken to SMART and will go as quickly as they'll allow them to go. If they can approve them, they'll reach out to the manufacturer of those that meet the standard and get them ordered and put in as soon as possible. City Manager Cardenas said in regard to the bus stops, they're going to take it to the CIA in terms of what kind of bus stops they're looking at first. He appreciated the speed of the applicant's response but they want to make sure they have a continuous look through the whole CIA so that is one of the things CIA will be undertaking.

Member Thomas said she looked at the lights at the existing dealership and they are bright and constant. She still has concerns but clearly from the comments, the applicant is going to do well there. She still has concerns about how the lighting affects the neighborhood and having lights that are on all the time is problematic. She knows the noise is within the ordinance level but it's also much more common than other noises that happens on a regular basis. There are cars coming in and out, test driving all the time and on Joseph Drive, she knows salespeople don't always go with people when test driving. She loves the existing dealer and bought a car there in December. She test drove four cars and not one salesperson came with her or gave her direction. Mr. Saltz said they will stand by that there will be no driving on Joseph Drive. In regard to the lights, there's zero over the back of the building. The light is contained to their property. It's state-of-the-art lighting so it's controllable by time so at a certain hour, they will dim on their own and then there'll be shields along the back row to keep it only in the front. There won't be any spillover and he'll direct the light forward onto the property. According to their lighting experts, they've designed for zero spillover outside their property. The berm and trees will manage any additional light. Member Thomas said so the lighting is different than what's at their other location and Mr. Saltz replied that the light at Novi Chevy has been there a long time and they've come a long ways on controlling the light spillage and controlling the light levels. Member Thomas said she just wanted to do her due diligence by looking at the lights and it felt overwhelming and there'd never be a chance for darkness. She's glad the applicant took action to try to accommodate the car haulers. At the BMW dealership at the corner, they park out there all the time unloading cars. It's very difficult at the busy times of the day to get in and out of that street. She's spent a lot of time there over there and it's tough and tricky. Mr. Saltz said those haulers also block that view but that's why she'll see on the plan there's an absolute loading path drive with arrows for them to go around the building with the loading and unloading zone. Member Thomas said she hopes very much that it will be used. Mr. Saltz said hopefully by building this store here and taking these cars down the street, they will reduce some of the cars on that lot, which will open up more space for the haulers to pull into that space. Member Thomas wanted to know which regard to the existing space that's housing the KIA, what's happening with that. Mr. Saltz stated that right now they're looking at just keeping it for the Chevy store as a used car lot and overflow for their service. They'll move some cars over that way but they'll be taking a couple hundred cars off the property and putting them down the street so that should alleviate some of the load on that property. Member

Thomas said she appreciates the efforts but still holds a lot of concerns and hopes that they can trust them to be a good partner.

Member Smith wanted to know if the lighting at the Chevy dealership two to five times is brighter than the light that's proposed here. Mr. Saltz replied that he couldn't say but he knows for a fact that the new lights have a lot more control almost to the point where they can use their iPhones and control the levels directly.

Roll call vote on CM 25-05-63

**Yeas: Casey, Gurumurthy, Heintz, Smith,
Staudt, Fischer**
Nays: Thomas

AUDIENCE COMMENTS: None

COMMITTEE REPORTS:

1. Finance & Administration Committee - Mayor Fischer

Everyone on Council should have received the full OPEB report from their consultant AEON. At their last meeting, the consultant wanted them through the recommendations. The Committee has suggested that they follow through and the staff agreed that they follow through with all those recommendations. Council will probably see some of the action coming before them for approval. He's sure that staff can give a recap of that overall report.

2. Council Rules Committee - Mayor Fischer

The Committee met and there are some minor changes that will be coming forward to Council based on some recent correspondence they received.

3. Ordinance Review Committee - Mayor Fischer

They met to discuss the narrow streets and the parking on narrow streets in order to make sure that their public safety vehicles can adequately maneuver their streets.

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:08 P.M.

Cortney Hanson, City Clerk

Justin Fischer, Mayor

Transcribed by Becky Dockery,
Account Clerk

Date approved: May 19, 2025