

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MAY 20, 2024, 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
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 24-05-66 Moved by Casey, seconded by Smith; MOTION CARRIED: 7-0

To approve the agenda as presented

Roll call vote on CM 24-05-66 **Yeas: Casey, Gurumurthy, Heintz, Smith, Staudt, Thomas, Fischer**
Nays: None

PRESENTATIONS: None

PUBLIC HEARINGS: None

CITY MANAGER REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS: None

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 24-05-67 Moved by Casey, seconded by Smith; MOTION CARRIED: 7-0

To approve the Consent Agenda as presented.

A. Approve Minutes of:

May 6, 2024 - Regular Meeting

B. Approval to award engineering design services to AECOM for the design of Meadowbrook Road Storm Sewer Improvements, 9 Mile Rd to 10 Mile Rd, in the amount of \$68,750.36.

C. Approval of a Resolution to close Ten Mile Road from the Civic Center to Taft Road, and Taft Road from 10 Mile to south of Grand River Ave (26233 Taft Rd) for the Festival of Chariots from 11:30AM to 1:30PM on Sunday, July 21, 2024.

- D. Approval to apply for the Michigan Department of Labor and Economic Opportunity (LEO) Grant to purchase an additional set of turnout gear for full-time firefighters (30) with an estimated cost to the City of \$6K-\$8K.
- E. Approve the recommendation from the Consultant Review Committee to amend the current contract with Rosati Schultz Joppich and Amtsbuechler to also include Prosecution Services until January 1, 2027.
- F. Approval of claims and warrants – Warrant 1156

Roll call vote on CM 24-05-67

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

MATTERS FOR COUNCIL ACTION:

1. Approval of Resolution to authorize Budget Amendment #2024-4

City Manager Cardenas said this is the second to last budget amendment that will be given to the Council for the year and that this is a work in progress.

CM 24-05-68 Moved by Thomas, seconded by Smith: MOTION CARRIED: 7-0

Approval of Resolution to authorize Budget Amendment #2024-4

Roll call vote on CM 24-05-68

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

2. Consideration of approval to purchase three 2025 Ford Police Interceptor Explorer Hybrids from Lunghamer Ford of Owosso and the purchase of one 2024 Police Chevrolet Tahoe from Berger Chevrolet through the MiDeal Cooperative purchasing contract, in the total amount of \$194,123.

City Manager Cardenas reiterated that with the four Interceptors, this is just to approve the order and that there would be no guarantee that they would be received as the last two orders were cancelled.

CM 24-05-69 Moved by Thomas, seconded by Casey: MOTION CARRIED: 7-0

Approval to purchase three 2025 Ford Police Interceptor Explorer Hybrids from Lunghamer Ford of Owosso and the purchase of one 2024 Police Chevrolet Tahoe from Berger Chevrolet through the MiDeal Cooperative purchasing contract, in the total amount of \$194,123.

Member Smith wanted to know if the reason for ordering three hybrids and one non-hybrid was due to availability. City Manager Cardenas replied that the reason for the non-hybrid was to replace a K9 unit as they are larger for the canines.

Roll call vote on CM 24-05-69 **Yeas: Smith, Staudt, Thomas, Fischer, Casey, Gurumurthy, Heintz**
Nays: None

- 3. Consideration of approval of final payment to Oakland County Water Resource Commissioner for the Novi Trunk Sewer project, in the amount of \$280,000.**

CM 24-05-70 Moved by Thomas, seconded by Casey: MOTION CARRIED: 7-0

Approval of final payment to Oakland County Water Resource Commissioner for the Novi Trunk Sewer project, in the amount of \$280,000.

Roll call vote on CM 24-05-70 **Yeas: Staudt, Thomas, Fischer, Casey, Gurumurthy, Heintz, Smith**
Nays: None

- 4. Approval of the final payment to Merlo Construction Company, Inc. for the 2020 Pathway Gaps and ADA Compliance Program, in the amount of \$155,266.91, plus interest earned on retainage.**

CM 24-05-71 Moved by Heintz, seconded by Smith: MOTION CARRIED: 7-0

Approval of the final payment to Merlo Construction Company, Inc., for the 2020 Pathway Gaps and ADA Compliance Program, in the amount of \$155,266.91, plus interest earned on retainage.

Roll call vote on CM 24-05-71 **Yeas: Thomas, Fischer, Casey, Gurumurthy, Heintz, Smith, Staudt**
Nays: None

- 5. Consideration of approval to award the construction contract to Highway Maintenance and Construction Company, the sole bidder, for the 2024 Capital Preventative Maintenance program, in the amount of \$735,600.01.**

CM 24-05-72 Moved by Smith, seconded by Gurumurthy: MOTION CARRIED: 7-0

Approval to award the construction contract to Highway Maintenance and Construction Company, the sole bidder, for the 2024 Capital Preventative Maintenance program, in the amount of \$735,600.01.

Roll call vote on CM 24-05-72

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

Nays: None

- 6. Consideration of approval of Change Order No. 3 to Ajax Paving Industries, Inc. for construction of a Beck Road Pavement Preservation Overlay, 9 Mile Road to 11 Mile Road, in the amount of \$1,081,882.04.**

City Manager Cardenas stated what is being proposed in a change order. The city received favorable pricing to provide an asphalt overlay from Nine Mile to Eleven Mile Road. This work will mirror what was done on Ten Mile last year and give the city a window of five to seven years to have the Council and staff look at further options for long-term reconstruction for Beck, be it at its current makeup or larger with more lanes. The City Manager further commented that the city will be able to do this, this construction year, if Wixom gets done in August. The work should take three to four weeks.

CM 24-05-73 Moved by Casey, seconded by Thomas: MOTION CARRIED: 7-0

Approval of Change Order No. 3 to Ajax Paving Industries, Inc. for construction of a Beck Road Pavement Preservation Overlay, 9 Mile Road to 11 Mile Road, in the amount of \$1,081,882.04.

Member Gurumurthy requested that the city look at other road construction schedules to make sure there is as little of an impact as possible. Mayor Fischer echoed the sentiment and added that this work should not get started if Wixom gets delayed. The Mayor confirmed that this project is within the budget.

Roll call vote on CM 24-05-73

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

Nays: None

- 7. Consideration of approval to award the construction contract to Mattioli Cement, the low bidder, for the 2024 and 2025 Concrete Neighborhood Roads Program in the amount of \$2,565,696.80.**

City Manager Cardenas commended Engineering and Public Works staff for getting the bids out there and getting favorable pricing. The companies are well vetted and have served the community over the years.

CM 24-05-74 Moved by Casey, seconded by Smith: MOTION CARRIED: 7-0

Approval to award the construction contract to Mattioli Cement, the low bidder, for the 2024 and 2025 Concrete Neighborhood Roads Program in the amount of \$2,565,696.80.

Roll call vote on CM 24-05-74

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

- 8. Consideration of approval to award the construction contract to Pro-Line Asphalt Paving Company, the low bidder, for the 2024 and 2025 Asphalt Neighborhood Roads Program in the amount of \$3,241,334.**

CM 24-05-75 Moved by Casey, seconded by Smith: MOTION CARRIED: 7-0

Approval to award the construction contract to Pro-Line Asphalt Paving Company, the low bidder, for the 2024 and 2025 Asphalt Neighborhood Roads Program in the amount of \$3,241,334.

Member Gurumurthy observed that there is a lot of road maintenance in the agenda and going forward she would like to see how these maintenance items relate back to the PASER score so the Council can see how their goal is progressing.

Roll call vote on CM 24-05-75

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

- 9. Approval of Zoning Ordinance Text Amendment 18.296 in order to establish the new City West zoning district. SECOND READING**

City Manager Cardenas said this is the second reading for what was decided on and passed in the last Council meeting for option 2 which incorporates the changes wanted, giving the Council early input to the PRO or PUD processes, adding a vet clinic as an approved use and make sure to draw the connections with the active mobility plan and also adding extra floors for a LEED certification. The City Manager reiterated that the rezoning is only for the north side of Grand River from Wixom to Taft.

CM 24-05-76 Moved by Staudt, seconded by Casey: MOTION CARRIED: 7-0

Approval of Zoning Ordinance Text Amendment 18.296 and by reference the City West Design Guide in order to establish the City West zoning district, along with associated ordinance changes to reference the new district, and to amend text related to the EXO District, to reflect an underlying zoning of City West, subject to minor modifications as determined necessary by the City Manager and City Attorney's Office. This motion is made because the proposed City West Rezoning fulfills the concepts provided in the Master Plan for Land Use to provide a new zoning district that will create a vibrant, integrated, mixed-use arts and entertainment district along Grand River Avenue, east of Beck Road, and that would support and

enhance the nearby Suburban Collection Showplace and Ascension Providence Park. SECOND READING

Roll call vote on CM 24-05-76

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

10. Approval of Zoning Map Amendment 18.741 to rezone up to 250 acres of property located north and south of Grand River Avenue, east of Beck Road and west of Taff Road, to CW City West District. SECOND READING

City Manager Cardenas said this is incorporating what was just done in the text amendment and reflecting the change in the map. Mayor Fischer clarified that this would be the north side of Grand River.

CM 24-05-77 Moved by Staudt, seconded by Casey: MOTION CARRIED: 7-0

Approval of Zoning Map Amendment 18.741 to rezone only the north side of Grand River Avenue between Beck Road and Taff Road, consisting of approximately 137 acres of land, from I-1 Light Industrial, and OST Office Service Technology to CW City West District. This motion is made because the proposed City West Rezoning fulfills the concepts provided in the Master Plan for Land Use to provide a new zoning district that will create a vibrant, integrated, mixed-use arts and entertainment district along Grand River Avenue, east of Beck Road, and that would support and enhance the nearby Suburban Collection Showplace and Ascension Providence Park. SECOND READING

Roll call vote on CM 24-05-77

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

11. Consideration of tentative approval of the request of Toll Brothers, LLC, for Elm Creek, JZ22-28 with Zoning Map Amendment 18.732, to rezone property on the west side of Meadowbrook Road, south of 12 Mile Road from Office Service Technology and Low-Rise Multiple Family to Low-Rise Multiple Family with a Planned Rezoning Overlay.

City Manager Cardenas stated the petitioner is requesting a zoning map amendment for approximately 37 acres. The formal PRO plan proposes a two phased, up to 121-unit multi-family townhome development. The planning commission held the public hearing on the formal PRO plan on April 24 and recommended approval to the city council. The applicant proposes to fill two offsite sidewalk gaps along Meadowbrook Road, adjacent to the north and south, totaling 314 feet. As a benefit to the public, the sidewalk extension will include design, construction, and easement acquisition if necessary. The developer is also proposing to contribute \$10,000 to the Parks, Recreation and Cultural Services, to

be utilized for improvements to the Beacon Hill Trailhead at the northeast corner of Meadowbrook and Twelve Mile.

Jason Iacoangeli, Toll Brothers development team, spoke and provided a slide presentation. Mr. Iacoangeli stated that Toll Brothers is requesting a PRO rezoning from OST office service to RM-1 for low rise multiple family. He then specified that what is really being requested is the overall density of the development to a combined 4.2 dwelling units per acre, which is below the 5.4 units per acre that is the maximum density for RM-1 but is a part of this development. Toll Brothers is seeking the ability to have their phase one portion be only 4.2 dwelling units. Toll Brothers asks that the rezoning for the PRO not have a condition to the maximum density other than the zoning ordinance would allow for as RM-1 which is 5.4 units per acre. Mr. Iacoangeli further commented that with phase two, the person or entity that owns that may choose to reorganize that phase which would then have to go before the Planning Commission and staff for review but that they may choose to add additional units to that phase. He said he mentions this because the Planning Commission had commented that they wanted to condition the PRO on just 4.2 dwellings for the entire site and is asking that not be included and just allow use the RM-1 zoning per the zoning ordinance in the original request. Mr. Iacoangeli added that the highlights of the site plan that they worked in over this PRO process was adding a sidewalk connection to the private drive and pedestrian access to Twelve Oaks Mall. The PRO will preserve over eight acres of woodlands and three acres of wetlands in a permanent conservation. Screening has been addressed between the residential development and the existing OST and residential homes that are along Meadowbrook. They will be providing the sidewalk infill along Meadowbrook to connect this site and other sites to Twelve Mile and the trailhead that's located there. The units on Meadowbrook have been set back to keep that natural corridor so when you drive down that street it stays tree lined. Those units will be recessed back so they won't be noticeable as you travel north or southbound on Meadowbrook. As mentioned before, \$10,000 will be contributed to the park system for items to be utilized as part of the Beacon Hill Trailhead for amenities the city would like to install in that park, and it would be left to Parks Committee and Parks Department to make the decisions regarding what amenities and enhancements might be needed based on the master plan for that.

Member Smith voiced that he likes that there are more trees to be saved, the conservation easement and the connection to Twelve Oaks Mall. He then inquired about the indoor air quality and LEED certification and what level of certification was the builder planning on achieving. Mr. Iacoangeli responded that he didn't know that the units will be seeking actual accreditation from the LEEDs council but mentioned that some of the things they do is use sustainable products in the building such as cement or a hardy plank as opposed to wood because it last longer and requires less maintenance. They also use high quality brick material which has staying and maintenance power. They also do other things like pre-wire all garages with a plug so someone who has an EV can put in the charger of their choice. He continued to say they also use the highest quality insulation in all our products plus they spec all the units with energy star appliances which save water and energy. Member Smith asked if the appliances were electric or is there an

option for gas and Mr. Iacoangeli stated that he believes the option for gas is still going to be there because people value the gas range for culinary reasons.

Member Staudt wanted to know what the benefit to the City was of allowing Toll Brothers to sell the property or for phase two to have a larger density. He followed by stating that he is inclined to stick with what the planning commission asked for, not seeing what benefit it is to the city. Mr. Iacoangeli responded by saying that Toll Brothers was not asking for additional density but asking for the density that's in the zoning ordinance. He continued with affirming that the Toll Brothers portion of the site is going to be well below what would be allowable, and they are asking not to cap the entire piece that would be included in the PRO because the southern portion of this may develop and all the density that would be allowed under RM-1 zoning may be utilized.

CM 24-05-78 Moved by Staudt, seconded by Casey: MOTION CARRIED: 7-0

Approval Tentative indication that Council may approve the request of Toll Brothers, LLC, for Elm Creek, JZ22-28 with Zoning Map Amendment 18.732, to rezone from OST and RM-1 to RM-1, subject to a Planned Rezoning Overlay (PRO) 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. Side and Rear Setbacks (Sec 3.1.7.D and 3.6.2.B): A Zoning Ordinance deviation is requested to reduce the side and rear setbacks from 75 feet to 50 feet along the north, east, and west property lines of Phase 1. The deviation is requested to cluster the buildings in the northern portion of the site while preserving City Woodlands and Wetlands in the southern portion of the property.**
- 2. Building Orientation (Sec. 3.8.2.D): A Zoning Ordinance deviation is requested to revise the required orientation of the buildings from 45 degrees to the property line to 90 degrees. This allows for a more uniform site layout with all of the units backing up to open space/wooded areas.**
- 3. Distance Between Buildings (Sec. 3.8.2.H): A Zoning Ordinance deviation is requested to allow a minimum distance of 30 feet between buildings on the same side of the street. The calculated minimum distance would be between 33.72 feet and 34.9 feet, so the deviation is relatively minor.**

4. **Parking along Major Drives (Sec. 5.10)**: A Zoning Ordinance deviation is requested to allow for perpendicular parking on a major drive. This deviation is requested due to the impracticality of providing a minor road given the site constraints (woodlands, wetlands, and property configuration). The placement of these parking areas is not near the main entrance.
5. **Landscape Berms (Sec. 5.5.3.A.ii)**: A Zoning Ordinance deviation is requested to not provide a 4-foot, 6-inch to 6-foot high landscape berm on a proposed RM-1 district adjacent to an OST district on the north and east sides of the property. This deviation is requested due to significant grade changes near property lines, and to preserve existing natural features including City regulated woodlands and wetlands. An 8-foot high vinyl fence is proposed along portions of the site where the homes are closest to these areas to provide visual and audible screening, including along the south side of the main entry road as described in the Landscape Review.
6. **Right-of-Way Landscaping (Section 5.5.3.B.ii)**: A deviation for the lack of required street trees and greenbelt berm along Meadowbrook Road in order to avoid disturbance of the existing wetlands and underground utilities.
7. **Street Connection (Subdivision Ordinance Design Standards, Sec. 4.04)**: A deviation for lack of a connection to the proposed Lion Lane of the Griffin Novi project (approximately 250 feet distance). The ordinance requires compliance with the Thoroughfare Plan of the Master Plan, which indicates a road connection between the mall area to Meadowbrook Road. The applicant requests this deviation as it is likely to create undesirable cut-through traffic in the neighborhood.
8. Any additional deviations identified during Site Plan Review (after the Concept Plan and PRO Agreement is approved), will require amendment of the PRO Agreement, unless otherwise stated in the PRO Agreement.

B. The following conditions shall be requirements of the PRO Agreement:

1. Preservation of 8.38 acres of City regulated woodlands, as *placement in a conservation easement is more restrictive*

than required, and it is beneficial to the public to have additional woodland areas permanently protected within conservation easements.

- 2. Preservation of 3.02 acres of City regulated wetlands, as placement in a conservation easement is more restrictive than required, and it is beneficial to the public to have additional wetland areas permanently protected within conservation easements.**
- 3. On-site wetland mitigation will be provided in accordance with the Wetland and Watercourse Protection Ordinance.**
- 4. Overall density of both phases shall not exceed 4.2 dwelling units per acre, which is more limiting than the 5.4 dwelling units per acre allowed in the RM-1 District.**
- 5. Providing the community amenities shown in the PRO Concept Plan, including the nature trail and overlook with seating, as this is a greater area of usable open space than required in RM-1 District, which will benefit future residents of the site.**
- 6. Screening between adjacent properties including fences and landscaping as shown in the PRO Plan.**
- 7. A cul-de-sac shall be provided at the terminus of the road in Phase 2 rather than a temporary T-turn, since it is unlikely that the road will connect to future development to the south. If Phase 2 of the project does not move forward in a timely manner, the temporary T-turnaround shall be changed to a cul-de-sac.**
- 8. The applicant proposes to fill two off-site sidewalk gaps along Meadowbrook Road adjacent to the north and south (on frontage of parcels 22-14-200-045 and 22-14-200-010) totaling 314 feet as a benefit to the public. The sidewalk extensions will include design, construction, and easement acquisition, if necessary.**
- 9. The PRO Plan includes a sidewalk extension along the western emergency access road, which will allow non-motorized access to the mall area via the proposed sidewalk of the Griffin Novi project.**

- 10. First floor living options providing primary bedrooms on the first level will be available in end units in the development.**
- 11. The applicant has offered to contribute \$10,000 to City of Novi Parks, Recreation, and Cultural Services to be utilized for improvements to nearby Beacon Hill Trailhead at the northeast corner of Meadowbrook Road and Twelve Mile Road, likely to be used by residents of the proposed development.**
- 12. The development will encourage energy efficient design and utilize LEED strategies such as energy efficiency, sustainably produced building materials, high indoor air quality and insulation materials. For Phase 1, Toll Brothers will be providing EV Charging Infrastructure with a 240-volt outlet prewired in every garage, Energy Star rated appliances in all units, and the use of Low-E Energy Star rated windows. Construction will also include High-Efficiency Insulation with 2x6 Walls with R-19 Insulation, blown in attic insulation, spray sealed ducts, and R11 Blanket insulation in basement walls.**
- 13. Any land division requested for the property shall be subject to approval by the City of Novi Assessor's office. A title search shall be provided by the applicant. The timing of the land division shall be addressed in the final PRO Agreement and will not be granted unless and until appropriate easements have been established and appropriate performance guarantees have been provided to ensure access to all affected properties to the satisfaction of the City.**
- 14. Appropriate consideration of the timing of development between the two phases, including conditions that account for road terminus treatment, water system looping, damage to public roads caused by construction, etc. shall be detailed in the draft PRO Agreement.**

C. This motion is made because the proposed Low-Density Multiple Family (RM-1) zoning district is a reasonable alternative and fulfills the intent of the Master Plan for Land Use, because it meets the requirements of the Zoning Ordinance as relates to Planned Rezoning Overlays by including site specific features that are more restrictive than could otherwise be required by ordinance, and because the benefits to the public of the project outweigh any detrimental impacts of the project:

- 1. The proposed residential neighborhood would support healthy lifestyles through the provision of walking trails and sidewalk connections and ensure the provision of open space within the development.**
- 2. The unit sizes and types help the City's goal of providing a wide range of housing options and could appeal to a variety of buyers who prioritize minimal maintenance, smaller unit sizes, and natural surroundings.**
- 3. The proposed project will protect and maintain the City's woodlands, wetlands, and natural features as *the 8.38 acres of city-regulated woodlands and 3.02 acres of regulated wetlands will be preserved in conservation easements. The proposed layout minimizes impacts to natural features by grouping buildings along two roads, whereas an OST development would be likely to disturb more of the natural area.***
- 4. The proposed project will ensure compatibility between residential and non-residential developments because *the project proposes proper screening.***
- 5. The Rezoning Traffic Study demonstrates that the proposed use is likely to generate far fewer vehicle trips per day compared to potential development under the current OST zoning district.**
- 6. Public utilities are available to connect to, and adequate service capacity is available for the residential demand proposed.**

Mayor Pro Tem Casey asked for staff to come forward as she had questions based on comments she made when this was a preliminary review. She said that one of the comments she made was her concern about screening between the residential and all the other uses around it. She noted in the packet that there was some reference to the staff being pleased with the recommendation from the developer of a vinyl eight-foot-tall fence but there was a gap that was noticed and wanted to know if the gap had been solved. Lindsay Bell from the Planning Review Center responded yes, that along the property line where it borders another property, the fence just stopped but now it goes further. Mayor Pro Tem Casey commented that there was also a reference in the packet about wanting to have a connection into Griffin and asked Ms. Bell to talk about where the intent was for the road to connect to. Ms. Bell stated that there was an existing 86-foot-wide easement that would continue from the proposed Lion Lane through to Elm Creek and that this is what was referred to in the engineering letter. Mayor Pro Tem Casey

wanted to know if this connection would be necessary. Humna Anjum, from Engineering, replied that the concern was the multiple dead ends that would be created so one of the alternatives is either to have the road connect directly into Lion Lane or have an emergency access road, instead of connecting into this access drive, connect directly into Lion Lane and then it would still have the emergency access gate but there would be that connection and not have so many dead ends. Mayor Pro Tem Casey noted that there was some concern about the parcel ownership and that the PRO is now against the total parcel itself. She continued that from the city's perspective there is one owner listed and does the city have any concerns about the fact that from the developer's perspective, two owners, and is the city comfortable with how the PRO is going to align in terms of having two phases. Tom Schultz, City Attorney, replied that the council has one applicant who submitted the application but the other owner of the southern portion of this single piece, submitted a letter to the city saying they support the rezoning. He continued to say that if the motion passes, the city prepares the tentative PR agreement so that would be for signature by both Toll Brothers and whatever entity and that we would have to work that out with the top portion and then the current owners would also sign the agreement. Attorney Schultz continued by saying that it's okay because it's rezoning the entire parcel. There are two phases and really two developers but there will be one PRO agreement that applies to everybody and that when the owner of the southern portion comes in to develop, they'll end up with a clean zoned area because there will be a lot split as part of the final approval. There might be a limit on density, but it will just be a site plan for them. Mayor Pro Tem Casey then addressed Mr. Iacoangeli and confirmed that based on the conversation at the planning committee, there was a commitment that all end units would be designed as first floor living units, in which Mr. Iacoangeli stated that was correct. Mayor Pro Tem Casey said that oftentimes when units are being built, the first-time owner has a chance to choose the floor plan. She asked Mr. Iacoangeli if that was something Toll Brothers would be offering, and he replied that the buildings will have the same architecture on the outside, but the individual purchasers will have the ability to change the floor plan and then gave the examples of an office versus a bedroom or eliminate a closet. She then asked if new residents who are purchasing for the first time get to choose if they want first floor living or one of the other floor models that are offered, and Mr. Iacoangeli replied yes. She closed by saying that what the council has heard from residents is that there's a gap in the housing stock where first floor units are available for people who want to downsize, still live in Novi, and aren't ready to move into senior housing. She is pleased to hear that not only is Toll Brothers dedicating the end units, but that first owners have a chance to choose a first-floor unit, even if it's not one of the end units.

Member Thomas said that she liked the idea of having conservation easements and protecting the woodlands and wetlands. She then stated that if her understanding is correct, this parcel would just be rezoned to RM-1 and if the site plan is within RM-1, it's fine. City Attorney Tom Schultz replied yes, except the one limitation on density.

Member Heintz stated that he appreciates the conservation easements and the awareness of the importance of having houses perpendicular to the woodlands. He then

asked if the woodlands and wetlands that are going to be conserved, if that was just phase one and Mr. Iacoangeli answered that it was for both phases.

Member Gurumurthy added on by saying that she was happy to see this rezoning is going to help the city woodlands and wetlands. She continued by saying that back in 2005 the city approved an RM-1 for this property but then it expired. She asked, looking at soil conditions, was there a reason the RM-1 was allowed to expire at that time. Ms. Bell responded that it was not clear to her why it expired. Member Gurumurthy said she wants to make sure that the soil condition is not related to the expiration but more for the economy and things like that. Ms. Bell stated that there was a very different site plan with greater density, and it may have been discovered that what was being proposed wouldn't work out or it could have been other economic conditions at that time but that it's not very clear.

Mayor Fischer then addressed Attorney Schultz, citing section B.4. of the agreement which reads "Overall density of both phases shall not exceed 4.2 dwelling units per acre" and asked if Mr. Schultz if when he read that, did he intend that to be individually with the phases or the overall density of the combined two phases should not be more than 4.2. Mr. Schultz stated yes, it's the overall combination of the two phases. Ms. Bell added that if it were to be limited further, the current number of units on the phase one section would be about 3.3 and then looking at phase two, that would be 5.4 for the phase two to come out to 4.2 so that should be considered if the council is intending to restrict further. She simplified that phase one is proposed by Toll Brothers at 3.6 and if phase two has the max allowed in that district which is 5.4, that puts the combined at 4.2. The Mayor expressed concern about the whole section and doesn't know if he can support the current motion if it comes back to the Council but will tentatively approve it with these comments. He stated he would like the two phases to be similar and he's not seeing that right now. He noted that the second comment he made last time had to do with the houses coming off the road from Meadowbrook and he was expecting those to be further pushed back. He asked if the setback could be explained from the prior presentation to what it is now and noted that the site lines on the map look very similar, being in line with the industrial buildings and he doesn't think that is aesthetically pleasing or what he was looking for when he gave his initial comments on the PRO. Jason Rickard, engineer with Seiber Keast Lehner, commented that the first submittal had the first unit about 75 feet off of Meadowbrook Road and that this was recommended based on comments at the planning commission. Mr. Rickard added that the plans had been revised before coming to the council. The Mayor closed by saying that he would not be able to support the final approval if comes back looking as it is.

Roll call vote on CM 24-05-78

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

Nays: None

CONSENT AGENDA REMOVALS: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS:

1. Older Adult Needs Committee

Mayor Pro Tem Casey stated that the committee is working on their final report and that will be part of the final presentation to the council. The committee will be meeting again on June 3rd and June 12th, which is a Wednesday and off the normal Monday schedule. She asked to please check the city calendar for the location and that both meetings will start at 5:30.

MAYOR AND COUNCIL ISSUES:

1. Appointments to Council Committees

Mayor Fischer stated there are new Council Committees that were created by Council Rules at the last meeting so that gives him the opportunity to appoint those members. He will also be restating and reiterating the current committees, the ones that were not changed. The membership didn't change but the rules state that a chair should be named by the Mayor so he said he will formalize those. The members of the following committees are as stated by the Mayor:

- Finance and Administration Committee: Mayor Fischer as Chair, Members Casey and Staudt
- Consultant Review Committee: Member Staudt as Chair, Members Heintz and Casey
- Ordinance Review Committee: Mayor Fischer as Chair, Members Casey, Staudt and Gurumurthy
- Alternate Rules Committee: Mayor Fischer as Chair, Members Casey and Staudt
- Mobility Committee: Member Smith as Chair, Mayor Fischer and Member Thomas
- Public Utility Committee: Member Thomas as Chair, Members Smith and Heintz
- Youth Council Committee: Member Thomas as Chair, Members Heintz and Casey
- SEMCOG Liaison: Member Smith with Member Heintz as alternate
- Environment Sustainability: Member Smith as Chair, Members Heintz and Gurumurthy
- Long Range Strategic Planning Committee: Mayor Pro Tem Casey as Chair, Members Staudt and Gurumurthy

COMMUNICATIONS: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 7:41 P.M.

Cortney Hanson, City Clerk

Justin Fischer, Mayor

Transcribed by Becky Dockery,
Account Clerk

Date approved: June 3, 2024