

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JANUARY 10, 2011 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members, Fischer, Margolis, Mutch, Staudt, Wrobel.

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney
David Molloy, Police Chief/Public Safety Director
Rob Hayes, City Engineer
Barb McBeth, Deputy Community Development Director
Kristen Kapelanski, City Planner

APPROVAL OF AGENDA

**CM-11-01-003 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the Agenda as presented.**

Roll call vote on CM-1-01-003 **Yeas: Gatt, Fischer, Margolis, Mutch,
Staudt, Wrobel, Landry**
Nays: None

PUBLIC HEARING - None

PRESENTATIONS - None

REPORTS

1. MANAGER/STAFF - None

2. ATTORNEY - None

AUDIENCE COMMENT

Carol Jean Crawford – 22135 Beck Rd. – Ms. Crawford addressed traffic concerns for Grand River when Walmart opens. She said she went through the plans and attended the planning commission meeting. She was unhappy with the traffic report we received from the traffic consultant and thought it was very vague. Grand River will not be paved until 2012 and it may be years down the road before it may have improvements. Typically in other communities Walmart has had to make several road improvements. She stated she

services related to Fuerst Park Phase 1 improvements project in the amount of \$13,611.

- G. Approval to waive the Maintenance and Guarantee Bond requirement for water and sewer facilities at the Duke Office Building project, located at 21333 Haggerty Road, in Section 36 (parcel 22-36-400-019).**
- H. Acceptance of Tollgate Woods II Subdivision streets and adoption of Act 51 New Street Resolution accepting Crane Way, Steinbeck Glen, and London Court as public, adding 2,488 linear feet or 0.47 miles of roadway to the City's street system.**
- I. Approval to award an amendment to the intergovernmental agreement with the City of Farmington Hills for construction inspection services and construction staking related to the 2010 Pathway Gap project in the amount of \$1,058.**
- J. Approval of a resolution of support for the Application for Trail License on ITC Property north of 11 Mile Road adjacent to the proposed Medilodge site.**
- K. Approval to enter partnership with Crime Stoppers of Michigan for \$3,000 from State Forfeiture Funds.**
- L. Approval to award a consultant contract for Community Development Plan Review Services for Commercial, Multi-family and Industrial Projects on an as needed/as requested basis to DRN & Associates, Architects PC for an estimated annual cost of \$7,000 subject to final approval of an agreement by City Attorney and Community Development Director.**
- M. Approval of Claims and Accounts – Warrant No. 835**

MATTERS FOR COUNCIL ACTION – Part I

- 1. Approval of Resolution for Adoption of the 2011 City of Novi Economic Development Strategies/Goals.**

Mr. Pearson stated this was a review of what they had worked on and what they propose for next year. Mr. Pearson noted that Mr. Topouzian was in attendance if anyone had any questions.

**CM-11-01-005 Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:
To approve a Resolution for Adoption of the 2011 City of Novi Economic Development Strategies/Goals.**

DISCUSSION

Member Fischer said he did not have any issues with this, but wanted to make a comment that he was glad that this was being approved after the goal setting session. He noted that last year they approved this before going into goal setting session and he thought Council should have a few weeks to review the Economic Development Strategies/ Goals so that they can make more recommendations.

Member Mutch wanted to make a comment in reviewing the list of accomplishments from last year. He noted there was a particular item that Council had set as a goal last year, and that a request was provided to the City Administration to fund specifically a Master Plan Review for the Town Center/Main Street Area. Member Mutch noted Administration didn't forward it to City Council at budget time. He said Council had adopted new goals in that category prior to the creation of the upcoming budget. Member Mutch thought in his view it should have been a Council policy decision whether to fund that kind of activity or not. If there are specific items that do have funding requests attached to them, he would like to see those come to Council at budget time and then Council can decide whether to fund them or not. Member Mutch said he was a little surprised to see that it was decided without Council having an opportunity to review that request. We may or may not have funded it, but that was the Council's decision to make.

Mr. Pearson stated his recollection of it was in the blue book of budget items, and we did not recommend that,

**Roll call vote on CM-11-01-005 Yeas: Margolis, Mutch, Staudt, Wrobel, Landry
Gatt, Fischer
Nays: None**

- 2. Approval to set a public hearing for the February 7, 2011 City Council meeting on the request of Briar Pointe Plaza to amend the Briarwood of Novi Partners Consent Judgment to allow carryout restaurants and/or sit down restaurants within the existing shopping center located at the northeast corner of Ten Mile Road and Beck Road.**

Mayor Landry confirmed with Mr. Pearson that this item was on the Agenda to simply set a public hearing, not to make a decision that evening.

**CM-11-01-006 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve a public hearing for February 7, 2011 City Council meeting on the request of Briar Pointe Plaza to amend the Briarwood of Novi Partners Consent Judgment to allow carryout restaurants and/or sit down restaurants within the existing shipping center located at the northeast corner of Ten Mile and Beck Road.**

**Roll call vote on CM-11-01-006 Yeas: Mutch, Staudt, Wrobel, Landry, Gatt,
Fischer, Margolis**

- 3. Consideration of the request of Walmart Stores East LP, Inc. for Special Land Use Permit and Preliminary Site Plan approval. The subject property is located in Section 14, at the northwest corner of Eleven Mile Road and Town Center Drive, in the TC, Town Center District. The subject property is approximately 12.8 acres and the applicant is proposing to demolish portions of the Novi Town Center and construct an approximately 149,000 square foot Walmart store to include an open air area for the sale of plant material and garden supplies.**

Mayor Landry confirmed with Mr. Pearson that they would allow the applicant to make their presentation and then follow the presentation with the Administration and/or questions from Council.

Robert Matko, CESO – Mr. Matko noted the following will speak: Lindsay Huddleston PR, Bob Haber, Engelhart Realty, Jackie Cook-Haxby with SAIC, Architects and Engineers for Walmart, Tyler Tennent, Rick Zalatoris from UBS.

Mr. Matko said they will be demolishing Mervyns and replacing it with a reduced amount of square feet within the center but at approximately the same footprint. There will be shared parking with the remainder of the Town Center. They've made the drive one way on the eastbound side. They request that the garden center that protrudes into the front yard setback, line up with the other two entries. Technically it does extend into the front yard setback. They also added a loading zone to the south and that is included in the changes made to the plan per staff recommendations. He described the northwest corner of Novi Road and Crescent Blvd. and noted that the total open space exceeds the 15% requirement which is 16.06%. He cited the traffic study results and noted that Walmart accepts the results of the study. They will demolish 179,742 sq ft and construct 167,328 square feet of new development. He spoke about the traffic study results and the grading of the traffic flow. They state that it will contribute less than 5% of the traffic to the Grand River and Novi Road intersection as most patrons will enter at Crescent Blvd. They received approval from the Road Commission for Oakland County.

Ms. Cook-Haxby noted they removed the branding elements, 2 colors and rounded top entrance as it now has a squared off top of the building. She described the architecture regarding the portico remains the same and columns are red brick and outer columns are black. They received a recommendation to move the pallet area up against the back wall and have a roof and decorative fence. They provided more of a visual area for the bagging area of the landscape center. She also presented the site line study to the City Council.

Mr. Huddleston, Walmart, was asked by Member Mutch about the community impact statement with regard to the number of employees. Mr. Huddleston said that it would produce 350 jobs, but he was not certain what percent would be full time and part time jobs. Mr. Huddleston confirmed it would be a 24 hour operation. Member Mutch spoke about the need for police/fire services and the need being identical to those currently in operation. He asked if they would generate no more than others. Mr. Huddleston said they

would be consistent with that of the highest peak. Member Mutch was concerned about the 24 hour operation and what is it based on. Mr. Huddleston replied that they base it on a peak and past experiences. Member Mutch asked about the how many truck deliveries, they had and how long on they were on site. Mr. Huddleston said their system is based on need and their managers were very responsive to issues impacting the community as they don't allow idling trucks. Member Mutch wondered if they would they allow parking of RV's? Mr. Huddleston replied they would allow it if the City's Ordinance allows it.

Member Mutch asked Ms. McBeth about landscaping issues related to garden center locations. He asked if the protrusion is allowed any other locations. Ms. McBeth replied that Home Depot had a garden center and it did not protrude, also the Kmart garden center didn't protrude and neither did the ACO. Community Development recommendation was to have it line up with the rest of the store. Member Mutch questioned the screening above the 6 ft level, and what type of fencing it would have. The Architect said it was a combined total of 12 feet. Member Mutch stated it would be a 6 ft wall and 6 feet of fence. Regarding parking lot setbacks on south and east side, there were a number of instances where the parking lot setback was not provided. Ms. McBeth pointed those out. Member Mutch also asked about them meeting the landscape requirements. Ms. McBeth believed it would be maintained and supplemented with additional landscaping. Mr. Beschke noted it is a decorative fence with clusters and that it does meet the ordinance and that brick on brick is an option in the ordinance. Member Mutch and Ms. McBeth discussed that that the 11 Mile and Crescent had a retaining wall with a seating area. Member Mutch asked about the parking lot lighting. Ms. McBeth replied that this will be consistent with other lighting. Member Mutch asked Rod Arroyo about some traffic issues and specifically the landscape planters at the front of the store and if they create a site line problem for pedestrians exiting the stores. Mr. Arroyo said they will look at those in the final site plan. Member Mutch also asked about the northerly area where the sidewalk narrows quite a bit. He said that Kroger at Grand River and Beck has traffic issues as patrons exit the store. Member Mutch wondered if we move the front of the garden center back, will that fix the site issues. Mr. Arroyo noted the main issues were solved with no westerly traffic in that area near the Garden Center. Mr. Arroyo also noted the offsite signalized intersections; the maximum cycle life will need to be increased in length. The applicant has already contacted the Road Commission for these changes. Ingersoll Drive needs to be restriped for a center turn lane. Since Grand River and Novi Road is the most stressed intersection, it was important to remember the proposed ring road at Fonda Drive in the northwest quadrant. Member Mutch noted that of the 5 recommendations, there are 2 that Walmart could do themselves. Mr. Arroyo made a statement that Walmart would be willing to pay for signalization improvements. Discussion was held that if the ring road were in place, signal and phasing adjustments would have significant impact at the Novi and Crescent Drive intersection. Member Mutch also mentioned the drive that heads north to Steve and Rocky's may be used to get to approximately the front of the store and wondered if that would be an issue. Mr. Arroyo said if the intersection of Town Center and Grand River is functioning better, the other road would have less use. Mr. Arroyo noted it was important to go on record that the increase is going to occur at that road and while the owner of the road did not object, there will be an increase as it wasn't included in the site plan or study. It wasn't included in the original site plan, but it is now. Member Mutch noted traffic flow will change throughout the

entire Town Center now. Member Mutch asked about the 90 degree parking. Mr. Arroyo stated if this was a new site, he would not recommend it. Walmart has addressed the vast majority of issues making it sufficient and reasonable. Member Mutch asked about the north-south traffic flow that never existed before, he asked if this was safe and proper for how the center will operate in the future. Member Mutch felt that we didn't anticipate this amount of re-development in that area and felt the need to review the ordinances. He asked if this will create an issue with setbacks if they grant an easement or Right-of-way and then want to make some type of improvements to the store. Ms. McBeth said either accepting dedication of Right-of-way or licensing agreement. Regarding the issue on the driveway on the south side, Member Mutch felt that he didn't know the answers to the police and fire needs with a 24 hour retail operation and wondered if it would have a completely different impact on city services. Without the full range of improvements at the center, he was concerned about mitigating those traffic impacts and not creating traffic gridlock in those areas. Member Mutch suggested in the future, that any 24 hour store at this scale should be treated as a special land use because they have a completely different impact on the City.

Member Margolis asked about the Garden Center and asked Ms. McBeth what the downside or issue was having it in this configuration. Ms. McBeth said it was primarily aesthetics. Member Margolis noted the screening mitigates this and becomes part of the façade including the decorative fencing. Member Margolis asked why they need the garden center to be projecting into the front of the store. Ms. Cook-Haxby responded it is felt to be a continuation of the front side of the building and not to have it pulled back showing that the garden center is open and fully stocked. Member Margolis stated with the façade, would anything be seen? Ms. Cook-Haxby noted there would be 8 foot racks behind the screen. Member Margolis noted their job was dealing with this piece of land in the southwest quadrant and she felt the items were addressed.

Mayor Pro Tem Gatt asked about retail centers moving their merchandise into the parking lot area and she stated it is not their intent and will be kept within the garden center area of the store. Ms. Cook-Haxby responded that they intend to keep the garden items contained within the fenced in area that is attached to the building. He also asked the Police Chief about the impact of a 24 hour center and if he spoke with other Police Chiefs that have Walmart. Chief Molloy noted there would be an increase for service calls and they are looking at adjacent communities. Mr. Huddleston stated they do have on site security and asset protection.

Mayor Landry felt it was important for the public to understand what was being reviewed by Council. This is not a rezoning, but totally different and big box retail is a principal permitted use. A large scale retailer was offering to come in and this is exactly where they are permitted. Some issues can be addressed but this is not a question of whether, but what it will look like. We will address two items; the special land use and the site plan issue. He noted that an issue spoken about related to a pop out area. He has no issue with that. Certainly we want any business that comes to the community be successful. He has no problem with special land use. He noted the applicant has done a fine job of working with the City. The all brick building fits in with the rest of the Town Center. Mayor Landry asked

if the Town Center were full and another big box store came in, would it generate any more traffic? Mr. Arroyo replied it would not be significantly different. This is a principal permitted use and he felt it would be a shot in the arm for the Town Center. We've heard no objections from existing businesses. Final approval must be given by the ZBA for their variances needed.

Member Wrobel asked about the ring road and eliminating the first entrance making a left turn that drives forward and ends at Bonefish Grill and wondered if no left turns should be adopted at that turning point. Mr. Arroyo said the study showed that it should operate acceptably. Member Wrobel asked about Town Center Drive and Grand River Ave. to 11 Mile Road, with that being the primary entrance to Walmart, and asked if there would be any issue with the fire vehicles entering and exiting. Mr. Arroyo replied that it was not a problem. Member Wrobel wondered if additional signalization would be needed at the Town Center and 11 Mile intersection. Mr. Arroyo thought a roundabout at that location might be a good option there. Mr. Arroyo said a traffic signal was not warranted there. Member Wrobel asked about Grand River and its condition, in which Mr. Pearson stated it needs to be reconstructed now. Rob Hayes was just successful in getting it on to a federal list, but the best case is 5 years out. We do not have any monies programmed for that, so we will have to wait and put Grand River on the list of road projects that we want to see accomplished. Member Wrobel wondered how quickly Grand River will deteriorate based on the additional traffic going through there on a daily basis. Rob Hayes stated it was hard to estimate how fast it would deteriorate. Grand River is already past its useful life now and we are hoping it can extend another few years until we have the federal funds to reconstruct the road.

Member Fischer noted we want to portray an image of quality and character in that area. He reiterated that it is a principal permitted use. He asked about the bale and pallet storage and asked why it is not part of special land use. Ms. McBeth's staff is happy with the proposed product. Member Fischer asked if there will have an auto care center. Mr. Huddleston replied that it will not have a car servicing center. Member Fischer wondered if they were able to come up with an answer to the question at the Planning Commission meeting on what the average number of customers per year was. Mr. Huddleston replied he was unable to get a number, but will be diligent in trying to get a number. Member Fischer asked about parking ratios. Ms. McBeth stated it does meet the ordinance requirements if you look at development as a whole. She said there was a total of 2,762 spaces on the entire site and 665 on Walmart site and they meet the standard for the overall site. Kristen Kapelanski stated there are several hundred spaces in excess of what the parking would be required for an establishment of this size. Ms. Kapelanski said there will be shared parking agreements in place between the Town Center as a whole and the Walmart parcel so we would expect that if there is any overflow parking that could use other areas of the Town Center. Ms. Kapelanski said the 4.35 ratio is specifically for the Walmart site. Mr. Fischer said that the preferred ratio is usually 4.5 to 5 and wondered if that was a city expectation or is that a Walmart expectation. Ms. McBeth said the City has its own standard and it was consistent with what Walmart hoped to have. Mr. Arroyo noted the relationship between parking and traffic is such that the traffic impact study assumes that there is adequate parking. Mr. Arroyo said it's fair to say there'll be certain times of the

year when retail centers are peaking, there will be times when people will enter the lot and be unable to find spaces and have to seek other spaces within the Town Center area. He believed that would not be a typical situation, but will only occur during peak times. Retail centers are not generally studied for their peak times of year. Member Fischer asked what areas the traffic backups would impact. Mr. Arroyo said it would have to be significant before it would impact Grand River and Novi Road. The advantage of the Walmart parcel is that it is surrounded by the Town Center and that area would be most impacted and he did not anticipate that it will spill over to the adjacent Novi Road and Grand River. The traffic study has told us what the anticipated delay levels will be and Mr. Arroyo thought they were reasonable estimates. Member Fischer said he was concerned with causing traffic congestion near the Fire Station 1 on Grand River. Member Fischer asked Mr. Schultz if the City should look at the shared parking agreement before approving a site plan. Mr. Schultz replied that those are agreements that they usually see at the time of the final site plan.

Member Staudt noted he was satisfied with the answers and the balance of safety and good information has to be weighed with economic benefit, he sees as acceptable. Member Staudt asked if there would be a high level of parking lot safety. Mr. Huddleston replied asset protection will be accessible inside and outside. Member Staudt wondered whether their parking lots were at a higher risk of criminal activity than any other 24 hour operation. Mr. Huddleston felt they were safe locations not just in the immediate area, but throughout the country.

Mayor Landry asked about his commitment to taking the recommendations of our Police Department seriously. Mr. Huddleston stated they will work with the municipality.

**CM-11-01-107 Moved by Margolis, seconded by Gatt. MOTION CARRIED: 5-2
To approve the request of Walmart Stores East LP, Inc., SP10-42A
for the Special Land Use Permit subject to the following:**

- **The proposed use will not cause any detrimental impact on existing thoroughfares, due to the fact that the proposed outdoor garden center totals less than 6% of the total square footage of the store and is accessory to the main use.**
- **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, due to the fact that the proposed garden center will not generate a substantial amount of noise or other adverse impacts.**
- **The proposed use is consistent with the goals, objectives and recommendations of the City's Master Plan for Land Use.**
- **The proposed use will promote the use of land in a socially and economically desirable manner.**
- **The proposed use is in harmony with the purposes and conforms to the applicable site design regulations of the**

zoning district in which it is located as noted in the staff review letters: and

b.) With regard to the open air business use (City Council recommends the Zoning Board of Appeals grant a variance to allow the open air business use to project into the front yard (Planning Commission recommendation)

c.) Compliance with all conditions and requirements listed in the staff and consultant review letters.

This motion is made because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.

DISCUSSION

Member Fischer mentioned he had an issue with the Zoning Board of Appeals section that he would prefer the applicant revise the plan so that the garden center would not protrude out in front yard which was what the staff recommended. If they are willing to change that he would be willing to support the motion, other wise he will be voting no.

Roll call vote on CM-11-01-007

Yeas: Staudt, Wrobel, Landry Gatt, Margolis

Nays: Fischer, Mutch

CM-11-01-008

Move by Gatt, seconded by Margolis, MOTION CARRIED: 6-1

To approve the request of Walmart Stores East LP, Inc., SP 10-42A for the Preliminary Site Plan and amended to include applicant paying for any signalization changes noted in the traffic study to be coordinated with the Road Commission for Oakland County, subject to the following:(a) With regard to the open air business use City Council recommends the Zoning Board of Appeals grant a variance to allow the open air business use to project into the front yard (Planning Commission recommendation) (b) A permitted reduction of the interior side yard (north) building setback to 0 feet because (1) A reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the City as related to the use of the premise or adjacent premises; (2) Waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and (3) The adherence to a minimum required setback would result in the establishment of non-usable land area that could create maintenance problems; (c) The Zoning Board of Appeals granting variances for the lack of parking setbacks in all yards; (d) The Zoning Board of Appeals granting a variance for the eastern loading zone location;

- (e) The Zoning Board of Appeals granting a variance for the southern loading zone location;**
- (f) The Zoning Board of Appeals granting a variance for the location of the trash compactor in the east yard;**
- (g) The Zoning Board of Appeals granting a variance for the property line illumination levels;**
- (h) The Zoning Board of Appeals granting a variance for the bale and pallet storage area location;**
- (i) A Section 9 waiver for the overage of metal (1 %- 8% provided, 0% allowed), and for the use of non-copper colored standing seam metal on these areas;**
- (j) Compliance with all conditions and requirements listed in the staff and consultant review letters.**

This motion is made because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 and all other applicable provisions of the Zoning Ordinance.

DISCUSSION

Member Mutch questioned whether we should highlight that the applicant agrees to pay for signalization changes required by RCOC. Mr. Schultz felt it would happen through the process, but it was an amendment to the motion that was accepted by the maker and seconder of the motion. Member Mutch also asked about the queuing lines. Mr. Arroyo hesitates to prohibit inbound left turns that would force drivers to the next cut through. He suggested looking at signal timing and other lane signage not to block the driveway. While Member Mutch appreciates the fact that Walmart is investing in the community and for the site plan approval, he cannot support the proposal for two reasons. He stated that he felt we had to practically drag it over the finish line as they presented the plan at the planning commission and he appreciated that they changed it. The other issue is that for the size of the development and the hours of operation, they've brought very little to the table to help address the impacts of the development. Other private developers have gone much further with road improvements such as improving capacity along Grand River.

Roll call vote on CM-11-01-008

**Yeas: Wrobel, Landry, Gatt, Fischer, Margolis,
Staudt**

Nays: Mutch

- 4. Consideration of the request of Novi Town Center Investors, LLC for Preliminary Site Plan approval. The subject property is located in Section 14 near the northwest corner of Eleven Mile Road and Town Center Drive, in the TC, Town Center District. The subject property is approximately 35.7 acres and the applicant is proposing to construct an approximately 17,500 square foot retail building to connect the existing Novi Town Center to the proposed Walmart store.**

Matt Quinn appeared on behalf of the Novi Town Center Investors regarding what they call the X.1 store which will be the “connector” to the Walmart. It will consist of a 17,500 square foot building which could be divided up between 5 and 7 tenant locations. The parking for the building will be shared and they will need variances similar to Walmart. There will be parking lot set backs, building set backs, lighting at the property line. The dumpster will also need a variance, but the major issue is the parking. Mr. Quinn said the Town Center had revised the parking, X.1 parking to the Walmart moved in accordance with Mr. Arroyo recommendations. They added 3 stop signs and stopping bars to locations. They are retaining the parking spots that are in front of X.1. Those parking spots are very important to the lease out of building X.1 to the extent that it would be an economic detriment to the lease ability of those tenants who will need the adjacent parking. Mr. Quinn mentioned they have a façade approval, but they need Section 9 waiver. They also have fire approval, landscape approval recommendation, and engineering recommendation. The only issue is the traffic. Mr. Quinn said that the recommended action, item F, he would propose that the motion is changed and stops after shifting two handicapped spaces to the north, and then the balance of item F should be deleted. He said UBS and The Simon Group are in the retail business and they know what works and what doesn't. Mr. Quinn noted by leaving the 5 parking spots, the City incurs no liability and in fact, his client would not incur any liability as they stated at the Planning Commission meeting. Mr. Quinn noted that Mr. Clear, Manager at the Town Center has never had an accident reported to him from any of these parking spots. The Novi Town Center is spending millions to re-develop this center. They are losing money on this expansion at the moment. They hope to make it in the future because of the ability to lease again what is being re-created.

Member Margolis questioned what the concern was exactly with those 5 parking spaces. Mr. Arroyo replied that the possibility exists for more traffic since the area that was a dogleg will now go through south to the Walmart Center. There is a skewed intersection, increased traffic and additional parking maneuvers taking place within the intersection. The plan that was distributed to City Council is an improvement over what was initially proposed. Member Margolis appreciated the applicant making the changes and for their willingness to make this reconfiguration and recognizes the value of those spaces as a business person. Member Margolis said she would be comfortable with this configuration.

CM-11-01-009 **Moved by Margolis, seconded by Fischer; MOTION CARRIED: 6-1**
To approve the request of Novi Town Center Investors, LLC SP10-41 for the Preliminary Site Plan subject to the following:
(a) A permitted reduction of the interior side yard (north) building setback and exterior side yard (east) building setback to 0 feet because (1) A reduction in setback, or waiver of a setback altogether, will not impair the health, safety or general welfare of the City as related to the use of the premise or adjacent premises; (2) Waiver of the setback along a common parcel line between two premises would result in a more desirable relationship between a proposed building and an existing building; and (3) The adherence to a minimum required setback would result in the

establishment of non-usable land area that could create maintenance problems;

(b) The Zoning Board of Appeals granting variances for the lack of parking setbacks in the interior side yard (north) and exterior side yard (east);

(c) The Zoning Board of Appeals granting a variance for the loading zone location;

(d) The Zoning Board of Appeals granting a variance for the location of the dumpster;

(e) The Zoning Board of Appeals granting a variance for the property line illumination levels;

(f) The applicant providing modifications to the plan at the time of Final Site Plan Review as recommended by the city's traffic engineer, including shifting two handicapped spaces to the north.

(g) A Section 9 waiver for the underage of brick, the overage of concrete "c" brick on the east facade and the use of non-copper colored standing seam metal;

(h) The applicant confirming materials consistent with the Town Center design will be used on the south facade in the event the Walmart is not constructed; and

i) Compliance with all conditions and requirements listed in the staff and consultant review letters.

This motion is made because the plan is otherwise in compliance with Article 16, Article 24 and Article 25 and all other applicable provisions of other Zoning Ordinance.

DISCUSSION

Member Mutch did not support the motion due to the configuration.

Roll call vote on CM-11-01-009

**Yeas: Landry, Gatt, Fischer, Margolis, Staudt
Wrobel**

Nays: Mutch

AUDIENCE COMMENT – None

MATTERS FOR COUNCIL ACTION – Part II - None

COMMITTEE REPORTS - None

MAYOR AND COUNCIL ISSUES - None

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION - None

AUDIENCE COMMENT – None

ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 9:17 P.M.

David Landry, Mayor

Maryanne Cornelius, City Clerk

Transcribed by Deborah Aubry

Date approved: January 24, 2010