

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
MONDAY, AUGUST 13, 2012 AT 7:00 P.M.  
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

**ALSO PRESENT:** Clay Pearson, City Manager  
Victor Cardenas, Assistant City Manager  
Tom Schultz, City Attorney  
Barb McBeth, Deputy Community Development Director

**APPROVAL OF AGENDA:**

**CM-12-08-126 Moved by Wrobel, seconded by Margolis; CARRIED UNANIMOUSLY:**

**To approve the Agenda as presented.**

<b>Roll call vote on CM-12-08-126</b>	<b>Yeas:</b>	<b>Staudt, Casey, Fischer, Margolis, Mutch, Wrobel, Gatt</b>
	<b>Nays:</b>	<b>None</b>

**PUBLIC HEARING - None**

**PRESENTATIONS - None**

**REPORTS:**

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

**AUDIENCE COMMENT – None**

**CONSENT AGENDA REMOVALS AND APPROVALS: (See items A-Q)**

**CM-12-08-126 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve the Consent Agenda with the removal of item O. for Council action.**

- A. Approve Minutes of:
1. July 23, 2012 – Regular meeting

- B. Approval of transfer of ownership of an escrowed 2011 Class C licensed business with Dance-Entertainment Permit, located at 42050 Grand River, Novi, MI 48375, Oakland County from Jamma Associates, Inc. to Wasabi Japanese Sushi & Steakhouse, Inc. (Step 2).
- C. Approval of appointment of Jane Keller (Employee Delegate) and Victor Cardenas (Officer Delegate) as the 2012 City of Novi representatives to attend the annual Municipal Employees Retirement System (MERS) Conference to be held October 3 – October 5, 2012.
- D. Approval of Zoning Ordinance Text Amendment 18.260, to amend the City of Novi Zoning Ordinance, in order to update and make consistent ordinance language pertaining to automobile repair and maintenance-related uses by revising the definitions provisions in Article 2, Construction of Language and Definitions, Zoning Districts and Map, Section 201, Definitions; by adding to off-street parking provisions in Article 25, General Provisions; and by replacing language in various district regulations for the B-2, B-3, TC and TC-1, FS and I-1 Districts. **Second Reading**
- E. Approval of Sign Ordinance Text Amendment 12-100.42, an ordinance to amend Chapter 28, "Signs," of the City of Novi Code to update language pertaining to gasoline station and automobile repair uses. **Second Reading**
- F. Approval of Resolution seeking reimbursement from Oakland County for expenses associated with the annual Mosquito Control Project (estimated at \$7,600).
- G. Acceptance of Citygate and adoption of Act 51 New Street Resolution accepting Citygate as a public street, adding 0.06 miles of roadway to the City's street system.
- H. Approval to award an amendment to the engineering services agreement with Orchard, Hiltz & McCliment, Inc. for construction engineering services related to the 2012 Parking Lot Improvements project at Novi Ice Arena (access drive and parking lot), Ella Mae Power Park (access drive and south parking lot), Fire Station 1, and Police Headquarters (east parking lot) in the amount of \$83,727.
- I. Approval to award an amendment to the engineering services agreement with Spalding DeDecker Associates, Inc. (SDA) related to the 2012 Capital Preventative Maintenance road program in the amount of \$15,713.
- J. Approval of Traffic Control Order 12-21 requiring westbound Citygate to stop at Beck Road.
- K. Acceptance of a portion of Declaration Drive adjacent to Liberty Park Single-Family Phases 1 and 2 (between 12 Mile Road and the clubhouse), adoption of Act 51 New Street Resolution accepting this portion of Declaration Drive as

public, adding 2,136 linear feet or 0.40 miles of roadway to the City's street system, and acceptance of sidewalk and drainage easements along 12 Mile Road and assignment to the Road Commission for Oakland County.

- L. Acceptance of Liberty Park - Single-Family Phase 1 Subdivision streets and adoption of Act 51 New Street Resolution accepting Stockton Drive; Lafayette Drive; Revere Drive; and Paine Drive as public, adding 0.64 miles of roadway to the City's street system.
- M. Approval of Traffic Control Orders 12-22 through 12-29 for traffic control signs along Declaration Drive and within Liberty Park Single Family Phase 1.
- N. Approval of the request of the applicant, ACR Investments, for a one-year extension to the termination date provided in the PRO Agreement for Triangle Place, SP07-22, a 2,575 square foot office or retail development, proposed to be located on a 0.48 acre parcel of land located on the east side of Haggerty Road, north of Eight Mile Road.
- O. Approval of the request of the applicant, Walmart Stores East LP, Inc., for SP10-42, a revised landscape plan for the east portion of the site, bordering Town Center Drive. 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 has constructed an approximately 149,000 square foot Walmart store. The applicant has installed landscaping in accordance with the previously-approved plan. The applicant has now proposed additional landscape screening between the loading zone and Town Center Drive to confirm the sufficiency of the planting plan in lieu of a decorative wall or fence. **REMOVED FOR COUNCIL ACTION**
- P. Approval of an exception from the requirements for a Completion Agreement under Section 1-12 of the City Code to allow completion of development on Lot 38 of the Beck North Corporate Park in accordance with Site Plan SP06-58 with the following conditions:
  - Renewal of all expired permits
  - A new Preconstruction Meeting will be required with City staff and consultants prior to start of work
  - The developer pays for any additional consultant fees required due to the lapse in construction on the site
  - A completion agreement will be required if any portion of the project remains incomplete after February 15, 2013
- Q. Approval of Claims and Accounts – Warrant No. 873

**Roll call vote on CM-12-08-126**

**Yeas: Casey, Fischer, Margolis, Mutch,  
Wrobel, Gatt, Staudt**

**Nays: None**

**MATTERS FOR COUNCIL ACTION**

1. Approval of the request of Beck Ten Land, LLC for ZCM12-02 with Zoning Map Amendment 18.701 to rezone property in Section 20, on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay and to approve the corresponding concept plan and PRO agreement between the City and the applicant. The property totals 24.24 acres and the applicant is proposing a 38 unit single-family residential development.

City Manager Pearson said that this item has been to Council once for the concept. This is in conformance with that. This actual agreement is the last step for Council with the Planned Rezoning Overlay for this all-residential development at the northwest corner of Beck Road and Ten Mile Road.

Member Margolis wanted to clarify the one change that was made from the preliminary approval was the Stormwater Management. City Manager Pearson said, as they viewed the design to accommodate earlier comments, the Stormwater basin shifted a slightly negligible amount. It didn't change the number of units or anything else of substance.

**CM-12-08-127      Moved by Margolis, seconded by Wrobel; MOTION CARRIED: 6-1**

**To approve the request of Beck Ten Land, LLC for ZCM12-02 with Zoning Map Amendment 18.701 to rezone property in Section 20, on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-Family Residential with a Planned Rezoning Overlay and to approve the corresponding concept plan and PRO agreement between the City and the applicant.**

**Roll call vote on CM-12-08-127      Yeas: Fischer, Margolis, Wrobel,  
Gatt, Staudt, Casey  
Nays: Mutch**

2. Consideration of the 2013 City Council Meeting Calendar.

**CM-12-08-128      Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve of the 2013 City Council Meeting Calendar.**

**Roll call vote on CM-12-08-128      Yeas: Margolis, Mutch, Wrobel, Gatt,  
Staudt, Casey, Fischer  
Nays: None**

3. Approval to award a construction contract for the 2012 parking Lot Improvements project at Novi Ice Arena (access drive and parking lot), Ella Mae Power Park (access drive and south parking lot), Fire Station 1, and Police Headquarters (east parking lot) to Nagle Paving Company, the low bidder, in the amount of \$818,066.

City Manager Pearson said this is for existing infrastructure for a number of City facilities. After looking at the design work, there was more reconstruction than we had anticipated. The dollar amounts are more on the project than we had originally anticipated. It involves not only the parking lots but some drive access roads. We prefer to keep up our City facilities and not to defer the maintenance.

**CM-12-08-129 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve the award of a construction contract for the 2012 parking Lot Improvements project at Novi Ice Arena (access drive and parking lot), Ella Mae Power Park (access drive and south parking lot), Fire Station 1, and Police Headquarters (east parking lot) to Nagle Paving Company, the low bidder, in the amount of \$818,066.**

**Roll call vote on CM-12-08-129**

**Yeas: Mutch, Wrobel, Gatt, Staudt,  
Casey, Fischer, Margolis  
Nays: None**

4. Approval to award a construction contract for the 2012 Capital Preventative Maintenance road program to Cadillac Asphalt LLC, the low bidder, in the amount of \$159,869.

**CM-12-08-130 Moved by Margolis, seconded by Mutch; CARRIED UNANIMOUSLY:**

**To approve the award of a construction contract for the 2012 Capital Preventative Maintenance road program to Cadillac Asphalt LLC, the low bidder, in the amount of \$159,869.**

**Roll call vote on CM-12-08-130**

**Yeas: Wrobel, Gatt, Staudt, Casey,  
Fischer, Margolis, Mutch  
Nays: None**

5. Approval of Second Amendment to Consent Judgment in Adams v City of Novi, Case No. 12-124813-CZ, relating to billboards along I-96.

City Manager Pearson said it is an amendment to an existing Consent Judgment that governs several billboards along I-96. City Attorney Schultz has worked with the representatives of Adams Sign Company to come to mutual agreements on the amendments.

Member Mutch spoke about the language within the Second Amendment and how it applies to the First Amendment that Council had approved previously. He noted that the First Amendment had language that governed the duration that the digital signs could operate and the length of times at which they change to follow the ordinance requirements. He asked City Attorney Schultz if the new digital signs would be governed the same way with the included modifications. City Attorney Schultz said the only thing that changes is the height and size of the sign and everything else is expected to be the same. Member Mutch confirmed with Mr. Schultz that there was some additional language discussed between Mr. Schultz and the attorney for the sign company within the last twenty-four hours that would be incorporated in the motion. It is not often we get to see billboards come down. We are usually fighting with the sign companies who want to add additional billboards. It is a positive step forward.

**CM-12-08-140 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve of Second Amendment to Consent Judgment in Adams v City of Novi, Case No. 12-124813-CZ, relating to billboards along I-96 with the modified language as referenced by the City Attorney.**

**Roll call vote on CM-12-08-140**

**Yeas: Gatt, Staudt, Casey, Fischer,  
Margolis, Mutch, Wrobel  
Nays: None**

6. Approval of Zoning Ordinance Text Amendment 18.255 to amend the City of Novi Zoning Ordinance at Article 23A, "OST Planned Office Service Technology District" Section 2302A, "Retail Service Overlay Uses Permitted Subject to Special Conditions" in order to expand the areas where the Retail Service Overlay is permitted to the area east of M-5 and north of Twelve Mile Road. **Second Reading**

City Manager Pearson said there have been some changes. Deputy Community Development Director McBeth gave a brief overview of the changes. The City Council approved the first reading to add retail service Overlay provisions to the area north of Twelve Mile and east of M-5 at the July 23, 2012 Council meeting. In addition to the current uses permitted in the retail service overlay district, such as retail businesses, personal service establishments and sit-down restaurants, for this area described, limited drive through restaurants would also be permitted. City Council's approval of the first reading followed considerable discussion at three Planning Commission meetings, and following the City Councils' initial referral to the Planning Commission back in April. At the First Reading, City Council asked for additional provisions to be added to the ordinance, specifically related to the number of drive-through restaurants that might be

permitted and the style of these restaurants. Staff is proposing modifications to accommodate some of these concerns. First, only one fast food drive-through restaurant shall be permitted at each intersection of either a minor arterial, arterial or major arterial and non-residential collector street. The map illustrated possible locations of retail service overlay uses and three potential locations for fast food drive-through restaurant uses. This map is based on current parcel configurations and in the future there could be changes to the parcel configurations or to the road lay outs that might allow additional drive-through restaurants. She noted that detached sit-down restaurants wouldn't have the same limitations because of the retail service overlay provisions. An additional provision that staff had considered was limiting the hours of operation of the drive-through restaurants to the hours between 6 a.m. till 10 p.m. This provision was considered in support of the idea that the restaurants will primarily serve the nearby OST office park uses. Staff decided to remove that provision. They received a letter from the applicant that it was a concern. Staff included a memo in the packet from the main property owner in this area in support of the approval of the second reading of the ordinance as drafted.

Member Fischer asked why MacKenzie Drive and Lewis Drive near Haggerty Road are not included and what part of the ordinance excludes them as part of the Overlay. Ms. McBeth said they are not included because there are residential developments in Farmington Hills across Haggerty Road. One of the provisions is to provide a distance between the Retail Service Overlay provisions and the residential areas. Member Fischer thanked staff for all the time and effort they had put into this. It is an interesting topic from some of the discussions they had at Grand River and Beck Road. The landowners at these intersections were looking for some relief in this area. He thought it was a great compromise between staff, property owners, and Council.

**CM-12-08-141            Moved by Fischer, seconded by Margolis; CARRIED UNANIMOUSLY:**

**To approve the Second Reading of the Zoning Ordinance Text Amendment 18.255 to amend the City of Novi Zoning Ordinance at Article 23A, "OST Planned Office Service Technology District" Section 2302A, "Retail Service Overlay Uses Permitted Subject to Special Conditions" in order to expand the areas where the Retail Service Overlay is permitted to the area east of M-5 and north of Twelve Mile Road**

Member Mutch clarified that the language would allow fast food uses on any one of the specific parcels and it would matter who would come in first that gets the intersection and no one else gets to utilize the adjacent properties for fast food drive-through use. Ms. McBeth said that there would be one opportunity per intersection. Member Mutch said he thought that captured what he was looking for. He didn't want to see clustering or a row of fast food restaurant uses in this area. He thought the applicants had talked about the need and this addresses the drive-through use need without it proliferating. At the same time it allows for a limited amount of Retail Service Overlay uses. He thought what they have presented has addressed the concerns he had and is willing to support it. He thought by not allowing a significant number of

those uses in this area, they have accomplished what they have sought to do with these ordinance changes.

**Roll call vote on CM-12-08-141**

**Yeas: Staudt, Casey, Fischer, Margolis,  
Mutch, Wrobel, Gatt**

**Nays: None**

7. Approval of Zoning Ordinance Text Amendment 18.256 to amend the City of Novi Zoning Ordinance at Article 16, "TC and TC-1 Town Center Districts" Section 1600, "Intent" and Section 1602, "Principal Uses Permitted Subject to Special Conditions" in order to permit drive-through restaurants in the TC-1 Town Center Zoning District. **Second Reading**

City Manager Pearson this is a major addition to the text amendment for the Town Center centered on Novi Road and Grand River. Deputy Community Development Director McBeth was asked to give an overview and update on what was done from last time. Ms. McBeth said City Council approved the first reading of this amendment to add drive through restaurants to the TC-1 District at the July 23, 2012 Council meeting. That approval came following considerable discussion at three Planning Commission meetings, and following the City Council's initial referral of the matter to the Planning Commission earlier in the year. At Council's First Reading three weeks ago, the City Council expressed an interest in revisions to the amendment to include further limiting the potential fast food drive-through locations in the TC-1 District and addressing the 'style' or 'type' of the fast food drive-through that might be permitted. The ordinance has been revised for Second Reading. The first revision that was added was that no parcel with a drive-through restaurant should be located closer than 150 feet from any other parcel with a drive-through restaurant. The Panera parcel may be eligible for a drive-through restaurant if this is passed and the property on the west side of Flint Street at Grand River may also be eligible. There is also one additional location further to the east side of Main Street and south of Grand River. Another potential location for a drive-through restaurant in the TC-1 district is the Main Street Court building on the east side of Novi Road and south of Main Street that would meet the frontage and distance requirements that is provided in the ordinance. The restriction of the 150 feet was designed to help prevent proliferation of drive-through restaurants in the TC-1 zoned area. As the parcels are currently described and defined, staff noted that up to potentially four drive-through restaurants could be in this area. As time progresses and property ownership changes, consolidation, and new roads, there may be additional opportunities for drive-through restaurants in this area. Second, the ordinance was further modified to build on the discretionary approval allowed per the special land use considerations for any site plan approval for a drive-through restaurant. In addition to that discretionary approval, a line was added that the Planning Commission would also be asked to make a finding that the proposed development would be compatible with the surrounding developments. This adds an additional layer of discretion that City Council was indicating would be important. The other ordinance provisions remain as approved at the first reading, including the previously proposed standards for drive through restaurants to be located on a parcel with at least 200 feet of frontage on an



arterial road as well as frontage on a non-residential collector road, and requirements that driveway access to drive-through restaurants be provided only from a non-residential collector road, with certain allowances based on the findings of a Full Traffic Impact Statement.

Matthew Quinn, Attorney representing City Center Management, said it will be difficult to comply with the ordinance but thought they could make it happen. This will allow the Panera store to remodel and go through the special use process to comply. The other possible site has a possibility of going through also. He heard for the first time about Main Street Court. It is another one of his clients. They have no intention of changing it. They are coming in for a liquor license to revitalize the club again. He thanked the staff and Council for working through this ordinance change. It will allow for the economy of the downtown area to stabilize, to revive, and to get a long-term lease with Panera. Maybe, another piece of property can be sold and developed. The ordinance form is acceptable; the language that was deleted from the last draft was part of some of the objections that we put forward. They seemed too restrictive to a typical business like this. Hopefully, this will be adopted and we can move forward.

**CM-12-08-142            Moved by Casey, seconded by Fischer; MOTION CARRIED: 6-1**

**To approve the Second Reading of the Zoning Ordinance Text Amendment 18.256 to amend the City of Novi Zoning Ordinance at Article 16, "TC and TC-1 Town Center Districts" Section 1600, "Intent" and Section 1602, "Principal Uses Permitted Subject to Special Conditions" in order to permit drive-through restaurants in the TC-1 Town Center Zoning District.**

Member Mutch was concerned about the number of locations. He knew that staff had made modifications that have attempted to address that. He was not sure he was comfortable with the language as it currently stands. What was done with the previous ordinance language, in terms of limiting the number of locations, was what he was seeking to have happen with this as well. He recognized Mr. Quinn spoke for the potential property owners and indicated that's not going to be converted, but we are putting ordinance language in place for the long term. His concern was property consolidation or change of uses or redevelopment of parcels that we are going to see additional locations potentially open up for fast food uses. Like he said at the previous meeting, McDonald's, Burger King or Taco Bell who would perceive this as a valuable location would be willing to go much further than a typical retail or restaurant applicant in terms of tear down and redevelopment. We want to have businesses investing in our community. We want those in the appropriate locations. He thought the one element that doesn't work is the distance. The 150 feet between uses doesn't limit the number of locations that potentially could be converted for these drive-through uses. He would prefer to have something of a greater distance with more separation between the uses. Ultimately, limiting the number of potential drive-through fast food restaurants in this district. He fully supports the intent of the ordinance amendment to allow the Panera to come in. He didn't want to open the door for a number of other uses that could potentially utilize this language to accomplish that.

Member Fischer asked Deputy Community Development Director McBeth if there were any thoughts to finding ways to further limiting the number of uses and what has the City done to take those considerations seriously. Ms. McBeth answered that Panera Bread may be the first restaurant to come to have the drive-through. We started at the corner of Flint Street and Grand River and identified that parcel as the first location with the idea with a minimal amount of separation between the uses. It was determined that 150 feet would be appropriate to help avoid all four corners of the intersection being able to have a drive-through facility. It would not limit the property on the southwest corner of Grand River and Flint Street because that area was also identified as a possible location. Once staff looked at that, they realized that those two provisions helped limit the total number. Main Street Court was another location identified for possible future use, but would be subject to modifications to the site plan review and approval process. Additionally, a parcel at Main Street and Grand River would qualify, but it is currently the parking lot for an existing development. The staff is not anticipating that it would make a turnover at any point in the near future. Those locations were identified. This area does not have the same proportions as the Haggerty Corridor Corporate Park. These were the provisions that we determined would make sense and would still limit the total drive-through restaurants. Member Fischer asked if the southeast corner of Novi Road and Grand River being 150 feet from the Panera prohibits the retail strip from being redeveloped. Ms. McBeth said it is clearly within 150 feet of the Panera Bread parcel. It also does not have the 200 feet of frontage on either Grand River or Novi Road and it does not have any access to a collector street. Member Fischer said he was comfortable with the thought process that went into this to allow some of the uses that the market is asking for. We have discussed this Main Street area and recognize that it is certainly not what it was intended in the 1980's. It will never be a strict pedestrian downtown area. He thought allowing these uses in the limited fashion was something he could support.

Member Margolis had similar questions in terms of other parcels. We have areas that could be consolidated. One of the areas she was talking about was Novi Road and Crescent Blvd. It is an arterial and a collector road and would fit the qualification. Ms. McBeth pointed out that the properties north of Grand River are zoned TC and not TC-1. The only one north of Grand River that is zoned TC-1 is the Fidelity property.

Member Mutch noted the property at the southwest corner of Flint Street and Grand River where it is indicated as potential fast food restaurant use, it was discussed that the properties could be consolidated to the west and could extend an access drive. If it was treated as a single site plan, we could potentially have multiple fast food restaurant uses in that location. Ms. McBeth explained that the individual parcels that are there would not currently qualify because they are all too narrow and they don't have access to the collector street that was identified. Redevelopment of the parcels could generate the possibilities of new fast food restaurants. It is a possibility, but several things would need to happen. Member Mutch said the reason he raised that point was that he knew there had been some discussion of rezoning that entire area between the railroad tracks and Flint Street to allow B-3 uses and wouldn't include fast food restaurants. It was the intent. Ms. McBeth said that was correct. It was earlier in the

spring before the modifications to the TC-1 were started. Member Mutch clarified if they did extend an access drive and consolidated it into a uniform site, that is a potential that the language of the ordinance would allow. Ms. McBeth said it is a possibility but again it depends on the proximity, the frontage, the access to a collector road, the special land use provisions and for a lot of things included in the ordinance. Member Mutch said he wanted to be fully aware of the possibilities.

Mayor Gatt commented he will support this Second Reading. He applauded Mr. Quinn's efforts and City's efforts combined to make this possible. They did a lot of great work and it is best for the City and the citizens of Novi that this area be developed fully.

**Roll call vote on CM-12-08-142**

**Yeas: Casey, Fischer, Margolis, Wrobel,  
Gatt, Staudt**  
**Nays: Mutch**

**AUDIENCE COMMENT – None**

**COMMITTEE REPORTS - None**

**MAYOR AND COUNCIL ISSUES - None**

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION:**

- O. Approval of the request of the applicant, Walmart Stores East LP, Inc., for SP10-42, a revised landscape plan for the east portion of the site, bordering Town Center Drive. 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 has constructed an approximately 149,000 square foot Walmart store. The applicant has installed landscaping in accordance with the previously-approved plan. The applicant has now proposed additional landscape screening between the loading zone and Town Center Drive to confirm the sufficiency of the planting plan in lieu of a decorative wall or fence.

Member Mutch pulled this item from the Consent Agenda because there has been discussion directed at City Council about some concerns related to this. He thought in light of some of the comments that have been made, he thought it would be appropriate that the City Council take a specific action on this item to make it clear as to whether we are approving or not approving this item. City Manager Pearson said that like any Consent Agenda, the material is there and he didn't have anything else. City Attorney Schultz didn't have anything further to add. He had no additions to the motion that was recommended. Member Mutch said he believed what had been presented to City Council is appropriate. It is within our ordinance standards. The request that is being made by the applicant is justified.

**CM-12-08-143 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:**

**To approve the request of the applicant, Walmart Stores East LP, Inc., for SP10-42, a revised landscape plan for the east portion of the site, bordering Town Center Drive. The applicant has installed landscaping in accordance with the previously-approved plan. The applicant has now proposed additional landscape screening between the loading zone and Town Center Drive to confirm the sufficiency of the planting plan in lieu of a decorative wall or fence.**

**Roll call vote on CM-12-08-143**

**Yeas: Fischer, Margolis, Mutch, Wrobel,  
Gatt, Staudt, Casey**

**Nays: None**

**COMMUNICATIONS - None**

**ADJOURNMENT** – There being no further business to come before Council, the meeting was adjourned at 7:40 P.M.

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Robert J. Gatt, Mayor

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Maryanne Cornelius, City Clerk

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Transcribed by Jane Keller

Date approved: August 27, 2012