

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 8, 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 24-07-94 Moved by Casey, seconded by Thomas; MOTION CARRIED: 7-0

To approve the agenda as presented.

Roll call vote on CM 24-07-94 **Yeas: Casey, Gurumurthy, Heintz, Smith, Staudt, Thomas, Fischer**
Nays: None

PUBLIC HEARINGS:

1. Public Hearing for the proposed modification of the Society Hill site plan associated with an approved Consent Judgment

The Public Hearing opened at 7:01 p.m.

Carol Prevo, 28296 Carlton Way Drive, lives in a complex west of this project. Behind her building is a retention pond that was clearly built and is not natural. It currently drains into the wetlands down the hill. It is a small open stream that is not enclosed in pipes and if it rains, it is a larger stream. Her concern is that if the wetland is relocated, she doesn't think her community should have to pay for taking the little stream and piping it over to the other property and that it should be this development that pays for it.

Mike Duscheneau, 1191 S Lake Drive stated that the proposal has a lengthy list of items that do not meet the zoning ordinance for the proposed location and the impact this project will have on future development requests should be considered. For example, he looked at Building E fronting Novi Road. The ordinance allows 180-foot-long buildings, but the length can be increased up to 360 feet if additional setbacks are provided and it is approved. Building E does not meet the length or setback requirements as it is 492 feet long. He tried to visualize a building that's 492 feet long and 50 to 60 feet high. For comparison, he found the Walmart in the Town Center is only 480 feet long and is nowhere near 50 to 60 feet tall.

Rachel Sines, 2219 Austin Drive, moved to Novi specifically because of the "up north" feeling and in the last 10 years she has watched the green space and trees turned over to developers. The impact Society Hill would have the environment is catastrophic as is but to increase the density would send it over the edge. More alarming is the developer's

desire to use property that the City purchased to protect a wetland. She asked if the City is ready to set a precedent to turn property over to developers. The master plan discusses the desire for development to blend into areas. The site in question for development already sits two stories above the road. To add another five stories does not blend. It is beyond changing what is already approved but she would like the property to remain two to three stories in the current density.

Brittney McGee lives at 28728 Corey Court which is across from Twelve ½ Mile Road. She and her husband urge the request for an additional 150 units, which will increase traffic on the already congested roads and consume public resources, to be denied. Whatever value gained by the increase in units is not worth the cost. The development and overdevelopment of Novi will be a priority for her family and neighbors in the future. She and her young children like to ride bikes on Twelve ½ Mile Road which already has a lot of cars and is not very wide. There are lots of people who walk and ride bikes there so adding more traffic as people are trying to get to the trails down the road on Twelve ½ Mile Road is not a safe choice.

Walter Shannon has lived at 28434 Carlton Way Drive for 20 years. He and his wife purchased a condo. They were attracted to it because of the wetlands and paid extra for the view and to be in an area where it's nice and secluded. They like to be out walking, riding the bikes or whatever on Twelve ½. It's a very relaxing place and adding more apartments or condos is going to make it more congested. He thinks it's unfair to have invested their money 20 years ago because that's how it was sold to them and why they bought that particular place. He hopes that the project is turned down as it's not fair to the people who are invested and live in Novi.

Colleen Crossey, Brockshire Street, is objecting to the same development for the same reasons. The green spaces in Novi are evaporating. She feels sorry for the gentleman who spent extra to live where he and his family live. Whenever developers come in, they cut down old trees and then they plant small ones and it's not the same. The importance of old growth trees and what they do for our environment and the habitats. They block the sound of traffic and make life easier. She states that another option is instead of building and spreading out the buildings, keep the old trees, build up and work with nature.

Michael Morelli has lived at 28392 Carlton Way Drive for the past 21 years. He was drawn to the natural scenery in the area. He has frequently ridden on the bike paths down Twelve ½ Mile Road over the years and has witnessed it change from a dirt road to a now quasi-paved road and the extent of the traffic through the area is incredible not to mention there's a light at Old Novi Road and Novi Road that backs up frequently causing a long line when turning onto Novi Road. He cannot imagine how that is going to be addressed as part of this project. In addition, the decimation of the wildlife that lives in the area is a grave concern.

Carol Kutowski lives at 43842 West Twelve ½ Mile Road and has been a Novi resident since 1994. She was here for the 1999 issue but can't say she remembers it fully. She appreciates her neighbors who spoke particularly about the zoning. She has lived in these parts for

the past 30 years. She doesn't ride her bike or walk with her children on Twelve ½ Mile. It's a bus route but there's going to be another bus route and that would be four in a stretch of a quarter mile and that impact is something that should be considered. She'd like to know how Novi Road will be impacted with the drainage median and turning out of the complex itself. She is concerned about the additional traffic as there has already been one major accident. There are more kids in that area than ever.

James Ascenzo, 135 Pleasant Cove Drive, has lived in the area for about 30 years. If the project has been okayed for the lower number, what sense does it make to allow the extra housing? He feels that the project makes no sense and will look like a hospital.

Venkatesh Shivashankarappa, 43670 Ellesmere Circle from the Bolingbrooke subdivision, recently moved to a new subdivision. He and his wife saw this new subdivision coming for three years before they fell in love with it because the builder was talking about the location, location, location and that's why they bought it and paid extra. Along with himself, there are a couple of folks who would like to have the request denied.

The Public Hearing closed at 7:18 p.m.

PRESENTATIONS: None

CITY MANAGER REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Michael Morelli, 28392 Carlton Way Drive, wanted to discuss the traffic flow on Twelve Mile. It changes from four lanes on each side down to essentially one that crosses the railroad track, and it is a parking lot where often times just to try to make the Michigan left into his subdivision, he can sit for at least one light but lately with all the construction on the freeway, it can be two lights because of the stragglers that turn right from Novi Road onto Twelve Mile. His question is, what's going to happen with that stretch of Twelve Mile? Also, there's a left turn to go just east of the Dick's Sporting Goods where there's a sign the says left turn yield on green only and cars will back up there because to him, it's as though you're turning right on a red light. There are absolutely no cars coming and there's a huge line of people just waiting for the light to turn green just to cross the street while all the people that actually want to turn left are sitting there tied up in that exchange. He wanted to know if anything would be done to alleviate the congestion on Twelve Mile.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 24-07-95 Moved by Casey, seconded by Smith; MOTION CARRIED: 7-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
June 17, 2024 - Regular Meeting
- B. Consideration of request to transfer ownership of an existing Class C & SDM license from BR Novi, LLC to Black Rock Novi Incorporated, located at 44175 W. 12 Mile Rd., Suite F-145, Novi, MI 48377.
- C. Approval to purchase a three-year (3) warranty from MILO Range for the MILO Range Pro Training Simulator in use at the Novi Police Department Firearms Training Center in the amount of \$27,543.
- D. Approval to award a three-year Architectural Facade Consulting Services Contract to DNR & Associates, Architects, (with the option for two additional one-year renewals), effective July 22, 2024, and for the adoption of revised fee schedule, as recommended by the Consultant Review Committee at the June 10, 2024, meeting.
- E. Approval to grant a 10-foot-wide easement to Comcast Cable Communications Management, LLC for the placement of underground cable on the City-owned property at 42400 11 Mile Road, parcel 50-22-14-451-012.
- F. Enter Executive Session immediately following the regular meeting of July 8, 2024, in the Council Annex for the purpose of discussing City Clerk and City Manager Performance Evaluations.
- G. Approval of claims and warrants – Warrant 1159

Roll call vote on CM 24-07-95

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

MATTERS FOR COUNCIL ACTION:

1. Appointments to Boards and Commissions

City Clerk Courtney Hanson stated that Yogesh Kumar was appointed to the Beautification Commission for a full term that ends March 1, 2027. No other candidate received enough votes to be appointed. For the Board of Review, Pete Winter has been appointed to the partial full term and Donna Eaddy has been appointed as an alternate for a partial term. For the Parks, Recreation and Cultural Commission, Jay Dooley has been reappointed.

CM 24-07-96 Moved by Casey, seconded by Fischer: MOTION CARRIED: 7-0

Approval to re-appoint Dave Staudt to the Corridor Improvement Authority, term ending December 31, 2025

Roll call vote on CM 24-07-96

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

CM 24-07-97 Moved by Fischer, seconded by Casey: MOTION CARRIED: 7-0

**Approval to appoint Katie Chuba to the Corridor Improvement
Authority, term ending December 31, 2026**

Roll call vote on CM 24-07-97

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

CM 24-07-98 Moved by Fischer, seconded by Casey: MOTION CARRIED: 7-0

**Approval to appoint Matt Thibadeau to the Corridor Improvement
Authority, term ending December 31, 2025**

Roll call vote on CM 24-07-98

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

Mayor Fischer said another board that was up for mayoral appointments was the City Council Cultural Arts Committee. A resolution was passed to set this committee up and elevate it from a Parks nominated commission to City Council. After re-reviewing the resolution, the plan was to have the people who were currently on the commission have first chance at being on the commission and be renominated. At this point, Mayor Fischer won't be making any nominations but instead is asking the Clerk's office to find out who on the Parks commission wants to stay on for their current terms or resign so the positions can be filled with new people.

The Public Utilities and Technology Committee is a new committee that has three members and two residents from the community at large. This is one instance where it's very specific in the rules where the background and skill set must be closely related to the utility or technology sector. The Mayor would like to see the committee meet as the Council Members for the first couple of times to tackle what ideas and topics will be discussed. Once there is an idea of the agenda for the next year or two remaining on Council terms, then it will be better for matching what is intended as far as making sure the background and skills of those appointed match the agenda of what this committee will be tackling. At this point, the Mayor won't be nominating anyone and looks forward to continued committee reports from that group so the Council can go ahead and make those appointments in the near future.

2. Consideration of requests from E&S Global Inc (DBA: Yori Sushi):

A. Consideration of a request for Special Land Use approval for service of alcoholic beverages.

City Manager Cardenas said the City was granted seven new quota licenses back in 2022. This was a result of the increase in population that the City experienced after the 2020 census. There are four currently available since the Council has already given out three. This request is for a restaurant located in the northwest corner of the community. There are two considerations that have to be decided, first in terms of the special land use and then the actual awarding of the Class C quota license. This has been reviewed by the Community Development department, the City Clerk's department and Public Safety and all have given their blessing, so this stands in the City Council's court.

CM 24-07-99 Moved by Casey, seconded by Staudt: MOTION CARRIED: 7-0

Approval of the request by E & S Global, Inc., (dba: Yori Sushi) for Special Land Use for service of alcoholic beverages because (a) the issuance of the liquor license to the existing establishment will promote the city's economic development goals and objectives by providing for increased services by an existing business, and will be consistent with the city's master plan and zoning ordinance because the additional service will promote long-term viability of an existing business by expanding its menu; and, (b) given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, the applicant has demonstrated that the use will provide a service, product, or function that is not presently available within the city or that would be unique to the city or to an identifiable area within the city and that the addition of the use or proposed change in use will be an asset to the area because the applicant's Japanese cuisine offerings are unique to that part of the City, and its proposed offering of Sake and Soju are not currently available in that area within the City; and, (c) the use or change in use as constructed and operated by the applicant is compatible with the area in which it will be located, and will not have any appreciable negative secondary effects on the area, such as:

- I. There will be no additional vehicular and pedestrian traffic added, particularly during late night or early morning hours that might disturb area residents because the applicant does not operate in the early morning or late evening hours with current hours being 11:30 am to 9:30 pm, with proposal to remain open no later than 10:00 pm.**
- II. Noise, odors, or lights do not emanate beyond the site's boundaries onto property in the area on which there are residential dwellings, because the business is part of an existing shopping center that has been operating in a harmonious manner with adjacent residential areas and,**

- additionally applicant has installed both ventilations to contain odor and also sound proofing improvements to eliminate external noise from the establishment.
- III. Excessive numbers of persons will not gather outside the establishment, as alcohol service will be provided at the indoor service area, and a full bar will not be available.
 - IV. Peak hours of use for the applicant's business will not change from the existing hours and are not expected to change existing congestion or other negative effects in the neighborhood.
 - V. Fighting, brawling, outside urination, or other behavior that can accompany intoxication is not expected to occur as the restaurant is predominantly geared toward food service.

Roll call vote on CM 24-07-99

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

Nays: None

B. Consideration of request for a new Class C quota license to be used in an existing business located at 30650 Beck Rd, Novi, MI 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders.

CM 24-07-100

Moved by Casey, seconded by Gurumurthy: MOTION CARRIED: 7-0

Approval of the request for a new Class C quota license to be used in an existing business located at 30650 Beck Rd, Novi, MI 48377 and Agreement on the Prohibition on Profiteering by Class C Liquor License Holders, because the addition of the license to this business will improve the diners' experience by allowing them to offer a curated selection of premium beverages consistent with the Japanese theme of the restaurant. No other businesses in the same shopping center operate with a liquor license or serve Sake or Soju. The use will not adversely affect surrounding uses, because the use is existing and the additional offerings are expected to enhance and strengthen the applicant's current base of customers by providing for a unique dining experience, and because the applicant otherwise appears to qualify for a license under the City's ordinance, based on the recommendations of the City's Department Heads.

Member Staudt commented that this is a business that started during covid and persevered. These are the kinds of businesses that the Council is looking to use the quota licenses for, and he looks forward to being there and perhaps having a small saki.

Mayor Fischer echoed the sentiments. There have been Councils in the past that would have held onto licenses to try to attract large businesses to drive economic development. The Council has been fortunate to get a couple of extra licenses to help

businesses that started during covid. He used to live behind this retail center and is hoping this helps the retail center attract more restaurants or businesses. He thinks it'll be a good use of an economic incentive tool that is available.

Roll call vote on CM 24-07-100

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

Nays: None

3. Consideration of the request of E & M Holdings, LLC, (Society Hill) to amend the 2001 Consent Judgment relating to a previously approved multi-family development located at 12 Mile and Novi Roads.

City Manager Cardenas stated that this is a follow-up to the last meeting where there was a presentation and proposal from the developer. In the last two weeks, City staff and the developer have met and had several different discussions regarding the woodland and wetland questions that were outstanding and had come to agreement regarding a modified traffic study to confirm the possible modification to the center lane to Novi Road due to the development. He would like to thank staff for doing a fantastic job in evaluating this and working hand in hand with the developer to answer questions and take a look at those deviations that were requested and to make sure that all the questions by City Council have also been addressed.

Jason Sasson from E & M Holdings, LLC stated that they appreciated all the City staff's efforts over the last many months but notably over the last three weeks especially given the holiday weekend. It's a large project with a lot of nuance and detail and they wouldn't be able to be here today and present any update without the effort they put forth. They appreciate the effort by the entire Planning staff, the Engineering department and everyone else. From the meeting a few weeks ago, they heard the questions and concerns that Council had worked closely with City staff to advance the plan forward and find resolution on any of the open items and develop the pathway to solve any remaining questions that still exist. The following items have been agreed upon by both sides: Developer is committed to obtaining new soil borings for detention basins prior to FSP, an access management study will be completed prior to FSP, undisturbed wetland & woodland areas will be preserved, ROW dedication will be provided for Twelve ½ Road, phasing will be completed prior to amendment to the consent judgement, newly disturbed treed areas will be re-surveyed prior to FSP & all new areas of impact will comply with current ordinance standards, confirmation of offsite woodland mitigation to be completed prior to amendment to the consent judgement, terms for the City's stormwater parcel to be finalized in consent judgement amendment, staff supports nearly all requested deviations, and updated drawings will be provided as part of the amended consent judgement. Mr. Sasson wanted to summarize that they support the 3-part resolution that the staff has put forward in meeting materials but would like to request flexibility to adjust the room count by up to 5% through the remaining design phase of the project. This is unique because of being in the preliminary stage and there are many months to get through the final site plan. Because the buildings are not cookie cutter apartments and there is more planning to do, they want to ask for the flexibility request.

In order to understand how the request comes into play, there are eight studio apartments in Building E, and it would be their preference to work the floor plans in a way to make that a 1-bedroom apartment for the resident that live there under the code that would require incremental room count from going to an efficiency to a studio to a 1-bedroom. They think it would be a better apartment for the ultimate resident but if there is a fixed room count there is no flexibility in the planning effort between now and the final site plan. They are asking Council to consider that request as part of their overall review. The Mayor asked City Attorney Tom Schultz for a summary of the City Council action at this point which is to either direct City staff or the City Attorney to work down the path of a consent judgement change or to not do that. The City Attorney confirmed that was an accurate description. One option is to direct the City Attorney to work with the applicant's team to prepare a consent judgment. There is also a potential motion where the Planning staff is included and addresses deviations that would be in the consent judgement and conditions that would be recommended. There is also another option where potential findings that the Council may or may not be ready to make, about why they're asking the consent judgement to move forward.

Member Smith commented that this is a unique situation where normally if a developer comes and wants to change the zoning, it's a PRO overlay where the Council would allow the change or not. In this case, the developer already has something planned they could start building right now. In his mind, if Council is going to sacrifice the trees, the wild habitat, the wetlands, he'd rather see that be a success than something that is not because it's outdated. The current plan is up to date and it's considering the current situation of housing and development, and he thinks that it's likely to be more successful. Reopening the consent agreement to have a look at making it a successful development so he will be in support of some form of opening the consent agreement to new discussion.

Member Heintz asked Mr. Sasson how he would classify this proposed apartment complex and what would be the intended type of resident. Mr. Sasson responded that they are intentional about trying to identify a variety of housing typologies that would attract a wide diverse mix of occupants. The site is primarily broken up into a northern and southern product mix. The southern product located closer to the commercial core is more of a mid-rise apartment with elevators and amenities within the buildings and the northern part of the project is more low-rise townhome attached garage product. Within the townhome product there are two typologies. There is a 3-story product that has two and three car garages. It could attract families, young couples and empty nesters. There are 30 of the 3-story product and 20 of a 2½ story product in which 16 of those have a primary bedroom on the ground floor to attract an age in place population. Member Heintz was curious if there are price points and Mr. Sasson responded that there is a mix of price points because of the diverse mix of sizes and styles. Member Heintz said that after seeing the long list of amenities and everything it seems like it is going to be more on the higher end style. Mr. Sasson said that he can't tell exactly what rents will be but that it will be commensurate with market rate housing in Novi. Member Heintz said he is trying to understand, from a community perspective, who will benefit within the community. Mr. Sasson said he is not a housing economist, but housing economists will

say housing creates more price competition and more price competition creates a deeper pool of affordability as a result of more supply. Every project is uniquely different where some target specifically for affordable, some are market rate housing, and this is a market rate development. Member Heintz said from an environmental aspect within the woodlands, he understands that more than 1,200 trees have been replanted in an off-site location. He wanted to know if those trees were planted back in the 2000's or recently. Mr. Sasson responded that the replanting dates back to the 2000's through to now. Trees will continue to get planted as it is a many-year effort and they have been working with the City to provide all the backup and support needed. If there is an approval at this meeting, the developer will move forward to continue to work with the City to finalize the counts over the next few weeks. Member Heintz asked if part of the process would be the verification of those streets that have previously planted trees to see if they're still standing. Mr. Sasson responded yes, that is exactly what they are doing now, and they just met with the team for historical information and would plan as early as tomorrow to keep that effort going and finalize that in the coming weeks. Member Heintz asked if there would be any possibility of wetland mitigation. He thinks the plan was to have it just offsite or even outside the City and wanted to know if there would be the potential for that to be explored further to see if that could be within the City. Mr. Sasson responded by saying that this is a unique situation. The mitigation requirements are approximately 1.5 acres, plus or minus. They were successful in mitigating onsite. The total impact areas are about .85 acres and they got about .95 acres on site. For the rest of the acreage, the topography isn't working in their favor because of state regulations. They will have EGLE requirements to comply with. There's an EGLE bank credit they'll be supporting and then they proposed to City staff last week that they would also preserve woodland areas in exchange for the remaining wetland within the City limits. It's not a wetland but it's a natural feature that's important. They're trying to come up with a creative solution to pick up the remaining acreage for woodland preservation and to solve that remaining difference by solving some of it onsite and offsite to meet legal requirements and then proposing additional woodland preservation.

Member Gulumurthy first wanted to thank City staff for the extensive collaboration they've done, and she appreciates the effort put into the packet. She has two major concerns, the first being the traffic and the second is the environmental impact. She is recommending and requesting a traffic analysis to help the Council get the data needed to see what impact the project is going to have. In terms of environmental impact, she would like to challenge the developer's creativity in terms of looking at the buildings and the parking to see if there's anything onsite to help with the wetland mitigation versus going with credits or anything like that.

Member Staudt said he has a long-term perspective and has seen Mr. Sasson work with the City for years and has done some successful projects. He agrees with Member Smith's comments, and does he want a 1990 development that Council has no control over, that they can clear cut the property tomorrow and build based on a plan that's 30 years old or does he want to work with the developer and perhaps have a larger footprint and have more say on what's put on this site. The taxes have been paid on this property for years. The Developer had the opportunity to build over a long period of time and he

chose to do it now. We don't decide when or what people are going to build. We only decide whether we agree with what's being built and, in this case, he thinks the proposal that has been brought forward gives a nicer appearance than 1990 style apartments.

CM 24-07-101 Moved by Staudt, seconded by Smith

To authorize the City Attorney to work with the applicant's team to develop the terms of an amendment to the Consent Judgment to be brought back before the City Council for approval with specified conditions.

Member Thomas stated concern that if Council allows changes for a new plan and then the property sits for another 30 years, can the developer come back and say they now have a better plan. She doesn't want this to have to come before future councils. City Attorney Shultz replied that he assumes that will be one thing that will be discussed with the developer's attorney when drafting the consent judgement. Member Thomas then stated she also had concerns about environmental impact on the wetlands and how they're mitigated and the lack of screening. Mr. Sasson reiterated the suggestion for wetland mitigation he ran through earlier with the incremental woodland preservation. He also said that a possible screening solution that was proposed last week would be the addition of carports along the north side instead of having an opaque fence that would run continuously along Novi Road to the west. Member Thomas then asked once the project is approved and the developer is ready to move forward, how long does the developer think it would take before starting to implement this plan. Mr. Sasson said that this is still in a preliminary stage but after getting the consent judgement revised, approval of submittals by staff, finalize architecture and construction drawings and EGLE approval their goal would be to start this time next year however it is outside their control as to when the process completes itself. Member Thomas stated she understands that the developer doesn't know how long it will take to get things approved but that she wants to understand how committed they are to moving forward. Mr. Sasson responded that there is a lot of history behind the plans. There was a recession in the early 2000's, there was a big run up of supply in Novi in the 2000's, there was Main Street, Central Park Estates that gave a lot of supply to the market then the great financial crises. There was a revival attempt in around 2012. Mr. Sasson said he only got involved about two years ago. There has been quite a bit of effort to re-imagine what this could be. It's a complicated site with a lot of engineering efforts which has spent a lot of money to date. Mr. Sasson said they are certainly committed and there is a lot of effort between now and the finish line to get done. The effort they put in to date is evident, and they are excited by the prospect of this project and being a part of it.

Mayor Pro Tem Casey said she appreciates the work the developer has done with the experts on the City's staff to resolve items that were discussed a few weeks ago and getting staff to support and feel comfortable the deviations. She reiterated that what was being discussed in this meeting is preliminary agreeing to amending the consent judgement and there are still things in the works, like the tree survey, where the answer is going to matter to her. She wants to lay out items that still matter and wants to understand exactly what's been done and what the Council is going to be expecting to see

accomplished as the development moves forward. This also applies to the sequencing, or phasing, of the development. In regard to the Twelve ½ Mile exit, comparing the current version of the project to the proposed, Mayor Pro Tem Casey wanted to know if the lane coming in and out of that exit is still a single lane or dual. Mr. Sasson responded by saying that the curb is cut to a tapered opening so if someone is waiting to turn left and another person wants to turn right onto Twelve ½ Mile, there is room to go around and pass. Mr. Sasson also stated that since Bolingbrooke was approved and delivered after the plan, there is still going to be a traffic access management study, per the request of the City, to show that the curb cut alignment is appropriate from a traffic perspective. If there was an approval from this meeting, then the developer would start the traffic access management study tomorrow and while the phasing, tree study and borings may not be finalized tomorrow, they would be as part of the proposed amendment. Mayor Pro Tem Casey stated that there are still open questions for her that will be dependent on what the results are of the traffic access management study for Twelve ½ Mile Road and knowing what the impact is on those entrances and exits. Potentially if there are recommendations to make changes to Novi Road, that will be an impact on the developer. Mr. Sasson stated that the engineering team has already identified that there is a capital improvement plan for Twelve to Thirteen Mile to put in a boulevard or raised median. They could collaborate and coordinate the work with the team since under normal circumstances, they would be in the road effectively at the same time. Mayor Pro Tem said she wasn't favorable to the request of the 5% leeway on the room count. She also wanted to address one of the pieces of public feedback received about concerns for the retention pond on Carlton Drive. Mr. Sasson replied that the retention pond is on the west side of the site plan and doesn't think it has anything to do with this project and the impact, wetland wise, is only internal to the site and they are not even proposing to outlet into that pond. Mayor Pro Tem Casey said that when it comes to the wetlands, if the total acreage to mitigate is 1.5 acres and there is already .95 acres mitigated onsite, what are the options from the Council's perspective, to solve for the remaining acreage. Jason DeMoss with Merjent Environmental Services responded by saying that when EGLE does wetland impact and mitigation, they have a few options. Those options are to do onsite mitigation (building the wetlands onsite), offsite mitigation (building a new wetland offsite somewhere in the same watershed or in this case it would be in the City) or EGLE's third option is buying bank credits. Bank credits refer to a bank somewhere in the same watershed that EGLE has already approved, that someone else built, so when people make impacts in the watershed, EGLE sells those credits off in small increments. The ordinance doesn't allow for the purchase of bank credits so the sort of options, from an ordinance perspective, would be either increasing the amount of onsite mitigation or requiring additional mitigation somewhere within the City. Mayor Pro Tem Casey mentioned that there has been some conversation about the city-owned parcel south of this development and could it be used for offsetting some of the mitigation that needs to be done within the City. If she understands correctly, one of the recommendations from the applicant was to allow that mitigation to be a conservation easement on the woodland and wanted to know if the parcel is available any kind of incremental wetland mitigation. Mr. DeMoss responded he or the applicant's consultant would need to review that parcel to see if it's possible for a wetland mitigation to be built there. If the applicant has stated that they could build a conservation

easement in lieu of wetland mitigation and from his perspective, that serves two different purposes as in upland forest versus a wetland forest or wetland itself. He would need to review the site himself to see whether a wetland or an additional wetland can be built or not. Lindsay Bell from Community Development followed up by saying that the applicant was looking to take that upland area and use it for mitigation, but it was determined that because of the slopes and additional removal of woodland trees, it wouldn't be feasible to construct on that piece.

Mayor Fischer said his understanding and interpretation of the motion under City Council action would include the proposed A through C and that would be more beneficial, more protective of the Council as a body as it gives direction, especially B, on conditions talked about whether it be soil borings, traffic studies, and all the things that staff has asked for. The Mayor asked the City Attorney if that's giving him the direction he needs to take into account as the consent judgement approaches if the Mayor wants to be more protective of those items and make sure they're done, wouldn't he want them in the motion? City Attorney Schultz replied that the Mayor could do that but from his perspective, the staff has pretty much worked out the deviations to the extent that they have most of these recommended so they're going to be part of it already. The conditions will certainly list these but also more so if the question is, is there any harm and could it help to refer to A and B and Mr. Schultz thinks the answer is that would be fine. Mr. Schultz doesn't think the Mayor is ready to do item C because the Mayor hasn't seen the consent judgement. The Mayor asked the motion maker to add items A and B as part of the motion as far as specific conditions to be included.

FIRST AMENDED MOTION

CM 24-07-101 Moved by Staudt, seconded by Smith:

Authorize to the City Attorney to prepare the Consent Judgment amendment for City Council review including:

A. All deviations from the ordinance requirements shall be identified and stated in the amended agreement, including:

- 1. Maximum Length of Buildings (Sec. 3.8.2.C): Deviations to permit the lengths of Buildings A, B, C, D, E, 3 and 4 each exceed 180 feet, as shown in the attached Site Plan.**
- 2. Shoreline Setbacks (Sec 3.31.6.B.iv.e): Deviation to permit reduced shoreline setbacks, as shown on the attached Site Plan. The site plan locates several buildings, drive aisles and parking areas within about 50 feet of Wetland A and the northeastern stormwater basin.**
- 3. Building Setbacks (Sec. 3.1.7.D): Along the western property line, deviation to allow buildings to be a minimum of 50-feet from the property line rather than the required 75 feet.**
- 4. Parking Setbacks (Sec. 3.6.2.B): Deviation to allow a parking setback of 14.4 feet along the south property line**

- with the condition that landscaping and other screening be provided, and 20 feet along Novi Road with the condition that landscape hedge screening is provided.
5. **Building Orientation (Sec. 3.8.2.D):** A deviation to allow Buildings A, E, 12 and 15 to not comply with the required minimum orientation for buildings along the perimeter of the property from 45 degrees.
 6. **Yard Setback Area (Sec. 3.8.2.D):** A deviation to permit the Front Yard area to exceed 30% used for off-street parking, maneuvering lanes, service drives or loading areas (33.26% proposed).
 7. **Distance Between Buildings (Sec. 3.8.2.H):** A deviation to allow the calculated minimum distance between buildings to be less than required in seven locations. The deviations for the seven locations range from 32.47 feet to 1.7 feet, and shall be as shown in the site plan.
 8. **Number of Parking Spaces (Sec. 5.2.12.A):** A deviation for the deficiency of 22 spaces from the minimum required calculation for the unit types proposed.
 9. **Wetland Mitigation (Code of Ordinances, Chapter 12):** Deviation to permit up to 0.6 acres of required mitigation to be provided through purchase of credits from an EGLE approved wetland mitigation bank. The amended Consent Judgment shall state that wetland mitigation areas, as well as remaining wetlands, are to be preserved. The applicant shall also preserve the indicated woodland areas as offered on the off-site or on-site locations offered.
 10. **Traffic Study (Sec. 3.31.4.A.iii):** The City agrees to waive the requirement of a Traffic Impact Study given that relative to the approved 1999 Plan, the proposed Plan does not generate significantly more trips to warrant a new study. This shall not preclude the City from requiring the traffic analysis necessary to verify the design and safety of proposed access points.
 11. **Major Drive (Sec. 5.10.1.B):** Based on the ordinance definition nearly all private drives through the site would be classified as Major Drives if they exceed 600 feet, deviations to permit perpendicular parking and a 24-foot minimum width.
 12. **Building Setbacks from Parking (Sec. 3.8.2.F & Sec. 5.10.1.B.vi):** Deviation to allow parking spaces to be within 12 feet of the residential buildings where the first floor of the buildings are generally parking areas, not living areas.
 13. **Driveway Spacing Waiver (Code of Ordinances, Ch. 11.216.d.1.e):** Deviation to allow a 41-foot driveway spacing from the opposite-side driveway on 12 ½ Mile

Road.

- 14. Landscape Berm (Sec. 5.5.3.B.ii and iii): Deviation to allow a lack of screening berm along south property line.**
- 15. Adjacent to Public ROW (Sec. 5.5.3.B.ii and iii): Deviation to allow a lack of greenbelt berms and street trees for sections of both roads that are being preserved, as well as areas that are developed.**
- 16. Adjacent to Public ROW (Sec. 5.5.3.B.ii and iii): A deviation is required for the shortage in greenbelt landscaping for 12.5 Mile Road and Novi Road (1 canopy tree along 12.5 Mile Road, 3 canopy trees and 3 subcanopy trees along Novi Road).**
- 17. Greenbelt Canopy Trees (Sec 5.5.3.B.ii.f): A deviation is required for a shortage in greenbelt subcanopy trees on the City Parcel.**
- 18. Street Trees (Sec 5.5.3.B.ii.f): A deviation is required for a shortage in street trees on the City Parcel where the stormwater basin is proposed.**
- 19. Foundation Landscaping (Sec. 5.5.3.F.iii): Deviation for a shortage of foundation landscaping for Buildings A-D, 8, 9, 10, 11, and 12.**
- 20. Any additional deviations identified during Site Plan Review (after the Concept Plan and Amendment of the Consent Judgment is approved), will require amendment of the Consent Judgment, unless otherwise stated in the judgment.**

B. The following conditions are recommended for inclusion:

- 1. The development shall be as shown in the site plan exhibit, with a maximum of 1,359 rooms as defined in the ordinance, or approximately 463 multiple-family units.**
- 2. Soil borings shall be provided at the time of Final Site Plan submittal for both the off-site and on-site detention basins to show the current groundwater elevations. The stormwater detention system shall be designed to current City standards. Additional soil borings shall be provided as necessary at other locations to meet road and building requirements.**
- 3. The applicant shall provide the traffic data and analysis necessary to verify the proposed access management treatments are appropriate as designed at the time of Final Site Plan submittal. The analysis shall answer the following questions:**
 - a. Are acceleration/deceleration lanes necessary for each of the proposed site driveways? If needed, how long?**

- b. Where openings in the medians are proposed, what traffic control treatments are needed to control those movements? How long of a turning bay length is required? Is there a warrant for a new traffic signal?**
- 4. Preservation of remaining wetland and woodland areas outside the limits of disturbance, as well as the preservation of planted woodland tree credits, shall be as shown in the amended Consent Judgment exhibits.**
 - 5. Dedication of master-planned right of way along 12 ½ Mile Road.**
 - 6. Phasing of development: Phasing plans shall be reviewed and approved by the City prior to execution of the amendment to the Consent Judgment.**
 - 7. At the time of Final Site Plan submittal, the applicant shall provide a current tree survey for the new areas of disturbance of the subject property (relative to the 1999 Plan). All new woodland tree impacts shall comply with the requirements of the current Woodland Ordinance.**
 - 8. Appropriate terms for conveyance (or encumbrance) of the off-site parcel to the applicant.**

Mayor Fischer wanted to reiterate that this is a plan from 1999 that has been approved. It has 23 buildings, approximately 1,300 rooms, on average 1,800 square feet with 2, 3, 4 bedrooms, each 3-story high with several hundred parking spaces and much of the environmental impact has already been accounted for. This plan is already approved. As part of this consent judgment no one here could do anything about it if the applicant wanted to pursue that. To him, as he continues to look at that housing stock that would be brought of more 1,700, 1,800, 2,300 4-story apartment buildings with a tennis court and pool, which was all that was required, compared to a new plan that has a complete diversity of housing stock, which Council has been talking about as a goal for a long time with studio type apartments and things that would hopefully attract college entry type people or graduates who grew up here and give them the ability to move back to this community and contribute to it. The other plan doesn't have any single floor bedrooms. There's no ability for people to age in place or downsize in Novi or be able to have a first floor. So, when you look at the different amenities that are being added to the different housing stocks and different affordability levels, the Mayor is tired of seeing the same cookie cutter apartments. This is something that will give much more to that spectrum and again, is the additional and incremental environmental impact worth having that much better of a plan and that's really the crux of the decision process for him because the plan has already been approved and that's why he generally supportive to this point and will continue to be supportive. The packet the Council saw last time had a lot of deviations and things that the staff couldn't recommend at the time. It is clear that in these short two to three weeks, the staff has done an amazing job meeting the applicant somewhere in the middle and he encourages that effort to be continued. There are some open items that will have to be addressed. City Attorney Tom Schultz said that scrolling through the items in A, he noticed that a few of those items look like they might still be under discussion such as the traffic study and the wetlands. He thinks if B is included, that

will probably get all the conditions and protections that the Mayor wants. He's not sure that based on reading all those deviations that the Council is quite there yet with the applicant but maybe back the motion back to just item B. The Mayor reiterates his comment that there's a lot of things in item A that are still under development and wants to make sure they get addressed.

SECOND AMENDED MOTION

CM 24-07-101 Moved by Staudt, seconded by Smith: MOTION CARRIED: 6-1

Authorize to the City Attorney to prepare the Consent Judgment amendment for City Council review including:

- B. The following conditions are recommended for inclusion:**
- 1. The development shall be as shown in the site plan exhibit, with a maximum of 1,359 rooms as defined in the ordinance, or approximately 463 multiple-family units.**
 - 2. Soil borings shall be provided at the time of Final Site Plan submittal for both the off-site and on-site detention basins to show the current groundwater elevations. The stormwater detention system shall be designed to current City standards. Additional soil borings shall be provided as necessary at other locations to meet road and building requirements.**
 - 3. The applicant shall provide the traffic data and analysis necessary to verify the proposed access management treatments are appropriate as designed at the time of Final Site Plan submittal. The analysis shall answer the following questions:**
 - a. Are acceleration/deceleration lanes necessary for each of the proposed site driveways? If needed, how long?**
 - b. Where openings in the medians are proposed, what traffic control treatments are needed to control those movements? How long of a turning bay length is required? Is there a warrant for a new traffic signal?**
 - 4. Preservation of remaining wetland and woodland areas outside the limits of disturbance, as well as the preservation of planted woodland tree credits, shall be as shown in the amended Consent Judgment exhibits.**
 - 5. Dedication of master-planned right of way along 12 ½ Mile Road.**
 - 6. Phasing of development: Phasing plans shall be reviewed and approved by the City prior to execution of the amendment to the Consent Judgment.**
 - 7. At the time of Final Site Plan submittal, the applicant shall provide a current tree survey for the new areas of disturbance of the subject property (relative to the 1999**

- Plan). All new woodland tree impacts shall comply with the requirements of the current Woodland Ordinance.**
- 8. Appropriate terms for conveyance (or encumbrance) of the off-site parcel to the applicant.**

Member Staudt wanted it known that the City has a \$35 million investment in the works for Twelve Mile Road. It's in planning right now and will take a few years to get done but it has Federal funding, and it will hopefully alleviate many of the issues that are happening now.

Member Heintz wanted to confirm that the item on the table today is not the 1999 plan versus the new proposed plan. It's do they want to open up the consent judgement or have the applicant further pursue the new proposed plan. Attorney Schultz responded that the discussion with the applicant on the language of the consent judgement is in fact going to assume that more or less the plan they're presenting with some changes that still need to be discussed. Member Heintz said that to him, the 1999 plan hasn't been built and doesn't know if it will be. For him he sees this new proposed plan having a 33% increase in the unit count and the applicant just requested a 5% buffer with room count that is a continued push for an increased density and it has him concerned.

Member Smith will be interested in seeing the environmental solutions when that comes back with the final plan.

Roll call vote on CM 24-07-101

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

- 4. Consideration of approval to award the construction contract to Hartwell Cement Company, the low bidder, for the Neighborhood Sidewalk Repair Program in the amount of \$435,038.**

City Manager Cardenas stated that every year the City staff and City Council budget about \$500,000 for the sidewalk program. What the staff has done has been able to combine last year's funding and this year's funding to better stretch the City's dollars. By doing that you get better pricing, especially since the contractor has to only mobilize once. Right now, we're only asking for \$435,000. The \$67,000 was already approved earlier for engineering and that is how we get the \$500,000. Right now, we're looking doing Chase Farms, Willowbrook Farms, Bristol Corners and hopefully Yerkes Mannor and Westminster. Hopefully by combining this we'll get more bang for our buck and get more sidewalks done throughout the community and have less issues with trees. We will make the most robust connection with the community door hangers, letters, connections with the HOA's to make sure that everyone knows this is coming down the pipeline and to hopefully educate residents in terms of trees. There's a reason trees have to come down such as wrong trees that were planted in the first place which causes the deflections in the sidewalk. We've learned from the first pilot program, and we'll put that to the test to get more done this year and do it in a more efficient, robust way.

Member Heintz stated that he appreciates this initiative knowing that there are uneven parts of the sidewalks and understands that there are challenges with residents not being happy when trees come down and that there is a need for it.

CM 24-07-102 Moved by Heintz, seconded by Casey: MOTION CARRIED: 7-0

Approval to award the construction contract to Hartwell Cement Company, the low bidder, for the Neighborhood Sidewalk Repair Program in the amount of \$435,038.

Member Gurumurthy stated that she would request the Mobility Committee to look at this and see how the Council can understand how the next phase of subdivisions is identified for the sidewalk work program. Also, as she went through the recap from the pilot program there were several concerns in terms of what staff encountered such a general lack of understanding public right of ways, ownership of sidewalks, as well as the extra time staff had to put in and funds for sidewalk repairs. So again, she would request, maybe through the Mobility Committee, there is an analysis up front before implementing the second phase.

Mayor Fischer asked which subdivisions were being covered by the \$435,000. Mr. Cardenas responded that initially the funds will cover Chase Farms, Willowbrook Farms, Bristol Corners and then depending on how construction goes, the City can add additional funds from this current year's budget. The Mayor then said that if there is about a million dollars budgeted, why won't the City just go forward and be done with the conversation. Jeff Herczeg, Department of Public Works, responded that they're bridging the fiscal year with the \$400,000 that they had from last fiscal year. When this project was started six to eight months ago, they expected the unit prices to be a bit higher and didn't want to go ahead and do a larger program and not have enough money to fund it, we'll do everything that we have on there plus the alternates and then we have a buffer protection to do a change order. There were issues with the contractor with the last program so they'd like to see how this contractor performs and if they're satisfied, they can add more segments in the change order later in the program. The plan is to express the money either in phase 3 or as part of phase 2 or with Engineering Service for the next phase of the program. The Mayor then said that for his understanding, Yerkes and Westminster are still not part of the scope at this point. Mr. Herczeg replied that he believes those were alternates so they can add them to the scope with the extra funds. Mayor Fischer asked when the decision would come in terms of the change order and Mr. Herczeg replied, it would come as soon as they get the pre con and get everything squared away with the contractor, they'll know a bit more. The Mayor commented that if we have the budget capacity to do it, he encourages to fix as much as we can. Mr. Herzog said he agreed but they wanted to take a larger look and will present it to the Mobility Committee in terms of looking at how they're budgeting, funding and attacking the project. Mayor Fischer said that this was something he sent to Member Smith as he approaches the Mobility Committee to have a look at the memo because there needs to be a discussion and recommendation back to Council of how does the City get

parsed out. One thing the Mayor is interested in discussing too is maybe not attacking all the hazards but doing what is more hazardous to people. For example, he'd rather have five subdivisions with all the 2-inch gaps addressed opposed to three subdivisions where everything only 1-inch gaps are addressed and attack it that way and get the cycle fixed in the future for the more minor cracks.

Roll call vote on CM 24-07-102

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

Nays: None

CONSENT AGENDA REMOVALS: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS:

1. Older Adult Needs Committee

Mayor Pro Tem Casey is sad to state that the Committee just held its final meeting. They approved their final report to the Council and that will be seen in the meeting on July 22nd.

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:36 P.M.

Cortney Hanson, City Clerk

Justin Fischer, Mayor

Transcribed by Becky Dockery,
Account Clerk

Date approved: July 22, 2024