

**CITY COUNCIL MINUTES
EXCERPT FEBRUARY 4, 2008
(DISCUSSION OF PROPOSED REZONING)**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 4, 2008 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 Capello, Council Members Crawford, Gatt-absent excused, Margolis-absent excused, Mutch, Staudt

ALSO PRESENT: Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney
Randy Auler, Director of Parks, Recreation and Forestry
Rob Hayes, City Engineer
Steve Rumble, Community Development Director
Chief Smith, Fire Chief
Lt. Lauria, Police Department

APPROVAL OF AGENDA

**CM-08-02-020 Moved by Capello, seconded by Staudt; CARRIED UNANIMOUSLY:
To approve the agenda as presented.**

**Roll call vote on CM-08-02-020 Yeas: Capello, Crawford, Mutch, Staudt, Landry
Nays: None
Absent: Gatt, Margolis**

MATTERS FOR COUNCIL ACTION – Part I

3. **Consideration of Zoning Map Amendment 18.673 with Planned Rezoning Overlay (PRO) SP07-59 from the applicant, Basilian Fathers of Milford, Michigan, to rezone property located north of Eleven Mile Road, and west of Taft Road from R-1, One-Family Residential, to RT, Two-Family Residential or RM-1, Low-Density, Low-Rise Multiple-Family Residential District, and favorable consideration of the PRO Concept Plan. The applicant proposes a 14 unit residence for Basilian priests. The subject property is 4.15 acres.**

John Argenta, CDPA Architects, was present representing the applicant. He said the proposed residence was for the Basilian Priests who taught at Catholic Central. The facility would be a two story wing with 14 living units for the 14 priests, community room dining room, kitchen and small chapel as the one story area. The proposed site would be 4.15 acres at the corner of Taft and Eleven Mile Road with duplexes on one side, vacant property on the other side, and across Eleven Mile was the Novi Schools and bus garage. The Planning Commission

recommended R-T zoning because there was no use mentioned for a religious order or monastery. Mr. Argenta said after they made the filing for R-T more study was done and they found that in the R-M zoning there was a use for congregate elderly living, which was just about exactly what they were asking for. The Planning Commission was now recommending R-M, which they had no problem with. The proposed density was 3.37 units and for R-M it was 5.4 to 10.9. He said the building would be within the zoning requirement of 35 feet, and they met the setbacks for parking and all of the setbacks for the building except for a few carports.

They were 55 feet from the property line instead of 75 feet, and there was one parking space that reduced the front yard setback by ten feet. However, the entire site was very densely wooded and shielded in all directions from view. Mr. Argenta said, as part of the PRO, they had volunteered to extend the sidewalk beyond their property all the way to Taft Road, along Eleven Mile and then along Taft Road up to Eleven Mile Road. In addition, there were requirements for future right-of-ways on Eleven Mile and on Taft Road and the owner said he would deed them over to the City. He said there had not been a tree plan yet, but there had been a project several years ago and they were given that site plan by the people who did it. He said they looked at the trees and there were 217 regulated trees, and it looked like 55 would be removed but 25 of those had been identified as dead. He said the rest would all be replaced according to the tree ordinance and they would have it updated to see what it was presently. Mr. Argenta said they were asking for rezoning to RM-1.

Mayor Landry said this was a proposed PRO. Mr. Schultz said he was correct, and if Council chose to go this route, he knew the form of the motion was on the motion sheet. However, he would like to add the comment that as with the last PRO they had discussed the process and gave a tentative recommendation and directed his office, if interested, to work with the proponent on the agreement and then it would be brought back for an actual recommendation.

Mayor Pro Tem Capello asked if they were getting water off of Eleven Mile Road. Mr. Hayes said yes, they would tap into the main off of Eleven Mile. Mayor Pro Tem Capello thought it was a wonderful use of the property, woodlands were being preserved, it was very low impact, and it was nice to have this in Novi.

**CM-08-02-024 Moved by Capello, seconded by Staudt; CARRIED UNANIMOUSLY:
To tentatively approve the PRO SP07-59 with rezoning from the
Existing R-1 to RM-1. Public benefits to the City are sidewalks in
Two areas along Eleven Mile Road and along Taft Road, and
preserving a lot of the natural features and woodlands, which
otherwise, in a previous residential development, would all be taken
down. In addition, there were some requirements for future right-of-
ways on Eleven Mile and on Taft Road and the owner agreed to deed
them over to the City including the Conservation Easement.**

DISCUSSION

Mayor Landry asked if the Conservation Easement was included in this. Mr. Schultz said if it was part of the general approval, it would be part of the PRO Agreement. Mayor Landry asked if it was a part of the motion, and Mayor Pro Tem Capello assumed it was. Mayor Landry said he assumed it was not a problem.

Tom Ryan, attorney for the Basilian Fathers, said they didn't have a problem and would work with the City. However, they were not certain what the nature of the trees were out there. He said they might not be very good trees and they might have to do some supplemental planting. He said they would be cooperative and work on that.

Mr. Schultz said that could be dealt with in the text as long as they were directed to work with Mr. Ryan.

Member Mutch asked if the sewer would come from Eleven Mile or would it come down Taft Road. Mr. Hayes said it would have to come down Taft Road from Grand River; it was a separate sanitary district. Member Mutch asked how far south the sewer currently came down Taft Road. Mr. Hayes estimated 1,200 feet. Member Mutch asked if it was to Andes Hills, and Mr. Hayes said yes. Member Mutch asked if the applicant would be responsible for the entire cost of bringing the sewer down, because between them and Andes Hills there were at least two or three different parcels including one discussed for another development. Mr. Hayes replied it would be their expectation that the applicant would have to extend the sewer from that location to their site. Member Mutch said regarding the sidewalk extensions on the property that they don't own, it didn't look like there was any dedicated right-of-way. He said it seemed where they were putting the sidewalk within the statutory right-of-way that it was really close to the existing curbs on Eleven Mile. He asked if there would be enough clearance, with the widening for the intersection, for the sidewalks to fit. Mr. Hayes said he was not familiar enough with the details of where the sidewalk would be placed, but they would work with them. Member Mutch asked if it was a site plan issue, and Mr. Hayes said yes. Member Mutch stated he would like that looked at before the PRO was approved. He thought that would impact the public benefit, if there was a problem putting that in or if they had to get an easement from the property. He commented that they didn't show the intersection improvements where the ramps would be on the concept plan, and assumed that would be required. Mr. Hayes said it would.

Member Mutch said Chief Smith had a question about the secondary fire access. He said when reading the minutes it sounded like they didn't have a secondary access and the Fire Department required it out to Taft Road. He asked why that was required because if the secondary access going out to Taft Road wasn't there, they would have an opportunity to save more of the natural features on the site. Chief Smith said the reason for the secondary access was a different part of the building that they might have to perform rescue or in an emergency situation. A secondary access was required in case there was a delivery to the building, a stalled car in the drive, a fire at the building, etc. they would need another way to get in there. A single drive would not be sufficient, especially with retired Fathers there, they would want access.

Member Mutch said the use seemed to fit pretty well into the area and public benefits were being offered with this. He said his problem with this went back to how the PRO worked. He was struggling with this because RM-1 made sense from a use viewpoint, but RM-1 as a zoning district didn't make sense from a density viewpoint in terms of this area. He said his concern was they would have future applicants or a judge, look at the map and say they saw RM-1, which meant the City wanted to allow multiples there and not get into the details, not for this piece, but maybe in an adjoining piece. He said he had a real problem with how the PRO was working in terms of introducing inconsistent zoning designations into the Master Plan and Zoning Map. He said he would support this because they had gone through the process and

followed the Zoning Ordinances, but he had a real problem with the PRO and didn't think it was the right vehicle to accomplish what Council wanted to accomplish. He said they had talked about having a PUD that got them away from trying to fit these round pegs into square holes in the Zoning Ordinance. He said it got rid of that whole concept and allowed the Council to look at unique projects, to talk about density, setbacks and public benefits as most communities did. He thought it would be better long term for the City and over time, if they

kept going this route, eventually someone would raise a flag on the consistency of the application of the Zoning Ordinance.

Member Crawford commented she lived on Eleven Mile Road and had no problem with the project. She said it would be next to duplexes, across from the bus garage, and she thought it would be a good fit. She said there were many residences on that road, they were single family and were about as big as their building. She stated she would support the project.

Roll call vote on CM-08-02-024

Yeas: Landry, Capello, Crawford, Mutch, Staudt

Nays: None

Absent: Gatt, Margolis

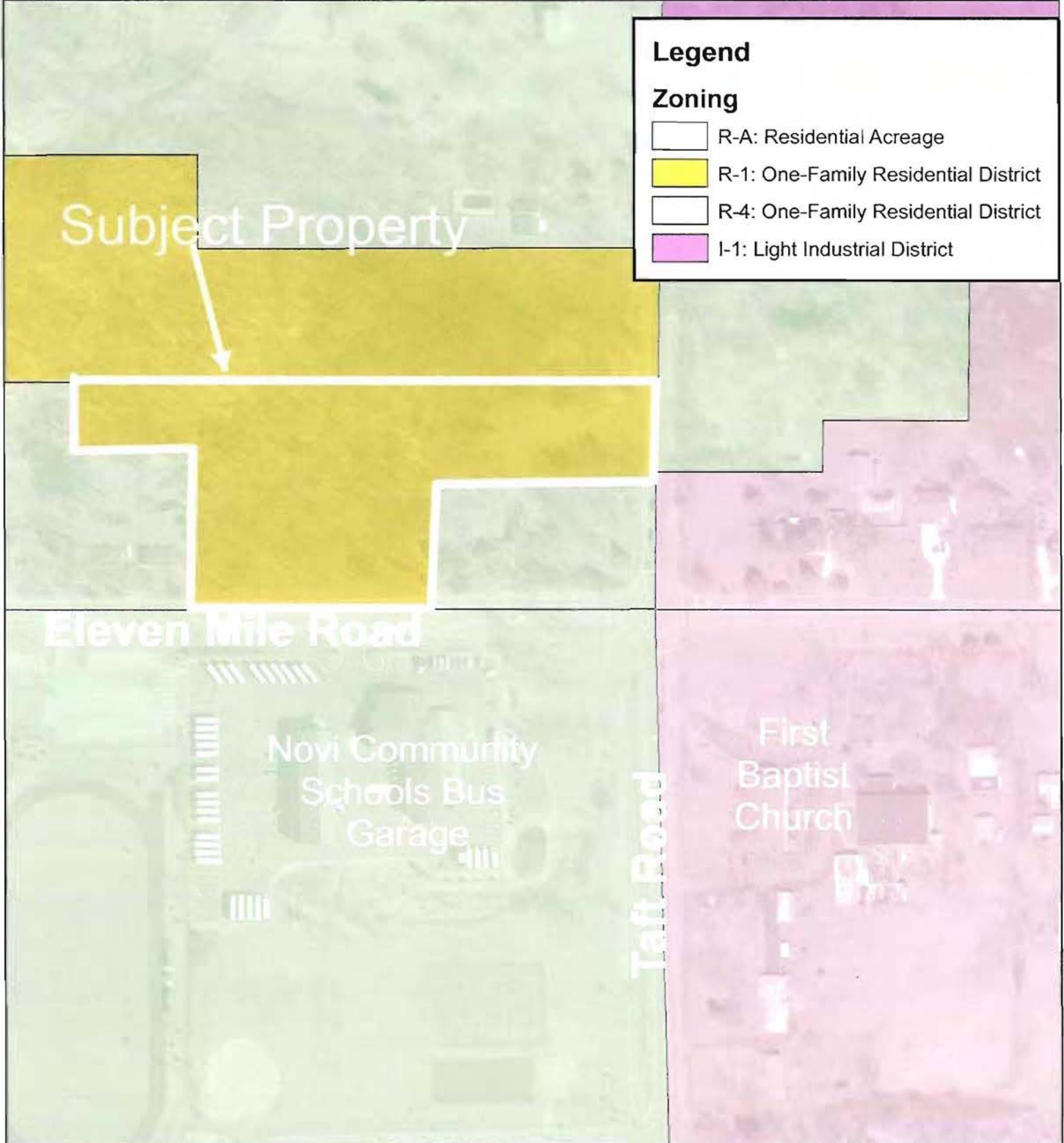
MAPS

LOCATION
ZONING
FUTURE LAND USE
NATURAL FEATURES

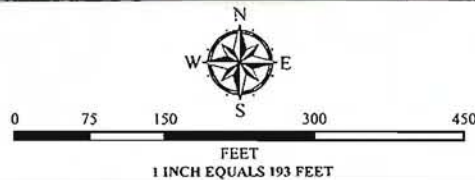
Basilian Fathers Residence SP#07-59 and Rezoning 18.673

Zoning

MAP CREATED: DECEMBER 6, 2007



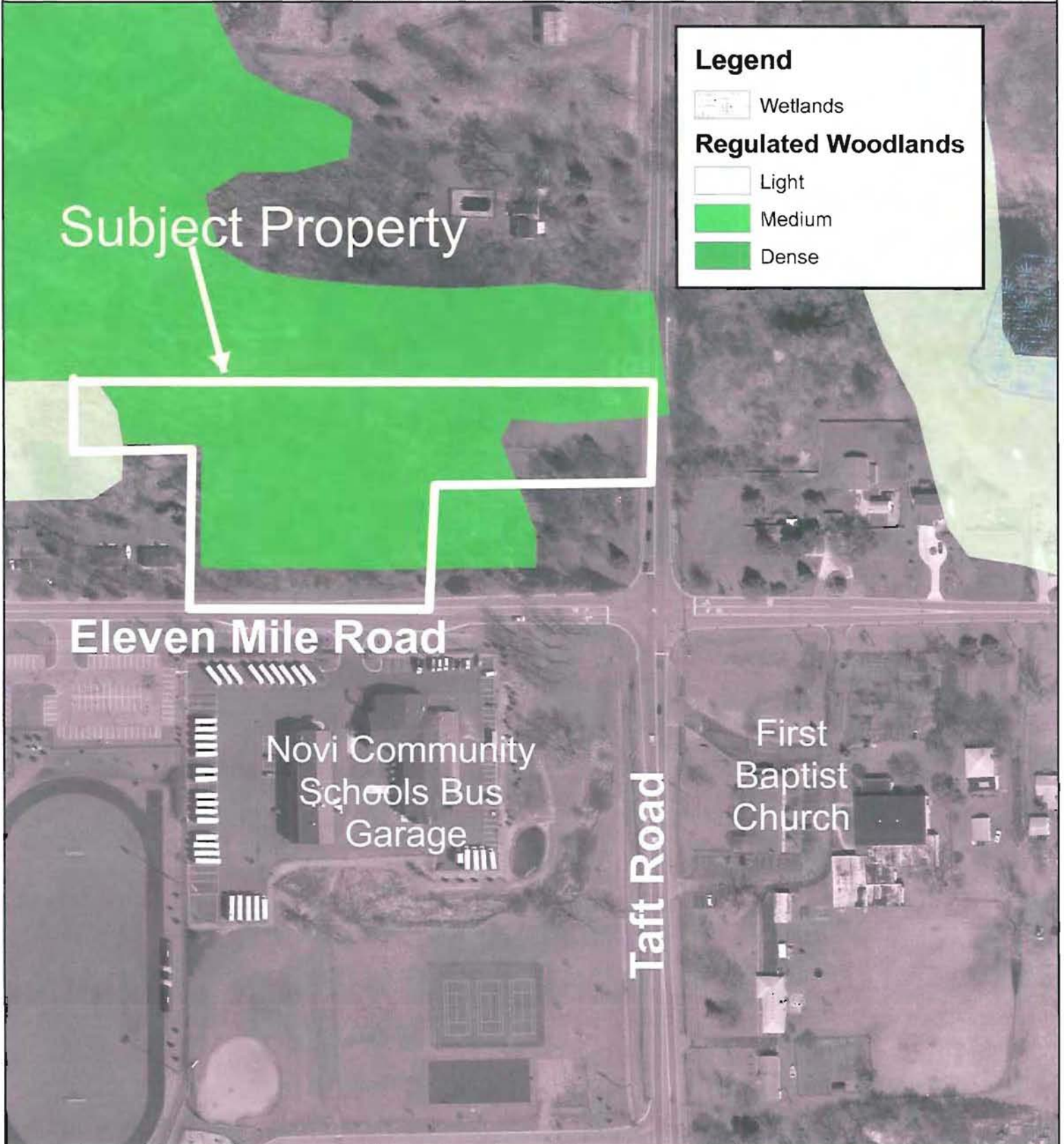
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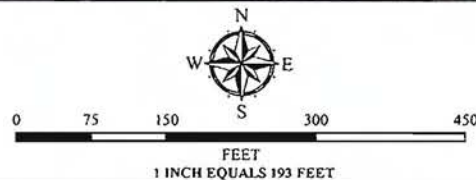
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Basilian Fathers Residence SP#07-59 and Rezoning 18.673

Natural Features
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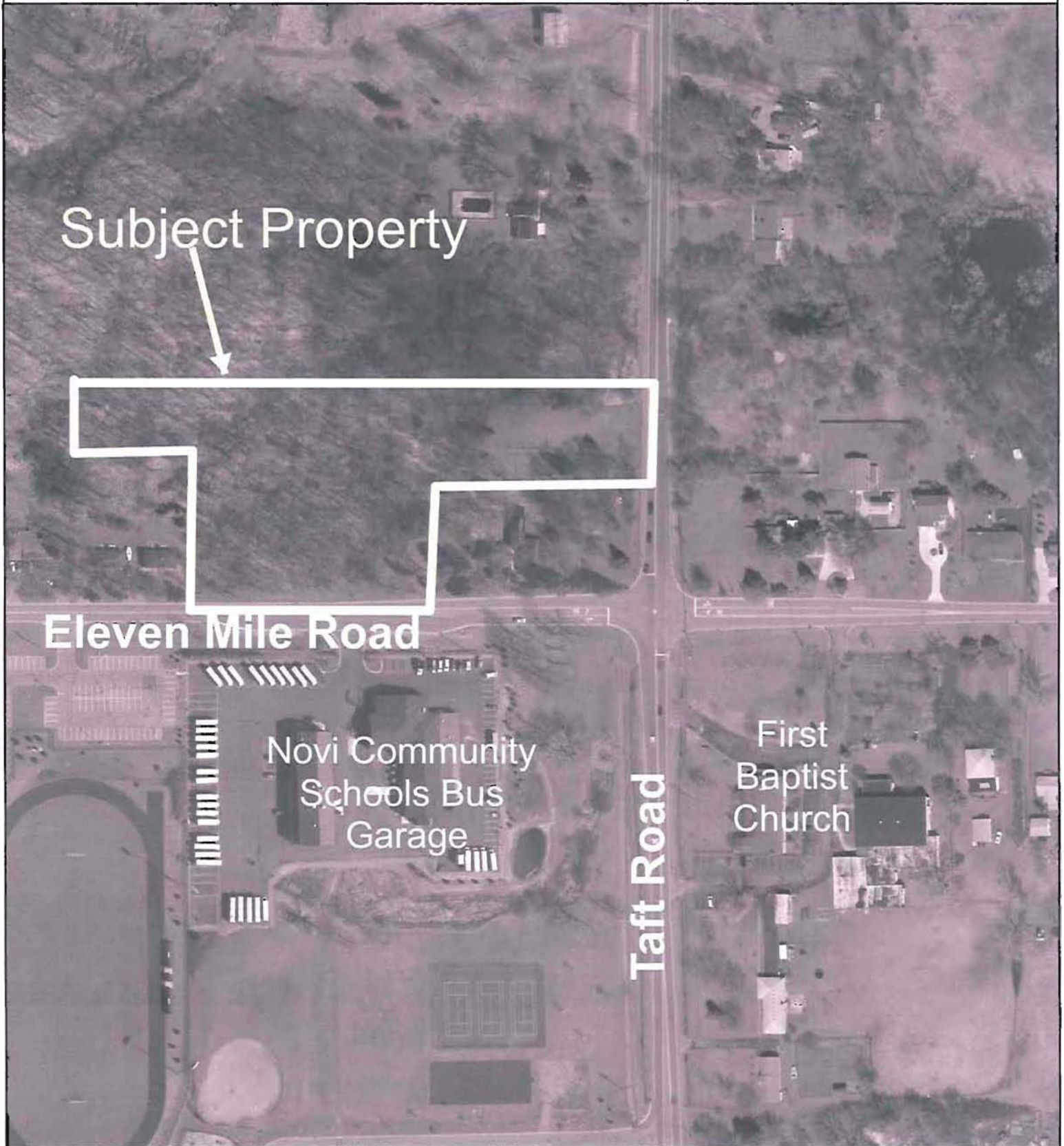


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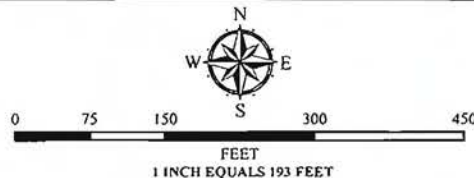
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Location

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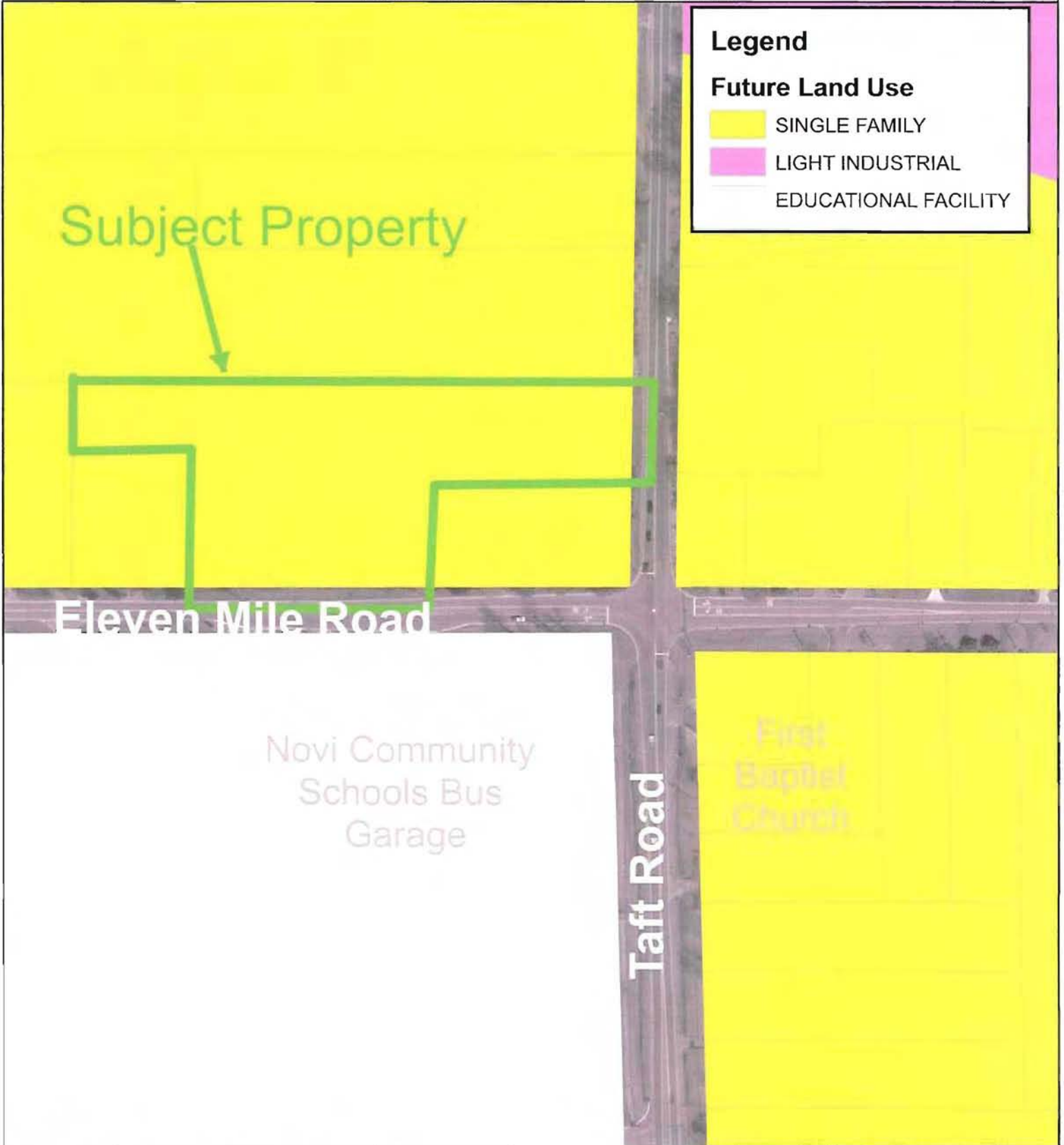


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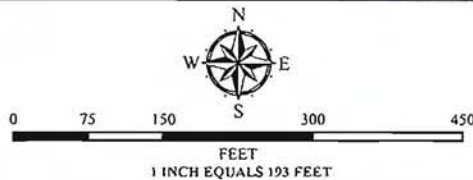
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Future Land Use

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