

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI  
DRAFT - MONDAY, MARCH 26, 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  
Julie Farkas, Library Director  
Rob Hayes, City Engineer  
Brian Coburn, Engineering Manager  
Barb McBeth, Deputy Community Development Director  
David Malloy, Chief of Police/Director of Public Safety

**APPROVAL OF AGENDA**

**CM-12-03-35 Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:**

**To approve the Agenda as presented**

<b>Roll call vote on CM-12-03-35</b>	<b>Yeas:</b>	<b>Staudt, Casey, Fischer, Margolis Mutch, Wrobel, Gatt</b>
	<b>Nays:</b>	<b>None</b>

**PUBLIC HEARINGS:**

1. Michigan Natural Resources Trust Fund (MNRTF) Grant Application Proposal for Pavilion Shore Park Phase 3 located at 13 Mile and Old Novi Road.

Call to the Public at 7:01: No public comment received. Mayor Gatt closed the Call to the Public.

2. Michigan Natural Resources Trust Fund (MNRTF) Grant Application Proposal for ITC Connector Trail between ITC Transmission Corridor and 8 Mile within ITC Community Sports Park with Trailhead located in ITC Community Sports Park.

Call to the Public at 7:02: No public comment received. Mayor Gatt closed the Call to the Public.

**PRESENTATIONS:**

1. Public Access Promotion Committee Update – Brian Golden, Chair

Mr. Golden wanted to take the opportunity to explain something that was an ongoing process at SWOCC studios. Two representatives from Novi on the Promotion Committee, Carol Spennacho and David Schied, were present. They have started a process which is educating people how to use the facility. In the certification process they have created a higher participation, especially people from Novi. In the past, they have had great participation from Novi but not much programming has come out of it. They have found that secret to creating wonderful participation after the certification process and to actually create television programs. They have created Public Access University. It is a branch of the Public Access Promotion Committee that provides training for residents of Novi, Farmington, and Farmington Hills. By doing this as a step by step process we have gotten a larger response by the people that have taken the classes. For example, out of the 15 participants in the last session, they had 6 television programs created. In the past, they would have no programs come out of the process. We've allowed not only giving the people hands on training to create programs but they have taken the next step to create television programs. He had a promo that was airing currently on the public access channel, channel 12, called the info TV 12. The access channel was currently running this promotion that was created by a Public Access University student. The promotion video shown was Mr. Golden asking for participants to join Public Access University to become certified to use SWOCC studios. He said he had more classes coming up. He has a waiting list. They have approximately 10 students on the waiting list currently. When they get to about 15 they will start the classes again. He thanked them for the opportunity to show Council what the Public Access University was all about.

2. Proclamation in Recognition of Michigan Paralyzed Veterans Annual Awareness Week April 11 – 17, 2012

Jaclyn Kochis, Deputy Director of the Michigan Paralyzed Veterans Association was present to receive the proclamation from Mayor Gatt. It was in honor of Michigan Paralyzed Veterans Awareness Week of April 11 – 17, 2012. Ms. Kochis noted that across the nation during the month of April, the 34 chapters of PVA's are going to be celebrating Paralyzed Veterans Awareness Week. It was a special time for them and invited the public to come out and learn more about the services they have provided for the past 51 years. Everyone is welcome to come to their chapter headquarters, located at 40550 Grand River, on April 12, 2012 for their annual Open House. She invited residents to become aware of the services they provide, to meet their members, and become involved in some of their services.

3. Proclamation in recognition of National Library Week April 8 – 14, 2012 – Julie Farkas, Library Director

Julie Farkas, Library Director was present to receive the proclamation. She said the National Library Week was a very exciting time for them. It gives them an opportunity to share what they are doing that was great in our community. She encouraged everyone to stop by the library. It is a week but we celebrate the whole month. There is great programing going on during April. One of the programs will be the theme "You

belong at the Library". She had hoped everyone stops by to become part of the library. Also, to take part in sharing the title of a book from the library that you have enjoyed in the years. At the end of the week will be the battle of the books event. It has been an ongoing event for over eight years. It is where 5<sup>th</sup> and 6<sup>th</sup> graders come together as teams to read from 5 to 6 novels and have a competition where they are questioned about different aspects of the books. It has encouraged reading in our community for a number of years. It will be a lot of fun. They will be unveiling a new historical display case for Novi history. The first theme will be "Novi, Then and now". The display case was made possible by a very generous donation campaign by Hugh and Kathy Crawford. They will change the display every 3 to 4 months. She also noted the annual fundraiser will be held Friday, April 27, 2012 from 7-10 p.m. Last year the event raised over \$10,000. The proceeds will benefit the Library's DVD, Blu-Ray and Video Game collections at the library which are very popular form of media. Anyone can call the Library to get tickets. They have some wonderful sponsors, Telcom, Providence Hospital, Global Office Solutions, Twelve Oaks Mall, and Steve and Rocky's will provide the food. It will be a good time for everyone 21 years old or older.

4. Novi Road Pedestrian Route Study over I-96 – Rob Hayes, City Engineer and Mark Loch, Orchard, Hiltz & McCliment

Mr. Hayes gave the presentation of a recently completed study of a non-motorized crossing of I-96, specifically in the Novi Road area. He noted that despite all the benefits that I-96 offers to its Novi residents and businesses, it does offer one major detriment. It bisects the City and cuts off most opportunities for non-motorized transportation between the north and south halves of the City. Major recommendation by the non-motorized master plan, as well as, the I-96 corridor study was to evaluate and implement eventually crossings of I-96. This study was commissioned last fall and we retained the services of Orchard, Hiltz & McCliment to study the Novi Road area. They were to look at what type of crossing is the most feasible and cost effective at that location. Although, implementation or construction will be approximately 2-3 years away, we thought it was a good opportunity to present the findings of the study at this time. Mark Loch spoke about the study that took about 3 months. He has been with Orchard, Hiltz & McCliment in the transportation group for about 22 years. He was the project manager on the project. They asked the City what were the parameters of this project. They asked the City if it was a route for pedestrians or bicyclists or both and if it was going to be on one side of Novi Road or both sides. Also, what were the limits of the study for how far north and south of the interchange do they want to go. The City left it up to us to use our creativity to come up with an option that we felt was the best. The City wanted it to connect on the North and South side. The city left a lot of the options up to us. They created a stakeholder team with the Road Commission of Oakland County who owns Novi Road, Michigan Department of Transportation owns the interchange area, CSX Railroad was involved because one of the options pursued was utilizing their underpass of the freeway and the City of Novi staff was also instrumental in the project. He presented the view of the area. It came from the non-motorized master plan. It shows the lack of pedestrian facilities in the area. The goal of the project was to try to connect the pedestrian facilities already in place. An aerial view of the area shows the width of the bridge which was a controlling item. It has 7

twelve foot lanes which is 84 feet and has two eight foot shoulders which is 100 feet in width, two thru lanes in each direction, a center turn lane and an on ramp in each direction for the freeway. They studied the CSX underpass which had a 25 foot clearance at I-96 but it was determined not usable due to width restrictions, too distant from Novi Road, and no lighting with safety issues. An example they could have pursued was at Grand River, east of downtown Farmington which was an option for Novi Road. It is a five lane road with five foot sidewalks on each side. This was an option for Novi Road. This option was dropped because of the volume of traffic. They wanted a barrier protected facility and it was not. They studied at Orchard Lake Road with a single facility on the west side of the bridge. It is five feet wide with barrier protection. Another example was Halstead Road with facilities on both sides of the road with seven foot sidewalks and barrier protected. It was a feasible option but one of the challenges they came against was how to make the crossing along Novi Road to cross the free flow ramps onto the freeway which could be dangerous. The site vision would be a problem. It was not a preferred option. Another option they explored was the separate bridge similar to the one just West of Farmington Road. The new two and a half million dollar bridge at Harrison High School was an option they looked at. They considered cost, safety, convenience of use for the user and loss of road capacity. He discussed several options with pedestrian crossing on both sides of Novi Road, only west side crossing, center crossing, a separate bridge by Town Center, and west of Novi Road at Taft Road crossing. It didn't solve what to do with Novi Road and wasn't used. He then discussed the cost associated with each. Option one with facilities on both side was about 1.1 million dollars, Option 2A was \$375,000 to \$800,000 and the reason for the range was because the traffic signals may have to be replaced. Option 2B was \$775,000 to \$1.2 million with reconstruction a portion of the ramp. Option 3 with the center turn lane crossing was \$1.8 million to 2.4 million. The higher range was with a covered walkway with decorative enhancements. Option 4 was a separate bridge by the Town Center and was about \$2.5 million. Option 5 was by Taft and was about \$2.1 million. The Committee decided to go with Option 2B with a walkway on the West side of the road. They would reconstruct a portion of the ramp to get rid of the high speed entrance ramp and slow speeds down so pedestrians wouldn't be in danger. It was the best alternative in terms of cost, safety, and it wouldn't impact the driving public as much. It was a good compromise. Member Margolis asked about the possibility of Transportation Enhancement Grants. Mr. Hayes confirmed that. She also asked why that option since many other areas of the intersection is not pedestrian friendly. Mr. Loch said she was correct and noted if there were other connections, it would be better. Member Margolis thought the Taft Road crossing seemed the most logical to her even though it was not near Novi Road but thought it much more pedestrian friendly. Member Fischer asked if the impact of the traffic was included in the scope of the study after changing the intersection to a T type intersection or would they have to look at it in the future. Mr. Loch confirmed that it was not included in the scope of the study. Member Fischer also asked what data was used to determine how distant was too far. He would have liked to have seen the Town Center crossing and Taft Road crossing. Mr. Loch noted it was a judgment of 2,500 feet, but at close to a mile, he didn't think it would be utilized unless it was for recreational purposes. Member Fischer confirmed as to whether Engineering Director Hayes had any information on the usage and he said they did not break it down. Member Mutch noted this was not anyone's

preferred route. No significant amount of pedestrian traffic would be anticipated here along this route. Novi Road wasn't a first priority with the Walkable Novi Committee with the Non-motorized Master Plan but this study was helpful with the potential cost involved. This particular crossing, when looking at our improvement plan, was down the list and any Transportation Enhancement Grants would help fund a significant part of it. The Committee would look at Taft Road and even Beck Road to serve on the West side of the City and the City staff is working on a crossing at Meadowbrook for the East side. Those crossings were the top priorities. If we were going to put any significant resources, where we would match grant dollars with City dollars, we would look at those two crossings first. Work is ongoing with those. One of the questions at Taft was could we use the railroad underpass and we know now that is not something we can do. He was glad he had this information and it was helpful. Maybe some of the improvements can be implemented along the way on the option over Novi Road. Member Wrobel felt we would be forcing something into an area where it shouldn't be. He preferred the option of Taft Road or possibly Town Center as there wasn't any data on the amount of people using it out of necessity as opposed to recreational. Mayor Pro Tem Staudt agreed with Member Mutch that Novi Road would not be imagined for this type of path. Mayor Gatt thanked them for the report and noted he could not imagine taking his family across Novi Road. He had hoped to look at a different location and Taft Road seems to be preferred. We are talking in the future but hope that one day we will see it go up.

**REPORTS:**

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

**AUDIENCE COMMENT:**

Kim Capello, 24406 Nantucket, spoke about the numerous emails he received about the proposed development at 10 and Beck. He felt that when the PRO ordinance was adopted, he didn't think it envisioned this type of development that was proposed at Ten and Beck. The open space that they are providing, the detention basin at the southwest corner, is not a quality usable open space. The ten foot strip along Ten Mile Road again he did not see as being an open usable space. The open space at the Northeast corner is a small space, unusable, and on Beck Road. The open space right at the corner could be a quality open space if constructed properly and with proper maintenance tools in place. He would urge to approve the development with certain conditions for residential in order to avoid commercial. He asked for an access on to Beck Road. The other two accesses from existing subdivisions shouldn't be used as the only and primary entrance. They have to have their own entrance. Beck Road was the logical access point. Easily passing lanes could be added for the access into the subdivision. He had concerns about the detail of the footprints and facades of the houses. He understood that the proposed façade changes have been approved. He asked to have Council look at that closely as such in Sandstone plans were not detailed enough. He asked they approve it with the Beck Road access and look at the details.

Jill Baty, 24295 Warrington Court, has lived in Novi since 1993 and noted the property is currently R-1 and was zoned that when they purchased their home. She felt they should take into account the viewpoint of the people that are adjacent to the property. They felt it would lower the value of their home if lower valued houses were built there. They expected a R-1 zoned development. She didn't feel they should suffer and the developer gets more. They also had concerns about the entrance on Beck Road and felt there would be more congestion with the additional traffic. She walks in the sub and there wasn't much traffic. She asked to see another proposal or why a development with R-1 couldn't be built there.

Dave Hadley, 24265 Warrington, noted they moved in the same time as the Baty family. They studied the master plan before they bought the property. What they haven't seen is an R-1 plan because that is what the City had planned and would represent them best for the values of homes in the area. The property as vacant land was also okay with them. But if they plan to put something there, keep it with the R-1

John Gazette, 47518 Greenwich, his specific concern was if Council wanted to set a precedent here. There is a lot of other vacant property in the area. He had hoped the economy would improve and see other proposals come forward. He asked if they want to start changing the master plan which was well thought out and reasons why we all live here. They have not seen an alternative R-1 plan for this area. He felt other developers would go back and ask for this change also.

Erik Smith, 23400 Whitehall, agreed with some of the comments with regard to changing it to R-3. Utilization of the PRO was looked into during the last Master Plan Review and it was utilized for the purpose of transitional areas of Eleven Mile and Beck Road study. He understood its utility and how it serves the purposes of the City's interest of development but he felt it was a slippery slope of changing from R-1 to R-3 in the southwest quadrant. It was reviewed in 2008 for this reason and adopted in 2010. They maintained that quadrant as R-1. He read from the Master plan that the goal was to continue to protect the character of the southwest quadrant of the City as this was the home of the majority of vacant land. He noted the talk of increasing the density; the facades that were submitted were an improvement but what will be the next development. They felt it would be less defensible for the City to do anything about it. The transition is already starting as they have done with the 11 Mile and Beck study and the Grand River and Beck area. It was the intent of the City to protect this area.

Mark Barsamian, 47602 Greenwich, was happy to have a residential proposal but was opposed to the rezoning because site plan needs only a slight modification to fit in the R-1 zoning. He didn't understand why Planning Commission was so quick to throw away the R-1 zoning. There was no commitment to maintaining that. It was the reason he had moved here. He hoped that zoning would be protected.

George Oommen, 47453 Greenwich, didn't believe in having two sets of rules. They are still entertaining the same proposal after twelve years. All his neighbors hope Council will stick to the R-1 zoning. That is why they came to the City and had hoped to get from

the City. What stops him from building another two homes on his property because he has .6 acre and so does his neighbor? Based on the proposal he could build another two homes there. He had been living here for 12 years. Now a new builder wants to build 2 homes on the same amount of property he has. He didn't understand the logic of why Council would approve this builder but not approve the same thing for his own. He wondered why the builder gets a separate deal because he is in the business of making money and as a resident he was in the business of losing money. He was asking for fairness. He noted no one would use the entrance on Beck Road. Also this would cause more traffic in front of his home. They all have lost 20-40% of their values. They all have to get on the same page.

Dennis Ringvellski, 24359 Nantucket, has lived in Novi for 34 years and was always a strong proponent of maintaining the R-1 zoning West of Beck Road. In 1989, City Council approved the rezoning of the northeast corner of Ten Mile and Beck Road from B-1 to a much larger type commercial zoning. Back at that time, several citizens formed the Citizens of Responsible Development. They forced the Council to put this issue on a referendum to a vote. 66% of the voters voted with us. That area should not be increased to a higher classification. They did not win. The developer went to court and obtained a consent judgment where the CVS was built. The rest of the property was put into small homes with small lots. The City could not do anything about it. It came back to bite them after working so hard. When the present proposal came to their attention, they began to organize to turn back this present proposal. They thought they all want residential development on this corner and now. We are tired and have fought it off 5 or 6 times. Most didn't like the proposal in its present form and had suggestions on how it could be developed. We worked on a petition for minimal changes that they would require before this proposal went through. The compromises proposed were separate entrances, a minimum build of 2800 square feet, and the name Greenwood Oaks not be used. He proposed the matter to be tabled and come up with some kind of solution with another conclusion to this.

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

**CM-12-03-36 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:**

**To approve the Consent Agenda with the removal of item F for Council Action.**

**Roll call vote on CM-12-03-36**                      **Yeas: Casey, Fischer, Margolis, Mutch, Wrobel, Gatt, Staudt**  
**Nays: None**

- A. Approve Minutes of:
  - 1. March 12, 2012 – Regular meeting
  
- B. Enter Executive Session immediately following the regular meeting of March 26, 2012 in the Council Annex for the purpose of discussing pending litigation, labor

- negotiations, property acquisition and privileged correspondence from legal counsel.
- C. Approval to award bid for the purchase of Fire Department protective turnout gear to Apollo Fire Equipment, the lowest qualified bidder, in the amount of \$26,550.
  - D. Approval of Traffic Control Orders 12-01 and 12-02 for traffic control signs within Willowbrook Farms No. 4 subdivision.
  - E. Acceptance of a quit claim deed from City of Novi for the dedication of 60-foot right-of-way for the existing location of South Lake Drive and acceptance of a quit claim deed from the City of Novi for dedication of 60-foot right-of-way for the existing location of East Lake Drive in the vicinity of Pavilion Shore Park.
  - F. Approval of Resolution authorizing submission of a Michigan Natural Resources Trust Fund (MNRTF) grant application for Pavilion Shore Park Phase 3 located at 13 Mile and Old Novi Road. **REMOVED FOR COUNCIL ACTION**
  - G. Approval of Resolution authorizing submission of a Michigan Natural Resources Trust Fund (MNRTF) grant application for ITC Connector Trail between ITC Transmission Corridor and 8 Mile within ITC Community Sports Park with Trailhead located in ITC Community Sports Park.
  - H. Approval of Resolution regarding Temporary Promotional Signage for businesses along Grand River Avenue (between Haggerty and Novi Roads) allowing temporary relief from the Sign Ordinance from March 27 through September 15, 2012.
  - I. Approval of MERS Hybrid Program (Benefit Program H) and Defined Contribution Component Resolutions for POLC (Police Officers Labor Council) new hires effective April 1, 2012, pursuant to the arbitration ruling on March 15, 2012.
  - J. Approval of Resolution for Changing MERS benefits for the POLC (Police Officers Labor Council) Division 02 for: (a) Earlier Normal Retirement from F25 (25 years of service and out) to F25/50 (25 years of service and age 50), and (b) for purposes of computation of final average compensation to include a cap of 350 overtime hours annually, effective April 1, 2012, pursuant to the arbitration ruling on March 15, 2012.
  - K. Adoption of Resolution to Amend the VantageCare Retirement Health Savings (RHS) Program to include the POLC (Police Officers Labor Council), effective April 1, 2012 for POLC new hires, pursuant to the arbitration ruling on March 15, 2012; and to clarify eligibility for all groups.
  - L. Approval to extend the 2010 Electrical Services contract (an annual contract with two one year renewal options) with Great Lakes Power & Lighting, Inc. for



- one year based on the same terms, conditions and pricing as the original contract at an estimated amount of \$50,000 - \$70,000. This is the second and final renewal option for this contract.
- M. Approval to adopt Resolution relating to requirements for Outdoor Seating Permitted under the Zoning Ordinance.
  - N. Approval of application from Blue Ribbon Restaurants Novi, LLC to transfer all membership interest in 2011 Resort Class C licensed Limited Liability Company issued under MCL 436.1531(4), located at 43350 Crescent, Novi, MI 48375, Oakland County, wherein Elliot J. Baum transfers 0.9% membership interest each to new members Aaron Baum, Natalie Baum, and Steven Baum, on or about August 25, 2011, by dropping Alon D. Kaufman as member through transfer of 55% membership interest to the Limited Liability Company, August 31, 2011; and wherein member Elliot J. Baum transfers 94% membership interest to new member, BR Restaurant Holdings, LLC, and members Aaron Baum, Natalie Baum, and Steven Baum each transfer 2% membership interest to new member, BR Restaurant Holdings, LLC, on or about October 2, 2011.
  - O. Approval of Claims and Accounts – Warrant No. 864

**MATTERS FOR COUNCIL ACTION:**

1. Consideration 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. The property totals 24.24 acres and the applicant is proposing a 38 unit single-family residential development.

Howard Fingerroot, managing partner of Pinnacle Homes and Beck Ten Land Company, noted he started working on this property approximately a year ago. He contacted the former applicant and learned how he had gone back and forth on a commercial rezoning. The City and residents were not interested in Commercial. The prior owner had owned it for 10 to 12 years. He approached the prior owner and said now might be the right time to shed that property and try because he is a residential developer and builder. He liked working with the Novi staff to see if we could come up with a residential plan that works for the City, neighbors, and for them. The challenge with this property is the physical characteristics. There is commercial characteristic of this property due to two main roads and it has 2,000 feet of frontage which tends to be good for commercial and bad for residential. We worked with the staff and Novi consultants to overcome that challenge. We started with going with a straight rezoning and then looked at the clustering options in the ordinance with the PRO option. He kept looking back and looking at the objective to develop a quality and luxury development that was consistent with the general neighborhood and would keep the values up. He has done this frequently. He looked at a few web sites, including

Zillow.com, to get the property values in the general area and used trend analysis to show the basic values. The values, plus or minus \$30,000 to \$40,000, went from \$280,000 to \$415,000. He proposed the types of house that will start from mid to high 3's to \$450,000 ranges. The range he is proposing will help the values. With the PRO ordinance, there are three factors in regards to the land, houses, and what public benefit they provide. The land was the most important part of this. We needed to create an enclave in order to meet our objectives. We couldn't do luxury housing if our customer came and thought they were living right on the corner of Ten Mile and Beck Road. We did three things in our land planning. We worked with the City and pulled the lots away from the roads and provided some open space in addition to the required buffer. We provide visual screening using landscaping and hard scaping. It provides both visual screening and noise calming. It was an important component. We wrapped the outside of the project with trees, fences and monument to shield the outside world. Finally, we deliberately did not put entryways on the Ten and Beck and used the existing stubs already there for the purpose of tying into this property to extend the visual shielding. So when you enter this enclave, they don't feel like they're part of the intersection. In terms of the houses, we increased the size of the houses. He would sell a portfolio from 2,400 feet to 3,500 feet. The most popular plan would be about 3,000 to 3,200 feet on average and would fit a buyer in Novi that was looking for Novi Schools and for a luxury house. We have side entry garages on the 90 foot lots. There will be four sided brick. He had proposed five floor plans and offered a similar product at Nine Mile and Napier. In that community the average floor plan is about 3,500 feet. More and more people there are purchasing the bigger homes. The public benefit was that they upgraded the frontage landscaping; they are putting in 50% to 100% more landscaping, and a pocket park at the intersection. The pocket park will be a nice amenity with beautiful landscaping with an art platform. It is not an active park for recreation. They will put in a water main loop along Ten Mile. It is fairly extensive water main. He knows the City will push to put it in. Our development would have three points of access to City water. It does not help this plan but it is a part of what the City would ask for and believes it would be a public benefit. The pathway connections would be required by the City. The particular pathway along Ten Mile Road was part of the Pathway Commission's request to have completed soon because it gets a lot of traffic and is a dangerous situation. Another public benefit was that they will make a contribution for the pathway network towards the ITC corridor with a specific dollar amount. They will preserve a landmark tree in the pocket park and dedicating the right of way that would be required. In summary, that was how he viewed the PRO. They examined all the different options and the City made a report to the Planning Commission that they recommended the approval. They went to the Planning Commission and had a number of residents who gave their opinion as well. It wasn't an easy decision for the Planning Commission. Fortunately, they saw the plan and voted unanimously to approve this plan.

Barb McBeth, Deputy Community Development Director, gave an update on what has happened since the Planning Commission public hearing. The applicant is proposing the rezoning with PRO of an approximately 24.24 acre parcel located on the northwest corner of Beck Road and Ten Mile Road from R-1, One-Family Residential to R-3, One-

Family Residential district with a Planned Rezoning Overlay with a concept plan. To the north and west of the property are existing single-family homes. To the east, across Beck Road, is an existing shopping center and to the south, across Ten Mile Road, are existing single-family homes and vacant land. The future land use map does recommend single family uses for this property and for the majority of surrounding properties. Although the applicant has requested a rezoning to R-3, the concept plan indicates a total of 38 lots, meaning the total density of the site is 1.77 units per acre, which is much closer to the planned R-1 density of 1.65 units per acre than it is to the permitted R-3 density of 2.7 units per acre. Planning staff notes that the proposed single family detached residential plan is consistent with and comparable to the surrounding residential developments.

A PRO submittal by an applicant allows the applicant to propose a public benefit that is above and beyond the activities that would occur as a result of the normal development of the property. The applicant has proposed upgraded frontage landscaping along Beck Road and Ten Mile Road, a pocket park feature with a platform for City-owned art directly at the intersection, and funding (not to exceed \$9,000) for additional sidewalk connections on Ten Mile Road. The applicant has included sidewalks along their property frontage on both Ten Mile Road and Beck Road. Additionally, the applicant has proposed housing style and size upgrades. Our façade consultant has reviewed the provided renderings and confirmed what has been proposed would be above the minimum requirements of the ordinance. We are asking for a little more detail if this project moves forward just to confirm those details. Since the Planning Commission meeting we have received additional elevations with a total of five with some alternates that could be proposed. Ordinance deviations for the lack of paved eyebrows, for proposed skewed intersection which is not exactly ninety degrees, and for the sidewalks for these roads have been requested by the applicant for inclusion in the PRO Agreement. The Landscape Review noted the applicant has met the requirements of the ordinance and confirmed upgraded frontage landscaping has been proposed. The engineering, traffic and fire reviews noted items to be addressed on the Preliminary Site Plan submittal. The public hearing for the rezoning request was held by the Planning Commission on February 22. At that meeting, the Planning Commission recommended approval of Zoning Map Amendment 18.701 to rezone the property from R-1 (One-Family Residential) to R-3 (One-Family Residential) utilizing the PRO option. The Planning Commission discussed several aspects of the concept plan and a number of questions were raised by interested members of the public since that meeting, so we note a few revisions to the PRO Concept Plan since the Planning Commission reviewed it:

The applicant has agreed to the following revisions:

- Previous iterations of the concept plan showed additional landscaping in the open space on the northeast corner of the site. The applicant has agreed to include the same amount of landscaping in the northeast open space area as previously proposed.
- The applicant has agreed to propose a new name for the development that will not make any reference to the existing Greenwood Oaks subdivision.

- The applicant has submitted revised elevations and floor plans, which are attached in the City Council's packets, so as to provide a variety of models in the new development.

Additionally, staff had requested a memo from the City's traffic consultant, Birchler Arroyo Associates, to address the advantages and disadvantages of providing an access point into the new development onto Beck Road or Ten Mile Road. The memo dated March 16, 2012 was in the packet and notes that a new access point was not needed or desirable. The City's Traffic Consultant, Rod Arroyo of Birchler Arroyo was present to address any questions regarding traffic. The City's Façade Consultant, Doug Necci, was also present to answer any questions regarding the proposed building facades.

Member Margolis noted she doesn't respond early as she waits for clarifying information and felt it's important to follow the Master Plan as it was a guide for where the City was going. It is important to know the difference between the Master Plan and Zoning Map. The Master Plan for this area is 1.65 density for residential since 1993. It is not Master Planned as R-1 even though that is the density that goes with R-1. The other thing in the Master Plan is that it must be a legally defensible development at this corner. Also, it talks about optimizing residential development without destroying the natural features. She said it leaves certain options that can be done with this development. The PRO option allows to keep the density but to cluster things to allow for that kind of open space. She said R-3 is an underlying zoning and the most important part is the PRO. The PRO sits with the land forever and allows Council to be more restrictive and specific about what we expect on the land. That is possibly why the staff looked at this option. It is a rezoning to R-3 and confirmed whether it could have come to them as an R-1 zoning. Mr. Schultz said that most PRO's come with a rezoning. He thought that if they read the language broadly you could construe that. Member Margolis said that the PRO was 38 units with 1.77 density with three units over. She began looking at it as to what specificity the PRO allows. It allows specification of facades, floor plans, and elevations. In the last several days the applicant has submitted five elevations with variations. If we allow it to be contained in the PRO, what does it allow us to specify? Mr. Schultz explained that PRO acts as a new set of regulations that gets overlaid on the existing zoning. It would be the R-3 regulations modified by the PRO concept plan and the agreement together say it will be modified. It is a rezoning with new conditions attached. Member Margolis confirmed that only those five styles of houses with variations can be built on those lots and they become a regulatory item. She addressed Mr. Fingerroot and wanted to confirm that he is agreeing to a minimum of 2,600 square feet. He explained he is often asked to change the elevations to improve them. His intention wasn't to preclude any other floor plans they came up with in the range of 2,500 to 3,500 square feet. Member Margolis needed the assurance that they were the kinds of houses that were going to be built and didn't want to change the intent. Mr. Schultz said that was nothing new and to think about the consent judgments they have done. He explained other things done they have brought to them in a form of a written document that gives the facades with changes to be approved with language in it requiring similar architectural value, etc. The idea of flexibility is not difficult to deal with. Member Margolis continued to ask the applicant whether 2,600

square feet was really what the minimum was and asked if he was willing to say 2,600 square feet. He wanted to think it through. He didn't think they will build anything under 2,600 square feet and to answer the question, he is comfortable at 2,600 square feet. Member Margolis said that was important to her and the houses were similar to the neighboring neighborhoods. It would go a long way to helping the situation and he had answered her questions. This density does fit with the Master Plan but what she was looking for was a quality residential development in there. She liked the clustering of the houses together with public benefits and with the buffering. The landscaping and pocket park were offered. She liked that he offered the new name. A lot of people are concerned about a straight access to Beck. She struggled with the issue but didn't think the entrance would be a good idea. She thought it would cause more problems than it solves. She relies on the Consultants and Staff for information and hated to add something that added more problems down the road. She wanted to let everyone know there would be a temporary construction entrance. It is a good quality development, a good reputation, and it keeps the area residential. The PRO allows us to specify things they want to require with a legally defensible development. She will support this project. It is something they need on that corner and it makes a great deal of sense to her.

Member Fischer reviewed the PRO ordinance and felt it didn't meet the burden of proof the applicant must meet. The first thing in the PRO ordinance is the integration of the project with the proposed density of this project is 1.77 acres area versus 1.65 net acres in the R-1 requirement. If you look at the density in the surrounding area, it is close to 1.3 units. He did not believe it met the PRO ordinance burden of proof. It has been brought up by several residents. All of the other requirements of the R-1 with a 1.3 density would be about 30 houses. As far as the surrounding properties characteristics he was not comfortable with what this proposal was offering. Lot size seemed to be an issue with the residents. Under R-1, we would require 22,000 square feet but this agreement would have a lot size of 14,000 to 16,000 square feet. The benefits are supposed to outweigh the detriments. A detriment to this plan is the access. It would be a burden on the roads and residents. He understood and could support one access to Beck Road. The home size would be what the market would support. He thought it did not meet the intent of the Master Plan and ensuring a community we can be proud of. He looked at the benefits again and they have to out weight the detriments. He looked at the plan review report. The water main loop and pathways connections would be required by any applicant. The housing style and size upgrade was an enhancement but over the minimum of ordinance. He meant the market wouldn't allow them to build them anyways and because no one would buy them. Dedicated right of way would be typical when something like this goes through. He doesn't want to take away the benefits but they have to consider if the pocket park and tree preservation out weights all the concerns he has. He would not support it as it was but maybe table the agreement as mentioned previously. Some of the conditions he would like to see and discussed with all involved were: 1. Looking at the density and decrease by up to 3 to a density of 1.65, 2. Access onto Beck Road, he thought was necessary, 3. Look at the housing size and incorporate the elevations of a minimum of 2,600 square feet and ensure some of the façade language was incorporated in the PRO. He couldn't support the proposal as it was. He would like to see several if not all

of the conditions to be incorporated in the plan before he would consider to approve it.

Member Wrobel served on the Master Plan Committee and wants to uphold it. He agreed with a lot of what Member Fischer said and wanted to comment on some of the issues. Every development he felt should have its own access. Beck Road seems to be the best alternative. If it were to be developed as commercial, it would have two or more accesses. The density of 1.77 for 38 homes but reading the documentation it seems to say that in this particular piece of property it would be about 25 homes. It would be a 10 -12 home difference. There has not been any documentation that shows as to whether it would affect the property values. City Manager Pearson said they did not have any documentation and it is difficult to determine it. They are not appraisers. All you can do is look at new construction values. All things being equal, most people pay a premium for a brand new house with all the modern amenities. Houses appreciate or depreciate depending on the market. Member Wrobel continued, as it stands right now, he could not support the current plan. He thought with negotiations they could get something that is acceptable to all parties and that would benefit the City of Novi. The one thing regarding PRO and other planning issues, it is not the City's responsibility to make sure a developer maximizes profitability. It is a business decision.

Member Mutch asked Mr. Fingerroot about the documentation going through the process. The concerns he had was that the Staff and Consultants commented that the enhancements to the project were reduced or eliminated as the project went through the process. He wanted him to comment on them first. It was noted that the sidewalks that went from the interior portion of the subdivision to Ten Mile Road and Beck Road were curved and now was a straight grid pattern. There was a small plaza or overlook area near the retention pond that was removed. Staff had asked for a sidewalk connection between lots 12 and 13 to allow people who lived in the subdivision to cross at Ten Mile and Beck Road to go to the CVS center and it was not included in the plans. He mentioned the changes were not significant but were taken out or not addressed in the plan and why that happened. Mr. Fingerroot said that the changes were not delivered because it depended on whether we had the landscape designer prepare it or the engineer prepared it. It was conceptual in nature. If the City prefers that it meander, that would not be a problem. One plan may show it because the site plan may have been included. Nothing was taken out on the retention area. In terms of the sidewalk between lots 12 and 13, he would struggle with it and could talk about it. He is not sure homeowner's like sidewalks on the side of their house, especially at night. It seemed like a relatively small issue. Member Mutch was concerned because of the progression of what appeared to be things being removed from the plan. If he was willing to commit to those, we would like those to be included at this point. If the Staff and City Attorney don't hear it in discussions of the PRO concept plan, it may not be included. It is based on direction of Council. In terms of the sidewalk, residents don't like to have people cutting in their back yard. The ordinance requirements do dictate a certain amount of area for a sidewalk in that location. He would have to provide enough space on either side so it doesn't present an issue. The PRO process discussion as to whether we could do an R-1 PRO on this property. Going back to the

language of the PRO, it has to occur within the contexts of a rezoning. They have to ask for something other than an R-1 in order to engage. Mr. Schultz said the ordinance contemplates a rezoning. His reference to the previous discussions was with multiple zoning on a property and looking at the language they could interpret it to use it without the rezoning but there was a rezoning. Member Mutch said there has been some confusion on how these things proceed. The PRO is different compared to the typical rezoning. We ask the residents to become experts in planning and zoning in a very short time. The more transparent the process the better they could understand what is going on. One other question he had for staff was concerning one of the proposals of some additional landscaping along Beck Road and Ten Mile Road with arborvitae bushes. He was surprised the landscape review questioned that design. We have a variety of landscaping types. Perfect example of this was from riding a bike through the neighborhood a couple of weekends ago, he noticed there was a nice landscaping berm with mature landscaping. They have the same problem he had on his own property which is pine trees that are dying off. Fortunately, they have a variety of species along there so they don't get into a situation where everything dies at once. He also asked to explain why staff was using this type of design. Frankly, he didn't think it would look very attractive to have a single species design versus a mix which was what we typically require in our subdivision berms. Deputy Community Development Director McBeth answered that the landscape architect did have a question about that particular arborvitae and asked for some additional information on that. The question of providing the nice solid screen along there was brought up early on. This was a conceptual plan and she knew our landscaping architect ensured that the berm would have the sufficient landscaping on it and it was considered that the arborvitae was additional landscaping in addition to what we would typically require on the berm. If this goes forward, they would make sure they get the right mix of plant materials. Member Mutch said he would like to see it addressed because he thought it looks like a mix on the berm but they put the arborvitae in the front of it and that is what you would predominately see. Most of the items were small and should have been consistent from day one. First and foremost his focus was adherence to the City's Master Plan in all respects. Where this plan does not come up to measure was the density question. He agreed with Member Fischer and Wrobel. The fact that if it was developed under our normal zoning standards it would get 25 -28 homes and it was a significant jump to propose 38 homes. It would be a significant benefit to the developer for this project. He was concerned about the precedents it would set for this area. He has seen every reiteration of Ten Mile and Beck area development plans over the past 9-10 years. He had seen the same process at Eight Mile and Beck area and noted the vacant land on the southwest corner. There was a daycare proposal that came in at one time. There is probably an equal amount of developable land on the southwest corner as there is on the northwest corner. It would cascade down to the northwest corner at Eight Mile. That was another 25 acre property that we have had people proposed commercial development on. Finally, he didn't think there was enough public benefit if they rezoned this property. Many of the items noted would have been required by a developer whether a straight R-1 or this proposal. We would be getting those improvements anyways. Another one of the elements, he considered to be specific or private benefits, was the façade elevations and lot sizes are driven by the market. If we looked at what has been built in Novi recently, every one of the comparable locations

had built 2,900 square feet or larger including what the applicant has built himself. The market still wants larger homes on comparable size lots. It was offered as a public benefit but he didn't see it as a public benefit. He knows that Council was trying to find a compromise position that benefits the property owner, neighboring home owners, and the City at large. He chose to defer to the residents who have been here and relied on the Master Plan. They have had an expectation going back for decades on this property. He was willing to stick to that position. He would like to see an R-1 plan for this property and that is what he would be expecting to see from any applicant.

Mayor Pro Tem Staudt said he was leaning toward the presentation of Member Margolis. He said it was a reasonable proposal but thought there will be issues with the access road. He mentioned that if you are counting heads, three of the council members had mentioned it. A relevant thing he was looking at was the next item on the agenda that was a \$169,000 bill they will have to pay for something that Council decided on ten years ago. He looked at the residents and many of them will be there ten years from now. He was extremely concerned about what will happen moving forward. He believed it was an opportunity to put an end to any chance of having a commercial development or a retail development going into that property which had a very strong bearing on him. He said Council has seen this builder in the past. They have a high quality product and are concerned about the value of the homes in the neighborhood. If the value isn't good the builder is not going to sell homes. The numbers are not important but they have to think about the long term best interest of the entire City and residents that live there. To defend a lawsuit would be extremely expensive. In most cases, there will be some Council down the road that will make an agreement. Residents will not like it any more than what was presented. Everyone would like it far less. He looks at it as a very large cul-de-sac and the thing that concerned him most was the points of access exclusively from the existing subdivision. He had not decided entirely yet. He wanted to hear from the traffic consultant directly and this was an opportunity to bring forth the issues that are in his mind relative to this property.

Rod Arroyo, Traffic Consultant, gave a brief highlight in the March 14<sup>th</sup> memorandum that they were asked to address the two access points from either Beck or Ten Mile. They provided a table that compared the advantages or disadvantages of the two access points. He thought the basic information was the projected amount of traffic that this project would generate. They focus more on the peak hours with the AM and PM information. This project was about 44 trips during the afternoon peak hours for a project of this size. He said because of the small size of this project, anything other than a trip generation analysis wasn't required for submittal. With an access point to Beck Road, there would be a need for improvements to Beck Road; particularly the extension of the center turn lane to provide for that access point. Right now there was a taper and some widening would be required to do that. The Beck Road access point would have the greatest benefit for residents who live to the north because if there is an access to Beck Road, it wouldn't be likely for residents in the subdivision to travel through Greenwood Oaks and come out onto Cider Mill. They would have a straight shot to Beck Road. In terms of the access point at Ten Mile, it would primarily be used by those who turn right in and right out. A left turn would be a challenge there. Their



conclusion was that the ordinance didn't require an access to Beck Road or Ten Mile Road and they believed because the numbers were less than 50 peak hour trips, from a capacity and residential road standpoint, the subdivision roadways could handle that type of volume. If they do require an access point, they would have some recommendations. The proposal meets the ordinance requirements.

Mayor Pro Tem Staudt asked Mr. Fingerroot if he wanted a final vote tonight or if he was willing to consider additional discussion and wait for a future meeting. Mr. Fingerroot said he was here for the long run. Whether a decision was made this month or the next, it would not have a strong bearing on his business model and how things work. Mayor Pro Tem Staudt noted that Mr. Fingerroot's March 22<sup>nd</sup> letter declined to consider a Beck Road access. Mayor Pro Tem Staudt explained if they were to table it for a future meeting, he suspected that would be the number one issue he would have to consider. It would probably be the deciding factor. He wanted to make him aware that his proposal was very sound and they appreciate him investing in Novi.

Member Casey echoed that the plan was almost there. Conceptually, she liked the enclave design and was concerned not having an access point on Beck Road for the residents. She would like to investigate opportunities to reduce the number of houses and to make sure they have an agreement to incorporate the elevations, minimum square feet and facades or anything else. She echoed the concerns about setting the precedent in terms making a deviation from the character of the adjacent neighborhoods.

Mayor Gatt stressed the importance for all to recognize that the Council are all homeowners in Novi with similar problems. Council listened to them and appreciated all the communication. He said he understood the developer wanted an enclave but in this case it was at the expense of everybody else. He thought for this development to go forward there would have to be an access road onto Beck Road. There would have to be a Beck Road improvement that the developer would be responsible for paying. That was one of his main concerns. He didn't think the developer was providing much open space to qualify for a PRO. The plan provided un-useable space for exchange for 10 or 12 more lots as contemplated by the ordinance. He didn't have a problem with the development if there was a private entrance from Beck Road being subject to Mr. Necci's review. The PRO would have to clearly identify who pays and maintains the corner. He said they are all concerned with housing pricing. He didn't know if it would raise or lower the values of the homes. He didn't think it could hurt if they were quality homes with modern amenities. He was concerned about the northeast corner of Ten Mile Road and Beck Road and that it didn't fit into the Master Plan; it was there because of a court order. He would rather see a decision made by Council that would benefit everyone. He said in his opinion, if they could get the developer to agree to some of the conditions of the Council members, it would be a positive situation for the Council, residents, and citizens.

Member Fischer made a motion to table the proposal to a subsequent Council meeting and give direction to Staff and City Attorney to work with the developer and involving

the residents to address some of the concerns that were raised by Council in order to move forward with a PRO that can be approved by Council.

City Attorney Schultz said the motion was fine with him. He said what he heard from Council was that they will work on the PRO agreement but are not tentatively approving this. He will assume a list of conditions that have been talked about. He said if there were certain conditions Council wanted to include, they should be included in the motion.

Member Fischer said he implied that there were a menu of things and with any different combination that could be put together and brought back to Council would be potentially approved should be brought back. It doesn't mean anyone would approve anything but everyone has been given adequate direction on what would be approved from their perspective.

Member Pro Tem Staudt said there needed to be a negotiated resolution to the Beck Road access issue and without that resolution it was clear where this was going.

City Manager Pearson wanted to clarify that it would be postponed and they would come back at this same stage. They wouldn't come back with an agreement but would come back at this stage and then get the consideration to start the next stage.

Mayor Gatt said the motion was just to postpone, not to have the City Attorney involved in any negotiations or drafting an agreement.

Member Mutch said they are not voting on an agreement but he wanted the best proposal possible if it does get approved. After listening to Council Members, there possibly was a majority to reduce the density down to 35 units. It should be under consideration, also. It was what he would be looking for because that was closer to the Master Plan.

Member Fischer agreed that we shouldn't be drafting an agreement at this point but a recommended motion for a clear direction of what the PRO would look like. After having all the discussions, they would know what the conditions and recommendations would be and it would be a part of the packet.

**CM-12-03-37                      Moved by Fischer, seconded by Staudt; CARRIED UNANIMOUSLY:**

**To postpone consideration 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. The property totals 24.24 acres and the applicant is proposing a 38 unit single-family residential development.**

**Roll call vote on CM-12-03-37**

**Yeas:    Fischer, Margolis, Mutch, Wrobel,**

**Gatt, Staudt, Casey**  
**Nays: None**

2. Approval to refund previously received federal grant funds in the amount of \$169,502 to the Michigan Department of Transportation for the preliminary engineering of Ten Mile Road widening (Novi Road to Haggerty Road) project.

City Manager Pearson was not pleased to come forward with this. They did a lot of research and the City is obligated because of the decision by the City to hold back unilaterally from looking at the Ten Mile Road widening project from ten years ago.

Mayor Pro Tem Staudt spoke on how a decision made by Council will have long term effects and this was a perfect example. It was an emotional, neighborhood driven decision and no basis for reality. He said it was a bad decision and now we have to pay for it.

**CM-12-03-38 Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:**

**To approve to refund previously received federal grant funds in the amount of \$169,502 to the Michigan Department of Transportation for the preliminary engineering of Ten Mile Road widening (Novi Road to Haggerty Road) project.**

**Roll call vote on CM-12-03-38**

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

3. Consideration to Adopt First Amendment to Agreement concerning Act 210 Commercial Rehabilitation Agreement (Suburban Collection Hotel/Convention Center) previously approved by City Council on October 24, 2011, in order to extend the date for the completion of the Hyatt Place Hotel from December 31, 2012 to July 1, 2013.

City Manager Pearson clarified this was an amendment to the agreement that was passed last fall for the property tax abatement for the new hotel to be attached to the Suburban Show Place. It doesn't extend the term of the abatement itself. It just changes the agreement so the property owner will have an extra six months to complete the construction.

Member Fischer asked if there was any indication it would be brought up to Council again. City Manager Pearson said it would be better answered by the applicant but his understanding was they had a schedule to follow and all indications were that the applicant was on the right track. Member Fischer voiced his opposition to this the first time. At this point, the developer has been operating under the premise that this would go further. While his take on the abatement, in and of itself, was not necessarily the right thing to go forward with, he felt this was just procedural but will support.

Member Margolis said she was against this abatement when it came before Council because it was bad policy decision for the City. She could not support an extension or an amendment to the agreement.

**CM-12-03-39 Moved by Staudt, seconded by Wrobel; MOTION CARRIED:**

**To approve consideration to adopt First Amendment to Agreement concerning Act 210 Commercial Rehabilitation Agreement (Suburban Collection Hotel/Convention Center) previously approved by City Council on October 24, 2011, in order to extend the date for the completion of the Hyatt Place Hotel from December 31, 2012 to July 1, 2013.**

**Roll call vote on CM-12-03-39**

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

**Nays: Margolis**

4. Consideration of a new Pawnbroker License for Gold Buy and Jewelry, Inc., 41490 Grand River Avenue, Suite D, following determination whether such use is permitted in the Gateway Village pursuant to Consent Judgment dated May 16, 2001.

City Manager Pearson said this was a two-step decision that Council had to make. There is a consent judgment for this property and Council needed to decide if the pawn broker use is what was contemplated because it was not specific. If there is an affirmative on it, then there would be a decision on the actual pawn broker's license.

Joe Haddad, the applicant, was present to make a presentation. He owns Suite C which is the Wireless Store next to Suite D. He pursued this in the beginning of the year and was developing a jewelry store for the section that is no longer being used. He would like offer pawn broker services to customers in addition to selling and buying jewelry and precious metals. Basically, it would be a loan on customers' merchandise as an additional service. There was nothing extreme as far as the pawn goes. He has been operating at the Wireless store for seven years in Novi. He wanted to continue to do business in Novi and wished for the Council's support.

Member Mutch asked Mr. Haddad what was the amount of the split on jewelry sales versus pawn broker. Mr. Haddad said he would have to guess because it was new to him, but thought the pawn broker side would be about 10% to 15% to start. Mr. Haddad said they would buy precious metals and also display jewelry but if someone had an item of sentimental value and wished to get a loan on that item and wanted to buy it back in a certain amount of time. It was a loan with interest and they had the option to purchase that item back. Member Mutch said it was interesting when looking at the land use zoning perspective of the consent judgment agreed to because the previous zoning in the area was Non Center Commercial (NCC) zoning. There has been a shift to the Gateway East zoning district and both offer jewelry shop options. The only pawn broker license in Novi was just down the road in a jewelry store. There

were a number of jewelry stores in that area. If the use is predominately jewelry with pawn broker activities as an accessory, he said it was consistent with what zoning allowed for this area. He didn't understand why that use was excluded. He asked staffs' perspective on allowing this use, the consistency with zoning in the area, and the consent judgment. Deputy Community Development Director McBeth said she wasn't sure what proportion would be pawn broker business. Their thoughts were that a jewelry store would be a permitted use with the consent judgment and area. Sometimes a pawn broker business does more than deal with jewelry and have other outside activities but it didn't sound like what was being proposed. Generally, if it was all contained in the building, it would be consistent with the zoning for a jewelry store. Member Mutch said it was challenging because it was a new proposal for the City and they all have a conception of what pawn broking involves. He said there is a consent judgment that controls the uses and zoning requirements. He was leaning towards allowing it because it was a related use in the area.

Mayor Pro Tem Staudt said he was curious what Chief Molloy had to say. Chief Malloy said they do have another pawn broker at Weinstein's Jewelry Store. He said they Police Department's review was of the applicant's criminal history and history in the community and they did not have a reason to deny it. He didn't want a business that would be a revolving door. The applicant couldn't break down the percentage. He personally didn't want a business with 80% of pawn as opposed to a jewelry store. Mayor Pro Tem Staudt asked if it was limited to jewelry and if there was any possibility of guns coming in. Mr. Haddad said he would not pawn guns to his knowledge due to the limited space they have; they would like to stick to jewelry. Mayor Pro Tem Staudt asked if they have the ability to limit the types of things that would be pawned. He said he was against it if there was a chance of a weapon could be pawned. City Attorney Schultz said that they can put a limit on it. The Council has the ability to determine what kind of use was similar that was listed in the consent judgment. The applicant is saying that he is buying and selling jewelry and precious metals and if he has an accessory use to that of loans that is 10%, the Council can limit the use in their findings. If it was determined that it was not of similar use to pawn certain things, the Council can decide how to limit the uses based on what the applicant proposed. Mayor Pro Tem Staudt said he would like a detailed list to say what to allow and what not to allow prior to acting on it. Chief Malloy would like to see something similar also. Mayor Pro Tem Staudt proposed to table the item in order to obtain a list before they decide on this.

Member Fischer asked how large of a space Suite D was comprised of. Mr. Haddad said it was 900 square feet. Member Fischer said he could see that something limited to jewelry would be a similar use. He said if it was a small scale pawn shop it would be similar to the consent judgment. He didn't need a list if it was kept to small jewelry. He asked if the approval runs with the land or it is specific to Suite D or the entire development. City Attorney Schultz said it would run with the land if it met the criteria put in the motion. Member Fischer said he could see jewelry related pawn broking could be considered a related use.

Member Margolis said she agreed. She was leaning towards not being in favor of this use but with the very limited jewelry, she was in favor of it.

Member Casey echoed the statements of Member Margolis. She said she didn't need to see a list. The list should be small jewelry. She would be in favor with that requirement.

Mayor Gatt agreed with everyone if it was limited to jewelry only. We should discuss the percentage. He would like to see the Council limit it to a specific, small amount.

Member Mutch said the applicant talked about precious metals, jewelry, and gems. He didn't know if that was considered the same thing as jewelry. City Attorney Schultz said instead of a list, the Council needed to make a determination that a jewelry store that goes into that space and has a limited, clearly incidental part of that use being pawn type services, like Weinstein Jewelers, and put a percentage on it, it solved the first item. It would be enough that code enforcement and planning staff could say they are complying or not complying with the use in the future.

Member Margolis moved to determine that a jewelry store would be permitted as a use similar under the consent judgment and would be permitted with limited, clearly incidental pawn broker use of 10%.

Mayor Pro Tem Staudt asked if it was 10 % of sales or volume. Mr. Schultz said it would be 10% of sales. Mr. Haddad said he wasn't sure if 10% was adequate of sales because he hadn't been in the business yet. He said it was just an additional service. He would have his wife working in the business and wouldn't take anything that was dangerous.

Member Fischer asked if it was a franchise or a brand new store. Mr. Haddad said it was a brand new store, not a franchise. Member Fischer asked for a postponement because it might be appropriate at this time for the applicant to provide additional details of what could be bought and sold from customers. It would provide additional time to obtain information from Weinstein's business model. He needed additional information to move forward.

Member Margolis said she would withdraw the motion but would not be comfortable with more than 10%.

Mayor Gatt said he agreed with Member Margolis, that he was pretty sure he wanted to move forward but would not allow more than 10%. He said he would like to hear about the Weinstein model.

Mr. Haddad said didn't know what Weinstein's does or their percentage. He said if it was the same concept, he would be happy to follow the same model.

**CM-12-03-40**

**Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:**

**To postpone consideration of a new Pawnbroker License for Gold Buy and Jewelry, Inc., 41490 Grand River Avenue, Suite D, following determination whether such use is permitted in the Gateway Village pursuant to Consent Judgment dated May 16, 2001.**

Roll call vote on CM-12-03-40

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

**AUDIENCE COMMENT – None**

**COMMITTEE REPORTS – None**

**MAYOR AND COUNCIL ISSUES - None**

**CONSENT AGENDA REMOVALS FOR COUNCIL ACTION -**

F. Approval of Resolution authorizing submission of a Michigan Natural Resources Trust Fund (MNRTF) grant application for Pavilion Shore Park Phase 3 located at 13 Mile and Old Novi Road.

Member Mutch noted that the item was for the Michigan Natural Resources Trust Fund (MNRTF) grant for Pavilion Shore Park Phase 3. When the memo was submitted to City Council the local match amount was 25%, but historically, we have done 30%. We have done 30% for the site previously and, also, 30% for the ITC connector trail. One of the reasons we look to do a 30% local match was that it provided 10 additional points in the scoring system at the trust fund grant process used to score these grants. If they received 25% local match they would not receive any points for our local match. He calculated that the 30% match of the grant request would be \$87,600 dollars. He made a motion to approve agenda item F with a change that the local match amount would reflect 30% local match of \$87,600.

**CM-12-03-41**

**Moved by Mutch, seconded by Staudt; CARRIED UNANIMOUSLY:**

**To approve resolution authorizing submission of a Michigan Natural Resources Trust Fund (MNRTF) grant application for Pavilion Shore Park Phase 3 located at 13 Mile and Old Novi Road and to change the City of Novi's local match to 30%.**

Roll call vote on CM-12-03-41

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

**COMMUNICATIONS - None**

**ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 9:59 P.M.

---

Robert J. Gatt, Mayor

---

Maryanne Cornelius, City Clerk

---

Transcribed by Jane Keller

Date approved: April 9, 2012