

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 23 2018 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 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 Breen, Casey, Markham, Mutch, (absent, excused) Wrobel

ALSO PRESENT: Pete Auger, City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

Member Breen added to Mayor and Council Issues: Glenda sewer project that was at the last meeting.

CM 18-07-105 Moved by Markham, seconded by Casey; MOTION CARRIED: 6-0

Roll call vote on CM 18-07-105 **Yeas: Staudt, Breen, Casey, Markham, Wrobel, Gatt**
Nays: None
Absent: Mutch

PUBLIC HEARING: None

PRESENTATIONS: None

MANAGER/STAFF REPORT: None

AUDIENCE COMMENT:

Mike Duchesneau, 1191 South Lake Dr., welcomed one of Novi's newest residents, a baby Sandhill Crain enjoying the southern shore of Walled Lake. He hoped that he or his parents do not become the first traffic fatality on South Lake Drive. He mentioned that southeast Michigan is experiencing growth that has out-paced road improvements. Over the last few months he had become concerned that developers push for density increases and taller buildings that are not supported by our Zoning Ordinances or the Master Plan. He said we are seeing the PRO option used to circumvent our Zoning Ordinances more and more often. He stated in particular our density, height, and setbacks are increasingly under attack with many of the recent PRO proposals. Some PRO proposals don't offer many benefits to the city; except for increases in traffic and growth. The proposal that was tabled at the last Planning Commission meeting was a good example of this. He applauded the developers of Woodbridge Park for their RM-1 development for following the Zoning Ordinances without the PRO option. He stated that particular development has 40 two-story townhouses on 9 ¼ acres which equals a density of 4.3 homes for acres. Even better, no zoning changes were requested. The density is well within the 5.3 allowed for 3

bedroom units, or the 7.3 for two bedroom units. The property is zoned RM-1 and will be developed as RM-1. He was requesting that City Council and the Planning Commission to slow down Novi traffic increases as PRO's come forward. This can be done by more strictly following our long standing Zoning Ordinances and the Master Plan.

Karl Migrin 49450 W. Nine Mile highlighted a presentation he had regarding the 1986 protected woodlands behind his house and what it looked like. He built his home, and put in a lot of sweat equity. He stated that there are 551 regulated trees to be removed with this development. He also mentioned that the tree canopy will no longer be there for the animals. He pointed out it was a gated community and the gates will be opening and closing 150 feet from his side window. He was also concerned with the safety of the children in that area.

David Jerome, Northville resident. He spoke about the empty nester project; he's been looking for it. He's said he was very excited about it. He stated he has looked at other developments and this is the best by far. He also introduced him to Frank Lamp and she he sent Council a video earlier that day. He said he hoped they approve the project.

Melissa Cheladyn, 41956 Cherry Hill said she has been a resident for 17 years. She is in licensed real estate agent with Remerica United Realty. She was In favor of the project. She felt it fills a void. She said as a buyer specialist, Novi doesn't have a solution for high end elderly buyers. She is forced to take buyers elsewhere. The ancillary benefit will be increasing property values for all of Novi residents which have been the case for every subdivision that this developer has completed in past history.

Another speaker was there to give support for the Villa D'Este project. He was behind the project 100 percent. He felt it was good for Novi. In terms of economic value to adjacent values, the value will go up. He said the developer will build best developments in the City. He isn't building shacks, but high quality housing. It will increase the properties. It's felt it was a win/win. The tax base will increase and we can do more things. He said the fact that it is for empty nesters, it reduces traffic, compared to other developers. No better person to build such housing because he has proven he is the best developers of Novi, if not the State of Michigan. He supports the project because its win/win for residents and even for adjacent residents. Didn't think anyone else can do a better job.

Sarah Tedesco, 22830 Evergreen Court property adjacent to the proposed Villa D'Este development. She said the quality of the workmanship is not in debate that evening. Her comments were about the zoning laws and wondering if we would chose to follow them in the future. She thought the developers current submission is an improvement to the number of houses relative to what the zoning allowance is which a RA zoned area is. The 41 homes verses the original 54 is closer to RA zoning of 36 homes, but why stop reduction at 41 homes when zoning allows 36. Are we so hungry for property tax revenue that we will violate our 2017 Master Pan? She thought that if we allow a PRO Plan so soon after a Master Plan was approved sets a precedent. It signals that our zoning is for hire to the highest bidder.

Nick Schultz, 50367 Fellows Hill Drive. He said he was considered as an empty nester. He is interested in living in the proposed Villa D'Este. It's exactly what he's looking for. He asked that they approve the project without further delay.

Ron Valente, 49100 W. 9 Mile Road. He has lived there for about 30 years. His property abuts proposal. He said he was in favor of the project. He thought it would be great for empty nesters, great proposal, and he felt Cambridge has done a good job of protecting the natural environment of the woodland and the trees. He believed the proposal will have significant community benefits.

Mike Hudson, 22111 Garfield Road. He was there to talk about the Master Plan that was adopted July 26, 2017, and now we are talking about altering it. Some of the things said in that Master Plan that were approved after thousands of hours of work, include "continue" to rezone properties in the southwest quadrant that limit uses. It also says encourage future development with southwest quadrant that preserves. He said that 9 Mile is the only major roadway there and they want to put berms with pines trees. There has been discussion about taxes. He agreed, are we really that broke? If we want more taxes, why would we accept donations to the City? Leave it on the tax rolls and collect funds. At the last meeting he was at there was a comment made by the Mayor in which he talked about elections having consequences. He agreed. He said elections have messages. In the last election there were four seats for Council that were up and the four people elected to those seats all had one thing in common. They said they will stick to the Master Plan. He urged all of Council to stick to the Master Plan that evening.

Dan Smith, 960 McDonald Drive Northville. He is also a proud Novi business owner. Of all the things that could happen, this is the least impactful to the site itself. The developer has gone out of his way to develop a product they can be proud of. He is in the mortgage banking business and all of his builders will tell you that the cost to build a house or condo these days is skyrocketing. He thought that it represents why the developer is asking for that density. He builds first class. This may be Mark Guidobono's last project; he is an award building developer. He was there to urge Council to approve this project.

Michelle McLachlan, 25000 Glenda. Thanked Councilmember Breen for adding the Glenda property sewer easement to the Consent Agenda. They proposed a sanitary sewer easement on the south and east end of their 4 acre property to allow the potential buyer sewer access since the half acre parcel cannot have septic for a four bedroom home. Basically they are giving him an easement to get to the easement. In 2005 they stood before Council with the same request to allow them to get sewer. They have it through Cedar Springs which is the east end of their property. They are looking to give him easement on south and east ends without disruption to wetlands/woodlands. Without sewer the property they are trying to sell is unsaleable and unbuildable. They've been residents for 35 years and would welcome a new family in the neighborhood. It's only a matter of time before the septic systems on Glenda end

up failing. We understand the ultimate goal is for sewer to go down the whole street. She failed to understand supporting this would be detrimental. The City attorney said he would have to connect on Glenda when it became available. She said they are looking at a grinder system which is a two inch pipe which basically grinds the waste at the house and forced through a two inch pipe and taken to the main sewer. She was urging the Council to vote yes.

Michael Koveleski, 49732 Potomac Lane, was the potential buyer that the previous speaker was talking about regarding the Glenda sewer easement. He reiterated that the City should draw up paperwork for those residents so that if and when city water is available, they could disconnect and connect to city water. They want to build a house of their dreams. He said they have been waiting on this since April. The longer they wait for this answer regarding potential water hook-up; they are running out of options to move into Novi. He asked Council to reconsider and think about his family moving here. The decision affects only them and the seller.

Holly, 49349 Chianti Dr., Northville. He was there to support the development at 9 Mile and Garfield. She lives next to gate at Tuscany Reserve and there is no problem with it. There is a lot of scary traffic on Garfield/9 Mile. She called police often to stop people drag racing. Her kids do not walk or ride bikes. She thought a development of empty nesters is slow driving, safety people. On the other hand, it's not pretty right there right now where he wants to develop. She felt it would be an improvement. As a real estate agent, she has a list of people looking for these properties. He builds great homes.

Speaker lives at 49900 W 9 Mile, Novi. He lives adjacent to property. Has 900 linear feet on their property line. He completely agreed with a lot of things said that evening. If in fact we were not having anything put in there. He said he would love for it to be open space forever. He loves the area. He said that the fact of the matter is something will go there. It will be either an empty nester or single family. He envisioned living in a rural area, dirt road, trees around him. The empty nester community will keep that present. It will be lined with trees. He would rather see the berm of pine trees than houses. He doesn't want another Tuscany right next door to him. It's wonderful, but this development will keep what we have more than any other development. He wants to see trees instead of houses. This development has a Homeowner Association and people have to abide by that. He felt if we want to keep the area the way it is now, this is the way to go, this seems to be the best bet.

Bryan Brenton lives 21820 Garfield Road. He was there to address the Villa D'Este development. He said he had no issue with developer, or quality of the development. He was very much in favor of following zoning in the Master Plan. He had difficulty seeing how five extra units will deter buyers. Given the fact that the Master Plan was just completed, last year he wanted the City to stick to Master Plan and existing zoning and that the development that goes in there meets the requirements.

CONSENT AGENDA REMOVALS AND APPROVALS:

listened to City Council and have made changes to their plan from the last meeting. They eliminated one unit and increased the width of the wildlife corridor to 240 feet wide. He thought it was a nice improvement. It creates an enchanting effect as you drive through the community from the entrance. The first house is 500 feet from the entrance, you won't be able to see it just a street and trees. He said another change they made through the plan was just north of the out lots on 9 Mile was that they shifted that road farther north as far as they could. He said at the northeast corner of the easterly out lots they are 93 feet away. This allowed them to preserve more woodlands between the two properties and added additional planting's for more screening for property owners. The detention area on the northwest corner was moved 75 feet to the east to preserve a 75 foot wide area of hard woods. He stated that moving the detention basin to the east they preserved more trees. He explained that behind lots 36 and 41, those sites back up to each other, they found that they could preserve those trees because those grades match. They can preserve trees closer to a home which is unusual in Michigan. He said the additional community benefit they are offering the City of Novi is that they would agree to move the ITC Trail to the north side of 9 Mile. He thought it was a better detail, and they would be willing to handle the cost of that which would save the City money for the ITC Trail at that location. They also submitted a couple of options, A and B for the entrance, they are very open with either Option A or B. They would be happy to work with staff to finalize whatever makes the most amount of sense. When he looks at a piece of property it sends a message to him. The property said to him they should develop this piece of property in a very friendly way. He stated they worked hard to minimize the woodland impact to this property. They have the impact down to seven and a half acres. If they did single family lots, they would impact 25 acres of woodlands. There is a significant difference between single family and empty nester on this site. If we could capture the sun's energy shining on the earth for one hour, we could power the entire world for one year. We are proposing to make Villa D'Este the first solar powered community in Michigan. The technology and affordability is here to greatly reduce a resident's overall carbon footprint. We will solar power their model home and the entrance. He believed empty nesters would love not receiving an electric bill on a monthly basis. He said there is no reason why Novi can't lead Michigan as a role model for solar energy. He said he had a representative from Green Panel, Inc. if there are any technical questions. He listed the community benefits. He said they are donating 20 acres of land to the City, building a comfort station, paving 300 feet of 9 Mile Road, they agreed to relocate the ITC trail to the north side of 9 Mile, and they are increasing the tax base by 30 million. They are also allowing the City to use their property as a staging area as a soil stockpiling area and discharge point for the sanitary sewer going down 9 Mile Road. When you look at the value, the value to City of Novi is \$1,355,000. He said this was something they could not offer if they went single family. In summary they are preserving 17.5 additional acres of woodlands with empty nester compared to single family. There will be 45 % less traffic. He said that 60% of the site is being preserved. They are offering big community benefits. There will be no impact to the school system. Novi has the opportunity to become an environmental leader by having the first solar community in Michigan. He felt that the City of Novi is lacking empty nester housing. He said that seniors have a positive effect on the community. They volunteer, join clubs, visit libraries, provide assistance, they donate time to the community.

Less likely to commit a crime, or tear up neighborhood. He said he has lived in Novi for a long time. He wants to downsize. There is not an opportunity for him. He believed there are many people like him in all price ranges who would love to stay in Novi. Baby boomers are getting older and ranch empty nester housing is needed.

Member Breen said it was very obvious he listened to everything Council has said, especially with the intention of making this a solar powered community. She wondered if they could spell out logistics of making this a solar powered community. Mr. Guidobono said the price for their model is 2600 square foot home, depending upon what's in home; the cost to consumer is \$15,000 to \$17,000 which seems reasonable considering there is a 30% federal tax credit. This would involve putting panels on roof. He said he does not wall panels highly visible on a roof because of architectural integrity. We are dealing with a situation here that these houses do not have a lot of frontage, but they have depth to them. They will be putting the panels on the roof, starting at the back moving forward in order to catch the solar rays, which is best on the south side, then west, then east. There is a calculation to determine, based on what's in the home, how many panels you need. He said you can make this carbon neutral where you don't have to pay a dime for electricity. Member Breen mentioned that he had gathered a lot of support, and that he reduced it by one unit. She also mentioned he indicated a wildlife corridor. Her question is this passage, but there a gate. She wondered if the gate was absolutely necessary. Is it necessary or can we remove the gate? How high is the berm on either side of the gate? Mr. Guidobono said there will be no berm next to gate. He said the wildlife and pedestrian traffic can get into community via sidewalk. No restriction there. He would prefer to have the gate. Member Breen wondered if there was any reason that they had to have the gate. Mr. Guidobono said the price had to go up because they reduced the number of units. For the \$700k price tag, the customer would want the gate there. Security is an issue in this age range. It provides a sense of security for senior citizens. Member Breen appreciated the changes. She said she was not a fan of gates. With this development they've heard a lot of opinions. She understood the Master Plan issue, the wildlife comments, and concerns about the traffic. The other things we have to weigh is that Novi doesn't own the land, if we don't go with this plan and proceed with another plan under the current density there is an excellent change that more of the environment could be negated by these houses. With this particular plan, she liked that we are going to have parkland donated to the City. This is the type of housing allowing people to age in place. She appreciated the statement that the Master Plan is fluid to a certain extent. She still had some reservations, she was eager to hear what her colleagues had to say about it. No matter what, people will be happy or unhappy.

Member Markham stated that she wasn't at the last meeting; she has read and listened to it though. She had questions for the staff. She asked about moving the ITC to north side of 9 Mile. City Planner McBeth, responded, yes, through the Mayor, it would be on the north side of 9 Mile and also on west side of Garfield Road as shown on the plan. Member Markham said there was a proposal to move Garfield Road to line up better with this development, but that has the potential with interfering with the grant we just received to preserve the property on the southwest corner of that intersection. Is that

correct? Ms. McBeth said yes, that is correct. That is one of the issues with shifting Garfield Road slightly to the west that it would interfere with some of the parkland that we acquired. It would also interfere with some of the woodland trees and the traffic consultant said it wasn't necessary. Member Markham asked about the comfort station, she thought we were planning to build a facility for the trails, how do these both relate? Do we need both? Member Muck said with the ITC Trailhead Park, when we first applied for grant to acquire that property we indicated we would want to put in a small parking area, picnic area/comfort station. If this is being proposed with this development and it is approved we would not have to construct these on the ITC Trailhead property. He said with this proposal, Mr. Guidobono would build the comfort station. He confirmed there was no issue with the City not building it. He said that the grant was written with many options, we can take a look at another option that we could put in there in the future. Member Markham asked if there was a bathroom. Mr. Muck confirmed this was just a picnic/shelter, no restroom. Member Markham was not clear where trail goes. There is some question of it lining up with the ITC Corridor and Mr. Valente's property. Mr. Muck said they had a plan that we could go either the south route, south of 9 Mile, or go along the north route. Mr. Muck said we could come up through the ITC Trailhead Park Property which is on the west side of Garfield. Then we could cross Garfield and go the south route of 9 Mile or go across and go north. Member Markham asked if these are details we can be worked out that will be worked out at the end and she wondered if he saw any real issues with the legal aspects of trying to do what we are doing. Mr. Muck said we would have to have some conversations with ITC with their licensing agreement, but ultimately he didn't believe it would matter either way. Member Markham asked Ms. McBeth a question relating to the upsizing of trees and the tree credits. She stated that the developer wants to put in bigger trees than what our ordinance asked for and get extra credit for that, but the staff doesn't recommend that. She asked what she thought of that. Ms. McBeth said the applicant wants to remove a number of trees from his site and instead of placing standard size trees, he proposed larger trees along berm near the southeast part of the site. He is asking for additional woodland replacement credit to do that. That has not been supported by either our landscape architect or woodland consultant. We don't object to the tree size, but they should not get extra credit for that. Member Markham said this section of woodlands is really high quality. She agreed with Mr. Guidobono that this kind of development encroaches the least amount into those woods. We will be preserving 45 acres permanently of quality woodlands. Consistent with what she has always said they should do. We have to allow people to develop their property, but she also thinks that they need to bring us a development that is sensitive to the special areas that we have. She believed this development has done that and she will support it.

Member Casey said she reread the conversation from the last meeting and compared the layout from May to this and she thanked him for listening to Council. She's glad they postponed it. He has taken into account the feedback that he received and the piece she appreciated the most was that he moved road as far back as he could. One primary concern was the existing residents that would have an impact. You've given much more space. She appreciated that he made the change to mitigate the

concern. She confirmed with Ms. McBeth that when we have properties like this, what's the opacity going to be on that stretch of road between that road and the residents there? Ms. McBeth referred the question to our Landscape Architect. Because it's residential, there is no requirement for the 80% to 90% opacity. It will depend on the type of plants and the density. Member Casey was encouraged we look for that type of opacity. She agreed with the proposed benefits. She said she will support this development without the extra credit for the oversized trees.

Member Staudt said it is seldom that we have a developer come back three times for the same development. Typically if it's rejected, they don't come back. He said the third time sounds like a charm. Council is ready to approve this. He mentioned the conversation about the Master Plan is always a tenuous balance. In this situation we went from 60+ units to 41, which is considerable reduction. He said it was really following spirit of the Master Plan, which is trying to put the fewest number of homes on this piece of property as possible. One thing we may overlook is to the north of the property. Singh development will develop the Links of Novi with their own development of some type and any preservation of woodland and wetlands is to our benefit. He said to the north, they were looking at deeding some of that land also. A comment earlier about taking it off the tax rolls; we spend a lot of money buying land to preserve it to take it off the tax rolls. Whenever we can get it, it is a great benefit to us.

CM 18-07-107 Moved by Staudt, seconded by Wrobel; MOTION CARRIED: 5-1

Tentative approval of the request Villa D'Este, JSP17-52, with rezoning 18.718, to rezone the subject property from RA (Residential Acreage) to R-1 (One-Family Residential) with a Planned Rezoning Overlay Concept Plan, based on the following findings, City Council deviations, and conditions, with the direction that the applicant shall work with the City Attorney's Office to prepare the required Planned Rezoning Overlay Agreement and return to the City Council for Final Approval:

1. The recommendation shall include the following ordinance deviations and additional information requested by staff for consideration by the City Council:
 - a. Planning Deviation from Sec. 3.1.2 of Zoning Ordinance for reduction of the minimum lot size, setbacks, minimum lot frontage and minimum site acreage as shown on the proposed concept plan provided,
 - i. The proposed unit boundary shown on the concept plan (sheet 02) is to be considered the maximum allowable footprint. Any accessory uses such as hot tubs, patios, etc. will be provided within the footprint shown on the plan.
 - ii. A minimum of 15 feet shall be maintained between two buildings.

- iii. A minimum of 30 feet is provided between the front façade and the back of the curb.
 - iv. Rear setbacks will be as shown on the Concept plan, based on the proposed boundary line of land to be donated to City.
- b. Façade deviation from Sec 3.7, similar dissimilar ordinance, to replace internal calculation of square footage to a 2200 square foot minimum requirement for this development;
 - c. Landscape deviation from Sec. 5.5.3.B.ii and iii of Zoning Ordinance for lack of berms along the westerly Nine Mile Road frontage and portions of the easterly frontage, due to existing natural features;
 - d. The applicant shall conform to the ordinance requirements at the time of Preliminary Site Plan and Woodland permit review;
 - e. Engineering deviation from Sec. 4.04, Article IV, Appendix C-Subdivision ordinance of City Code of Ordinances for absence of a stub street required at 1,300 feet intervals along the property boundary to provide connection to the adjacent property boundary, due to conflict with existing wetlands;
 - f. Engineering deviation from Chapter 7(c)(1) of Engineering Design manual for reducing the distance between the sidewalk and back of the curb: 15 feet required, 10 feet proposed;
 - g. Engineering deviation for absence of sidewalk along a portion of Villa Drive, with payment into the City's sidewalk fund for the cost of the sidewalk not constructed;
 - h. Engineering deviation for absence of hard surface for proposed comfort station parking lot and driveway from Sec. 11-239(b)(1),(2)of Novi City Code, or the applicant shall provide the hard surface as requested by staff, to be determined prior to the submittal of the PRO Agreement;
 - i. Engineering deviation for absence of curb and gutter for parking lot and driveway for the proposed comfort station from Sec. 11-239(b)(1),(2)of Novi City Code, or the applicant shall provide the curb and gutter as requested by staff, to be determined prior to the submittal of the PRO Agreement;
 - j. Traffic deviation for not conforming to minimum required standards as indicated in Figure IX.5 of the City's Code of

Ordinances for residential driveway, provided the applicant works with staff to minimize the number of driveways that deviate from the standard at the time of Preliminary Site Plan;

- k. Traffic deviation from Figure VIII-A in the City Code of Ordinances, for not providing the minimum width for local residential road for Villa D' Este Boulevard, the stretch from the entrance gates to the first intersection (28 feet required, 24 feet provided).
- l. Traffic deviation from Section 7.4.2.c (1) of Engineering Design Manual for not meeting the maximum distance between sidewalk and Right of way line along Nine mile. A maximum of 1 foot is required for a small portion where it conflicts with existing wetland area;
- m. Deviation to allow alternate locations for street tree plantings to avoid conflict with the utility layout along the internal roads, as detailed in this review letter:
- n. The applicant shall meet the replacement requirements per the ordinance standards, by planting additional replacement trees onsite, or pay the difference into the Tree Fund.
- o. The items outlined by the Planning Commission should be addressed in the drafting of the PRO agreement:
 - i. Construction of this development shall not be permitted to begin prior to the public project gravity sewer main in Nine Mile being in place and available for use.
 - ii. Grading requirements for development shall be superseded based on the character of Nine Mile Road.
 - iii. Retention ponds shall be completely screened for safety all four sides and above the typical standards.
 - iv. The City shall confirm that the proposed trailhead agreement will not negate already existing agreements.
 - v. **The portion of asphalt paving on Nine Mile Road shall be constructed in a manner to reduce or eliminate issues of the interface between gravel and asphalt.**
2. The following conditions be requirements of the Planned Rezoning Overlay Agreement:
 - a. The development shall be limited to a maximum density of 41 units,
 - b. The proposed unit boundary shown on the concept plan (sheet 02) is to be considered the maximum allowable

- footprint. Any accessory uses such as hot tubs, patios, etc. will be provided within the footprint shown on the plan.
- c. A minimum of 15 feet shall be maintained between any two buildings.
 - d. A minimum of 30 feet shall be provided between the front façade and the back of the curb.
 - e. Rear setbacks will be as shown on the Concept plan, based on the proposed boundary line of land to be donated to City.
 - f. The applicant shall work with staff to identify a proper location to connect to ITC trail, beyond the subject property line.
 - g. The applicant shall limit the wetland and woodland impacts to the areas and percentages indicated on the concept plan at the time of Preliminary Site Plan.
 - h. Minor modifications to the approved Planned Rezoning Overlay Concept Plan (PRO) can be approved administratively, upon determination by the City Planner, that the modifications are minor, do not deviate from the general intent of the approved PRO Concept plan and result in reduced impacts on the surrounding development and existing infrastructure.
 - i. Applicant shall comply with the conditions listed in the staff and consultant review letters.
 - j. Completion of ITC Trail comfort station with Phase 1 of the residential construction.

This motion is made because:

1. The applicant has presented a reasonable alternative to the Master Plan for Land Use recommendation of 0.8 units to the acre (1.08 units to the acre proposed) for the parcel as indicated in the applicant's letter dated December 12, 2017, noting the appropriateness of an empty-nester residential development for the site given the layout of the plan, the proposed preservation of open space, the offer to provide an enhancement to public park facilities, and the provision for landscape or open space buffering on most sides of the development.
2. The proposed plan meets several objectives of the Master Plan, as noted later in this review letter, including:
 - a. *Maintain the semi-rural character of the southwest quadrant of the City that is created by low-density residential development and undeveloped land (by protecting a majority of natural features on site and provides ample screening from Nine Mile Road.*

- b. *Provide a wide range of housing options (by being geared towards empty nesters, or those wishing to downsize from larger homes.*
 - c. *Protect and maintain the City's woodlands, wetlands, water features, and open space (by proposing to donate about 20 acres (40 %) of land with regulated woodlands and wetlands in the rear).*
3. The City's Traffic Engineering Consultant has reviewed the Rezoning Traffic Impact Study and found that the proposed senior adult housing would produce 175 less trips per day than 40 single-family homes (as expected to be permitted under the RA zoning district, and the number of trips produced by the senior adult housing development is not expected to significantly impact Nine Mile Road.
 4. Submittal of a Concept Plan and any resulting PRO Agreement, provides assurance to the Planning Commission and to the City Council of the manner in which the property will be developed, and offers benefits that would not be likely to be offered under standard development options.

Mayor Gatt said Mr. Guidobono is known to build nothing but the best. He is a quality person and quality builder. This will be good for Novi. He agreed we will make some people happy and some not so happy. Their job up there is to do what is best for the City.

Roll call vote on CM 18-07-107

Yeas: Casey, Markham, Wrobel, Gatt, Staudt
Nays: Breen
Absent: Mutch

BREAK 8:02

RETURN 8:10

Member Wrobel left the meeting at break.

2. Consideration of requests from BATL MI, LLC d/b/a/ BATL (Backyard Axe Throwing League):
 - A) Consideration of a request for Special Land Use approval for services of alcoholic beverages.
 - B) Consideration of request to transfer ownership of escrowed 2018 Class C & SDM license with Sunday Sales Permit (PM), from Furama Restaurant, INC., 1340 S. Milford Road, Highland Township, MI 48357 along with new Sunday

Sales Permit (AM), new Dance-Entertainment Permit, and Specific Purpose Permit (food) to BATL MI, LLC d/b/a/ BATL (or Backyard Axe Throwing League), an existing business located at 44715 E. 12 Mile Road #141-F142, Novi, MI 48377.

Patrick Howe, legal counsel for the applicant and Brian Simmons, the Chief Operating Officer, were present. BATL is based out of Toronto and this location opened in May and they are seeking to add beer and wine service. Mr. Simmons thanked Council for the opportunity to speak. He explained that BATL stands for Backyard Axe Throwing League. They presently have 15 locations across North America. They started in 2006 in Toronto in a backyard. In 2014 they expanded beyond Toronto and now have locations in Nashville, Chicago and now Novi. Fifteen people are employed currently but will grow to 20-25 people. He explained they focus on leagues. The majority of their business is private events such as adult birthday parties, bachelor and bachelorette parties and business events. Events are closely monitored and have to be pre-booked. Since it is a structured event, people sign in at the door, get wrist banded and led to lanes. All throwing is instructed and coached by assigned staff. It's led by staff over two hours and ends in championship. The facility itself is similar to a cross between a bowling alley and batting cages. Each lane is chain linked and self-contained so it is safe from that perspective. All guests and spectators are behind the space where throwing occurs. They have been thrilled by success in Novi and the community has embraced them. The audience is adults and the youngest age is 16. Their core audience is late 20's-40's and beyond. They find that at all locations, food and beverage service accentuates the experience. They do not provide a bar type setting, typically only a drink or two. He reiterated that everything is highly regulated.

CM 18-07-108 Moved by Staudt, seconded by Casey; MOTION CARRIED: 5-0

- A) Consideration of a request for Special Land Use approval for services of alcoholic beverages.**
- B) Consideration of request to transfer ownership of escrowed 2018 Class C & SDM license with Sunday Sales Permit (PM), from Furama Restaurant, INC., 1340 S. Milford Road, Highland Township, MI 48357 along with new Sunday Sales Permit (AM), new Dance-Entertainment Permit, and Specific Purpose Permit (food) to BATL MI, LLC d/b/a/ BATL (or Background Axe Throwing League), an existing business located at 44715 E. 12 Mile Road #141-F142, Novi, MI 48377.**

Member Breen noted that the provisions under the special land use require that a service, product, or function is not presently available to the City. This is obviously very unique and very different. She asked administration to explain how a license can be transferred from outside the City. Mr. Schultz explained there were a couple different ways to get a liquor license. Member Breen asked if this motion was supposed to be two different options. Mr. Schultz explained they go together. Since the State doesn't

regulate the transfer of license, the City added a section to the Zoning Ordinance regarding the land use. An applicant has to apply to the State and also come through our Zoning Process through an administrative group. Both require approval to pass.

Roll call vote on CM 18-07-108

Yeas: Markham, Gatt, Staudt, Breen, Casey

Nays: None

Absent: Wrobel, Mutch

3. Consideration of the request of DTN Management/Tricap Holdings for approval of the Preliminary Site Plan, Phasing Plan, Woodlands Permit, and Storm Water Management Plan, JSP 18-10, and the request to rename Flint Street to Bond Street. The property is zoned TC-1 (Town Center One) and is approximately 7.74 acres. It is located on the southwest side of Flint Street south of Grand River Avenue and west of Novi Road. The applicant is proposing a mixed-use development called The Bond, with two four-story multi-family residential buildings with a total of 253 apartments and a 5,578 square foot single-story commercial building.

Albert Ludwig, Tricap Holdings said they were a team with a company called DTN Management. He said Tricap is located in Farmington Hills, DTN located in Lansing. Tricap also works along with Glen Cantor and Michael Horowitz, the three of them have been working together since the 1980's with a selective group. They have a lot of development experience, single family and commercial. DTN is a developer of similar products to this; John Woods from DTN was also there to answer questions. They came across this project and they are already 16 months into. He knew it was a challenging site from day one. They saw the physical constraints based on shape of property, it is very narrow, and it has a railroad track, a river, a lot of potential issues. In addition they understood Flint Street would be re-aligned. They worked with city staff in several meetings to come up with a plan to create a plan that worked with new road. They gave up about an acre of property which was about 13%, for road right of way for the road which they were happy to do. It just further squeezes the depth of the parcel, which made it skinnier which caused all these variances. The list is long because of the shape of the parcel. They don't affect anybody. It really didn't affect anyone; we have the river, cemetery, railroad tracks. One key thing that they are looking for that doesn't have to do with the shape of property is the number of one bedroom units. They are at 58%. He said they will be adding parking spaces for the cemetery which will be 6 or 7 spaces. They heard the City would like to see that.

John Woods, Chief Investment Officer with DTN Management. DTN is 45 year-old Lansing based real estate firm, first generation, after 45 years. Their Portfolio is multi-family residential. He said most are in Lansing, and some in Grand Rapids. DTN Management is a long term investor. He said they are committed and passionate. In 45 years they've bought 180 properties and they own all but four. They buy, and don't seek for simply financial reasons. They felt that Novi is a great opportunity and a property and a design that currently doesn't exist and they think the environment is ripe for that. It has all of the elements as far as retail, commercial, restaurant that makes

other properties successful. He stated that this building is very different. He said as a result of that they have many variances not only the size of land, but because of the design. That includes the one bedroom units. They have approximately 60 - one bedroom units in this development. He said that is market driven. The product becomes part of the community. He said unlike a lot of suburban properties, people don't live in just their unit, but in the community. That is what drives the unit mix. This property has 25,000 square feet of common area. That would be about a 5,000 to 6,000 square foot clubhouse with grilling stations and a few other amenities. This development is amenity driven. People don't spend a large portion of their time in the unit; they spend it in the building and in the community. That is why they think it is a great fit for the Town Center area. This will help drive the retail and commercial around it. Other features include business centers, a couple of fitness centers, and multiple club rooms, with a couple of these in each building. They have bike rooms to store bikes. They will have structured and covered parking. It is a social and actively engaged building. He was available to answer questions.

Member Staudt has there been discussion with Mr. Keros about access to his property. There is no way to get to Coney Island and some of the other amenities there. Has anyone had any discussion about a possible trail or something? Mr. Ludwig said there is an 8 foot sidewalk and the other side is a proposed 10 foot pathway for biking and walking with the road realignment. That follows the river there. They haven't looked at other ways of getting to Grand River. Member Staudt said there could be a nice pathway that could get right through. Mr. Woods said they were assuming the re-alignment they would create a sidewalk. Member Staudt said he walked through and he suggested they had parking for the cemetery. He said it was part of the proposal and a big issue to them. Being able to have a place to access the cemetery is really important. The current roads are not a place to enter and exit. To him, one of the biggest benefits was having the parking lot and providing access to people. He thought we could build some ADA compliant access points. He thought it was a very nice idea. They've been talking about some of these residential opportunities on other side of street on Main Street. Some developments considered are very similar. These look great and trendy. He said the single bedroom is great. We have a lot of things going on in the corridor. We have Main Street, the Adell property, this development, and the Asian Village. It is an outstanding opportunity for people who are looking to have quasi-urban setting and walk to things. He said he was in support.

CM 18-07-109 Moved by Staudt, seconded by Casey; MOTION CARRIED: 5-0

To approve of the request of DTN Management/Tricap Holdings for JSP 18-10 for the Preliminary Site Plan, Phasing Plan, Woodland Permit, and Storm Water Management Plan, subject to and based on the following:

- 1. The applicant shall provide a form of agreement and/or financial guarantees as acceptable to the City, at the time of Final Site Plan submittal, to assure that the commercial**

component will be built within a certain time as suggested by applicant and approved by the City.

2. City Council finding per Section 4.82.2.b. for allowing an increase of the maximum number of rooms allowed (421 allowed, 627 proposed) *based on justification provided by the applicant in their response letter dated June 22, 2018;*
3. A City Council waiver for exceeding the maximum allowable front yard building setback per Section 3.1.26.D (10 ft. maximum allowed, approximately 15 ft. proposed) *due to the unusual and shallow shape of the subject property;*
4. City Council approval according to Sec. 3.6.2.Q. for allowing an increase in the minimum required parking setback as listed in Sec. 3.1.26.D for six parking spaces designated for public use (10 ft. maximum allowed, approximately 7 ft. proposed) *as the applicant has clearly demonstrated that the minimum parking setback area is met in the remainder of the site;*
5. City Council variance from Sec. 11-239(b)(1),(2) of Novi City Code for the absence of hard surface for parking lot and driveway for proposed temporary parking lot of six spaces in Phase 1 *as the requirements will be met at the time of Phase 3 construction within a certain time mutually agreed between the applicant and the City;*
6. City Council variance from Sec. 11-239(b)(1),(2) of Novi City Code for absence of curb and gutter for parking lot and driveway for proposed temporary parking lot of six spaces in Phase 1 *as the requirements will be met at the time of Phase 3 construction within a certain time mutually agreed between the applicant and the City;*
7. City Council variance from Sec. 11-239(b)(3) of Novi City Code for absence of pavement markings and layout including end islands for proposed temporary parking lot of six spaces in Phase 1 *as the requirements will be met at the time of Phase 3 construction within a certain time mutually agreed between the applicant and the City;*
8. A Section 9 waiver for the following deviations *as the overall appearance of the building would not be significantly improved by strict application of the percentage listed in the Ordinance:*
 - a. Not providing the 30 percent minimum required brick on the facades for Building 1 and 2 as follows: east (28% proposed), north (28% proposed) and south (26% proposed);
 - b. Exceeding the 25 percent maximum allowed percentage of EIFS on all facades for Building 1 and 2

- (proposed: East - 28%, North - 38%, South - 35% and West - 48%);
- c. Not providing the 50 percent minimum required brick and stone for TC-1 district on the north façade for Building 1 and 2 (48% proposed);
 - d. Not providing the minimum 30 percent required brick on all facades for the Commercial Building (proposed: North - 23%, West - 8%, South - 8% and East - 17%);
 - e. Exceeding the 50 percent maximum allowed for Cast Stone on all facades for the Commercial Building (proposed: North - 55%, West - 76%, South - 76% and East - 64%);
 - f. Exceeding the maximum allowed percentage for Ribbed Metal (0% allowed) on all facades providing the ribbed metal for the Commercial Building (proposed: North - 12%, West - 6%, South - 6% and East - 9%);
 - g. Exceeding the maximum allowed concrete for west facade of the parking structure (0% allowed, 100% proposed) in lieu of providing the minimum required brick (30% minimum required, 0% provided);
 - h. Exceeding the maximum allowed cast stone for north and south facades of the parking structure (0% allowed, 100% proposed) in lieu of providing the minimum required brick (30% minimum required, 0% provided);
9. Landscape waiver from Sec. 5.5.3.B.ii for the lack of a berm and screening as the applicant proposed a line of arborvitaes along the property line to soften the view toward the railroad tracks and industrial site beyond in lieu of required landscape screening;
 10. Landscape waiver from Sec. 5.5.3.B.ii for a reduction in the required greenbelt width between the right-of-way and parking areas along Flint/Bond Street (20 ft. width required, a range of 10 ft. to 20 ft. provided). A 2.5 foot brick wall screening the parking and additional landscaping in the narrower areas help to compensate for the lack of space in the areas with just a 10 foot greenbelt;
 11. Landscape waiver from Sec. 5.5.3.F.ii.b(1) for a reduction in the total number multifamily unit trees provided (147 trees required, 127 provided) as the reduction is only 14% from the total requirements and the site is otherwise well-landscaped;
 12. Landscape waiver from Sec. 5.5.3.F.ii.B(2) for the reduction in the number of interior roadway perimeter trees provided (1 tree short) due to conflict with fire access lane (grass pavers);

13. Landscape waiver from Sec. 5.5.3.D. for the deficiency in the foundation landscaping coverage around the parking deck due to limited space available along the southwest side, along the railroad. Large arborvitaes are proposed in that area to help screen the view of the railroad and the industrial site;
14. Landscape waiver from Sec. 5.5.3.C.(3) Chart footnote for not proposing the required parking lot perimeter trees for the temporary gravel parking proposed to be constructed for use by visitors to Novi Cemetery in Phase 1 (11 trees required, 0 proposed) as *the landscape requirements will be met at the time of Phase 3 construction within a certain time mutually agreed between the applicant and the City;*
15. The following variances would require Zoning Board of Appeals approval:
 - a. A Zoning Board of Appeals variance from Section 4.82.2 for increasing the maximum percentage of one bed room units allowed for this development (50% maximum allowed, 58% proposed) based on *applicants response that a 60% unit mix is recommended based on their internal marketing survey and assessment;*
 - b. A Zoning Board of Appeals variance from Section 3.27.1.D for allowing parking in side yard for commercial building(around 49 spaces) due to the unusual shallow shape of the subject property and the inability to park in the rear yard;
 - c. A Zoning Board of Appeals variance from Section 3.27.1.D for allowing parking in front yard for residential section (around 38 spaces, 9% of total 432 spaces) due to the unusual shallow shape of the subject property and the inability to park in the rear yard;
 - d. A Zoning Board of Appeals variance from Section 3.27.1.D for allowing parking in side yard for residential section (around 50 spaces,12% of total spaces in east and 35 spaces 12% of total spaces in west) due to the unusual shallow shape of the subject property and the inability to park in the rear yard;
 - e. A Zoning Board of Appeals variance from Section 4.82.2.e for a reduction of the minimum building setback for Building 1 on the east side (15 ft.

- required, a minimum of 12 ft. with overhang of 8.8 ft. proposed for an approximate length of 12 ft., total building length is 283 ft.) due to the unusual shallow shape of the subject property;
- f. A Zoning Board of Appeals variance from Section 4.82.2.e for a reduction of the minimum building setback for Building 2 on the east side (15 ft. required, a minimum of 8 ft. with overhang of 3.8 ft. proposed for an approximate length of 16 ft., total building length is 283 ft.) due to the unusual shallow shape of the subject property;
 - g. A Zoning Board of Appeals variance from Section 4.82.2.e for a reduction of the minimum building setback for the parking garage on the west side (15 ft. required, 5 ft. proposed for entire structure, total building length is 283 ft.) due to the unusual shallow shape of the subject property;
 - h. A Zoning Board of Appeals variance from Section 5.7.3.E. for allowing an increase of the average to minimum light level ratio for the site (4:1 maximum allowed, 4.81 provided) due to site layout and the site's shallow depth;
 - i. A Zoning Board of Appeals variance from Section 5.7.3.K for exceeding the maximum allowed foot candle measurements along the south property line abutting the railroad tracks (1 foot candle is maximum allowed, up to 1.7 foot candles is proposed for a small area);
 - j. A Zoning Board of Appeals variance from Section 3.27.1.H. and Sec. 5.4.2 for allowing two loading areas in the side yard for the residential section due to the unusual shallow shape of the subject property;
 - k. A Zoning Board of Appeals variance from Section Sec. 5.4.2 for a reduction in the minimum required loading area for each of the two loading spaces in the residential section (2,830 square feet required, 644 square feet provided) due to residential nature of the development that does not require larger loading areas;
 - l. A Zoning Board of Appeals variance from Section 3.27.1.1. for a reduction in width of the sidewalk along a non-residential collector (12.5 feet required on both sides, 8 feet proposed on west side and 10 feet asphalt path proposed on east) as it aligns with City's current plans for Flint Street realignment;

- m. Zoning Board of Appeals variance from Section 5.3.2. for a reduction of the minimum parking bay depth for spaces proposed in the parking garage (19 ft. minimum required, 18 ft. proposed) as the depth is limited by the pre-fabricated manufacturers specifications; and**
- 16. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.**

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance, Chapter 11 and Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.

Member Breen said she is usually opposed to re-zoning. She said this has no impact to surrounding residents. The river follows through it, they have taken measures to protect it. This is the type of development she wants to see. She is excited. It will go towards creating a walkable city. We already have the infrastructure in place. We want this in this area. Young people want this. She supports this project.

Member Markham said this site is old concrete plant. She is wondering about contamination? Was there mitigation? What kind of soil evaluation has been done? Mr. Ludwig said they had studies done by PM Environmental. McDowell and Associates was their geo- technical consultant. Remarkably the site is clean. We had the same concerns. No buried tanks there. Those are the things that cause problems. It's been looked at and given clean bill of health. Geotechnical challenge is that the dirt is not as firm as they want it to be, but they have to do engineering to hold up building. It is nothing significant. Member Markham said building 3, the commercial portion, they don't know what the building will look like but they are committing because it gives you the town center percentage of commercial space. Mr. Ludwig, they need building to comply with ordinance, but also feel it will tie in design wise with residential to create an entrance to community. Member Markham wondered what types of business? Mr. Ludwig said it would be most likely be single tenant restaurant or service for things that people will need, such as haircuts, food, etc. Markham asked where the exits are located. Mr. Ludwig said the re-alignment is shown. Member Markham spoke to density. This is an area that needs this kind of high density in downtown to get critical mass to make walkable community. She said she was looking forward to this development. She felt it was the right thing for the site.

Member Casey thanked them for their concept. She said they are taking a piece of land full of challenges and putting in needed housing. Member Markham mentioned the density. This is unusual to put this much density. She agreed the higher density in this

To approve the construction contract for 2018 Chip Seal Program to Highway Maintenance and Construction Company, the low-bidder, in the amount of \$130,660.03.

Roll call vote on CM 18-07-113

Yeas: Markham, Gatt, Staudt, Breen, Casey
Nays: None
Absent: Mutch, Wrobel

AUDIENCE COMMENT:

Michelle McLachlan, 25000 Glenda Street said she appreciated what they've done here. She is not sure where they stand with the consent agenda . Mayor Gatt said they will get there in the Mayor and Council Issues.

MAYOR AND COUNCIL ISSUES:

Mayor Gatt stated that Member Breen added Glenda Street sewer.

Member Breen stated that at our last meeting there was an item from our consent agenda that was pulled by Member Mutch as he had questions regarding this sewer to be done off Glenda and one of his major concerns was the piecemeal approach when it comes to infrastructure, which she appreciates. Member Breen continued that subsequent to this meeting we did receive additional information from City staff and heard from the applicant as well as the potential buyer. Member Breen said that based upon that additional information and based upon the information she voiced previously during audience comments noting that this property cannot be built upon without a sewer, which the alternatives are, quite frankly, unrealistic. We want to try to avoid situations like this in the future when infrastructure is completed in a piecemeal manner, but in this particular situation she thinks it's prudent to go ahead and approve it. She said she would like to make a motion to reconsider the agreement for this, and so through the Mayor to the City Attorney, Member Breen asked what would be the most appropriate action, if they could just discuss it. Attorney Schultz stated that there needs to be a vote on the motion to reconsider, and if it passes there would be discussion on future action.

CM 18-07-114 Moved by Breen, seconded by Staudt; MOTION CARRIED 5-0

To reconsider approval of an Agreement for Direct/Temporary Connection to Sanitary Sewer allowing parcel 50-22-22-302-001 on Glenda Avenue to connect to the City's public sanitary sewer system at Kerri Court.

Roll call vote on CM 18-07-114

Yeas: Gatt, Staudt, Breen, Casey, Markham
Nays: None
Absent: Mutch, Wrobel

Mayor Gatt stated that it now we're going to open up this matter for re-discussion and hopefully vote, but before we do, he wants to hear from the city manager the City's viewpoint. Mr. Auger stated he thinks that the property owner laid it out pretty well; it's the only way to develop this property at this time, is through a force main going through the backyards. It's not something that just came up recently; it's been discussed over the years. Our City staff has looked at bringing a sewer line down Glenda the entire way so everyone has that sewer, that becomes problematic because of the elevations we would need a pump station for that short distance, so that doesn't look like a very plausible solution for this lot down on the side. City staff believes we can support this system, or this private system, that would hook into our system, so they're in support of it. Mayor Gatt reiterated that City staff wouldn't have a problem if Council approves this. Mr. Auger replied that that is correct. Mayor Gatt asked for further discussion or a motion at this time.

CM 18-07-115 Moved by Breen, seconded by Staudt; MOTION CARRIED 5-0

To approve an Agreement for Direct/Temporary Connection to Sanitary Sewer allowing parcel 50-22-22-302-001 on Glenda Avenue to connect to the City's public sanitary sewer system at Kerri Court.

Roll call vote on CM 18-05-115

Yeas: Staudt, Breen, Casey, Markham, Gatt

Nays: None

Absent: Mutch, Wrobel

CONSENT AGENDA REMOVALS FOR COUNCIL ACTION: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:56 P.M.

Cortney Hanson, City Clerk

Robert J. Gatt, Mayor

Transcribed by Deborah S. Aubry

Date approved: August 13, 2018