REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, NOVEMBER 9, 2026, AT 7:00 P.M.

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Fischer, Mayor Pro Tem Casey, Council Members Gurumurthy, Heintz, Martinez, Smith, Staudt

ALSO PRESENT: Victor Cardenas, City Manager
Danielle Mahoney, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM 26-11-130 **Moved by Casey, seconded by Smith; MOTION CARRIED: 7-0**

To approve the agenda as presented.

Roll call vote on CM 26-11-130 **Yeas: Casey, Gurumurthy, Heintz, Martinez, Smith, Staudt, Fischer**
Nays: None

PUBLIC HEARINGS:

Special Assessment District 186 for Main Street Area Streetlighting and Streetscape.

Public Hearing opened at 7:01 p.m. and closed at 7:02 p.m. with no public comment.

PRESENTATIONS: **None**

CITY MANAGER REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Kamran Qadeer said he is serving on the Construction Board of Appeals, and his term is ending this year. He said he applied for reappointment and was asked to come before Council for the audience comment portion. Mayor Fischer said they appreciate his service and if he had any other comments he wanted to add, he could. Mr. Qadeer said he'd be happy to continue on unless Council had any questions for him. Mayor Fischer explained that Council does not take questions during this portion of the meeting, but they appreciated him coming forward and reinstating his interest in serving.

Debbie Wrobel, 24578 Ackert Court, said she has lived in Novi for 25 years. She said she was seeking reappointment for the Historical Commission. She has been on the Commission for six years and she was asking for a third term. She enjoys sharing, collecting and preserving Novi history with the Novi community. She has been involved in many

projects. She said they're currently working on a miniature project of Matt Moran's General Store, part of the four corners of Novi. They have Community Fest and Pumpkin Fest and a speaker series where they bring in speakers to inform and entertain their seniors and citizens, covering topics of Novi and Michigan. She hopes to continue to be a part of this commission, this team, and to bring history to life. They appreciate Council's dedication to preserving the history of Novi, and she enjoys working with the commission and she's happy to learn new things about Novi.

Ramesh Verma, 45725 Jaslyn Lane, said he is currently serving the Novi Planning Commission and really enjoying it. He was there to request that Council reappoint him for the next session in the Planning Commission.

Sunita Ananthaswamy said she was there to reintroduce herself and to express her interest in continuing to serve on the Cultural Arts Advisory Committee for 2027. Although her present term is relatively short, it has been a rewarding experience. She has connected with wonderful individuals who share a common vision and a genuine commitment to enriching their city through arts and culture. During this term, she developed and presented a proposal that reflected her ideas and vision for the Novi community. It was very meaningful for her to share her perspective and to know it was heard. She hopes to build on that experience and become more actively involved. She said Novi is such a wonderful community. The recent Diwali celebration hosted by the City was a great event. It was lovely to see the community come together to celebrate the culture and traditions of Diwali. She addressed Mayor Fischer and said the dancing by his team was absolutely wonderful. She said she is grateful for her time on this committee, and she hopes to be serving in 2027, bringing fresh perspectives.

Yogesh Kumar said he would like to continue serving on the Zoning Board of Appeals next year. He has been a proud resident of Novi for the last 12 years, ever since he came to the United States, and this is part of his family life. He is proud to be actively involved in the community, and he would be honored to continue to give back to the society as much as he can. Professionally, he has 26 years of experience in engineering program management and leadership. His career has taught him the importance of listening to different perspectives and understanding the complex solving. He also has experience in real estate and that gives him an additional understanding of property ownership rights and the zoning and property-related decisions. He believes this experience is particularly valuable for this position in Zoning Board of Appeals. During his time as an alternate member on the Zoning Board of Appeals, he gained a better understanding of the responsibility of the board and the importance of balancing the needs of residents and its different business owners and ordinances. He said beyond ZBA, he is currently serving as a commissioner on the Novi Beautification Commission, and he was proud to be a member of the organizing committee for the 2026 Diwali celebration. He thanked the members of Council for their participation in that. This experience allowed him to connect with a different part of the community within the Novi community and make Novi a very welcoming society, an integral society within the Detroit Metro area. He said if he is reappointed, he will continue to prepare, keeping his mind open and carefully selecting any site which meets the city and ordinance requirement. He truly appreciates the

opportunity to serve the City of Novi, and he respectfully asked Council for their consideration for his next appointment.

Venkat Reddy Thalla said he has been a Novi resident for 28 years, a Michigan resident for 37 years and an American resident for 40 years. He said, like the woman who spoke before him, he is very happy to learn more things about Novi. Even after 40 years, he is still learning. He said when he landed at JFK in New York from Air India, he thought that place was heaven. He still has that same feeling. The more he learns, the more that feeling increases. He showed a slide of people dancing and said it is self-evident for several years and perhaps with the dance, it became more self-evident how with different views, all seven leaders are celebrating with such high synergy of siblinghood of political leadership. That siblinghood not only has to go up in the ladder of leadership all the way to multiverse universal great self and even down to 100 trillion cells of the body, each and every cell. He learned recently about mitochondria. There is a cell inside the cell. It took two billion years for that cell to enter into that cell and all mothers carry that, not fathers. His friend recently had an innovators' conclave all over India. They invited him. He is going to go there and tell them four words: mirror Novi's City Charter.

Michael Condon, 1411 West Lake Drive, said he has been a proud resident of Novi for over 35 years. He has lived in four different houses in Novi, and he has built three houses on Walled Lake. Recently, this summer, his friend was making some landscape changes, and he gave Mr. Condon four small bushes. He planted those bushes next to his house on a city drainage easement that he has been mowing for over 20 years. His next-door neighbor that moved in a couple of years ago came over and said he didn't like the bushes, and he told Mr. Condon to take them out. He was shocked at first because he has always been proud of how Novi gives away trees and bushes on Arbor Day. He has participated in that and he has done that. It took him a little while to digest this. He went back to the neighbor and said, I'm asking you to work with me on this one. After you moved in, you went ahead and tore down a city fence on the other side of the easement and now snowmobilers are running through there and it's kind of gotten crazy. He said this had happened on a weekend which Mr. Condon thought was interesting. The neighbor had installed a sea wall without a building permit on a weekend. He has knick-knacks on the other side of the fence with the bad side pointing toward Mr. Condon, which is against code, and Mr. Condon has never made an issue about any of those issues. Since then, he has noticed that the neighbor has flowers all over the city lot. His point is he has gone back to the neighbor to ask if he'll work with Mr. Condon. He got a letter from the city saying he needed to remove the bushes from the city easement and then he received a phone call from the city saying that they were going to remove the bushes. There are four 18" bushes, nothing big. They just soften the easement view between them and the neighbors. He talked to the city powers and said, "This is crazy that I'm being asked to pull these up. This is Novi." The city personnel said this is their job and this is what they need to do. Mr. Condon asked what his level of appeal is. He was told to come to the City Council meeting and speak his peace. He is the vice president of Lakes Area Homeowners Association. He is used to neighbors bickering about things because when you get a lake community where it's all tight, he is asking Council to give him grace and allow him to leave these four little bushes that he planted in July. He's not even sure if they'll make it. He asked for a little variance on this issue.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 26-11-131 Moved by Casey, seconded by Martinez; MOTION CARRIED: 7-0

To approve the Consent Agenda as presented.

A. Approve Minutes of:
October 12, 2026 - Regular Meeting

B. Consideration of a Fireworks Display Permit by City of Novi Parks, Recreation and Cultural Services for a display on Thursday, November 5, 2026, in support of the City's Diwali Fest, contingent on the contractor providing a current Certificate of Insurance by November 1, 2026.

C. Approval of a Pawnbroker License renewal requested by Howard Tapper, co-founder of Tapper's Gold Exchange, located at 20800 Haggerty Road, Novi, MI 48375

D. Approval of resolution recognizing Good Vibes Foundation as a nonprofit organization operating in the City of Novi for the purpose of obtaining a charitable gaming license from the State of Michigan.

E. Approval of the final payments to Pro-Line Asphalt Paving Corporation, for the 2024 and 2025 Neighborhood Road Program – Asphalt Streets, in the amount of $57,636.81 and $47,075.93, respectively, plus interest earned on retainage.

F. Approval of the final payments to Mattioli Cement Company, LLC, for the 2024 and 2025 Neighborhood Road Program – Concrete Streets, in the amount of $29,422.72 and $45,722.56, respectively, plus interest earned on retainage.

G. Acceptance of a water system easement from the property owners of 21287 Beck Road, parcel 50-22-32-400-010, for the construction of a water main as part of the Southwest Water Main Loop project, in the amount of $43,140.

H. Approval of Resolution to Receive Special Assessment Roll and Set a Public Hearing (Resolution No. 4) for the Main Street Area Streetlighting and Streetscape SAD #186.

I. Approval of claims and warrants – Warrant 1212

Roll call vote on CM 26-11-131 **Yeas: Gurumurthy, Heintz, Martinez, Smith, Staudt, Fischer, Casey**
Nays: None

MATTERS FOR COUNCIL ACTION:

1. **Consideration of tentative approval for a Second Amendment to the Consent Judgment in the case of Novi Equities Limited Partnership v City of Novi, in order to allow Multiple Family Residential as a permitted use for the subject property. (This is the language from the agenda.)**

City Manager Cardenas said the applicant is proposing to develop a 61-unit townhome development on a vacant parcel on Wixom Road. All the units will be for-sale homes. The parcel is governed by a 2001 Consent Judgment for the Novi Promenade which permits a 100,000 square-foot big box retail store. In 2023, the applicant proposed a 157-unit apartment-style development with limited associated retail for the same location, but the proposal did not advance beyond the Planning Commission. The Planning Commission recommended approval for the current preliminary site plan on September 23, 2026. The applicant was in attendance for questions and/or a presentation.

David Landry stood on behalf of the applicant, Del Cyprus Partners. He said they were requesting approval for an Amendment of a Consent Judgment concerning Novi Promenade to allow a change in use for one parcel. It's the last remaining vacant parcel from B2 to RM2. Novi Promenade is located on the southeast corner of Grand River and Wixom roads. There is Novi Catholic Central, there's a Sam's Club, a Target and then Novi Promenade is right next door to it. This is a request to allow a change in use. It's a slightly different animal than a usual, straight-ahead rezoning because the uses are not controlled by the zoning ordinance. They're controlled by a Consent Judgment, and the Consent Judgment specifically states in its terms that it can be amended. Therefore, it is not a PRO, it's not where the applicant has an obligation to show a public benefit or the applicant has to show that they're being more restrictive than the zoning district to which they're requesting. Although, they are going to do both of those. He said they will offer a public benefit, and he could show Council that they are more restrictive in many respects than the RM-2. The history of the property and the Consent Judgment was originally zoned I-1, but all that changed. He said, obviously, the western part of the city has changed with the hospital and even City West. The City Council has recently rezoned City West for mixed use. The prior owner of the property, not his client, filed a lawsuit against the city in 2000 and that lawsuit was settled. The city settled it by way of a Consent Judgment and what they agreed to do was to create three big box stores. They created Retail A, Retail B and Retail C with a huge, shared parking. Retail A developed as Sam's Club, Retail C developed as Target and this area, Parcel B, is where they put all the stormwater, all the wetlands and they mitigated everything. While this looks like a very large parcel, it really isn't. The only buildable portion is this area (he said, pointing out the area on a slide) and a small outlot where they are anticipating, or will request if approved, to build a standalone, three-unit commercial building. What is interesting about this Consent Judgment is that it originally showed that this Parcel B was this big, but in 2015, the prior Novi Promenade owner came before City Council and wanted to build commercial here (he pointed to another location on a slide), but there was wetland that they needed to mitigate. They approached the city and the city allowed them to mitigate wetland and shrink Parcel B. Now, it's even smaller because this area is taken up as a detention pond. Parcel B is even smaller than it originally was. What is left is 24.7 acres, 65 acres of which are wetlands, seven acres is buildable and 1.5-acre outlot which is right here. The parcel has been vacant since 2001. No business, no big box, no

commercial has shown any interest in this. It has been vacant. It's the last piece in the Novi Promenade. Why residential at this point? He said because of the location. It's near a hospital. It's near retail with Target and Sam's. He said if they check the zoning in that area, it's still zoned I-1 if you look at a zoning map. You can't build I-1 on it because it's controlled by a Consent Judgment. He said this whole area is Novi Promenade. It touches two residential—Camelot and Villas at Stonebrook. Residential touches this parcel, but the only buildable part is right here, he said pointing to specific place on a slide. There is a tremendous amount of buffering, but even if it's touching residential, nothing can be built except on this parcel right here. It's near the I-96 interchange. It's near the Grand River Corridor. There is a bus stop on Grand River.

Mr. Landry said on page 95 of the Master Plan says that retail is close to being overbuilt. Between 2010 and 2020, the Novi population increased 20%, but housing only increased 13%. The demand for housing is greater than the supply. They believe this particular product, an owner-occupied town home, is perfect for young professionals. There's a first floor flex room which can be used for a home office. It's perfect for expats coming from another country that are going to live here for five years. It's close to Catholic Central. It's close to shopping. It's close to the freeway. He wanted to comment on something the planning department said. The last "all review" was on September 8, 2026. Quoting the planning department he said, "From a land-use perspective, the location appears capable of accommodating a variety of residential demographics and, in their opinion, *supports* consideration of a transition from commercial to residential or mixed use. It's near Grand River, there is access to the SMART Line, the density and compact arrangement of the buildings is a result of the site being constrained by the wetland. These site constraints are responsible for many of the deviations, which are typical of an urban-style development. In the mixed-use context, greater density would make more sense than lower density. The presence of unusable areas on the site, wetlands, and access drives results in it being concentrated. On September 8th, the planning department reported approval of the preliminary site plan as recommended. Residential use may be appropriate for the site and a change from commercial use shown in the Master Plan and Consent Judgment could be justified. It talks about how the Master Plan may list this as commercial, but the community impact statement presents arguments supporting a change to use and residential mixed use. Specifically, the traffic study indicates that it would significantly reduce traffic. Finally, staff's recommendation, the most recent, based on their review, it is staff's opinion that the proposed residential development is a less intense use that will have less impact on the surrounding road network than a 100,000 square-foot retail center. Based on the traffic study, the residential use would significantly reduce the number of trips compared to a big box store. He said it's the last undeveloped piece and specifically, it indicates that the project is able to take advantage of the surrounding existing utilities and road infrastructure, which is less impactful. As recommended in the Master Plan, residential use in this location could promote the missing middle housing in a mixed-use context. That's important. He said they always look at the Master Plan, and they always talk about the "missing middle." The administration is saying this could promote the "missing middle." The Planning Commission recommends approval.

Mr. Landry said they started Novi Acres three years ago. He wasn't involved at that time. They approached the city with a project called Station Flats. It was a huge, monolithic building with 150-some units and a little coffee shop in the corner. The parking was to utilize shared parking because in all the parking in Novi Promenade, everybody can park everywhere. It did not have its own parking at the time. So, the Planning Commission recommended denial. The developer dropped back 10 and said, "Let's talk about it." They've been working with the city ever since with significant improvements. From the previous Station Flats, they've gone from 157 dwelling units to 61. They've gone from four stories to three stories, from rentals to owner-occupied, from surface parking to two-car garages for each unit, and the density from 18 dwelling units per acre to 8.5 dwelling units. They've gone from a small retail use within the building to a standalone building for three retail uses. Traffic, this is huge. Right now, under this Consent Judgment, a 100,000-square foot retail could be built. The traffic study shows that would generate 9,449 trips per day. Novi Acres is only 10% of that, 919 trips per day, and the administration has agreed with this. He stressed that if the Consent Judgment is not amended, someone could show up and say that they want to build a big box store on this parcel. That would generate 9,449 traffic trips and it will never come to City Council. City Council will have no say on it because it's a principle permitted use, so it just goes to the Planning Commission, and the Planning Commission can't say no if it's within the B-2 zoning classifications. This is the only opportunity for Council to down zone and make sure all that traffic doesn't go on this road. Showing a slide, he said the residential would be here and the entrance would be this boulevard out onto Wixom Road. He said when you go to Target, you pull in here, but there is no traffic light there. That's not the entrance for Novi Acres. The entrance would be here and that entrance is currently signalized. There are traffic signals already there that control the traffic on all of these four roads that lead into it. The city administration asked them to build a sidewalk all the way out from Novi Acres to Wixom. They agreed to do that. That is going to be separated from this particular drive. There's a sidewalk all the way down to Target. That's going to be separated also. The entrance would look like this. You'd pull in. There would be three retail stores. There would be landscape, a fence, and the sidewalk back here. To walk up here, there'd be a sidewalk behind a similar landscape and fence which would go that direction to Target with a mixed use in a separate building. He said if this were a PRO, Council would ask him what the public benefit is. He said they were not required to do that; however, he talked to his client about that. There is a SMART bus stop on Grand River, right at the entrance to Sam's. They are proposing to build a covered bus stop there. They would do that. They would volunteer to do that and make that a part of the Consent Judgment. They would build a covered bus stop. They would deal with the Oakland County Road Commission and they'd do it.

For site restrictions, they would be more restrictive than RM-2. Technically, with a Consent Judgment, they're not required, but he wanted to go over some aspects. RM-2 says maximum lot coverage of 45%; they're covering 5.1%. Building height of 65 feet for RM-2; they're only 45 feet. RM-2 density max 15.6 dwelling units per acre; they're 8.5. Wetland setback 25 feet; they're set back 30 feet. Parking 153; they have 158. All the parking is on that residential spot. Nobody parks in the Target or Sam's lot, so you're not going to have people walking across that parking lot to get to these owner-occupied units. All the parking is sufficient, more than sufficient, and is on this property. Residential building

setbacks 75 feet; they're 466 on one, 105 on the other, 790. The retail building maximum height 42 feet; they're only 20. Facades are almost all brick. They exceed the entire façade ordinance on virtually every aspect. Every unit would have a two-car garage, and it would be landscaped accordingly.

Mr. Landry said one issue was the part to the extreme north. He added some context to that. Showing a slide, he said Sam's Club is right here. This is the part right here between this and Sam's Club. When they originally sat down with the city, they said they were concerned about the sight and sound from Sam's. How do you attenuate the sound if you have delivery trucks? How about the sight? The developer said to Rick Meader, a former landscape architect, "What would you like us to do?" Rick said, "I would like to build two eight-foot-high precast concrete walls." When they asked him where he'd like them, he said, "Put one here and put one here and that will attenuate the sound." They asked him what he'd like them to do on the site. He said he wanted them to landscape the heck out of it. They put in evergreens all around here. He said this is a play area for children, and this is a gathering area for any of the folks there that want to use it. It would end up with evergreens. He said they have done absolutely everything to attenuate the adjacency, and the staff has indicated that they are satisfied with it.

For floor plans, he said it's a townhome. On the first floor, you enter the garage and here is what they're calling a "flex room." It's got its own bath. It could be a bedroom. He said he wouldn't call it a first-floor primary suite, but it could be a bedroom or an office. It'd be perfect for a home office because it's not on the main floor where all the activity's going on. It's on its own floor. That's why this product is very sellable to young professionals and people who work at home. He said those were the floor plans. Then, he showed another slide called "Site Overview" and said this is what the development would look like. He said you have a huge wetland on the other side, all with a conservation easement. This is what it would look like coming in from Wixom Road. Here's the retail and you gain access to it. Here's what it looks like on the south side, although you're way away from Villas at Stonebrook or anything on that side. That's the development. Master Plan and Zoning had comments, positive comments. Planning Commission recommended approval. Administration recommended approval. All deviations are recommended by the administration. In fact, he said, if they read the September 8th all reviews, at that time, one of the landscape waivers was not recommended, the building foundation. They had just received an email earlier in the day of the meeting from David Richards, the city's new landscape architect, and his understanding is that there is a proposed amendment to the landscape ordinance that's working its way through to make some changes. Mr. Landry said Mr. Richards looked at that and told them, "Under the new ordinance, you fit. You don't need a waiver." At 12:44 p.m. that day, the email they received said, "Regardless of the new amendment, the current design of the townhomes regarding the driveways, garages, and associated landscaping meets the ordinance as it stands now. The amendment will, in hope, make it easier in the future for projects like this." He said Target and Sam's support this project. He said they were asking the city to make the final amendment to the Consent Judgment to allow this to proceed.

Member Smith asked the City Planner how this would impact if the adjacent commercial Sam's Club or Target made any changes to their usage. He asked because there is no

screening, would they have to do extra screening to mitigate anything, or would they be free to use it as they wish. Ms. Bell said they would have to be evaluated if they were making changes. She hadn't heard of any changes proposed. At that point, they would evaluate what would be needed. They don't have a lot of room to expand given the parking and the conservation easement to the east. Member Smith said he didn't want to do something that would adversely impact an existing use nearby. He thanked Ms. Bell and said as he was going through the packet, he started listing things that he's ok with and things he has questions or issues with. He likes that it's not another big box store going in there due to traffic. He likes that it's walkable with the retail in there. It's not a quaint downtown, but maybe this is what 21st century downtowns look like. You can walk to Sam's Club or Target or whatever goes in that retail. There's no woodland and wetland impact because it's already been basically graded for a big box store, nothing there that is current. There's less hard surface than a big box store. He said he's ok with the space being residential. The issue he has with it is it's not meeting their goals and what they're hearing from residents about affordability and senior first floor kind of living. He asked the developer if they had an idea about how much these units will be sold for. Mr. Landry said they don't know for sure at this point. They're probably going to be marketed in the $400s. Mr. Landry said that's because of the site. You can't do first-floor primary suites. You've really got to spread it out and you really need a big piece of property to do that. He said they can't tick all the boxes, but they can do the best they can on the site.

Member Gurumurthy said the overall concept of bringing the housing or residential along with the retail is something she likes. She said it brings the mixed-use concept, and she thinks that's what the younger generations are looking for when considering where they want to live, they want to walk. She said she likes this concept especially when comparing the earlier Station Flats proposal to this one. She is happy with the whole woodland and wetland impacts and how they are preserved. The wetlands are preserved. They're using the existing utilities and then the traffic light is already there. They'll be using the existing road. The key is what you pick for the retail. You want to pick something that people are going to walk to rather than some random things where it's inviting people to come to like a coffee shop or something. She thinks it's very important to pick the right retail. Having said all that, she said the concept is good, but having been very involved in the Novi 2050 plan, she knows it's the whole "missing middle." Her understanding of the "missing middle" is something between the single-family homes and the larger apartment complexes. When she thinks of who those are to serve, she thinks it's first-time home buyers, empty nesters and the aging population. Looking at all 61 units, each unit is a four-bedroom unit. Aging in place does not mean a three-story. If it's for someone who is older than 55, it's going to be hard for them to pick a three-story home, and they would want to downsize versus going into a four-bedroom home. When she thinks about starter homes, she thinks they'd pick a three-bedroom home versus a four-bedroom. The whole type of housing is something she is struggling with. She did a little research on the whole median household income. It's $111,000. The new three-story townhomes in Novi are between $480,000 and $650,000. She said Mr. Landry had mentioned these homes would start around $400,000, but with her experience working with Novi 2050, residents looking for affordable housing, and satisfying the "missing middle," residents would need to have a median income of $150,000 to go for a townhouse, similar to a four-bedroom townhouse. That's the part she wants to start with in terms of the struggle that she's

having. It's the housing type. Mr. Landry clarified that they're all three bedrooms, not four. Member Gurumurthy said in the packet on the deviations list, it states there will be 61 four-bedroom units. Mr. Landry said they are all three-bedroom units. He said there is a room downstairs that could be used as an office or a bedroom. He said there are two bedrooms upstairs. If the owner used the room downstairs as an office, it would be a two-bedroom unit. It's not a four-bedroom unit. Mr. Landry said to clarify, there is the base floor, garage, flex room, the great room, kitchen, dining room, primary bedroom and other bedroom. It's a three-bedroom unit. Member Gurumurthy requested to speak with Ms. Bell because she was looking at all the deviations and then she saw specifically that there would be 61 units of four bedrooms. Ms. Bell said in their ordinance, the room count is based on number of bedrooms plus one. That's a room count, not a bedroom. That's probably where three bedrooms became four rooms for the room count under the RM-2 standards. It's just the way it is defined in the ordinance. Member Gurumurthy thanked Ms. Bell for clarifying that.

Member Gurumurthy said going back to the median household income, she said Mr. Landry said these homes would likely start in the $400s, but when she looked at the statistics outside or the data, townhomes go between $480,000-$650,000. She knows this is not first-floor living, yet that is what is needed in Novi. They have had a lot of feedback about that. That's one thing that stuck out to her about this proposal. She said she is also concerned about the rental situation. She said whenever you have such units, she thinks it was mentioned in the packet that these units could be for expats, that's one of the things. She said they want to encourage or satisfy the need for housing for people to own versus rent. She is concerned about the whole rental that's going to happen through this. She said if this goes through, she thinks it's important for them to make sure it's prevented as much as possible. Mr. Landry said because these are town homes and condominiums, they can state in the master deed that there can be no rentals. They can take care of that, so you don't have people that buy these for an investment and then have renters use them. They can take care of that. They can absolutely make no rentals and they're willing to do that in the Consent Judgment.

Member Gurumurthy said overall, she is struggling with the whole median household income versus affordable housing. She said they are always looking for housing for 50+. She said she understands that there are some space issues with this parcel, but based on the need, she thinks it's important to consider that whenever there is a development. She appreciates that they've lowered the density from the original Station Flats proposal. She said maybe because of the rooms, the deviation is now 244 rooms versus 157. She asked Ms. Bell to address this concern. Ms. Bell said this might be a little quirk of the ordinance. The way it is structed is for an RM-2 district which is the high-rise multiple family. If it's four stories or less, you go to the RM-1 standards for those types of units in some respects. If they were over four stories, it wouldn't be a deviation for density or room count, but because they're under four stories, they count them differently. Member Gurumurthy asked Ms. Bell if they count the room that is on the second floor. Ms. Bell said yes. Member Gurumurthy said the first floor is the garage; the second floor could be a room or a bedroom. Ms. Bell said yes. Member Gurumurthy clarified that that could be counted as a room as well. Ms. Bell confirmed that. Member Gurumurthy said that adds up to 244. She said she knows that's another room and bedroom and because of that, she thought

there were far too many rooms versus what is allowed. The building spacing is 84 feet between buildings. She said they were asking for a deviation for 30 feet, but that will bring the buildings way too close. She did not understand the sidewalks. She said the ordinance requires five-foot sidewalks on both sides of the private drive. There was a comment that there will be only one side versus the other side. She asked to learn more about that. Ms. Bell said essentially, the developer does not own the other side of the street. On the "Site Overview" slide, she said this is part of the Target site on this side and then also that boulevard road that goes to Wixom. The developer only owns one side of it. There is no room for a sidewalk there on the other side. Member Gurumurthy asked if there is no room or if the developer doesn't own it, does the requirement still stand, meaning are sidewalks still required on either side. Ms. Bell said technically, it's a private drive, so they included it in the list of deviations. For instance, this side of that entry drive is Target's property. Member Gurumurthy said it's not going to be able to because of who owns it. Ms. Bell said that's why it's supported. Member Gurumurthy said she was curious about the road. She thinks the road to Wixom is pretty neat. They already have a road and a traffic light. She asked if they are going to use what's already out there for residents coming out. She said they are talking about the SMART bus stop. She asked if they're going to use the existing road. Ms. Bell said yes, technically, residents could go through Sam's Club parking lot. Member Gurumurthy said that's the only way they can get to Grand River. She said driving is hard there even for people who are going to Sam's Club. That is something that she thinks they need to keep in mind, that people who want to go to Grand River from the…Ms. Bell said the only way to go there is through the Sam's Club parking lot. Member Gurumurthy said it might add a little bit more traffic in that space—not the overall traffic. Ms. Bell said she thinks it would be easier to go to Wixom Road. Member Gurumurthy asked if the parking is for the retail. She asked if they were going to be good with the shared parking spots for the retail that's planned. Mr. Landry said the parking is designed so that all the parking for the residential units is within the residential units. They don't need any parking from Target or Sam's, so residents will not need to traverse the parking lot. There are actually more spaces than the ordinance requires. Member Gurmurthy said residential is pretty clear in terms of having the parking within the residential area, but for the three retail stores, she asked if they are good with the parking spots. Mr. Landry said yes, the retail has its own parking. Member Gurumurthy said overall, she really likes the concept of residential in that space along with the retail. Picking the right retailer is key. The housing type is what she is digesting. She's concerned about the affordability. Aging in place is not there. Looking at the demand and what they are doing is something she is struggling with.

Member Staudt said he sat in meetings for almost 2.5 years talking about City West, mixed-use and having density with retail walkability and just last week or last meeting, they approved a development that took those matters into consideration. He said this development is everything they have asked for: fewer units, for sale versus rentals, and underground parking in the buildings. He said it's what they want as a community. His saying is always very simple: "Today's $400,000 is tomorrow's $550,000." He remembers sitting there not that long ago talking about the Main Street development and they told Council how affordable they were going to be. He said he doesn't know what they're selling for now, but he guessed it is probably closer to $600,000. He said that's called desirability. He said people want to live where they want to live. $400,000. He said they

need to get past this idea that they decide pricing, that they decide the type of layout of houses and living. He said, as a City Council, they are going to have to address the issue of senior housing. Nobody is going to build it for them. They're going to have to build it themselves. They're going to have to get the property. They're going to have to lay it out. They're going to have to get revenue bonds and build it themselves because nobody's going to do it for them because it's cost prohibitive. It's not something a private developer's going to do. He said they need to wipe out this whole idea that they're going to have somebody build lower units that seniors can live in. He said they should take care of it themselves. He said they should just deal with it. They should stop talking about it and just do it as a community. He said they have the Planning Commission. They have the staff. They all agree that this is a good use and here they are trying to repurpose this thing and rationalize why they shouldn't approve it because who knows why. None of them make investments in any development in their community. He said they sit up there and judge everybody else, but frankly, this is a really nice-size development. It doesn't add a lot of traffic to the area. It has a retail element to it that is part of the mixed use. This is what they, as a community, are looking for. He said maybe this isn't the one that is the low income or the affordable, but he'd bet that it sells out just as quickly as Main Street. He said he sat up there and listened to conversations between Council and the developers of Main Street. Council was worried that they weren't affordable, but they sold out. He asked why it is that they're judging other people's desire to buy something that's extraordinarily nice. He doesn't get that. He said they are there to decide whether it's a good use for the property. He asked who they are to judge how much these units should sell for. The market will do that. This is one of those situations where he has no idea where anybody stands on it. He knows that this development checks all the boxes for him personally. He said it's far removed from the Villas which was important. It has a permanent conservation easement on it. He said someone will likely say, "Well, we don't want to open up a consent. It creates precedent." He said no, it doesn't. They've opened them up before. They've opened them up and they've used their ability to make decisions based on a consent agreement, so there's no reason not to approve this other than some personal biases. He's hoping that City Council really looks hard at this. He doesn't want a big box store there. He's tired of big box stores in Novi. He's kind of tired of townhouses, too, but townhouses generate a very nice revenue stream for the city. They're not asking for tax abatements. They're not asking for anything that the city needs to do to subsidize this. He said he's not sure if Council is just a little "gun shy" because they've approved a lot of new developments like this in Novi in the past year or if they seriously believe that this is a bad use for this property. He has walked this entire property from the part that they want to build down to the area that's the conservation easement. It's a beautiful piece of land. He would rather have it be someone's home than have it be a big box store where they can go buy carpeting. He said he was going to support this. He said he hoped his colleagues really think about what Council's role is. Their role is not to determine price. Their role is not to determine whether it's affordable housing. He talked about the senior portion of it. He said they should just forget about senior housing. They should get together as a council, decide where they're going to build it and build senior housing and be done with it. Trying to impose that on developers is just a non-starter. That's all he wanted to say about this. He thinks this is a perfect use for this property, and he'd like to see it move forward.

Member Heintz asked Ms. Bell to come up. He wanted to follow up on one of the questions Member Smith had asked. Regarding the potential impacts to the current commercial businesses in that area, so as an example, like a counterpart for Sam's, Costco in Livonia just expanded their gas station area. In this sort of situation, whether it's Target or Sam's, if they potentially wanted to expand or move or just change their layout, it might not be in their current plans, but a couple of years from now, he's assuming they would have to work around the difference, like rather than businesses, the residential that would potentially be in that area. He asked Ms. Bell if that would be correct. Ms. Bell asked if Member Heintz was asking about the additional conditions that might apply when they're adjacent to residential. Member Heintz said yes. Ms. Bell said it's a Consent Judgment, so she guessed it could be addressed in the Consent Judgment, but they would review under the current standards of the B2 district, she believed, is what the Consent Judgment has them do. Member Heintz clarified that that would be solved in the Consent Judgment revision if that is what was done then. They looked to City Attorney Schultz for an answer. Member Heintz asked for any commercial in that area, would this development now restrict any future modifications for them. City Attorney Schultz said they can do a lot in the Consent Judgment related to the people they're contracting with, if they amend the Consent Judgment. He said typically, they would not go outside of that unless they bring others into the conversation. He said they can do a lot in the Consent Judgment. It depends what the question is. Mr. Landry said first of all, Target and Sam's both support this project. They want this project there. It's more business. They have no intention at this point of expanding. If they would want to expand, they don't own the property. They'd have to buy it. He said, if he understood Member Heintz's question, what if Target or Sam's expanded on their existing property. He said if that's the question, there is no room for them to do that to the south because they abut the developer's property and the city's already said that the adjacency is no problem with sight or sound, so they would have to expand away from them to the east or maybe to the north into their own parking lot, so there would be no adjacency issues there. Target can't expand to the east because it's a wetland and they don't touch the developer's property. There would be no adjacency there. Besides, they both wholeheartedly support this. Ms. Bell added that the B-2 district does not have as many restrictions when they abut residential. It's mostly about a screening berm. They don't have the same conflict that an I-1 district would have.

Member Heintz said regarding the parking lot adjacent to Target, he asked if Target's parking lot size seems to look larger than they would need. He asked if the original plan was for that to be utilized with the potential to accommodate parking for an additional big box store. Mr. Landry said yes. Currently, the Consent Judgment provides that the parking is shared parking. The Consent Judgment, if amended, would say the developer would relinquish the ability because they have their own parking on their own property. There would be no reason for them to do that. Mr. Landry said, "Let's just say you had a guest. You had a Super Bowl party or something and you had 10 people that wanted to come to your town house. They could park in the Target parking lot because there's a shared parking agreement." Member Heintz said he was pointing that out because it's sort of a mismatch because then if there was a residential built in this proposed area, then there would just be the continued empty parking lot areas because it would not be utilized by any additional businesses. Mr. Landry said if this development were built, Sam's

and Target could not park on the residential portion, and there's plenty of parking remaining for Sam's and Target. Member Heintz said right now, there's more parking than needed because of this large parking lot area next to Target. He said it would make sense for this to not be a residential area because there's the parking lot available for it already potentially for commercial usage. He said in terms of the proposed space for residential, he heard mention of walkability and everything like that. Before he lived in Novi, he lived in Chicago and it was nice to be able to walk around. He would say in this area, it's all about the right fit, so he doesn't know how much of a walkability argument there is to have when you're adjacent to Sam's Club, as an example, because he doesn't know if you'd be able to walk over to Sam's Club and do some shopping. He thinks it's worth having walkability elements when you're in the right setting for that. He said he supports Member Gurumurthy's statements and comments about having the right sort of fits for the residential needs, whether it's housing affordability or being able to have opportunities for empty nesters. He's not sure if this proposal does that. He asked Mr. Landry to show the slide that had the image of the site overview where there was a rendering of the units in three rows. Member Heintz said the images on the right side of the screen are the townhomes. Those individuals on the row closest to the audience, their view would be looking at the Target parking lots and then the townhomes in the middle units would be looking at brick walls, either at the front house of the building, either at both ends of the building, and you're only going to be looking at the town home units that are going to be furthest away or on the western side where they would have one side looking at nature where the conservation easement would be. He asked Mr. Landry if that's correct. Mr. Landry said as you see the three rows of houses, the closest one to the audience, the garage would enter from the rear, so you would go between building one and building two, going from front to back. The rear of both of those units would be along that. The front unit would look on their own landscaping, and yes, on the Target parking lot. The building behind the front looks out onto the wetland and the preserved area. It would be no different with respect to looking at houses than Main Street. You have packed, multi-story townhomes on Main Street that some of them are looking right at each other. So, he said to Member Heintz, he was correct. Not all of them would have the view of the wetland. Some of them would, but not all of them. Member Heintz said his simple point for having opportunity for a view of conservation easement, it's really quite minimized for the number of units that are available in there who are kind of crammed in there. In his perspective, it's not the best use of the space and not an improvement, based on the current sort of structure of everything.

Council took a break from 8:08 P.M. – 8:13 P.M.

Member Martinez said he had come into the meeting very confident that he had his mind made up. He said Mr. Landry had given him a lot to chew on with his presentation. There were two aspects that were touched on at the Planning Commission meeting that he hoped Mr. Landry could address at the Council meeting. The first was an idea that was proposed by Commissioner Avdoulos about using this site for smaller retail similar to what Mr. Landry was showing on the slides rather than a big box store or housing. He said he appreciated that a big box store might not be in the market right now. Mr. Landry said the answer to that is that this parcel doesn't have any frontage on Wixom Road or Grand River. There are no signs allowed. Novi is very strict on signs. You can't put up a big sign

to direct you to this coffee shop or that coffee shop. The mixed-use aspect is for these residents. In 26 years, there has been absolutely no interest in smaller retail on this site. That's the reality of the market. Member Martinez asked if there had been any discussion or any indication of the interest of what kind of retail they could expect to see in that area. Mr. Mike Parks from Cypress Partners said they haven't actively marketed it yet. They are hoping for approvals so they could go out and actively market it. They are working with Duke Associates who's very active out there. They've had some interest in cafes, small restaurants, yoga, a professional medical office-type use, potentially those kinds of things. It's wide open. It's 6,500 square feet and they feel quite confident. They would lease it to make sure it's complementary to the townhomes. They want to make sure that it all works together. Dan, also from Cypress Partners stood to say that they had someone interested in a dental office that was very serious about it. They're pending approval of the townhomes because it's a small dental clinic. That party wanted to see if this development gets approved first before they go forward with the dental office. Member Martinez said he was wondering aloud as he heard his colleagues and Mr. Landry's presentation if it were possible to add just slightly more retail in place of having potentially different units that might be able to accommodate the aging-in-place type housing. That's something they hear about often from residents and it's something he's generally sensitive to. He said he doesn't think it's his personal bias, but it's something the community constantly asks them about. Member Martinez said he didn't know if this is something that had been considered as well. Mr. Landry said there was a representative from Toll Brothers in attendance at the meeting. He said they've heard people say, "Who in their 50s are going to buy this?" That's exactly who this is marketable to. Somebody whose kids are in college, and they don't want to maintain a yard. They sell their house and they buy this. They're still working in their 50s. They're still active in their 50s. They like this unit. These units are selling to people in their 50s. He said that's a fact of the market. Member Martinez thanked Mr. Landry for that.

Member Martinez said the only other part is this traffic study. One of the things he heard from residents since the previous iteration of this was before Council was the concern about the traffic. The two times of day that people are most concerned about are in the morning when they leave for work or to drop their kids off at school and when they return. He said a more retail-oriented development would be able to spread that traffic throughout the day rather than adding more residential which could compound that issue at the two most sensitive times of the day. Mr. Landry said he would have their traffic representative answer that question. Ms. Jill Bauer with Fishbeck stood and said they did the traffic forecast for this and one thing to keep in mind with residential is that people leave for work at different times. They also come home at different times. They work different shifts and a lot of people are still working from home. You have that kind of those hybrid setups. She said they do not see that huge wave of traffic leaving the site all at the same time. With the amount of retail that you could place on the site, the thing that was looked at is this could serve a grocer. It could serve more big box and different types. Even looking at something that might be less intense than a big box store, you were still seeing two to three times the amount of traffic that you would get with residential. Member Martinez thanked her. He said he was on the fence. He said even as he sat there, he had a short time to consider more, but he was much closer to tentative approval now than when he first walked in. He appreciated the preparation and the

presentation they had given, and he was interested in hearing what the rest of his colleagues were going to say.

Mayor Pro Tem Casey thanked the developer for presenting to Council. She said she had a different perspective than most of her colleagues. The area she was going to focus on was an area Mr. Landry called out in the presentation, namely infill. She said when she looks at this development, she thinks it's a good development. She doesn't have any concerns about where they're putting it other than it is now residential on an island. They'd be putting a pocket of residential behind two big box stores, south of retail as well, so it is isolated in and of itself. She said if you look across Novi, there are no other places that have this kind of development, and she doesn't feel that it is fully that mixed-use that they all like to talk about because it is so isolated. It's 61 units. She has a real concern that they are doing infill in their community now when they don't have an urgent need to do infill in the way that she thinks other communities have. She said she could tell that Mr. Landry was going to challenge her and disagree with that perspective, but when she looked at the examples that were in the packet in terms of what was done in Troy, although she would have called it Birmingham, and then even the GEM down in Livonia. This is not something that their community has looked for. This is not something that their community has indicated that this is something they need. She said to her, this becomes that first step in future developments wanting to do infill in places where it doesn't necessarily make sense to have these small pockets of residential. For her, the concern isn't the development in and of itself, it's that they would be putting a pocket of residential in a spot where there is no other residential around it. She recognized that there is single-family housing across the street, but this development would be isolated. The fact that it is infill is the biggest concern to her. She said frankly, Council has not talked about what they want to see when they have these properties going forward in the future that are going to be developments in infill. She said she doesn't believe they're at a place where this is the best choice for retail. She is not convinced that this is a better choice than what is currently in the Consent Agreement already.

Mr. Landry said there is a development that has existed in Novi for over 30 years. It's called The Enclave and it is right next to Twelve Oaks Mall. The only way you get to it is to go through Twelve Oaks Mall. He showed a slide with a map of the area and pointed out the freeway, Novi Road and The Enclave. He said the only way you get to it is to enter Twelve Oaks Mall, go all around the parking lot, and into here. That type of development has existed in Novi. The administration has reported that these types of communities exist elsewhere in the Detroit metropolitan area and it's not that unusual to have this kind of development. They do exist and they exist in Novi. Mayor Pro Tem Casey thanked Mr. Landry and said that was a very specific example of The Enclave, where it's at and when it was built. She said they're talking about how Novi is 91% built out as a community. They need to be even more thoughtful in terms of what they approve going in where. In this opportunity, to her, she is not comfortable. She doesn't believe this is the right decision building this pocket of residential where it is by itself. There is nothing else around it. It is surrounded by retail, and she doesn't honestly believe that it's all that walkable either. She doesn't see that these people who are the residents there will do a lot of walking. It's not something she thinks that is going to be what they intend to do. Mr. Landry asked if this is what City West is all about: mixed-use, residential on top of commercial, right on

busy Grand River, right there. The concerns when City West was being discussed was who's going to walk across Grand River and how they are going to deal that. He said that is a concern. His understanding of City West, which was a city-initiated zoning change, was to attract people that are going to put commercial on the first floor and residential up above. Mayor Pro Tem Casey said that was fair enough. It's a stretch of a mile with residential interspersed with commercial. It's not a pocket of residential standing by itself. She said she was giving him the feedback she was present to give him. This was her opinion and this is where she stood.

Mayor Fischer said this is a very odd situation. Oftentimes, he thinks Mr. Landry referred to it, they're talking about rezonings, they're talking about PROs. This is a Consent Judgment that has been around for 25 years. He keeps hearing about big box being permitted under the Consent Judgment, but he also hears phrases about B-2 and those permitted uses being allowed as well. He asked if someone could simply quantify for him what could be built on this parcel under the Consent Judgment and the existing zoning. City Attorney Schultz said for this retail B building, the Consent Judgment talks about up to 100,000 square feet of retail, but it also says any B-2 use. He thinks Council talked about why they think of it as big box store, because it's sort of contemplated as a large use. It could be a number of smaller uses, as long as they didn't add up to more than 100,000 square feet. Mayor Fischer invited Ms. Bell to come to the podium and give Council an idea of what some of those uses might be. He said when he thinks B-2, he thinks about the retail aspects and shopping. He suggested perhaps there are other ideas like education uses or hotels. He asked her what is permitted under B-2. Ms. Bell said she didn't have the ordinance in front of her, but yes, they just did the Novi 10 PRO, so they discussed some of those uses. It does not allow drive-through uses. Fuel stations and hotels were some of the things they excluded from that particular one. The retail is generally what is thought of. She apologized for not having the ordinance in front of her. Mayor Fischer said he was trying to get past what's thought of. He said in the discussions, he was trying to get the idea of the art of the possible. He asked Mr. Landry if he understood his question and if he knew what other uses his clients understand they could pursue and what may have considered. Mr. Landry said he believes they could put a hotel there. You could probably put a fitness center there. You could put a supermarket there. He asked Ms. Bell if they could put a car dealership there. She said no. He said you could not put a gas station there because that's B-3. You can't put a drive-through. He said he didn't have the ordinance in front of him, but it would be a number that would generate a lot of traffic. Mayor Fischer thanked Mr. Landry. He said, again, this is a little odd situation with the Consent Judgment there. He thinks they've touched on and eloquently put through the traffic studies, through a lot of the information that was provided by the applicants, kind of the way that he views some of these projects which is, Council has an opportunity, especially because of the Consent Judgment, to choose a project, to make a change and to decide if it'll likely be better in the long-run for the residents and for the City of Novi. He said that's a pretty simple test for him as he is looking through this exact project. He said when they look at 10,000 trips per day generated by a big box store, he thinks of a possibility of some of these other uses he just mentioned. He thinks of the traffic counts that that would create and now they're looking at a proposal that is 10% of that and that is of much importance because they do hear about traffic, not only in this area, but

throughout the city in general. He said obviously, that's a very compelling argument from his perspective. He guesses every project can't be everything to everybody.

Mayor Fischer said they do need to discuss more about what they can do about aging in place, senior housing, etc. When you're talking about a very complex parcel, of which a lot of it is not usable under a Consent Judgment, it makes it very hard to get everything that they want. He said he can look at this project very quickly, very simply and say with the usable space, there is absolutely no possible way they could do ranch-style units for seniors that are 1,500 square feet. They could probably build about three of them and the developer would lose about $40 million on the project. That's not going to happen. Not every site can check every single box that they all want here from a policy perspective. So, if they move to the more affordable discussion, there's a way to make this more affordable. They had it before Council a couple of years ago. It was called Station Flats. If you want to talk about affordable, then you're going to talk about going up, you're going to talk about rental units, you're going to talk about smaller units, you're going to talk about not having garages. He said they can't get everything they want out of every single proposal. It's just not possible. They have to prioritize the right call in each instance. Here, with this proposal, they have a possibility to take a very longstanding issue, 25 years of a Consent Judgment, the last parcel of which has had very controversial proposals put forward to them and they have an opportunity to get owner-occupied 60 units, three retail units, beautifying the entire promenade complex with what they're proposing with the sidewalks, the fencing, the landscaping. They have a public benefit that's not even required by helping them assist the transit riders along Grand River that might utilize this through the promenade as well. In the grand scheme of the pros versus the cons, this a pretty easy yes to him. It's fairly easy to support. They get to check a lot of boxes. They get a lot of what they want in the city here done for not a lot of cons. In fact, probably a lot of benefits, going back to traffic infrastructure and all those things. He said he appreciated the proposal.

CM 26-11-132 **Moved by Staudt, seconded by Fischer: MOTION FAILED 2-5**

Tentative Approval of the request of Cyprus Partners, LLC, JSP25-12, to authorize to the City Attorney to prepare the Consent Judgment amendment for City Council review including:

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

1. <u>Minimum Lot Area for B-2 (sec. 3.1.11.D.):</u> A determination whether the minimum lot size requirement for commercial development is applicable for this development. A minimum of 2 acres is required; the area encompasses about 1.54 acres.

2. <u>Total Number of Rooms (sec. 3.8.1.A.):</u> A deviation to allow increase in room count for 3-story buildings (maximum 157 allowed, 244 proposed).

3. Building Orientation (Sec. 3.8.2.D): A deviation to allow buildings to be at 90-degree angle, in lieu of required 45 degrees.

4. Yard Setback Restrictions (Sec. 3.8.2.E): A deviation for exceeding the maximum amount of permissible pavement area in front yard for residential. (30% maximum permitted, 36% proposed.

5. Pedestrian Connectivity (Sec. 3.8.2.G.): A deviation to allow sidewalk only on one side of the drive (both sides required).

6. Minimum Distance between buildings (Sec. 3.8.2.H): A minimum of 84 and 61 feet is required based on the calculation; 30 feet minimum is proposed.

7. Average Light levels (Sec. 5.7.3.1): A deviation to allow overage ratio of average light level of the surface being lit to the lowest light of the surface being lit (4:1 maximum permitted, 4.74:1 proposed for retail).

8. Adjacent to Residential - Buffer (Zoning Sec. 5.5.3.B.ii and iii): An 8-foot-tall pre-cast wall with evergreen trees is proposed in lieu of a 6–8-foot berm between the proposed development and an existing commercial use (Sams club).

9. Multi-family Landscaping (Zoning Sec. 5.5.3.F.iii.): The ordinance requires foundation landscaping for a minimum of 35% of building frontages facing drives. The plan proposes about 12-13% for buildings 1, 4, 7, 8.

10. Parking Lot Landscaping (Zoning Sec. 5.5.3.C): The plan does not meet the minimum requirements for parking lot landscaping in the proposed retail area.

B. The following conditions are recommended for inclusion:

1. Use: The use of the site shall be limited to 61 multi-family units consisting of buildings no greater than the building footprints shown on the concept plan, and a 6,529 square foot retail building

2. Density: The unit density of the site shall not exceed the density shown on the plan.

3. Parking: The proposed development shall provide sufficient parking as required by the Zoning Ordinance or through a shared parking study as part of the site plan submittal that indicates sufficient parking is provided.

4. Open Space: The open space of the residential portion of the

site shall be as shown on the plan and any existing preservation easements shall be maintained. Amenities within the open space areas shall be provided as shown on the plan, or an approved alternative to be determined during Final Site Plan review.

5. Screening: The screening wall and landscaping shown on the north side of the property shall be provided to reduce visual and audible impacts of the Sam's Club loading and dumpster areas.

6. Lot Lines: The intended ownership structure and any parcel divisions should be addressed, specifically, whether the property will be formally split or if separate ownership will be established through a Master Deed. Additional deviations may be required if the parcel is to be split.

C. This motion is made because the proposed revised plan to incorporate residential is a reasonable alternative and fulfills the intent of the Master Plan for Land Use, and the proposed project relative to the previously approved plan outweigh the detrimental impacts of the project:

1. The revisions to the plan have addressed the concerns about screening between the proposed use and retail loading area to the north and additional justification has been provided for other deviations requested. One remaining landscape deviation is not supported for deficiency in foundation landscaping for 4 buildings; however, the applicant states some additional plantings will be proposed to more closely conform to the ordinance.

2. The CIS presents arguments supporting a change of use to residential in a mixed-use context that is more urban in nature. The compact arrangement of units results in many of the deviations requested from applicable development standards of the RM-2 District. The plan now provides more functional open space amenities that could help the residential use integrate more harmoniously into the existing retail center context.

3. The use of a previously disturbed infill site avoids wetland and woodland impacts that would be typical of most new development projects. The project is able to take advantage of the surrounding existing utilities and road infrastructure instead of building new facilities, which is less impactful to the environment.

4. Based on the Traffic Study, the current proposal for residential use would significantly reduce the number of trips generated

compared to the allowable big box retail store that could be developed.

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

Roll call vote on CM 26-11-132 **Yeas: Staudt, Fischer**
Nays: Heintz, Martinez, Smith, Casey, Gurumurthy

Mayor Fischer asked City Attorney Schultz if they needed any further motions. City Attorney Schultz said if someone wanted to make one, they could. Mayor Fischer asked if there were a recommendation from the City Attorney for a second motion. City Attorney Schultz said it is not required and he didn't think they needed to make one. He said if someone felt like they could make one based upon the conversation, they could.

CM 26-11-133 **Moved by Martinez, seconded by Smith: MOTION CARRIED 4-3**

To postpone consideration of the request of Cyprus Partners, LLC, JSP25-12 to amend the Consent Judgment.

Roll call vote on CM 26-11-133 **Yeas: Martinez, Smith, Gurumurthy, Heintz**
Nays: Staudt, Fischer, Casey

CONSENT AGENDA REMOVALS: None

AUDIENCE COMMENT: None

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:35 P.M.

_____
Cortney Hanson, City Clerk

_____
Justin Fischer, Mayor

Date approved: November 23, 2026

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Transcribed by Diana Charles
Customer Service Representative