



CITY of NOVI CITY COUNCIL

Agenda Item J
December 21, 2015

SUBJECT: Approval of Traffic Control Order 15-26 to prohibit parking in the emergency turnaround at the north end of North LeBost Drive in Willowbrook Estates (at the gate).

SUBMITTING DEPARTMENT: Department of Public Services, Engineering Division *BTC RA*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

An emergency access gate was constructed on North LeBost Drive between Willowbrook Estates Subdivision and Willowbrook Farms No. 2 Subdivision in the late 1990s. The gate was required as part of the tentative plat approval for Willowbrook Farms No. 2 in 1998 (see attached minutes excerpt) to prohibit through traffic between the two subdivisions, but to facilitate emergency access. Prior to construction of Willowbrook Farms No. 2, North LeBost was a dead end street with a T-turnaround, or hammerhead, added to the dead end sometime between 1963 and 1974 (see attached aerial photos). Hammerheads are usually added to dead end streets without cul-de-sacs to allow vehicles to turnaround without using private driveways.

A resident contacted the City to express concerns about vehicles parking in the turnaround area. Staff reviewed the concerns and determined that a parking prohibition is necessary to keep the area clear for its intended use as a turnaround and to keep the gate clear in case of emergency. (It should be noted that the gate is opened in the winter months to facilitate snow removal).

Traffic control orders are required under the Uniform Traffic Code to enforce traffic control signs that have been installed on public streets. Therefore, staff has proposed the attached traffic control order based on the recommendation of the consultant for approval by City Council. Once approved, the appropriate signs will be installed.

RECOMMENDED ACTION: Approval of Traffic Control Order 15-26 to prohibit parking in the emergency turnaround at the north end of North LeBost Drive in Willowbrook Estates (at the gate).

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Burke				
Council Member Casey				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

Location Map

North LeBost Drive

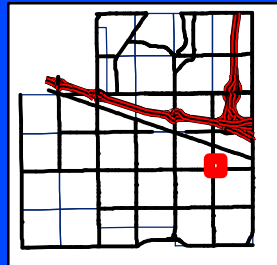


Map Author: Coburn
Date: 12/14/15
Project:
Version #:

Amended By:
Date:
Department:

MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970 as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



City of Novi

Engineering Division
Department of Public Services
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org

0 45 90 180 270
Feet

1 inch = 227 feet



Proposed No Parking Sign Locations

N LeBost Drive

Scarborough Ln

No Parking Sign
Attached to existing gate

No Parking Sign

No Parking Sign

N Le Bost Dr

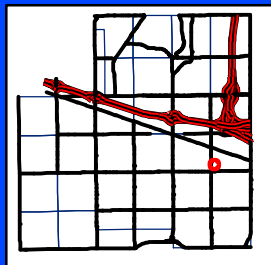
Existing Gate

Map Author: Coburn
Date: 12/21/15
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Version #:

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Date:
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City of Novi

Engineering Division
Department of Public Services
26300 Lee BeGole Drive
Novi, MI 48375
cityofnovi.org

Feet
0 5 10 20 30

1 inch = 42 feet







1963 Aerial



1974 Aerial

**CITY OF NOVI
TRAFFIC CONTROL ORDER**

 SPEED
 X PARKING
 OTHER

DATE OF ORDER: 12/11/2015
CONTROL NUMBER: 15-26

PURSUANT TO CHAPTER NO. 33 OF THE CODE OF ORDINANCES OF THE CITY OF NOVI, MICHIGAN, SAME BEING THE UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS AND VILLAGES OF MICHIGAN AND IN THE INTEREST OF PUBLIC SAFETY AND CONVENIENCE THE FOLLOWING TRAFFIC CONTROL ORDER IS HEREBY ISSUED BY BRIAN COBURN, ENGINEERING MANAGER, DULY AUTHORIZED AS TRAFFIC ENGINEER, BY SEC. 33-51 OF THE AFORESAID CHAPTER.

ISSUANCE OF THIS TRAFFIC CONTROL ORDER WAS PRECEDED BY STUDY AND INVESTIGATION OF TRAFFIC CONDITIONS ON THE FOLLOWING PUBLIC ROAD OR ROADS IN THE CITY OF NOVI, MICHIGAN.

N LEBOST DRIVE

AND AFTER SAID INVESTIGATION, IT IS HEREBY ORDERED AND DIRECTED THAT THE DEPARTMENT OF PUBLIC SERVICES ERECT AND MAINTAIN THE NO PARKING SIGN (S) IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AS REQUIRED BY SEC. 33-51 OF THE AFORESAID CHAPTER, SAID SIGNS TO GIVE NOTICE OF THE FOLLOWING DETERMINATION:

NO PARKING WITHIN THE T-TURNAROUND ADJACENT TO THE GATE AT THE NORTH END OF NORTH LEBOST



Brian Coburn, P.E. - Traffic Engineer
Dated: 12/11/2015

APPROVED BY CITY COUNCIL

TRAFFIC CONTROL ORDER NUMBER 15-26 HAVING BEEN PRESENTED TO THE COUNCIL OF THE CITY OF NOVI, MICHIGAN FOR STUDY AND APPROVAL, IS HEREBY APPROVED AND IT IS HEREBY ORDERED AND DIRECTED THAT THIS ORDER BE FILED IN THE OFFICE OF THE CITY CLERK AND A COPY THEROF IN THE OFFICE OF THE CHIEF OF POLICE OF SAID CITY.

IT IS FURTHER ORDERED AND DIRECTED THAT THIS ORDER SHALL BECOME EFFECTIVE UPON BEING FILED WITH THE CLERK AND UPON ERECTION OF ADEQUATE SIGNS GIVING NOTICE OF THE EXISTENCE OF AFORESAID,

NO PARKING WITHIN THE T-TURNAROUND ADJACENT TO THE GATE AT THE NORTH END OF NORTH LEBOST

ADOPTED AT THE REGULAR MEETING OF
CITY COUNCIL ON 12/21/2015.

By: _____
Robert J. Gatt, Mayor

By: _____
Maryanne Cornelius, Clerk

very clear and the applicant has a reliable reputation in the community. She further believes that the staff has been highly sensitized within the last year to those projects that have failed to meet the expectations of this Council.

Councilman Schmid will not support the motion, although he supports the intent of the motion. He added that he also believes staff will review this project appropriately at final site plan approval.

**Vote on CM-98-12-385: Yeas: Kramer, Lorenzo, Mutch
Nays: McLallen, Crawford, Schmid DeRoche**

**Vote on CM-98-12-384: Yeas: McLallen, Crawford, DeRoche, Kramer, Lorenzo,
Mutch, Schmid
Nays: None**

5. Request for approval of Tentative Preliminary Plat and Wetlands Permit application for Willowbrook Farm Subdivision #2 and #3, SP 97-45C, located north of Ten Mile Road and east of Meadowbrook Road and appeal of the Woodlands Permit subject to ZBA variance

Mike Kahm advised they appeared before the Planning Commission on November 3 at which time they gave a negative recommendation for the projects proposed preliminary plat. Mr. Kahm advised the proposal includes Phases 2 and 3 of Willowbrook Farm Subdivision. He noted that many lots for Phase 1 have been built out and reminded Council that it was somewhat of a controversial subdivision because of the concerns raised regarding access. Mr. Kahm added that they were required to provide for a barrier at Brenda Lane into Joseph Street for safety purposes until such time they could make a connection to Meadowbrook Road which will be accomplished by Phases 2 and 3. Mr. Kahm added that he believes the Planning Commission's denial was based upon the fact that the applicant exceeded the forty five day approval period required by the city's ordinance.

Mr. Kahm then referred to his December 2, 1998 letter and noted that the subdivision substantially conforms to all the city's zoning and subdivision requirements. Mr. Kahm reported they originally submitted their plan for review in October 1997. Mr. Kahm explained they have been working diligently to try not only to meet the city's ordinances, but also the city's desire for responsible planning. Mr. Kahm advised they have saved an additional 102 trees and lost six lots in the process of trying to do what they thought was the right thing in a cooperative effort with the city's consultants. He added two of those lots were lost because off-line storm water detention now serves the site entirely.

Mr. Kahm advised that the proposed configuration of the cul-de-sac meets all of the city's zoning and subdivision requirements. However, he added that they were

removing some additional woodlands in the extension of that cul-de-sac. He advised in the spirit of cooperation and trying to preserve as much of the natural habitat on the site as they could, they modeled Bradford of Novi where in Phase 4 of that subdivision they had a similar situation. He explained there were some woodlands located in an area where if they extended the cul-de-sac all the way in, they would have removed substantially more trees. He reminded Council that they went to the ZBA and asked for an enlargement of the front yard set back distance. He advised they are proposing to enlarge the set back to approximately 181 feet for the Willowbrook Farms' cul-de-sac so that the lots will be in conformance with the front yard widths and the width of the lot at the throat of the cul-de-sac will meet the city's requirements. Mr. Kahm explained this is the compromise for trying to preserve more of the natural woodlands and understory, and a better way of planning than to develop the cul-de-sac in the standard way. Mr. Kahm advised it also resulted in a width to depth ratio problem when they moved the cul-de-sac upward to make the lots deeper. Mr. Kahm noted that the lots do not meet the one to three width to depth ratio, so with this plan they are asking Council to give them a positive recommendation to the ZBA for the enlargement of the front yard setbacks for two of the lots so they will conform with the zoning ordinance and so that they can get a waiver on the one to three width to depth ratio. In addition, Mr. Kahm advised this also caused Lot 108 to be less than 144 feet deep. Mr. Kahm reminded Council that the city's Subdivision Ordinance requires all lots that back to a major thoroughfare be at least 140 feet deep. Mr. Kahm advised Exhibit C of his letter indicates that although the lot does not meet the subdivision ordinance requirement of 140 feet deep because of the cul-de-sac bulb, they can comfortably construct a house on that site that is consistent with the other homes they are already building in the subdivision.

Mr. Kahm added there are 110 lots in Phases 2 and 3 which results in a density of two lots per acre and reminded Council that their zoning (R-4) allows as many as 3.3 lots per acre.

Mr. Kahm advised the two eyebrows were another concern raised by the Planning Commission and consultants. Mr. Kahm reported they took another look at the geometrics of these two eyebrows and advised that they can meet the standards required by the ordinance for U streets. Consequently, they are withdrawing their request for a variance.

Mr. Kahm advised that the neighbors to the south expressed concerns about through traffic on LeBost. Mr. Kahm explained they show that drive on their plat because the city's Subdivision Ordinance requires them to do that. Mr. Kahm believes the neighbors have some legitimate concerns and therefore, they propose to construct a decorative berm at the interface of the two subdivisions that would provide only for pedestrian traffic only. Mr. Kahm noted the berm would be similar to the berm they constructed in Phase 1 at Brenda Lane (Exhibit E) of their project in response to mitigate the concerns of their easterly neighbors.

Mr. Kahm reported storm drainage is another area of concern. As a result of the off line detention, Mr. Kahm reported that they were able to configure a detention basin that would allow for a hundred year storm storage for 62% of the area of the subdivision. Mr. Kahm reminded Council that they only require them to store a ten year storm. Consequently, Mr. Kahm believes there will be a substantially greater amount of detention just because of the geometrics of the design of the subdivision than they are required to have and he hopes that will help mitigate some of the concerns of the residents to the south.

In conclusion, Mr. Kahm advised that they walked the site with Ms. Lemke, Mr. Bluhm and Ms. Weber twice to find ways to be responsible and save as many trees as they possible can. Mr. Kahm agreed there are quality woodlands on the site, but noted there is a delicate balance between environmental preservation and responsible development. Mr. Kahm added that he believes they have accomplished that. Mr. Kahm noted they have achieved a 61.15% preservation factor and in the process of the different design changes, he recalled Ms. Lemke felt strongly about pulling the houses out of the valley that Bishop Creek creates through this subdivision. Mr. Kahm reported they removed the lots from the valley area which would have created walkout lots in order to preserve that corridor and he believes they have done everything they could to provide feasible and prudent alternatives as required in the city's woodland ordinance. Mr. Kahm then introduced Todd Holloway, President of Holloway Environmental Planning to give a brief overview of the woodland issues.

Mr. Holloway advised he is a registered landscape architect and a certified professional wetland scientist. Mr. Holloway advised he evaluated the property to determine what the core resource base of the project is today and how the core research base of the woodland, wetland and stream corridor system of Bishop Creek would look upon implementation of the plan that is currently before Council. Mr. Holloway reported he has prepared a graphic that summarizes all of the area that will remain in post development state. He noted the areas that they depict in white is the subdivision plan proper and those areas depicted in dark green are woodland area proposed to be preserved. Mr. Holloway reported the resource value that remains by removing the walkout lots and surrounding the valley wall system with development becomes consolidated into the central portion of the system. He explained that occurs from the top of the valley walls, inward where they have the ability for the ecological processes to continue through the soil moisture that is there, the protection and preservation of both woodlands and wetlands, and wildlife value. Mr. Holloway advised he has intended to demonstrate that the integrity of the core resource value will remain with the development proposal currently before Council because they will preserve it from the top of the slopes downward.

Councilman DeRoche asked for further clarification regarding the LeBost connection to the southerly subdivision. Mr. Kahm explained he was not making a decision; he was only offering a proposal in way to try to be sensitive to the concerns of the residents to

the south who are concerned about through traffic. He then restated how they addressed a similar issue in Phase 1 of their project.

Councilman DeRoche understands that the petitioner will provide a landscaped berm. Mr. Kahm agreed and added that the subdivisions will still be interconnected via pedestrian traffic.

Councilman Schmid understands that the development still has three entrances even with the elimination of LeBost; Mr. Kahm agreed.

Councilman Schmid believes there is no problem with eliminating the LeBost access and there is justification to eliminate it based upon the type of road it is beyond the applicant's subdivision.

Councilman Schmid believes the greater issue is with the wetland, woodlands and the number of homes in the subdivision. Councilman Schmid asked Mr. Holloway to point out where they are removing the 495 trees from the development. Mr. Holloway pointed out where the trees that are jurisdictionally protected under the ordinance as designated woodlands occur.

Councilman Schmid stated the number of trees they are removing is more extensive than he visualized. He asked whether Mr. Holloway is suggesting that they will save no trees? Mr. Holloway replied that saving those trees is very difficult. He explained some trees immediately along the lot lines where there is no grading or construction for the foundations of the buildings will be saved. However, he continued by stating it is difficult to save trees with the construction of underground utilities, sidewalks and driveways.

Councilman Schmid asked how old are the trees they are removing? Mr. Holloway replied the stand of trees are medium in age and vary in age from 6-8 years to 40-45 years.

Councilman Schmid asked how many trees are in the 25-45 year range? Mr. Holloway explained this was not as important an issue to him as the overall long term ecology of the site. He continued by stating he would estimate that approximately 50% fall in the 25-45 year range and would range from 18"-24" in diameter.

Mayor ProTem Crawford concurred there should be no vehicle connection on LeBost to the south because the current LeBost Drive is not constructed to withstand that kind of traffic. Mayor ProTem Crawford asked why should they even have the stub off Scarborough Lane? Mr. Kahm replied there are two reasons; it provides some level flexibility for the city in the future because it will need to be repaved at some point and because it is not desirable to have a street abutting someone's back yard. Mayor ProTem Crawford would like to eliminate the stub because he believes they can

configure a lot layout where the street would not abut someone's yard or they could provide sufficient screening from the street. He continued by stating that he does not see any need to add a stub if they do not make a connection there.

Councilwoman Lorenzo asked whether they have considered the open space option on this property? Mr. Kahm replied that the open space option does not allow for changes in widths; it only allows for changes in depths. He continued by stating their concern is that these lots are already minimal in depth and if they squeeze them down further, they will have almost no backyards. In terms of planning, Mr. Kahm continued by stating that it does not provide anything because they are not gaining anything on the frontages of the lots.

Councilwoman Lorenzo asked whether they prepared a conceptual plan to come to that conclusion? Mr. Kahm replied the plan would not change because changes in frontages are what dictates changes in plans.

Councilwoman Lorenzo understands they would be pulling the lots further away from the woodlands. Mr. Kahm replied they would move them by a minimal degree.

Councilwoman Lorenzo recalled that there is some indication in the woodland ordinance that when there are no location alternatives, the optimal solution is to preserve them. Ms. Lemke agreed. Mr. Watson interjected, that language is found in Section 37-29, subpart 4 (Review Standards). He read: "The removal or relocation of trees shall be limited to those instances when necessary for the location of a structure or site improvements and when no feasible and prudent alternative location for the structure or improvements can be had without causing undo hardship."

Councilwoman Lorenzo's point is that she believes they have a good woodland's ordinance and she believes that they fail to enforce as it should be at times. She continued by stating that the ordinance basically states that the preservation of woodlands will take precedence over locational alternatives.

Ms. Lemke referred to Section 37-01 which states: "In this regard it is the intent of this chapter to protect the integrity of woodland's area as a whole in recognition that woodlands serve as part of an ecosystem and to place priority on the preservation of woodlands, trees, woody vegetation and related natural resources over development when there are no locational alternatives."

Councilwoman Lorenzo understands that Ms. Lemke believes they are removing almost half the woodlands; Ms. Lemke agreed.

In addition, Councilwoman Lorenzo understands Ms. Lemke indicated that given the interconnection between the woodlands and the wetland and stream system, it would particularly have a negative effect due to sedimentation and run off, as well as the

cooling effect and the temperature control that this has over the stream in terms of the trees and woodlands; Ms. Lemke agreed.

Councilwoman Lorenzo assumes Ms. Lemke has considered some alternatives as to possibly selectively removing additional lots that would increase the preservation and decrease the impact to the overall woodland/wetland ecosystem. Ms. Lemke replied that they have considered many scenarios and noted that Mr. Kahm was very willing to learn about this. Ms. Lemke continued by stating that she experienced a certain amount of frustration because there are no design options with which to work. Ms. Lemke advised she issued a strong denial and she wishes there was a mechanism for purchase of this property because it is a unique system. She explained it is already isolated and to take anything away from it further, weakens its viability.

Mayor McLallen asked whether the area depicted in white is under the control of Singh? Ms. Lemke advised that is an exception piece and is a key part of the system. She explained there are two upland areas and the remainder is wetlands. Ms. Lemke reported it is owned by one owner and she understands he plans to develop it into multi-parcels.

Ms. Lemke noted that the pink slashed areas depict the areas that will be removed, the dark green line depicts the edges of the woodland, there is a stream and the dark brown areas depict the already constructed sanitary sewer. She noted there are some very unstable soils in that area. Ms. Lemke pointed out the highest quality areas and noted that Lots 110 and 111 are good quality woodlands, but they are not high quality woodlands. Ms. Lemke has recommended that they eliminate the road connection (Clairmont Avenue) and that they remove Lots 93-100, Lots 114-118 and remove two lots in 70-73. Ms. Lemke does not want to negate the fact that the developer has already lost lots and that they have worked closely with the city on this issue. Further, she understands that there is a financial breaking point and the developer has reached that point. Ms. Lemke noted she is trying to preserve the area as a dual system that continues on the top of the banks as well as in the banks. She further noted this is not a primary wildlife habitat area, but restated it primarily functions as a woodlands/wetlands system.

Councilwoman Lorenzo understands that the plan thus far has not been an approvable plan; Ms. Lemke agreed that it is not an approvable plan based on the significance of the eco system in terms of the guidelines that she follows in the ordinance.

Councilwoman Lorenzo understands that 62% of the site will store one hundred year storm flows within the detention areas; Mr. Bluhm agreed.

Councilwoman Lorenzo asked what will happen with the remainder 38% in terms of one hundred year flows? Mr. Bluhm reminded Council that the requirement is for ten year storage and therefore, they believe the developer has gone beyond the city's requirement. He noted this is especially desirable in the down stream area where they

have experienced flooding in the past. Mr. Bluhm then explained once they go beyond a ten year storm and the site experiences a significant rain fall event, the ground does not absorb the rain fall and experiences almost 100% runoff in a pre-development condition,. He continued by stating this would be similar to a paved area which they are proposing with the development of the site. Mr. Bluhm advised the runoff rates experienced in pre-development conditions (grass and trees) are very similar to the runoff rates experienced with development (roofs and paving areas) because they do not have that percolation into the soils any longer. Consequently from that perspective, Mr. Bluhm advised the differences are fairly negligible once they get beyond a ten year storm. Mr. Bluhm added that detaining a ten year storm is critical because that is the point where the peculations in the soils play more of a factor and is more critical to detain.

Councilwoman Lorenzo asked whether Bishop Creek will see an increase in elevation during one hundred year storm flows? Mr. Bluhm replied they cannot say there will be no effect, but they would categorize the effect to be negligible. He continued by stating if they were to store to a ten year event throughout the whole site, they would be negligible. However, because they are storing to a hundred year event on 62% of the site, it decreases it that much more.

Councilwoman Lorenzo asked whether it is going to be negligible for the homes adjacent to the creek and the wetlands, and also to the downstream residents? Councilwoman Lorenzo believes what may be negligible to one person, may not be negligible to another. By negligible, Mr. Bluhm means they would be no more harmful than the current condition and the increases would be kept to less than a tenth of a foot. He explained they would see no perceptible change and no flooding in the homes where flooding does not currently occur.

Councilwoman Lorenzo asked whether the homes currently abutting the creek and wetlands are located in a flood plain? Mr. Bluhm replied there is a flood plain associated with Bishop Creek and he believes some lots actually contain flood plains.

Councilwoman Lorenzo asked whether the elevation of the flood plain will increase? Mr. Bluhm restated that he would probably categorize it as non-harmful.

Councilwoman Lorenzo understands that they do not know what that number is. From a technical and engineering point of view, Mr. Bluhm advised it would be very difficult to come up with that number. He added that all of the models prepared by the MDEQ would indicate that level would be kept to a tenth of a foot or less.

Councilwoman Lorenzo asked what effect would the removal of the trees have on the temperature of the creek? Although he is not an expert, Mr. Bluhm could not argue that they would not experience some change in the climatic temperatures of the storm water flow into the creek.

Councilwoman Lorenzo noted that there seems to be some discrepancy between the FEMA flood plain and some type of revised flood plain study. Mr. Bluhm replied when the applicant's engineer prepared the topography study and the initial submittals to the MDEQ, they noticed that the original modeling of the flood plain by the state to define the elevations was in error to the applicant's benefit. Mr. Bluhm explained the flood plains were actually lower than the elevations that the maps showed. Mr. Bluhm advised they are currently going through a process where they are preparing a Letter of Map Amendment through the state and through the federal FEMA program to correct the maps.

Councilwoman Lorenzo cannot support this subdivision in its current form and would request that the applicant look at some of the alternatives suggested by Ms. Lemke in order to reduce the woodland impact.

Councilman Kramer questioned the line with the x on the plat drawings that tends to appear on the rear lot lines. George Norberg of Seiber Keast advised that depicts the siltation fence and delineates preserved and non-preserved woodlands.

Councilman Kramer asked where are the location of the utilities? Mr. Norberg replied that the sanitary water and storm as well as the public utilities are located along the front yards.

Councilman Kramer understands there are no rear yard utilities; Mr. Norberg agreed and added they call for a drainage easement, but that is standard and there is disturbance in that area.

Councilman Kramer asked whether this design represents the best of what they learned from the other two subdivisions (Timber Ridge 1 & 2) built in woodlands? Ms. Lemke replied that she and Mr. Bluhm were just discussing this and because there are 30 foot setbacks in R-4, this may be one of the cases where requesting a variance to construct some of the utilities under the roads may be applicable.

Councilman Kramer asked at what stage of the plat do they include that detail? Mr. Bluhm expects that they could evaluate part of the storm sewer for construction under the road. He continued by stating that issue could be addressed at this time and revise any utility locations before final preliminary plat approval.

Councilman Kramer understands there are a substantial number of lots that have heavily impinged on the woodlands and they have the potential to save additional trees by applying these designs; Ms. Lemke agreed.

Councilman Kramer stated it was not apparent there are any single key areas that encroach into the woodland area on which they could focus. Ms. Lemke advised there are basically three areas that follow the stream and agreed those are not the only areas.

For the areas that intrude into the woodlands, Councilman Kramer would highly encourage that they apply their Timber Ridge experience and bring forth the engineering detail that saves additional woodlands.

Regarding the LeBost connection, Councilman Kramer agreed it is not conducive for through traffic.

If they do not move forward with a full connection, Mr. Arroyo would recommend that they maintain an emergency connection with a gate at a minimum. Mr. Arroyo explained LeBost is currently an excessively long roadway (approximately 1200 feet), and if LeBost and Ten Mile Road were blocked, this emergency connection would enhance the safety of the residents along LeBost.

If they approve the tentative preliminary plat, Councilman Kramer understands this project will still come back before Council for further review. Mr. Watson advised the plan will come back before Council for final preliminary plat approval.

Even without a woodland ordinance, Councilman DeRoche believes they would have debated this issue anyway because of the significant amount of lost woodlands. Further, Councilman DeRoche believes this is a fairly responsible and reasonable attempt to construct a quality development by proposing a lower density and an attempt to address the concerns regarding the effect of the lowlands and the creek. Therefore, Councilman DeRoche stated he can support this project and he hopes to see further changes between now and final preliminary plat approval.

CM-98-12-386: Moved by DeRoche, Seconded by Kramer, CARRIED: To approve Tentative Preliminary Plat and Wetlands Permit application for Willowbrook Farms Subdivision #2 and #3, SP 97-45C, located north of Ten Mile Road and east of Meadowbrook Road and appeal of the Woodlands Permit subject to ZBA variance, and subject to waiving the requirement to provide a connection to LeBost in lieu of an emergency gate per consultant's recommendation, subject to utilities constructed in the road right-of-way where feasible in order to preserve trees, subject to eliminating no less than 2 and no more than 5 lots to preserve trees and brought forward with final preliminary plat, subject to tonight's comments, subject to consultants' recommendations and subject to those items outlined in Mr. Kahm's December 2, 1998 letter

COUNCIL DISCUSSION

Mayor ProTem Crawford is unclear about the LeBost emergency connection. Mr. Arroyo advised that the road right-of-way is 60 feet, but they would only need 18 feet for an emergency access.

Mayor ProTem Crawford would rather see an emergency connection than a stub that leads to nowhere. Mr. Arroyo advised they make sure the requirements of the ordinance are met at the final engineering level.

Mayor ProTem Crawford understands that it could involve losing a lot (Lot 51). Mr. Arroyo disagreed, and advised they could bring the road down and then turn it into an emergency access.

Mayor ProTem Crawford understands Ms. Lemke suggested that they eliminate Lots 93-100 and 114-118 and asked whether there are other alternatives to eliminating all of those lots. Ms. Lemke replied that she does not want to eliminate all those lots. She explained her recommendation is to remove any 5-6 lots from those particular lots. She would suggest removing one or two lots from Lots 70-73 and then remove the remainder from the other two ranges.

Mayor ProTem Crawford suggested that they remove Lots 114-118. Ms. Lemke believes the removal of those particular lots would be the best choice because of the quality of the woodlands in that area.

Mayor ProTem Crawford asked whether the applicant would consider removing those lots.

Mr. Kahm believes asking to remove all five lots is somewhat punitive and wondered whether Council could support the plan if they removed some of those lots.

Mayor ProTem Crawford asked if this issue is something that could come back at the next step. Mr. Watson believes Council could direct the applicant to work with Ms. Lemke on a plan by eliminating whatever number of lots that would be most advantageous to preserving the trees.

Mayor ProTem Crawford asked whether he had to amend the motion to eliminate two or three lots.

Councilman DeRoche understands they would eliminate no less than two and no more than five lots; Mayor ProTem Crawford agreed.

Councilman DeRoche would agree to include that condition in his motion.

Although Councilman Schmid believes they are making headway, he believes they are not there yet. He explained they are eliminating an extensive number of mature trees and to suggest that this is a good subdivision, is a wrong approach. Further, Councilman Schmid suggested that the city develop a requirement where an applicant should submit a financial document that could verify the breaking point of a project. Although Councilman Schmid believes Singh is a quality developer, he believes they are being too hastily in allowing this subdivision to move forward because of the number of homes and because of the extensive removal of trees. He continued by stating he is confident that Mr. Singh and Mr. Kahm would accommodate a greater reduction in lots if it can be shown that they are eliminating substantial trees from this subdivision. Councilman Schmid added that he does not believe someone can develop a piece of property just because they purchased it. He explained they can only develop what the ordinance provides they can develop.

Councilman Schmid suggested that they ask the developer what they can do in terms of eliminating lots and that Ms. Lemke should suggest a minimum number of lots that they should eliminate based upon the preservation of the woodlands. Ms. Lemke restated she has submitted a very serious denial and she did not mean to get into a bidding negotiation. However, she noted that the elimination of any number of lots would be an improvement, but ideally she would recommend that they eliminate a minimum of ten lots and closer to twenty lots. She noted that she has already discussed this with Mr. Kahm.

Councilman Schmid would like to know at what point would they know this is a good project. Looking at this project strictly from the benefit to its natural resources, Ms. Lemke would recommend eliminating a minimum of ten and a maximum of twenty lots.

Councilman Schmid asked whether the petitioner can reasonably define what will make this project financially feasible. With all due respect, Mr. Kahm believes they must look at how this piece of property fits in Novi. He explained there is light industrial zoning to the north, an existing subdivision to the east and south, and Meadowbrook Road is to the west. He noted the area is fully developed to the west of Meadowbrook Road. Consequently, the area they are developing is an isolated pocket of residential land and reminded Council that the negotiation to purchase the property was difficult. Further, Mr. Kahm agrees that the woodlands on the site are of high quality, but the fact remains it is an isolated woodland area that remained undeveloped because the property was not reasonably on the market until recently. Mr. Kahm believes they have tried to preserve quite a bit of the woodland and he is willing to come up with a reasonable compromise. However, he would ask that they not remove lots for the sake of removing lots. He advised that they have to look at what the market is for these particular sized lots and noted they are the smallest lots in Novi. Consequently, they would sell these homes to a first or second time home buyer and they are trying to keep their prices in the \$275,000-\$300,000 range. He reminded Council that the price of the

land dictates the price of the home and this particular piece of property was very expensive because Novi is a desirable place to live. Mr. Kahm advised they are willing to remove lots in areas where there are substantial trees, but noted as they developed their plan they went lot by lot to try to find the best way to preserve every significant tree they could (i.e., Lot 114).

Councilman Schmid asked if Mr. Kahm is willing to work with Ms. Lemke in trying to preserve the woodlands? Mr. Kahm is willing to work with Ms. Lemke, but he reminded Council this is a gray area and he is somewhat frustrated that his fourteen months of effort are somewhat for nil. He continued by stating if they were to proceed, he would respectfully request that they zero in on some specific number and because he has walked the site, he knows the areas where he could remove a couple of lots because there is an attractive stand of beech trees.

Councilwoman Mutch understands the concern is not about specific lots, but about certain areas that they would like to see protected. Ms. Lemke believes the key word is area and agreed it is not concern for a tree or for a stand of trees. She continued by stating that if she could not get an area of woodlands, then she was looking for a grouping of trees that would have a good understory around them because they are trying to preserve areas so that the woodland system keeps regenerating.

Councilwoman Mutch asked whether addressing this particular problem by not limiting it to numbers or certain lots would be more effective. She suggested they could then meet with the applicant and identify those areas so they can reconfigure lots. Ms. Lemke would agree to that approach if it were a different piece of land. However, she noted that the site is already tight and she believes the best approach would be to identify the areas of concern by providing the lot numbers.

Councilwoman Mutch believes there may be an area that spans more than one lot and consequently, two lots would be removed. Councilwoman Mutch's point is that the petitioner may have a way of reconfiguring the ten to twenty lots of concern in a way that he would still result with a number closer to ten or twenty rather than arbitrarily eliminating entire lots. Ms. Lemke believes the only way the applicant could do that would be to combine lots. She added that the applicant has already reconfigured and lost lots for that.

Councilwoman Mutch asked whether there is a benefit to having that flexibility? Mr. Kahm agreed he has already done that, but noted if they could agree on a reasonable number, then he would be willing to work with Ms. Lemke and select where those areas should be lost to preserve the woodlands to the highest benefit. Mr. Kahm asked whether Council would permit them to come back with that change at the time of final preliminary plat approval.

Councilwoman Mutch is trying to determine whether she will vote for a restrictive

amendment to this motion that states somewhere between 2 and 5 lots will be lost.

Mr. Kahm restated that Ms. Lemke is concerned about three specific areas (Lots 93-100, Lots 70-73 and Lots 114-118) Mr. Kahm questions the benefit they will achieve with the elimination of lots in the range of Lots 93-100 because the woodlands are at the rear of those lots. Regarding Lots 70-73, Mr. Kahm advised they have a functional geometric problem with those lots and explained if they pull the cul-de-sac any further down, it will not be a functional cul-de-sac because the bulb will be on Scarborough Lane. Mr. Kahm believes they can be more flexible with Lots 114-118 and that they can selectively remove some lots and save a more premium stand of trees because of the way it is configured.

Mayor McLallen restated the motion.

Councilwoman Mutch noted that does not want to include Ms. Lemke's comment about closing the northerly road that enters from Meadowbrook in the motion. Although Ms. Lemke believes this alternative would have a positive impact, she noted that condition is not included in her written recommendation.

CM-98-12-387: Moved by Schmid, Seconded by Lorenzo, FAILED: To amend the motion to state, a minimum of 2 lots with a maximum to be determined and not to exceed 10 lots

COUNCIL DISCUSSION

Mayor ProTem Crawford will not support the motion because he believes it only increases the possibility by five lots and he believes that number is unrealistic.

**Vote on CM-98-12-387: Yeas: DeRoche, Lorenzo, Schmid
Nays: Mutch, McLallen, Kramer, Crawford**

Mayor ProTem Crawford called the question.

Mayor McLallen asked whether there is any debate on calling the question. Mr. Watson advised there must be a motion voted upon. He explained calling the question is essentially a motion to end debate and would require a second and passed with a two third majority vote without debate.

Mayor ProTem Crawford moved to call the question.

CM-98-12-388: Moved by Crawford, Seconded by DeRoche, FAILED: To call the question

**Vote on CM-98-12-388: Yeas: McLallen, Crawford, DeRoche, Mutch
Nays: Lorenzo, Schmid, Kramer**

Mayor McLallen noted the motion failed because there was not the required two thirds vote.

Mayor McLallen is concerned because they have ordinances under which they develop land and this particular land was proposed to be developed under R-4 or any of the city's other options. Mayor McLallen understands the only options applicable to this site are the Woodland Preservation Option and the Open Space Option. Mayor McLallen noted that the Open Space Option did not achieve the goal of greater preservation of environmental features and it merely reconfigured lots. The Mayor asked whether the other option was applicable to this site? Mr. Arroyo advised that the Open Space Option would only permit them to reduce the area of the lot from 10,000 to 9,000 and not the lot width.

Mr. Arroyo then asked Ms. Lemke whether the site meets the requirements for the preservation of the minimum percentages for woodlands and other features as specified. Ms. Lemke replied that the Preservation Option requires an 80 acre minimum. Consequently, she reported this site would not qualify because it would not meet that requirement.

Mayor McLallen understands that only the R-4 zoning was applicable to this property. She continued by stating they require roads, setbacks and utilities under the R-4 zoning and whether they like it or not, this land traversed a major water body and an intact wooded eco system. Mayor McLallen referred to the woodland ordinance and restated that the woodland's ordinance is for the protection of the woodlands and by that they are all seeking to preserve the largest system, not individual trees. She continued by stating that the mechanism that allows the removal of trees suggests there is no other acceptable option.

Mr. Watson advised that particular provision talks about the removal or the relocation of trees and limits it to two different situations. He explained the first is when it is necessary for the location of a structure or site improvements and when they can have no feasible or prudent alternative location of the structure or improvements without causing undo hardship. In other words, Mr. Watson understands if there is an alternate location that would not take out the trees they would have to ask whether relocating would cause a hardship. Mr. Watson advised the other instance is for trees that are dead, diseased, injured, or in danger of falling too close to a proposed structure.

Mayor McLallen was referring to the first situation. She explained the only option they have is R-4 zoning which requires a certain width for streets and access at multiple points on public roads. The Mayor then asked if there was another way to design a

street system that did not violate the core corridor? Mr. Arroyo believes the proposed access plan is reasonable and to eliminate the southerly access basically means that they will only have one external point. He continued by stating the only other point of access would then be through an existing subdivision and his preference would be that it remains that way. Mr. Arroyo advised if they eliminated the southerly access and still have the emergency access through LeBost, at least the subdivision would be served by a secondary access. Mr. Arroyo continued by stating there is a potential way where they could actually cut off the access to the south and still make the subdivision functional. However, he believes the access system they proposed is preferable to eliminating that access.

Mayor McLallen's point is that they have limited themselves in this community and put themselves at odds with their goal of maintaining environmental features with the inflexibility of their zoning ordinances. She explained they have no other opportunities except the very intense negotiating that occurred tonight and she does not believe that is how the city should run itself. She believes if they are truly committed in protecting their woodlands and environmental features, then they need to develop ordinances that provide for that and provide for certain flexibility. She continued by stating the applicant's should not have to spend the time this applicant has spent on a plan that is no closer a solution by Council. She reminded Council that they have reached a compromise that still is not over and her point is that she believes this Council must look at other mechanisms besides the rigidity of the R-4 and RA zoning.

Councilwoman Lorenzo will support the motion because it promotes the elimination of several lots in order to preserve more of the woodlands. However, she noted whether she will support the final plat will depend upon how much preservation has been achieved.

Councilman Schmid recalled that the Mayor has expressed her opinion similarly on other issues for other developments and he totally disagrees with her comments. He believes the purpose of the city and the purpose of Council should be to protect the environment as much as possible. He also believes that the woodland's ordinance has more effectiveness than suggested by the Mayor. He explained that the ordinance suggests that they preserve trees unless it presents a hardship on a developer. He continued by asking what is the hardship and if there is no hardship, then they should save as much of the woodlands and wetlands as possible. He stated just because a developer buys a piece of land, he does not believe the intent of the city or the ordinance is to permit that developer to remove all the woodlands. Further, he believes they should negotiate these things and that they have done that successfully on several occasions.

Councilwoman Mutch restated that they have had major debates where they have tried to redesign a development plan around preservation issues. She continued by stating that when the city staff and consultants have made the effort, and spent the tax dollars

to identify these areas that are of such high priority in terms of preservation, she asked why are they not providing the leadership in the community to persuade the community to acquire these properties so that they do not have to worry about how they are going to be developed and what kind of compromises they have to make. She believes if the city had acquired this area, it would have been a wonderful green space area for this part of the city. Therefore, she is once again reminding Council that if these things are important to them, then they should be more pro-active in a real preservation effort.

Mayor McLallen restated the motion.

Mr. Kahm asked whether those items outlined in his December 2, 1998 letter are included in the motion? Councilman DeRoche understands those items are acceptable to the consultants and would agree to make them a part of his motion.

**Vote on CM-98-12-386: Yeas: Crawford, DeRoche, Kramer, Lorenzo, Mutch
Nays: McLallen, Schmid**

AUDIENCE PARTICIPATION

Darryl Phelps - 48763 Pebble Lane, understands there were lower bids received for Item 7 under Matters for Council Action - Part II.

Mayor McLallen advised Council is discussing this matter this evening and noted that Mr. Kapelczak from JCK & Associates can speak with Mr. Phelps about this matter during Council's break.

BREAK from 11:20 p.m. until 11:35 p.m.

Mayor McLallen advised there is a consensus of Council to move Item 7 before Item 6.

MATTERS FOR COUNCIL ACTION - Part II

- 7. Award bid for Eleven Mile/Wixom Sanitary Sewer Extension, Eleven Mile/Wixom Water Main, Beck Road Sanitary Sewer Extension and Eleven Mile/Beck Road Intersection Improvements to the lowest responsive bidder, D.O.C. Contracting, Inc., in the amount of \$2,148,146.00, contingent upon receipt of permits and easements/rights-of-way for each individual project and authorization for the engineers to issue individual project notices to proceed and the Finance Director to transfer woodland replacement costs from the construction accounts to the tree account**

Councilman Schmid is concerned about the limited number of right-of-ways acquisitions. He explained if they go out to bid without the needed right-of-ways, it may