

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JANUARY 22, 2024 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, Smith, Staudt, Thomas

ALSO PRESENT: Victor Cardenas, City Manager
Thomas Schultz, City Attorney

APPROVAL OF AGENDA:

Mayor Fischer removed item 7.

CM 24-01-08 Moved by Smith, seconded by Casey; MOTION CARRIED: 7-0

To approve the Agenda as amended.

Roll call vote on CM 24-01-08	Yeas: Casey, Gurumurthy, Heintz, Smith, Staudt, Thomas, Fischer Nays: None
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PUBLIC HEARINGS: None

PRESENTATIONS: None

MANAGER/STAFF REPORT: None

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Mark Campbell, president of Island Lake of Novi Homeowners Association spoke first. He said that Island Lake is the largest single family residential community in Novi. He first thanked the Councilmembers for volunteering their time and expertise to the City and the community. He said he was before them that day to let them know of Island Lakes overwhelming opposition to the Camelot development on June 7 at the planning commission meeting. Along with their neighbors and new friends at the Village of Stonebrook, they had over 100 residents come and voice their concerns about this development. It is also important to note that the planning commission was not in consensus with two commissioners voting no on this development. Novi's master plan states that future residential developments in the southwest quadrant shall be low density residential that reflects a semi-rural environment. It is clear to these residents that this development is out of character with the surrounding area and not a good fit for the community. He felt that the communication was good, there is a good community relationship. They have met now with Mayor Fischer and many of the council members

to make sure they understand their concerns on this new development and hope that Council takes their concerns into consideration when making their vote. Thank you.

Charles Blue of 26548 Anchorage Court in Island Lake development said that as a longtime resident in this area, he had been involved in observing the development and the presentation of the Camelot Park proposal. During the initial reviews, he was deeply concerned with the primary density and the character elements of this proposal. He did his research and looked at what the PSLR was intended to do and the intent, as recorded by the city, was to promote the development of high quality uses such as low-density multiple family residential, while protecting the character of neighboring areas by encouraging high quality development with single family residential design features that will promote a residential character to the streetscape. This proposal does not fit that intent, but it has been designed to stretch, if not exceed, the technical boundaries of the PSLR. He said that when he looked at the density, and looked at the property that this is proposed to be put upon, there are only five usable acres. That's it. When he looked at the number of units proposed on five usable acres, it's nine residential units per acre. He said that they would be asking for some sort of amendment to residential multifamily versus an r1, which is what this property is. The result of having all of this development in such a small space affects the character. The magnitude of this increased density does not match the definition of a transitional area from the surrounding communities such as Island Lake. The Villas at Stonebrook, which this city took considerable time before approving does truly fit what the PSL or was intended to do. It does protect the quality we have living and the property values of the neighboring areas. It's a high-quality development with single family residential features. The Camelot proposal is merely designed to maximize capacity and profit for investors which are outside of our city versus protecting the character of the neighboring areas, which is our community. This proposal lacks basic necessities such as residential garage parking, to match the character of the neighboring communities and create a true transitional space. The proposal is really nothing more than a two-bedroom standard apartment complex with a dressed-up facade. Simply put, it does not fit the intent of the DSLR and truly as a square peg trying to be fit into a round hole. These primary flawed elements and the resulting negative implications to the community have been echoed by hundreds of Novi citizens in numerous city forums, including this council in previous meetings. Throughout this process proposal, two elements have remained consistent. Number one, the developer's intent to maximize their profitability, they won't change. And second, the overwhelmingly strong community objection to this proposal in several posts. In summary, I'm not opposed to the development in its intent, but I am strongly opposed for this proposal. It's not good for the community. It does not follow the intent of the P SLR and should be rejected by this council in the best interest for the residents of Novi. Thank you.

Pat McLaughlin of 48667 Windfall said that she lives in the Villas at Stonebrook. She opposed the Camelot apartment complex for many reasons. Currently, it's zoned r-1, and as the previous speaker mentioned, the PSLR overlay is basically the designation for recognizable and substantial benefit to the users of the project and the community. This plan is not a reasonable transition between the adjacent land uses. It is putting a business in a community of condos and homes. The Novi 2016 Master Plan Update pages 33 and

34 state that current and for future housing will be upscale. This is not upscale. Camelot has no amenities. No covered parking, no fitness center, no pool, but it does have Wixom traffic. It's not upscale. The plan has 10 deviations. It doesn't conform to the city standards. For example, it will remove 19% of regulated trees mitigating with small trees and or credits. It's too dense. It doesn't meet the CD standard of open space. It only provides 34% of required open space. City staff actually said quote "as constructing additional private open space would cause greater wetland and woodlands impact". She said that it doesn't fit the proposed illumination. Illumination will exceed average to minimum by 31%. Light pollution. Besides traffic issues she wanted to emphasize there's a hill on Wexham by this property that causes visual impairment with the left turn challenges from Stonebrook on Wixom. Since Stonebrook road belongs to the Villas at Stonebrook, this proposed revenue producing plan does put a burden on the community of just 84 units who maintain the road. Starting with the construction vehicles and ending with a potential of over 100 vehicles twice or more a day. It will increasingly degrade our road. The city of Novi website mentions quality of life is the way of life so much to be proud of. The proposed plan does not line with the character of the nearby area and has too many deviations that will cause issue. Please do not approve it. Thank you for your service.

Lily Sadler of 48622 Rockview Road in Villas at Stonebrook said that as a homeowner at Villas of Stonebrook. she came before Council to express her objection to the proposed development of Camelot Park Apartments; Monopoly Investors development being proposed on the east side of Wixom between 11 Mile Road and Grand River for the following reasons. The property is zoned r-1, which is residential and is in keeping with Villas at Stonebrook to the east, Island Lake homes to the west, and the single-family home to the north. Stonebrook Drive is currently a private road with an entrance to Novi Wildlife Park, which is maintained by Villas of Stonebrook. A single-family dwelling community. Adding rental property to this private road would increase wear and tear on the road that rental residents or developers would not be paying for or paying to maintain. The traffic is already extremely heavy in the area, and the addition of over 100 additional automobiles exiting and entering at Stonebrook Drive on one side, and Island Lake on the other side will create a traffic nightmare, with automobiles attempting to enter and exit each day on both sides of Wixom Road. The Stonebrook Road exit is currently a safety hazard area for children going to and from local elementary and middle schools each day, which is only a block south of Stonebrook Drive due to lack of lack of sidewalks on the east side of Wixom Road. Clearly this island, this land is better suited to the development of single family or duplex dwellings with garages, which would complement Island Lake and Villas at Stonebrook as well as the Novi Community. Lastly, Novi is known for having great communities designated for family living with wetlands adding to the aesthetic beauty of the community. The wetlands would be destroyed to add an excessive number of dwellings for profit. Thank you.

Walter Dorfstatter of 48828 Windfall Road in Villa Stonebrook said that first of all, he wanted to strongly oppose this particular development, the Camelot Park Apartments. He wanted to echo some of what the other people had to say, but also say a few extra comments. He would try not to go into too many different areas because he thought that they were going to hear a lot of them over a few times, unfortunately. He said that

traffic and safety were the biggest concerns. He said that frankly, a grave concern of his, as they have already heard, is that traffic on Wixom is horrendous. It's frankly dangerous already. The planned improvements won't even adapt to what the current risks already are, let alone adding this particular development with, again, someone said 100 vehicles or 100 people of traffic there. It'll be three or four times that. The people in the community and Stonebrook Villas don't travel that much, many never tried. And frankly, a lot of them aren't here because they're on their winter break in Florida, hopefully enjoying a little warmer weather. He thought that's the biggest issue, and it translates to the safety issue in the neighborhood. He said that living very close to it, they've got Catholic Central, Novi Middle School, Deerfield Elementary adjacent to that property. They have the Novi public park there. If you mix all that together, it just is not a good add to the community. He would echo with what some of the other said on the r-1 requirements. He thought the question they have to all ask themselves, one of the primary missions that they all have is the safety of the community and the resonance in the community today. They have to ask themselves does this development add to that safety or detract from that safety? Think about the kids at Deerfield elementary that are right there right next door will be crossing that road daily during the school year. And oftentimes beyond that with other things that are going on. Is that development going to increase the safety of those kids? He didn't think that there's an easy answer for him. Council has to ask themselves that and answer that for themselves. He said he appreciated the time.

Ann Elkie of 48646 Windfall Road said as evidenced quite resoundingly at the June 21, 2023 Planning Commission meeting, there was standing room only in this auditorium. Dozens of residents took the time to voice their three minutes of valid concerns and objections to the Camelot Park proposed development. There was a city council member in attendance that evening. She said it was her sincere hope that the other council members took the time to watch the recorded video of that meeting, and that the newly elected council members did the same. Further at that meeting, one planning commissioner held up 138 city issued forms in which they state whether one was opposed to or in favor of this development. 137 were opposed, one was in favor. As mentioned earlier, she wouldn't get into the zoning that was already mentioned, it's too dense. It's zoned for low density one-family. There are EGLE regulated wetlands and state regulated woodlands they be severely impacted. These serve to naturally ameliorate any soil or carbon pollution. The master plan of Novi calls for the preservation of green space as part of a balanced and checked development plan for the current welfare of its residents, as well as long into the future. Traffic was mentioned. Infrastructure is an issue as evidenced on Wexham Road right now. She wanted to stress the need. When we were going, the station flats proposal was up. At that point, she did a survey or actually did some studies as to how many existing apartment buildings there are in Novi, as well as vacancies. Currently, there is a plethora, so she didn't see why we needed another apartment complex. She moved to Novi over 14 years ago, to its commitment to control growth, with a vision for the quality of life for its future generations. Perhaps more emphasis might be placed on the quality of life and housing for the Novi senior community. She said she used to live in Plymouth, there was Tonquish Manor there. There's a waiting list. Allen terrace in Northville a waiting list. Meadowbrook Commons in Novi, a waiting list. All of these have waiting lists. She thought a lot of the seniors would like to find

some place that they could stay in Novi, maybe they can't afford a Fox Run. And perhaps with these little areas of land, they could still feel like they're part of a community. Thank you.

Truman McLaughlin of 48667 Windfall Road, Villas at Stonebrook said he moved back here from California about three years ago. They fell in love with Novi, it is such a great city. He is opposed to this project that's coming up as most speakers before him. It does not fit well with the city. He asked that Council give it good consideration. He said he was not going to take up much time. Thank you very much.

Michelle Duprey said she lived at the Villa at Stonebrook. She is a 40-year resident of Novi. The reason they were there tonight is because investors purchased property that they knew was r-1. Now they're asking to designate it with a P SLR. According to the State of Michigan, the County of Oakland and the City ordinance 18.297, the conditions stated in the ordinance are not going to be met by the developers. They are requesting any variances. The PSLR requires individual units to have garages. The development does not promote high quality use, and it does not protect the character of the neighborhood. The three apartment buildings are not comparable nor compatible with the adjacent existing home of Island Lake and Villas at Stonebrook. In fact, they're grossly dissimilar to the homes and condos of the surrounding areas, there is an immediate obvious difference. The PSLR ordinance states that the special land use must be of benefit to the city to be employed. This proposal does not offer transitional housing but rather transient housing which does not benefit the city. The 46 units place undue stress on our water systems infrastructure which is currently under repair and does not benefit Novi. It is a burden to the Stonebrook residents who own and maintain the only accessible road in and out of the complex. With 91 parking spaces in 46 units, in fact, she believes it will have a negative impact on the area due to the increased road use and safety of the residents, too high of a density for the allotted area. Elimination of wetlands and trees, safety of the residents, commercial lighting which never shuts off, impact on the surrounding neighbors property value, commercial dumpsters and resultant unwelcome vermin. She asked the City of Novi members to deny the applicants request for a change in the zoning and deny the development of the Camelot Park Apartments. Thank you for your consideration.

Deborah Domke of 48801 Windfall Road in the Villas at Stonebrook said she was also there to speak against Camelot Park. She appreciated the ability to address Council that evening. She said we from Villas at Stonebrook, Island Lake, Birch Woods, and Deerfield Elementary PTA were here on June the seventh in front of the Planning Commission. We filled the room that night. 18 homeowners spoke and there were 137 comment response forms with objections that were introduced into evidence. She trusted that those 137 forms were saved and given to the City Council. This time they were not given comment forms to return. Now it is January. The weather's terrible. Some of the homeowners are out of town. Some don't want to drive in this weather to be there tonight. She said she knew that they are still opposed to Camelot Park with a passion. When they thought this issue might be coming to the city council the first week of October, the homeowner's association at Villas at Stonebrook once again went door to door canvassing their

neighbors asking if they were willing to continue our opposition to Camelot Park. She was in charge of the canvassing and over 90% of the residents excitedly said they were still opposed and wanted to fight back. She had a lot of other items that were similar to what some of her other members had been talking about. She then wanted to talk about a different idea possible for this piece of land. Back on July the 10th of last year at a city council meeting, a 4.51 acre property at 10 mile and Meadowbrook was purchased with \$295,000 from the tree fund. A council member said at the time that If we want to protect it, then we should buy it. The tree fund is intended for the protection and preservation of woodlands and wetlands. This parcel of land we're talking about today is adjacent to wildlife Woods Park. Why not consider having the city buy it and have it to be part of the newly expanded Wildlife Woods Park and its entrance? We are getting the number of pickleball courts doubled in the park this coming year. It would be nice to have a beautiful entrance into Stonebrook and the City owning both sides. Thank you.

David Domke of 48801 Windfall in Stonebrook Villas said he had several different topics to talk about. First one traffic and safety through the increasing amount of traffic on Wixom Road. This site impacts the safety of all drivers and pedestrians. The greatest concern was the children. With multiple neighborhood schools, Deerfield Elementary, Novi Middle School and Catholic Central High School, safety is obviously a concern for the city regarding school children. The stretch of Wixom Road by Deerfield now has been redeveloped speed limit of 25. Accordingly, or additionally, school children of all ages are attempting to cross the road in the middle of traffic without any crosswalks. lighting. The proposed development includes at least 20 large commercial lighting structures, which will increase light pollution impacting the quality of life at all nearby residents, there is no reasonable remedy to offset the impact of each of the commercial lighting. Construction and odor, noise, and debris the surrounding residents are concerned with multiple construction vehicles daily from once again utilizing the private road as well as Wixom Road leading to erosion. The proposed development requires an emergency exit, which is to be located on Wixom Road. Therefore, the entrance to the development would not come off Wixom Road rather than the private road that the residents of Villas at Stonebrook are paying for. Obviously, the city of Novi has some reservations with another entrance to be coming to a community off of the same road. Thereby the developer is wishing to use a private road for which they are not paying. Dumpsters and rats and disease with such a proposed development comes with commercial dumpsters. With commercial dumpsters confirming strong odors and rotting garbage, unwanted critters and potential disease. Commercial dumpsters especially so close to a major road invite other to dump their unwanted trash, thereby creating a dumpster site. Tax revenue. Renters do not pay property taxes like homeowners do, therefore lessening their motivation to them. At this time, the timer sounded, ending Mr. Domke's time.

Peggy DeFalco of 48749 Rockview in the Stonebrook Villas said Thank you for letting her speak tonight. She was going to present a very different topic. It's one of due diligence. When she looked at the PSLR overlay and the compliance to it, where it says that projects are to promote the development of high-quality uses, such as low density, multiple family, residential, so on and so on. She had some questions about the traffic study. She knew the traffic study was done. So as part of her due diligence, it said that there wasn't

enough there to warrant a traffic study. When was it done and can we have a copy of it? Because it was stated in the packet materials tonight. The other thing that she was concerned about was who is Wixom Road development. Many of us within the Villas has looked to try to find out. What is this company? Where can you find anything about them? Maybe your planning department has information, but we don't know anything about them. She said she had a long management career, and she would always look at past practices for future successes. Of course, when this all started, she went out to look to see what they had done. What had they built? What apartments did they have in the area, and it came up to this zero. She did not want to discourage somebody new into the business, but they better have some heavy-duty people behind them supporting them. She really questioned what is this company? What are their finances? Can they support? They say it's a \$6 million project that seems kind of low. But can they support this project during a period of high interest rates and succeed or will we be left with something that is half done? Just a couple other comments before her time is up. Why was Station Flats voted down by the planning commission but this one still exists? The reason why they said Station Flats wasn't going to continue is because it didn't fit the space. Why does this fit the space? She said she was concerned about Stonebrook Road 15 years from now, when everybody's gone, we're going to be left to rebuild that road. She said that she knew she was at the end of her time, we're going to be left to rebuild that road and we're going to be stuck with the cost of it. Thank you very much for letting her talk tonight.

Al DeFalco of 48749 Rockview Road said he was there to ask the council these common sense of rational thought about the approval or denial process for Camelot Park. There's two items he asked them to consider. First of all, is the proposed project a good fit for the residential areas along with some road existing residents all of which are private or a maximum two story with two car garages that provides a minimum of four parking spaces per resident. There's also ample room for over overflow parking in these private residential areas. The Villas at Stonebrook, the community closest to Camelot Park project, consists of 84 conjoined one or two story condos that are spread several times over the area of the proposed Camelot Park project. There's also an occupied farmhouse that would be directly behind Camelot Park that would be affected. Secondly, access to Camelot Park would be through a private road owned and serviced by the Villas of Stonebrook HOA. He said he honestly doesn't understand why one of the two acts. Okay, just to digress a second. He said he honestly doesn't know why one of the two access roads to Wildlife Woods Park is through a private road. He also doesn't understand why the only sign pointing to Wildlife Woods Park from Wixom Road directs users to this private road while the park is also accessible by parking near Deerfield Elementary School. He can't understand why the responsible Novi players would consider proposed apartment complex with his main entrance and egress is on a private road which is owned and maintained by the Villas at Stonebrook. What his question was, is what will the owners, the developers of the apartments, what will they contribute to the HOA for road maintenance? He said he has heard nothing, no commitments made to make them say we'll pay half of this, we'll pay so much for paying for 10 houses, whatever. So it's kinda like we're flying blind, which isn't a good place to be. So as the mayor and council look

at the project and realize there's too many holes in this proposal to approve this project. Thank you.

Steve Pataki of 48849 Rockview Road in the Villas at Stonebrook said that he is actually the current president for the homeowner's association. He was there tonight to just comment on one thing. They hired a legal firm to actually represent Villas at Stonebrook, to do an in-depth analysis, including a review of the master deed for the Villas at Stonebrook development. It came to light that there was a reference in the master deed to a proposed easement allowing access to the property situated to the north off of Stonebrook Road, which is a private road that we own. However, it's crucial to understand and acknowledge that there is no official documentation available that defines the purpose of that easement or the use for that easement. Consequently, there was really no legal recognized easement to this property. I just wanted that to be known. Thank you very much for your time.

Joe Bertera of 130 Rexton said he was there to talk about the destruction of the lawsuit that the City of Novi is doing against our neighborhood. This is Lake Wall Subdivision. You can see a very old plat map from 1920. When our subdivision was platted in 1920, which we have a newspaper advertisement from 1920, saying, All lots in Lake Wall Subdivision have full lake access rights. That's how these lots were advertised in 1920. That's how they were sold. That's how people bought them 103 years ago. Personally, he moved into that neighborhood 23 years ago, he bought a house at 131 Rexton. He lived there a year and a half, his family grew, he bought a house, that house was 700 square feet, with a foundation sinking into the ground. But he bought that house and paid 150 grand for it back then so he could have access to the lake. That was the value for me in that house was to have Lake access. That's why he bought there. That's why he loved it. That's why he stayed there. That's why he bought another house across the street, his address changed from 131 to 130. He bought another house for 300 grand back then. So he paid probably a realtor twice as much as what that house was worth, because it had Lake access. Now here we are 25 years later from when he moved there 23 years later, and 40 years later, since the City passed the zoning ordinance to restrict use of backlot owners accessing the lake. So how is it fair to degrade all of our property values, everybody in the neighborhood bought in that neighborhood for access to the lake. We had the American dream there. He asked, how would you feel if he came into one of your neighborhoods and said, that park over there, you can't use it anymore. We're just going to shut it off. You know what that park adds to all of your property values. He said he's a realtor. He has clients right now looking for houses near parks. Right. But it's okay for you guys to come into his neighborhood and say, you can't use this lake access lot anymore, even though it's been there 105 years, and you've got to take your dock out and you can't use your boat anymore. We all bought there for a reason. Why Novi is trying to destroy that is beyond him.

CONSENT AGENDA REMOVALS AND APPROVALS:

CM 24-01-09

Moved by Casey, seconded by Thomas; MOTION CARRIED: 7-0

To approve the Consent Agenda as presented.

- A. Approve Minutes of:
January 6, 2024 - Special Meeting

January 8, 2024 - Regular Meeting
- B. Approval to renew School Liaison Officers Contract with the Novi Community School District beginning with the 2023-24 academic year through the 2027-28 academic year.
- C. Enter Executive Session immediately following the regular meeting of January 22, 2024, in the Council Annex to discuss pending litigation, *Novi v Malles*.
- D. Approval of claims and warrants – Warrant 1148

Roll call vote on CM 24-01-09

**Yeas: Gurumurthy, Heintz, Smith, Staudt,
Thomas, Fischer, Casey
Nays: None**

MATTERS FOR COUNCIL ACTION:

1. Appointments to Boards and Commissions

City Clerk Hanson provided the results of balloting: Historical Commission, Kelly Kasper was reappointed for the full term and Randy Van Wagnen was appointed to the partial term.

CM 24-01-10 Moved by Fischer, seconded by Staudt: MOTION CARRIED: 7-0

Approval to re-appoint Kathy Crawford to the Library Board.

Roll call vote on CM 24-01-10

**Yeas: Heintz, Smith, Staudt, Thomas, Fischer,
Casey, Gurumurthy
Nays: None**

CM 24-01-11 Moved by Fischer, seconded by Gurumurthy: MOTION CARRIED: 7-0

Approval to re-appoint Katherine Dooley to the Library Board.

Roll call vote on CM 24-01-11

**Yeas: Smith, Staudt, Thomas, Fischer, Casey,
Gurumurthy, Heintz
Nays: None**

CM 24-01-12 Moved by Fischer, seconded by Smith: MOTION CARRIED: 7-0

Approval to appoint Karla Halvangis to the Library Board.

Roll call vote on CM 24-01-12

**Yeas: Staudt, Thomas, Fischer, Casey,
Gurumurthy, Heintz, Smith
Nays: None**

2. Approval of resolution to authorize Budget Amendment #2024-3

CM 24-01-13 Moved by Casey, seconded by Smith: MOTION CARRIED: 7-0

Approval of resolution to authorize Budget Amendment #2024-3

Roll call vote on CM 24-01-13

**Yeas: Thomas, Fischer, Casey, Gurumurthy,
Heintz, Smith, Staudt
Nays: None**

3. Consideration of approval to award the construction contract to Underground Infrastructure Services, for the Distribution System Material Inventory Hydro Excavation project, using the Livonia contract (extended to MITN members, in the amount of \$261,712.

City Manager Cardenas said this is a contract related to the inspection that is being required by the state of Michigan, we're going to be inspecting about 361 properties that are completely chosen randomly built prior to 1989. We anticipate this will be completed by June 21 of this year. Member Gurumurthy said that there was a statement that a plan must be put in place to replace a minimum of 5% per year. She had a question in terms of 5%. Is it the number of lines or it is the number of properties that were identified with these kinds of lines? Manager Cardenas said yes, that's going to be in 5% of the properties that are identified with those with those lines. We don't foresee much of any of that in the in the city but that's the requirement that the state has for us.

CM 24-01-14 Moved by Smith, seconded by Thomas: MOTION CARRIED: 7-0

Approval to award the construction contract to Underground Infrastructure Services, for the Distribution System Material Inventory Hydro Excavation project, using the Livonia contract (extended to MITN members), in the amount of \$261,712.

Roll call vote on CM 24-01-14

**Yeas: Fischer, Casey, Gurumurthy, Heintz,
Smith, Staudt, Thomas
Nays: None**

4. Consideration of approval to award a two-year contract with a two-year renewal option for fuel purchases to RKA Petroleum Companies and Marathon Flint Oil Company (a split award) for truck transport deliveries (over 5,000 gallons); and RKA Petroleum Companies and Gen Oil Company (a split award) for tank wagon deliveries (under 5,000 gallons) through the Michigan Intergovernmental Trade

Network (MITN) cooperative purchasing bid for an estimated annual amount of \$336,843.

CM 24-01-15 Moved by Smith, seconded by Thomas: MOTION CARRIED: 7-0

Approval to award a two-year contract with a two-year renewal option for fuel purchases to RKA Petroleum Companies and Marathon Flint Oil Company (a split award) for truck transport deliveries (over 5,000 gallons); and RKA Petroleum Companies and Gen Oil Company (a split award) for tank wagon deliveries (under 5,000 gallons) through the Michigan Intergovernmental Trade Network (MITN) cooperative purchasing bid for an estimated annual amount of \$336,843.

Roll call vote on CM 24-01-15

Yeas: Casey, Gurumurthy, Heintz, Smith, Staudt, Thomas, Fischer,

Nays: None

- 5. Consideration of Ordinance No. 24-124.20, an Ordinance to Amend the City of Novi Code of Ordinances, at Chapter 11, "Design and Construction Standards", and consideration of Ordinance Nos. 24-106.05 and 24-168.02, Ordinances to Amend the City of Novi Code of Ordinances at Chapter 12, "Flood Damage Prevention Ordinance", to meet the requirements of the City's Municipal Separate Storm Sewer System Permit issued by the Michigan Department of Environment, Great Lakes and Energy.**

City Manager Cardenas said that this is the first reading for the proposed ordinance that changes updates to the city's post construction stormwater runoff performance standards as updated by our colleagues at the Water Resources Commissioner's Office, similar to other cities in the county. This is just a requirement that's been handed down by the EPA than by the state of Michigan, the county so we're just updating our standards to mirror those that have been required by us for us.

CM 24-01-16 Moved by Casey, seconded by Gurumurthy: MOTION CARRIED: 7-0

Approval of Ordinance No. 24-124-.02, an Ordinance to Amend the City of Novi Code of Ordinances, at Chapter 11, "Design and Construction Standards", and consideration of Ordinance Nos. 24-106.05 and 24-168.02, Ordinances to Amend the City of Novi Code of Ordinances at Chapter 12, "Flood Damage Prevention Ordinance", to meet the requirements of the City's Municipal Separate Storm Sewer System Permit issued by the Michigan Department of Environment, Great Lakes and Energy. FIRST READING

Roll call vote on CM 24-01-16

Yeas: Gurumurthy, Heintz, Smith, Staudt, Thomas, Fischer, Casey,

Nays: None

- 6. Approval of Introduction of Ordinance 24-156.06, an ordinance to amend Chapter 2, Administration, Article V, Boards and Commissions, Division 3, Board of Review, Section 2-193.1, Application for Exemption and Section 2-193.6, Guidelines to be Uniformly Applied, relating to poverty exemptions, in order to revise the standards for uniform application of exemption provisions to comply with state law requirements. FIRST READING.**

City Manager Cardenas said that the state of Michigan passed public act 191 this past November which permits a 75% partial exemption for poverty exemptions. This is a requirement or an allowable permission from the Board of Review, they already had 100% 50% 25%. So this is just adding that 75% qualification in there. Again, this is just the first reading.

CM 24-01-17 Moved by Staudt, seconded by Casey: MOTION CARRIED: 7-0

Approval of Introduction of Ordinance 24-156.06, an ordinance to amend Chapter 2, Administration, Article V, Boards and Commissions, Division 3, Board of Review, Section 2-193.1, Application for Exemption and Section 2193.6, Guidelines to be Uniformly Applied, relating to poverty exemptions, in order to revise the standards for uniform application of exemption provisions to comply with state law requirements. FIRST READING.

Roll call vote on CM 24-01-17

Yeas: Heintz, Smith, Staudt, Thomas, Fischer, Casey, Gurumurthy

Nays: None

- 7. Consideration to approve variance relief from the depth-to-width ratio required in Chapter 38 of the City Code, Subdivision of Land, in order to allow a land division related to parcel 50-22-33-100-009, located at 47133 Nine Mile Road, that would result in two separate parcels, one of which would exceed the permitted ratio of the Code of Ordinances.**

Matter 7 was removed and will be discussed during a future meeting.

- 8. Consideration for tentative approval of the request of Wixom Road Development, LLC, JSP22-01, for a Planned Suburban Low-Rise (PSLR) Overlay Development Agreement Application and Concept Plan for the Camelot Parc development. The subject property is approximately 8.78 acres of land located on the east side of Wixom Road, north of Eleven Mile Road, in Section 17. The applicant is proposing 46 units in three 2-story apartment buildings. The subject property is currently zoned R-1, One Family Residential, with a Planned Suburban Low-Rise Overlay.**

City Manager Cardenas advised that the petitioners were in attendance if Council had any questions. He believed that Council knew the project well, and they stand ready for any questions they might have.

A representative of Wixom Road Development LLC spoke and thanked everyone for coming out tonight. As you know, we're here to discuss the Camelot Park Apartments project here located off of Wixom Road adjacent to the Stonebrook development here. The project is located just south of the Target on Wixom Road at the front of the Villas at Stonebrook PSLR development from about six years ago here. The proposed project is a transitional development, apartments transitioning down from the commercial towards the elementary school and the residential properties across the street at Island Lake. The existing property does have a significant amount of woodlands and large wetland areas on the property itself. We have worked through extensive efforts with the City's planning staff to minimize the woodland impacts and minimize the wetland impacts. We've provided all of the onsite mitigation required for those impacts. We're supplementing the existing landscaping with additional plantings to further the buffer and thicken any thin areas that you may see adjacent to the residents. The plan features attractive architectural facade on a residential scale. You'll notice that the ends of the buildings, the neurons of the buildings, face Wixom Road and facing towards the Villas at Stonebrook. Units within so they're not looking at the long facade on any buildings. And the long facade that is adjacent to the private drive there has a very large mature berm planted next to it. So you will only be seeing just a little bit at the top it's no no taller than your typical two story residential structure. There are 2.43 acres of open space with walking paths, seating areas and natural features and viewing areas within the property. The density is lower than the allowable density for the PSLR is 6.5 dwelling units per acre, which would net 53 total units on the property. What we've come in with is a proposal for 46 units, which is well under the allowable density. That was through extensive planning efforts with the staff looking at various development options with townhomes, how we could best fit on the site meeting the zoning criteria for the property. We've selected to reduce the number of units below the allowable units to allow for the best development on the property itself. There will be bike racks located at each building, no new curb cuts on Wixom Road, which was one of the conditions in the PSLR. Access to the adjacent Wildlife Woods Park and the ITC regional corridor trail. One of the major items that has yet to be mentioned here tonight is there is a city planning project for Wixom Road that's scheduled, he believed, it's still scheduled to be started in the spring of this year. To add a center left turn lane going all the way down Wixom Road. As part of that project on the east side of Wixom Road, a sidewalk corridor will be constructed all the way down to complete that pedestrian connectivity. Traffic is a major point of concern for everybody here. The City does have standards regarding when a traffic study is required. As you can see on the slide presented above here, the peak hour trip generation is well below any of the City's thresholds to prepare a traffic impact analysis, or the even more thorough traffic impact study, well below those numbers. We have taken a look at those in the traffic impact analysis and the results of the study ended up saying that the northbound right turn warranted a deceleration lane which is already existing into the development and southbound left turn on Wixom Road into the development warranted a left turn lane. Well, that left turn lane is part of the City's plan project here to take place before

this development is even approved. Both of the items that were identified in the traffic study to mitigate traffic issues in that specific area are already going to be provided the architectural features for the project. This is one of the end views of the project, which you'll be seeing as you drive into the development or what you would see from Wixom Road or from the adjacent residential areas. It's the short end view with high quality residential materials on a residential scale. We feel this is a very, very attractive, upscale look for the project. Another view looking down the long side of the building just to give you a perspective there. On the landscape plan you can see all of the existing trees that are to be preserved plus all of the additional plantings that are going to be supplemented around the existing berm vegetation, supplemental plantings up and around the existing wooded area that we're going to be preserving, as well as around the proposed detention pond and the buffers and street plantings up along with some road. This is a street view of Stonebrook Drive looking into the development here so you can see the size of the berm that's existing there and the large evergreen vegetation that is already on the berm. The surrounding site developments here you can see proximity from our closest building facade to the nearest unit within Stonebrook is 366 feet away. That would also be looking at the short end of the building through the supplemented vegetation areas and across another detention pond respectively speaking, the existing units on the east end of Stonebrook are only 160 feet away from the transmission corridor power lines and towers and 456 feet away from the nearest hospital building on that parcel there. There's a significant buffer and we are residential use both multifamily. With that I think there are a couple points of clarification from some of the comments that he wanted to touch on briefly here. He mentioned the density issues, we are lower than the permissible density on the property. It is not a rezoning request the PSLR overlay already exists on the property. We are not changing zoning. We're simply following zoning criteria for multifamily development here which requires the special land use within the PSLR district wetland impacts our wetland impacts on the property are very, very minor. It's like 0.3 acres of the 2.4 acres of wetland on the property. It's not a massive impact to wetlands whatsoever. All of the wetlands that we are impacting are being mitigated at the appropriate ratios on the property itself. We're actually replacing everything and then some on the property. When it comes to precedent for the project here, I think it's important to note that the Villas at Stonebrook project was developed under this exact same criteria for the PSLR overlay district have a larger number of units on the property and requested more deviations than we are requesting for this development here. They are nearly identical from the requests of those deviations to preserve wetland to utilize the private roads. All of these deviations are consistent with the master thought on the development of this project. When Stonebrook was approved, it was part of that approval that there was access left to this property because they did not want more access on to Wixom Road. From the construction vehicle standpoint, all construction will be utilizing the construction access off of Wixom Road, it would be the intent to keep all construction traffic off of the private drive, because we don't want to have to replace a driveway or private road that's been beat up with that construction traffic. So that's the intent of having the construction access off of the main thoroughfare road, it's more equipped to handle the loads of construction traffic. It is not a lengthy construction process, it's actually relatively quick process when you think of residential developments, and the timeframes that go on with this, there are three buildings to be constructed.

Whereas if you look at how many buildings were constructed in Stonebrook, it was 41 separate buildings that were constructed as 41 separate foundations, separate structures that all had to come into play. Here, we have three buildings, it's going to be building one, building two, building three, and constructions done. The developers stated at the planning commission meeting, that we are open to discussions on a pro rata maintenance share for the entrance portion of the road up to our access point, based off of the number of units and the linear footage of road. So we're definitely open to maintenance of the portion that our project would be impacting utilizing.

Mayor Pro Tem Casey had a couple questions for the applicant, a couple of things that she didn't see in the application. So the unit's themselves. She saw that they are projecting about 1100 to 1300 square feet, is that correct? Correct. She then asked what was the target rent that they were looking for? He responded that it would be in the mid-2000s. Her second question was that there is a reference in the application about how this development might help meet the missing middle housing that we have in our master plan. Could he tell her a little bit more about how this development is going to fit that missing middle and what he considered the missing middle to be? He responded by saying that it could help families that want to move into the community and transition slowly by renting and then eventually buying a home. Starter families for sure. Couples who maybe want to downsize and still remain in the community that don't need a big house anymore. So empty nesters possibly. It's people that want to be in the area that are in different transitions of their lives.

Member Staudt said he wasn't going to need the petitioners, so if they want to stand there, that's great. About a year ago, one of the gentlemen who spoke tonight came to one of our master plan steering committees where he represented city council, and really introduced this for the first time. At the time, there weren't a lot of plans done. But there were some thoughts. As a result, he has been following this development from the very first moment that he heard about it. He attended the planning commission meetings, has talked to literally hundreds of residents over the past six, eight months. He said this is not horrible development, it's just in the wrong place in our city. What he'd like to see, and perhaps maybe they would consider this, if it doesn't go the petitioner's way tonight is something that is much more similar to what's there currently. He said he is a long-term city council member, he sees this as part of the Southwest quadrant, which is the part of the city that we've all agreed we weren't going to support commercial development in any way. He then read some of the things in the packet that are tied to the denial of your requests. He hoped that they take some input as to the way many of us feel, and specifically how the city's going to look at this in the future.

Member Heintz wanted to succinctly echo what Member Staudt just said with the denial wording and especially the latter to the impact on the natural features and they're just the deviations required. He definitely supported his motion.

CM 24-01-18 Moved by Staudt, seconded by Casey: MOTION CARRIED: 7-0

Denial of the request of Wixom Road Development, LLC, JSP22-01, for a Planned Suburban Low-Rise (PSLR) Overlay Development Agreement Application and Concept Plan for the Camelot Parc development based on the following findings:

1. The PSLR Overlay Development Agreement and PSLR Overlay Concept Plan will **not** result in a recognizable and substantial benefit to the ultimate users of the project and to the community over and above any ordinance requirements *given the density and scope of the improvements, their effect on the natural features of the property, and the number of deviations required, including the loss of open space and screening from adjacent properties.*

2. In relation to the underlying zoning or the potential uses contemplated in the City of Novi Master Plan, the proposed type and density of use(s) will not result in an unreasonable increase in the use of public services, facilities and utilities, but **will** place an unreasonable burden upon the subject property, surrounding land, nearby property owners and occupants, and the natural environment *due to proposed impacts to existing woodland and wetland natural features.*

3. In relation to the underlying zoning and the potential uses contemplated in the City of Novi Master Plan, the proposed development **will** cause a negative impact upon surrounding properties, *due to proposed impacts on existing woodland and wetland natural features.*

4. The Planning Commission requested that the applicant provide a Traffic Study before the matter was presented to the City Council. Additional information was provided by the applicant, however, the City's Traffic Engineering consultant noted the following: *A traffic study that includes 'capacity' and 'safety' analysis for existing and future conditions will inform the traffic operation along Wixom Road.*

In the City Council's review of the requested deviations from the requirements of Section 3.21.2, the applicant has **not demonstrated substitute safeguards for each regulation for which there is noncompliance**, in whole or in part, in the PSLR Overlay Concept Plan, including in particular the deviation from Sec. 3.21.2.A.v to allow a reduction in the minimum required private open space (9,200 square feet total required, 3,150 square feet provided); the

deviation from Sec. 3.21.2.A.v to allow reduction of minimum percentage of active recreation areas (50% of open spaces required, approximately 30% provided), and less than 10% of the total site (9% proposed); and the deviation from Sec. 3.21.2.A.iii and Sec. 5.5.3 to allow absence of required landscaped berm along Wixom Road north of the emergency access drive.

Roll call vote on CM 24-01-18

Yeas: Smith, Staudt, Thomas, Fischer, Casey, Gurumurthy, Heintz

Nays: None

CONSENT AGENDA REMOVALS: None

AUDIENCE COMMENT:

Janice Krupic of 48870 Windfall Road said she wanted to thank Council. She knew it has been a long, arduous path and they have taken a lot of their time. She appreciated it.

Joe Bertera of 130 Rexton Nova said he wasn't sure if Council read his emails, but he wanted to point out some more. On the projector, he showed a newspaper article from Wednesday, August 30, 1986. One week after they passed the Lakeshore protection ordinance. And during those meetings of the lakefront protection ordinance, not one, not two. Well, yeah, it was two. The Mayor and the City attorney at this time says this ordinance does not apply to existing subdivisions. Again in 2007, Schultz says this ordinance does not apply to subdivisions that predated the ordinance. Basically the same thing he worded a little differently. He said he knew it word for word. But getting back to August of 1986, the City passed the lakefront protection ordinance about not allowing keyholding and everything that it says in this ordinance. And then you look at this newspaper article from just a week later, and what's going on in Novi? 48 different projects are going on in Novi, three of them around Walled Lake. This one right here by the number five, that's Harbor Cove. That's in his subdivision. They have four docks and 17 boats. The City doesn't do anything. They harass us, you know, make us want to take our dock out. But as long as it's the development that brings extra tax dollars into the city. That was a new development. You pass this ordinance preventing these kinds of developments and then a week later, approve it up here where that number six is. That's not Windward Bay Condominiums. That was built after lakefront protection ordinance, what the ordinance was supposed to prevent, but they have a dock. Right. And then the most interesting one is number seven down here, although was never built. It was approved by the Planning Commission in 1986. Right after in early 1987. Right after lakefront protection ordinance passed, and that was supposed to be called The Landings. And that's right where Pavilion Shore Park is right now. And what the City Council or planning commission approved back then, was a multi-use development with 25 rentable boat docks for anybody to rent a dock on Walled Lake. He said he sent all this to you as in an email. So in August of 86, lakefront protection ordinance. We gotta protect the lake. We've got to make sure this is good for the future. Six months later, they approve something called The Landings, where you can have 25 rentable boat slips to

anybody, anywhere, right in the city. These people have no doubt, those people probably don't have any knowledge about boats. He said he was just asking them to honor what they said in the past and the variations that have been allowed to happen around the lake and stop picking on his neighborhood.

COMMITTEE REPORTS: None

MAYOR AND COUNCIL ISSUES: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 8:11 P.M.

Cortney Hanson, City Clerk

Justin Fischer, Mayor

Transcribed by Melissa Morris,
Deputy City Clerk

Date approved: February 5, 2024