

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, DECEMBER 16, 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 (absent/excused until 7:08 PM), Smith, Staudt, Thomas

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

APPROVAL OF AGENDA:

CM 24-12-167 Moved by Smith, seconded by Casey; MOTION CARRIED: 6-0

To approve the agenda as presented.

Roll call vote on CM 24-12-167	Yeas: Casey, Gurumurthy, Smith, Staudt, Thomas, Fischer
	Nays: None
	Absent: Heintz

PUBLIC HEARINGS: None

PRESENTATIONS:

Environmental Sustainability Committee Presentation – Member Smith explained that environmental sustainability is based on a simple principle of everything that we need for survival and wellbeing depends on, directly or indirectly, the natural environment. The City was awarded a \$100,000 Community Energy Management Grant this past summer. Novi's commitment to sustainability includes a Bee City USA designation, Arbor Day, LED lighting, educational programs, and annual tree plantings & seedling giveaways. The Committee came up with vision and mission statements. The four pillars of the Committee are Resource Efficiency, Clean Energy, Environmental Preservation and Community Engagement, being the most important. The Committee has met with Stewarts Sustainability Leadership Institute, Royal Oak & Ann Arbor Sustainability Managers and the Northville Sustainability Team to find out what those communities were doing. They met with community leaders at a HOA breakfast and talked to the Oakland County community. The next steps for the Committee include expansion of the Committee to include four additional residential members, work with City staff on the creation of an Environmental Action Plan, leverage existing City events to build awareness, and introduce the Solarize Pilot Program for Novi. Member Smith spoke about where they are with the Environmental Action Plan approach and what still needs to be accomplished.

Mayor Fischer said that in regard to the additional resident members, he thinks that getting out and getting that interest in the community is important. He'd like the Council to think about whether there is the right number of opportunities that match up with the number of people volunteering. The City may want to ask residents to spend more time on environmental sustainability but that may mean needing to take other areas or other board positions where

there are vacancies and encourage people to go there. He fully supports the conversation downstream and wants to have a holistic sense about volunteer opportunities as a whole.

CITY MANAGER REPORT:

City Manager Cardenas wanted to wish everyone a happy holiday season.

ATTORNEY REPORT: None

AUDIENCE COMMENTS:

Ellen Linxwiller, 23778 Seminole Trail, came to speak about the Pro Tem development. Although she already sent in a letter to Council, she also wanted to verbally state her opposition to connecting the River Oaks Apartments, a very large complex, through the berms and across Nick Lindstrom. The two proposed cut throughs are right across the street from both entrances of her condo neighborhood and asks what and who is going to stop people from walking or riding bikes into the private neighborhood as well as who will pick up the additional trash on Nick Lindstrom or pick up after dogs. She asks each Council member to see what traffic is like on Nick Lindstrom. The Novi Sports Club, Novi Ice Areana and the dog park consistently bring in substantial amounts of traffic for a little two land road. The proposal is to put berm cut throughs for pedestrians on this street. One of the proposed cut throughs is not only across from one of the neighborhood entrances but also the only entrance to the Novi Sports Club. It is a disaster waiting to happen. Many drivers are distracted and pay no attention to crosswalks even when there are traffic lights, flashing crosswalks and little stop signs. Both drivers and pedestrians equally do not pay attention. She doesn't feel safe riding her bike in Novi anymore after almost being hit several times.

Tammy Spangler-Timm, resident of Ridgeview Villa of Novi and member of the HOA board. She is here to share a presentation that will update Council on progress they have made working with the developers on this proposal and give an update on some outstanding concerns and issues that still remain. She approached Jason and Scott from Toll Brothers and suggested they could meet to discuss the concerns and issues and to possibly collaborate to come to a resolution and compromises with the plan. She met several times with Jason and Scott, and they took information back to the development team. Progress was made to completely eliminate the pickleball courts and also add playground equipment to the pocket park. The progress continued October 30th at the Planning Commission meeting where residents stood and expressed their concerns about the remaining issues. Mr. Weiss was present at the meeting and stood at the podium and said that if residents of Ridgeview do not want the nature trail that goes through the development and the connector pathway that would connect the two developments, he was willing to make a concession and eliminate that from the plan. Mr. Weiss then asked for her email address so he could send that to her in writing. She had a petition that was circulated that she wanted to present for public record.

Steve Emmenecker, a 35 year resident of Novi, stated that he was one of the founding families of St. James Church and was the second resident in Ridgeview. He paid a premium, as did others, to back to the nature area. He felt he was misled by Toll regarding the walkway continuation as he was told it would not be continued. Others were told something similar. We all had the impression that that was never going to be continuation. Toll had apparently said that residents had signed off and they were aware of a continuation. He has no such document and neither do his adjacent neighbors. Ridgeview has seen a pattern of misinformation. We

are very skeptical of some of the things that have occurred regarding the intentions of the Novi 10 developers. The sidewalk proximity to many buildings will affect privacy and security and is a concern throughout the entire private property of the community. An open path easement to Ten Mile will result in exasperating the issue in a similar fashion to what they are presently experiencing with River Oaks apartment residents to the immediate south who trespass on a regular basis. Maintenance issues are present with the current sidewalk including vegetation overgrowth, an aluminum fence, a stonewall, and slick concrete sidewalk surfaces posing hazards. These are currently being addressed by Ridgeview HOA funds. Further development would increase pedestrian traffic, worsening the conditions. He also wanted to point out that the berm cut throughs are close to a blind corner. The bench placement at the end of the sidewalk is perpendicular to the sidewalk so pedestrian walkers aren't going through there. There is diverse wildlife that will be fragmented. There is flooding that occurs back there and they're concerned that'll get worse. Over half the residents are backed by the natural habitats. There are approximately 474 mature trees expected to be taken down with the PRO 10 development. Ridge View people are at a lower elevation than the future potential residents. They'll be looking down into our backyards.

John Linxwiller, 23778 Seminole Trail, specifically addressed the connector pathway between his community and the proposed community and berm cut throughs. Ridgeview is a privately owned community. Each month we pay for the maintenance of our streets and sidewalks. We pay for snow removal. The City of Novi does not incur those expenses. We also pay for our own general liability insurance through our HOA fees. Knowing this, he's wondering how the City Council can consider granting public access points into a privately owned community. If someone uses one of these public access points to enter their privately owned community and is injured and sues, will the City indemnify them for that claim. General liability cost will certainly increase due to the amount of foot and bicycle traffic that's going to take place. They are going to bear that cost, not the City. Lastly, he asked if there are any other privately owned condominium communities in Novi that have public access points into them. He can't think of any. He asks that the connector pathway be eliminated or to rescind the easement rights to it and turn it over to his community. He also asks to have the berm cut throughs on Nick Lindstrom eliminated as both of these are open invitations to access his community. It's naïve to think that anyone is going to enter the connector pathway and walk out the entrance and go down Nick Lindstrom. They're going to come and walk down our private community anywhere they want. No one from Novi will be present to make them stay on the public nature trail. Regarding the berm, he invites the Council to come and see the traffic. No one adheres to the 35 mph speed limit on the road. Berm cut throughs are just going to cause additional issues. The City of Novi should have never allowed Toll Brothers to build a privately owned community.

Ken Mac, 42787 Cardinal Way, says the Council is about to approve something that the wrong development in the wrong space. That's cognitive dissonance. It doesn't matter what builder you're talking about; they are all the same. They have that common denominator of lot of staircases. The developments are not for our seasoned citizens. In the last Planning Commission meeting, Commissioner Becker said, on October 30, that Novi was missing single floor residential options dedicated to seasoned citizens when referring to the Twelve and Meadowbrook development. This applies to this Novi 10 PRO. There are thousands of these two to four story apartments, or townhouse, being proposed right now in the City of Novi. He did a count based on all the things in public records and it's like 2,700 units. What's astounding to him in looking at the ageing report that was commissioned and done by the City, was 40% of Novi's current housing stock is multi-family, multi-story condos and

apartments like this. The report said what we need is single-family one-story homes because there is an extreme shortage of newer single-family one-story homes. This stretch of Ten Miles from the Novi intersection, which is horrendous, to the railroad tracks all the way down is 100% light industrial and commercial. These commercial buildings in light industrial are a better fit. So, the zoning is all wrong.

Elena Wayne, 42776 Cardinal Way, spoke about traffic concerns along the stretch on Ten Mile between Meadowbrook and Taft. When driving along there, you frequently get stopped by the train or kids getting out at Novi High School. She herself, usually on the weekends, finds the traffic horrendous. The long backups are frequent during the morning and evening rush hours causing significant delays. They are usually faced with a 15-to-20-minute hold up especially during the train crossing. Today, three trains came through. With the recent approvals for new residential units on Novi Road near Nine Mile, it's only going to add to these traffic woes. Additionally, there is a new daycare swim learning center that's coming in that's going to generate over 400 additional vehicles and worsen the congestion that's coming. Time is the most valuable asset we have and sitting in traffic for 15 to 40 minutes a day is not what we need. We need to lessen traffic and have safe traffic. She asks Council to consider what they are facing with the added residents and the new buildings coming in nearby.

Greg Wayne, Cardinal Way, said he was going to be wrapping this up. Some things will be what his neighbors spoke about. He is going to present an idea that they've developed because it's not right for them to come and talk about all the negatives without proposing some alternatives. He presented three courses of action (COA) to consider: COA #1 is the adoption of a currently unpalatable proposal that is fraught with issues and currently requires approximately 12 planning ordinance deviations, COA #2 is the rejection of the plan altogether, which aligns with the preferences of the majority of Ridgeview Villas residents, and COA #3 is the consideration of a modified plan that could create a win-win-win scenario for the builder/owner, the City of Novi and Ridgeview Villas. We've talked about the increased traffic on Ten Mile and Novi Roads, the environmental impacts of putting in the Novi 10 PRO, the encroachment on their private property, and the increased maintenance costs & liability risks, which doesn't cater to the needs of the community. They believe the additional commercial space is unnecessary as there is lots of open commercial space available. They also discussed the potentially hazardous location at the bottom of the hill on Ten Mile Road, next to a railroad crossing & paint factory, and that there's no other residential communities west of that crossing. What they are proposing is the elimination of the units on the south side of the Novi 10 development as that helps create the buffer they are looking for. It helps to increase the wetlands and helps to improve the drainage that they need in the area. Moving those units closer to 10 Mile Road is consistent with what's on the east side. In the end, only seven units are lost by doing this and it has the benefit of creating an additional entrance which they believe would be beneficial to both the citizens who are living there and to emergency vehicles. Something like this should be looked at and reviewed by Toll Brother and Mr. Weiss. He thinks it could create something that everyone would be happy with. They are more than happy to work with the developer to build on this and make sure everything turns out well for everyone. It's never a wrong time to make the right decision.

Ursula Syrowik lives at the entrance of the dog park near Ridgeview. She's a night walker and what she's noticed at this location is that cars going in one direction can make the turn. People honk all time at this location because the berm kind of hides the location. People have a hard time staying in their lane and it's a huge problem. When looking at this whole condo thing, this was placed in the middle of a wetland, surrounded by a wetland. It was strategically done, and

it was done appropriately but whenever you do construction of a condo in a large area, you move a lot of soil, a lot of grading is done and then you can't replace the way the grad has ever been done so it has to be very carefully done. Whenever large areas of grade is disturbed, there is always going to be an environmental impact. You just don't know when the heavy equipment comes in, they move all that stuff, and they move it back and then they grade it and move it back and forth and it changes. It also changes the porosity, the drainage and which way the water will flow because not only is this a wetland, but these condos are also so close to the wetland that to be very careful not to disturb the wetland. Also, the clay soil composition has a potential problem for not draining properly. Whenever you disturb land, there's never a 100% recovery of what you had in terms of drainage.

CONSENT AGENDA REMOVALS AND APPROVALS:

- A. Approve Minutes of:
December 2, 2024 - Regular Meeting
- B. Approval of a three-year contract, with the option of two one-year renewals, between the City of Novi and Shifman Fournier Attorneys at Law to provide legal services for Labor and Employment Law.
- C. Approval of Resolution to adopt the City of Novi Emergency Action Guidelines (EAG) in support to the Oakland County Emergency Operations Plan.
- D. Approval of the final payment to Toebe Construction, LLC., for the Crescent Boulevard (NW Ring Road)/Industrial Spur and Bond Street – Phase 2 (SW Ring Road) Construction projects.
- E. Approval of the final payment to True North Asphalt for the Lakeshore Park Parking Lot Expansion project.
- F. Approval to award a contract to Eganix, Inc., to conduct a pilot FOG (Fats, Oils and Grease) Prevention Program.
- G. Approval of claims and warrants – Warrant 1170

CM 24-12-168 Moved by Thomas, seconded by Smith; MOTION CARRIED: 7-0

To approve the consent agenda as presented.

Roll call vote on CM 24-12-168	Yeas: Gurumurthy, Heintz, Smith, Staudt,
	Thomas, Fischer, Casey
	Nays: None

MATTERS FOR COUNCIL ACTION:

- 1. Consideration of a temporary extension of the Transit Enhancement Service Agreement with Peoples Express (PEX) on its existing terms through June 30, 2025, maintaining subsidies for eligible residents and continuing to allow use of Civic Center facilities.**

City Manager Cardenas stated that Council entered into this agreement back in July with PEX and as allowed the usage of a small office and parking spaces for their vehicles here at the Civic Center while subsidizing fares for residents with disabilities and seniors. At the request of People's Express, we're bring back this agreement as they would like a six-month extension to remain at the Civic Center while they look for a permanent location in the greater Novi area. Mr. Cardenas apologized as this should have come before Council earlier last month or the beginning of this month. He'll make sure future contracts come well ahead of their expiration. Staff has come up with a rate if Council agrees to this six-month extension and they do not identify a location in June, there is a market rate of around \$400 a month. To date, usage of PEX has been through the roof as residents have been pleased with the service provided by this new partner.

Mayor Fischer said Mr. Cardenas addressed one of his first major concerns, which is the timing of this contract. This was discussed back in June, and he was supportive of PEX being here at the City and allowing them to sit in the Civic Center through the transition and have 14 parking spots but to sit here tonight and basically have a contract that is approved, or it expires is unacceptable to him. The Mayor asked what happens if this is not approved and the City Manager replied he believes there is a provision in the contract that the City will continue to pay subsidies if desired and the City can work out something with People's Express in terms of them vacating before the January 1st deadline. The Mayor said that it is his understanding that this contract does not hinder our ability to continue the subsidy and the service to residents is not under any risk if this contract is not approved. Mr. Cardenas responded he believed that was correct. City Attorney Schultz commented that the current agreement does say that if it's not extended, then the City can continue to pay the subsidy. If Council is not going to approve the contract, he recommends they have a motion to do that so there is some basis for making the payment under section 3.5 of the contract. It contemplates that Council would maybe continue to talk about an agreement on that issue but if Council is not prepared to have them continue in the office space, we'll deal with it. The Mayor expressed his frustration that Council was not kept abreast of this contract and that the Mayor Pro Tem herself asked if there was any indication that they were going to have to extend it, that it would come back three months after it was approved. He strongly encouraged Mr. Cardenas to look through all the City's contracts and devise a plan on when to bring them back to Council. He doesn't consider this timing acceptable by any sense of the imagination. He reviewed some of the market rate information and doesn't believe the \$400 is not an accurate rate as far as home an office would be. He thinks to take the current staffing situation and move it somewhere else with common areas, bathrooms, et cetera, it would be a little higher. Plus, they come with 14 large scale buses so he's guessing if they were to move anywhere else, that commercial contract would probably charge them for the additional parking spaces. He finds the City Manager's estimate to be under market. This contract is before Council, and it still has zero incentive for PEX to: a) move out of the City or b) maybe stay in City Hall but move into somewhere else in the City. They are basically approving the same exact contract they did six months ago and expecting a completely different result. In his business, that is the definition of insanity. He proposes they go ahead tonight and approve a two-week extension of this contract which would take them to mid-January and past the first City Council meeting. He would expect City staff to bring back two contracts. One is to go ahead and extend and continue the subsidy, which is very clean, separate contract. The other would be to continue the operation of PEX within the City services. He would expect the second contract to have some sort of economic incentives to have PEX exit the building at some point in the near future. That might be charging them rent and he's

fine with giving them a couple months free but maybe in March, April and May they will start charging them something market rate. He would even be willing to start charging them a rent and if they did end up renting somewhere else in the City, they would pay them back for that rent. He's open to whatever ideas staff would come up with but not having an economic incentive for PEX to move forward with exiting the building is not acceptable to him.

CM 24-12-169 Moved by Fischer, seconded by Staudt; MOTION CARRIED: 7-0

Approval of a two week extension. City staff will come back to the January 6, 2025 City Council meeting with one contract extending the subsidy program for seniors and those who are not able to drive and a second contract for the use of the Civic Center with economic incentives to meet a June 30, 2025 move out date.

Member Smith asked Mr. Cardenas if there was any advantage to having PEX in the space and if the City has space for them to carry on if that works out for the City or does the City need them to move so the space can be used for regular City operations. The City Manager responded that one efficiency is the drivers that have been maintained. There are 10 drivers that are now PEX drivers that used to be by City employees. Any kind of ceasing of where they have to get their vehicles would be a disruption in terms of their efficiency. In terms of the facility, the office that PEX uses is a former office that was used for OAS activities. The City is working through space management to get a loan closet that's more optimal for seniors and some of that stuff has been kept outdoors during the rehab of the current OAS office.

Member Staudt recalled that a year ago the City contracted with MedStar to come into this community, with their ambulances and provide a service. They are a privately funded organization. They bought a building and renovated it. The City didn't provide them any kind of support like what's being done here. On the flip side, there's an entity that is being funded by taxpayer dollars so in essence, they're getting money from the County because the City doesn't have a contract with them in terms of providing the service itself. That contract is with Oakland County, and he thinks they need to go back to Oakland County if the \$2 million or whatever they're getting isn't adequate to support their services. He thinks PEX should ask Oakland County for another \$1,000 a month to adequately pay for their space. Right now, Oakland County is getting in excess of \$4 million from Novi and this is our primary service. Using the Mayor's motion, PEX will have time to go back to the commission and if necessary, get the additional funds necessary to reimburse the community for the space being used.

Member Heintz can see the benefits of having PEX employees use the space, especially if drivers are formally from here. He also thinks it's a great avenue approach to see if there's a more appropriate rate if they were to continue to stay in the space.

Member Gurumurthy thinks it's a great idea to investigate the point about being in our own space and what Member Smith had asked is valid. She's looking forward to what will be brought back in terms of the options in front of Council. She is glad it was addressed about this not impacting the residents and accessing the transportation.

Mayor Pro Tem asked the Deputy Director of People's Express what steps they were taking to locate space outside the Civic Center. The Deputy Director responded that they have been trying to figure out as a system how they're able to get the facility space for the growth they've experienced. They have partnered with the County and are first doing assessments of what their facility needs are and making sure they are planning for the long term. That includes working the State and looking at grants. There are plans in place to work together as a unit between transit providers to be able to properly assess the spaces and then hunt for the funding that's necessary. In the short term, they have been working with a realtor. They use a significant number of vehicles for Oakland County and they're looking for a space that would host over 50 vehicles. That's taking a little bit of time to make sure they have a facility that can be secure, but they are trying to make sure they have informed decisions, but they are actively looking for space. It would be advantageous to have a spot new Whitmore Lake. The Mayor Pro Tem is pleased to have PEX here and thinks it's been a wonderful opportunity for them to get to know our community by being based out of the Civic Center and having the buses parked in the lot has been great marketing. She knows it been challenge because the office they use was space that the City was using for other purposes. Having PEX in the building is great but she thinks there's an opportunity for us to look at having them reimburse the City from a rental perspective. She agrees with the motion to have separate contracts. Her only concern is the timing at which apply the rent because she doesn't want to force PEX out the door and then create a challenge with services. She is worried about what that impact on the residents would be. She supports the motion with the caveat that they make sure they are thoughtful in terms of when they start asking for the rent and trying to encourage the relocation and she would love for that to be in Novi because of the benefit for them, us and the residents.

Roll call vote on CM 24-12-169

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

2. Appointments to Boards and Commissions

Economic Development Committee – The Mayor nominated for appointment Marcia Goffney.

CM 24-12-170 Moved by Fischer, seconded by Staudt; MOTION CARRIED: 7-0

Approval to appoint Marcia Goffney to the Economic Development Committee.

Roll call vote on CM 24-12-170

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

Corridor Improvement Authority – The Mayor nominated John O'Brien for reappointment and Hugh Crawford for appointment, both to a full term.

CM 24-12-171 Moved by Fischer, seconded by Staudt; MOTION CARRIED: 7-0

Approval to reappoint John O'Brien and appoint Hugh Crawford to a full term on the Economic Development Committee.

Roll call vote on CM 24-12-171

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

City Clerk Cortney Hanson announced the City Council appointments as:

Beautification Commission: Gareth Crawford, full term, expires March 1, 2026
Board of Review: Donna Eaddy, full term, expires January 1, 2028
Board of Review: Colleen Kolis, alternate
Construction Board of Appeals: Meenakshi Annamalai, expiring March 1, 2028
Historical Commission: Kathy Crawford, full term, expiring January 1, 2028
Historical Commission: Sharon Larson, full term, expiring January 1, 2028
Historical Commission: Randy Van Wagnen, full term, expiring January 1, 2028
Zoning Board of Appeals: Larry Butler, full term, expiring January 1, 2028
Zoning Board of Appeals: Michael Longo, full term, expiring January 1, 2028

3. Approval of the updated deficit elimination plan for the Capital Improvement Fund (CIP) as of June 30, 2024.

City Manager Cardenas stated that this is required by the State after the governing body received the annual audit. The total in the spreadsheet of the balance that's left in the CIP fund is not exactly what gets up to date. The motion sheet was updated earlier this afternoon to reflect the possible property purchase Council has directed staff to work out an agreement on.

The Mayor stated that he understands that the sheet that the submit to the State will be as of June 30th but obviously Council's cognizant of the money left to spend over the life of that fund and that remains at 1.9 assuming the property purchase goes through, and the City Manager responded, yes.

CM 24-12-172 Moved by Staudt, seconded by Casey; MOTION CARRIED: 7-0

Approval of the updated deficit elimination plan for the Capital Improvement Fund (CIP) as of June 30, 2024.

Roll call vote on CM 24-12-172

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

4. Consideration of an appeal by Barima Opong-Owusu of the financial guarantee requirements associated with a Woodland Use Permit.

The City Manager stated that the Petitioner is a homeowner who secured the necessary woodland permit before constructing a single-family home. During construction of the home, the contractors that were helping with the house did not adhere to the City's tree protection requirements and significantly impacted the critical root zone of 21 trees on the

property. Staff has concerns that the 21 trees will not survive which under the Woodlands Ordinance results in a requirement to replace those trees. The City is holding \$12,400 from the original woodland permit bond for the construction as the value of what the Petitioner would have to pay into the tree fund if he does not replace the trees himself. The homeowner disagrees that the trees were adversely impacted and is coming before City Council to request \$9,300 of the \$12,400 be returned to him and that the City should hold the remaining \$3,100 for two years and return that to the applicant, if the trees survive. Again, staff is not confident these trees will survive, hence the application of the replacement standards of the city code. The motion sheet describes the standards for the ruling on this kind of appeal, which to his knowledge, has not come before City Council.

Mayor Fischer asked if the petitioner was present, and he was not.

CM 24-12-173 Moved by Staudt, seconded by Casey; MOTION CARRIED: 6-1

Denial of an appeal by Barima Opong-Owusu of the release of the financial guarantee associated with a Woodland Use Permit PWD24-0024 for the following reasons:

- (1) A literal application of the substantive requirement does not result in exceptional, practical difficulty to the applicant, because the applicant did in fact impact the critical root zone of these trees, which the City expects to eventually adversely affect those trees. While the applicant does not believe that his actions harmed the trees, his proposed solution of the City holding minimal funds for a period of years in fact presents a practical difficulty to the City, as the City lacks a mechanism or process to do that for either the applicant or others similarly situated who could be expected to ask for similar relief.**
- (2) The alternative proposed by the applicant is not adequate for the intended use and does substantially deviate from the performance that would be obtained by strict enforcement of the standards, again because the City lacks a mechanism or process to do that for either the applicant or others similarly situated who could be expected to ask for similar relief, which is why the ordinance requires replacements immediately, either by planting or deposit to the tree fund.**
- (3) The granting of the variance will be contrary to the overall purpose and goals of the chapter or article containing the regulation in question, as the proposed alternative does not meet the intent of Section 26.5 which is to establish the authority and procedures for requiring, accepting, and enforcing performance guarantees, in order to assure that development projects are completed and maintained in accordance with city standards, requirements, and approval conditions.**

Member Heintz asked Rick Meader what would be an appropriate length of time that would go by to know if the trees are still intact and doing okay. Mr. Meader responded that it

could be anywhere from now to five years they could be sure that they're going to survive. Member Heintz asked if this practice had come up previously and is fairly common for anyone, resident or business developer, would have to pay for trees that are still intact following the development. Mr. Meader responded that yes, it's common, especially in construction projects where some damage is under a tree, or they've encroached in the protective zone, and it usually hasn't been fought because it's part of the ordinance, but it has happened before. Member Heintz said his request would be for the consideration of figuring out what would be the appropriate length of time to see if trees are still intact and he thinks it is fair to consider having those funds reimbursed to that individual or any individual because the whole point of that was if they're being charged for those trees but those trees are still present, it doesn't seem appropriate to, in essence, kind of double dip if after five years or whatever length of time, the trees are still fine. He questioned what an appropriate mechanism would be to go about assessing the quality of a tree after any length of time. Mr. Meader responded that it could be an option and depending on how often it happens, it could be a lot of tracking trees and that basically they would have to take pictures of the trees in question and then check them after five years. He still thinks it would make sense to hold the financial guarantee for that time and not try to charge them after the fact. Member Heintz said he was okay with holding the money at this time but then after five years for that individual to be able to recoup that money, that would be his request for consideration.

Member Smith said he could support the two option the resident proposed. He thinks the trees need to be protected and maybe there was some action the resident could take with the contractor who damaged the roots, but that was on the resident. He does have another possible option. He understands that at least some of those trees are black locusts, which are considered invasive and inquired if it was know what percentage of trees were Black Locust. Mr. Meader thinks that they probably all are as this lot was heavy with Black Locust. Member Smith then said that it seemed that a faster way to get the money back would be to take out, with City's approval, the black locust and replace them with better, non-invasive trees. He said his understanding is the City would hold the 25% of the tree bond for two years and then refund it if the new trees survived. Mr. Meader said that's how it would work if new trees were planted, but the ordinance does not distinguish between invasive and not invasive species, it's just a tree because even an invasive tree has some environmental surfaces so that something that would be written in too. He doesn't think the resident wanted to plant any more trees. Member Smith said he's not looking for something in the ordinance. He thought it might be an opportunity for the resident to remove the trees and replace them with native species.

Member Gurumurthy when she thinks about the appeal in front of them in terms of what has already been withheld, the status of the trees is not clear to her. Her though process in terms of this appeal is to give everything back or the 25% back but Council should withhold what they are supposed to entirely. She can relate to at least one third but withhold the whole thing but wait five years to see the impact. She wanted to know what this whole process entitles and if that's even a possible option in terms of checking after five years and a process would have to be established, she's assuming. Mr. Meader said the way it works now is they go out and inspect trees and, in this case, he was just basing the impact of the root system, not the health of the tree. If they say that the tree had been say, hit by a truck, then they'd say immediate damage and weather the tree died or not, they'd be in the same situation. In this case, what they'd do is just look at the tree. If it looks like it's full canopy, they say it's good for now and then come back in five years and

look at the same thing. If it's starting to show that there were some branches dying off, they leave look smaller and it just didn't look like a healthier tree, then at that point he thinks they'd have to say it has been negatively impacted and they have to set a rule at that point for what to do when they say this tree's gone and that it's shown damage and decline which would indicate it should be taken, even alive, if it's not what it was before. Member Gurumurthy said she would consider a third option of fully withholding what they are supposed to withhold for the impact for whatever number of years they come up with and then determine if it's still okay, then be able to return the money.

Member Thomas said they always want to take care of the trees, and they want to make sure they're fair to residents. They have processes that they follow, and they can think about other options, but the petitioner did come here to talk to Council, so she thinks they need to stick to what their rules are. That person wanted to come and to Council, so they got this on the agenda. It seems like a lot of trouble to go through to get on the agenda and then not come to be available for questions. She understands they all look for ways to be fair to the residents but there are a set of rules to protect the environment and since they all care a great deal about the environment, they need to stick to that.

Mayor Fischer said he echoes some of the same sentiments. There is an ordinance on the books. By no fault of the City, these trees were impacted. He thinks they have to look at this from a grander perspective. As a City Council, not only are they in charge of the ordinances, environmental sustainability, et cetera, they are also stewards of taxpayer dollars, resources and staff time. For a \$12,000 guarantee to have Rick and his team have to inventory 21 trees, track their success or demise for the next several years and he's sure there's different accounting rules for guarantees that the City may or may not have to pay back and how that relates to their audit, is an administrative nightmare. It's not fair to the City, City staff and taxpayers when by no fault of the City, was this problem created. This clearly was a situation where the applicant or the contractors they hired went too far and beyond what was allowed under the woodland permit. So, with that, he thinks that a strict reading and interpretation of the ordinance is applicable.

Member Staudt said the moral of the story is, come to us before you do something. Don't do it and ask for forgiveness later because not showing up and asking for an approval of a waiver, isn't the way to go.

Roll call vote on CM 24-12-173

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

Nays: Heintz

- 5. Consideration of tentative approval of the request by Novi-Ten Associates, for JZ23-09, to rezone approximately 34 acres of land east of Novi Road, south of Ten Mile Road from Light Industrial and Office Service to Community Business and Low-Density Multiple Family with a Planned Rezoning Overlay.**

City Manager Cardenas reminded Council that this came before them at the April 8th regular meeting. The Planning Commission then took this up and the proposal was recommended for approval at their October 30th meeting. They requested to rezone the parcel via a plan resorting overlay to develop 71 multi-family town homes in the RM-1 portion of the parcel and approximately 35,900 square feet of commercial space in the B-

2 portion. Since the April 8th meeting, the pickleball courts have been removed and the B-3 zoning that they previously thought was going to be utilized was changed to B-2 which would not permit drive-throughs. The PRO public considerations are preservation of 15.87 acres of wetland, woodland and the public access trail connection & marshland overlook and the donation of a trailhead to the City. Additionally, the petitioner proposes improvement to offset traffic impact along Ten Mile Road.

Lonny Zimmerman from Siegal Tuomaala Associates Architects from Southfield was present and said they've been working on this project for many years. He was present with developer Dan Weiss and Jason Iacoangeli with Toll Brothers. The gist of the project is to comply with the goals that are in the master plan; walkability, connectivity, supporting the local retail, creating open space, environmental stewardship. The site had been on the market for decades in its previous zoning of office and industrial with no interest in the site. Now with the proposed rezoning to B-2 and RM-1, there has been interest. Toll Brothers has developed Ridgeview Villas to the south and is developing this parcel. The RM-1 portion is roughly 27 acres of which a little under 16 acres of that will be conserved wetlands, so they'll never be developed. The 35,900 square feet of retail that was previously mentioned is planned to be local commercial B-2 and it's got restricted uses. We have restrictions in the contract beyond what the zoning ordinance requires, and we've eliminated the strip center approach to it. There was concern of so many people by having plazas in front, instead of just a sidewalk in front so we've created plazas with seating areas, extra landscaping to create more of a friendlier area for the neighborhood to use. The 71 townhouses have 5 times more open area than is required by ordinance. At one end at Ten Mile Road, we've got the park which will be donated to the City. At the other end we've got a .4-acre playground area that would be oriented towards the townhouse development. The most interest here this evening among the residents seems to be walkability and connectivity. As was explained by the residents present, they met with Mr. Weiss and Toll Brothers before that. As it stands, we have shown in our original documents a connecting pathway that goes through connecting the developments which makes it walkable from the retail all the way through the new development, through Ridgeview Villas and as far south as the dog park. That connection is not a necessity and if the Council would prefer not to have it there, the development team is willing to eliminate that connector. This was presented to the Planning Commission, and they approved it with comments about possibly eliminating the connector. We think the connector is a benefit to the overall community, beyond the development itself. The City Council can decide whether it's important enough because the development will work with or without the connector. In terms of traffic, we are expanding the width of Ten Mile Road. We've talked to the Road Commission in Oakland County. The City's traffic consultant has reviewed it and has no objections to it so we feel that this will help the traffic situation. In terms of the actual peak traffic, there is less peak traffic with the development we're proposing than with the existing zoning of office and industrial. As it stands now, the industrial portion of the site could have a 291,000 square foot factory or a two-story office building. This development is much less dense in terms of stormwater management. Between the new and old development, there's about a hundred-foot-deep canyon that goes in between. With the water on the new development directed towards detention and surface flows east to the detention basins, we think that the standards followed with Oakland County, with the topography of the land, this will be taken care of without any adverse situation with the Ridgeview people. Jason Iacoangeli, certified planner with Toll Brothers, added that the Ridgeview community was approved through a PRO. The connector has a public easement over it. It was anticipated when Ridgeview was developed that there would be

this other development to the north. In fact, Toll looked at it when they were developing Ridgeview. The idea was always to connect the two developments. The housing that'll be at the new part of the Novi 10 project will be two-story condominiums. That's pretty much the same product that is in Ridgeview, other than some different architectural elements from the outside, these aren't going to be three or four-story townhomes.

Member Staudt confirmed with Jason Iacoangeli that these are indeed condos and not apartments in which Mr. Iacoangeli replied they will be for sale condominium units. Member Staudt stated that one of the greatest things he's gotten push back over the years is connecting sidewalks for people's backyards so he will not be supporting anything that connects these two communities. He then asked City Attorney Schultz if the pathway was a public benefit prior to development and Mr. Schultz responded that the pathway was the main public benefit to the Ridgeview development. Member Staudt said that in his mind, that was a mistake, and asked Mr. Schultz how can Council clean up that mistake and do what's necessary to forever remove that from the PRO that exists with Ridgeview. Mr. Schultz said there were a handful of conditions that are described in the Ridgeview PRO as public benefits and the pathways are probably one of them. To get rid of the pathway, this would have to go through the entire planned rezoning overlay approval process. This has to be done by somebody who has the authority to do that, presumably the HOA. Then they would have to go through a full planning review process, Planning Commission, public hearing, two readings before Council, and an amended contract to propose a substitution in place of the connection. It's not a small endeavor but there's a process. Member Staudt said the 15 acres of permanent conservation easement is an extremely attractive benefit because it's next to the railroad tracks and provides a sound buffer. He's not interested in a pathway through that either and would rather see that just be a permanent preservation of woodlands and wetlands. Member Staudt asked Mr. Weiss how long he's owned the property and paid taxes on it and Mr. Weiss responded for probably 40 – 50 years. Member Staudt there are two stories to every development. Council owes fairness to the residents and to those who own the property to be developed. He appreciates the applicants being able to work with the residents.

Member Smith said he's a proponent of making Novi walkable, bikeable. In terms of what the residents are talking about, he understands they are concerned about the cut through and if there's a way to connect the new development to Lindstrom Drive without cutting through people's backyards, that would be great. He thinks it's important to go from crush stone to pavement especially if people are getting to the dog park as that's a four-season surface and dogs will need to get to get to the dog park in the winter too. The sidewalk on Lindstrom Drive and that corner, if there's something that could be done to ease that corner as part of the public benefit, he'd appreciate looking at something like that. Member Smith said he had a question about storm water retention. The City is planning on retaining up to a hundred-year events and at the exit before it goes into the wetland, or drain off, there's a gas/oil separator unit right on the head of the Rouge River and he wanted to know is there a plan for inspecting that to make sure the separator stays clean and does its job. Jason Rickers, of SKL engineers, responded that yes, that would have to be maintained through the typical process that every new development does and there's a standard maintenance agreement with the City. It's typically a one-year inspection. If that's done, it should operate the way it's designed. Member Smith then commented that as far as the traffic on Ten Mile Road, looking through the traffic study, there are level of service grades and he's not sure if that study includes the daycare that's going in on the west side of Novi Road which is a concern. Plus, adding lanes to the road as part of the development is a

concern because the City will be responsible for cleaning them and Oakland County will be responsible for maintaining them. As mentioned in the previous meeting, Member Smith would like to see a rendering from the backyards of the people on Seminole towards the development, just to get a picture of what that looks like as he thinks that would help Council understand what's going on and help residents understand what that is going to look like. He would also like to know what the plan is for the broadband service to the area and if it's possible to extend fiber service through there. He thinks that would be a solid public benefit.

Council took a break at 8:34 PM and returned at 8:40 PM.

Member Gurumurthy stated that she appreciates all the work and gave a thank you to the residents who came out to the meeting. She also appreciates the progress between the applicants, City team and residents. She is not in favor of the pathway and the connection. At Member Gurumurthy's request, Barb McBeth presented a map to show the location of the public pathway. Member Gurumurthy asked about the maintenance of the pathway and City Attorney Schultz said the pathway is just a designated sidewalk and will be maintained as such. It's in the master deed for the condominium and every property owner would have gotten a copy of it. She wants a walkable community and asks the applicants to look for other options to make a walkable community but avoid Ridgeview. She also wants to make the ADA accessibility is taken care of in these areas. Her next concern is the traffic and it's difficult to visualize what's being proposed along Ten Mile Road. Mr. Rickers then discussed how the center turn lane down Ten Mile would be extended as well as widening Ten Mile Road which would make all the traffic decisions much safer. Member Gurumurthy confirmed that with through lanes and turn lanes, Ten Mile would be five lanes wide in this stretch. She asked what was the target in which the developer was looking at in terms of road improvements versus the development completion. Mr. Rickers responded that they would have the road improvements to Ten Mile in phase one which would coincide with the first building or the first residents moving in. Member Gurumurthy also requested that the applicants consider reducing the number of units to help with traffic concerns. Her next concern is the floodplains and asked the applicants what studies they have done. Mr. Rickers replied that, for the Ridgeview concerns, most of the storm water will be collected and diverted to a detention pond for the 100-year storm, through the City's requirements, and then released through a stream. Ultimately it will help with the excess flooding that happens in the floodplain area. Regarding the setbacks, Ms. McBeth confirmed that the minimum setback from the new development to the property line is 100 feet. Mr. Iacoangeli confirmed that the closet point any of the two units will be from each other is 175 feet. He also stated that if the connecting pathway is eliminated, the other loop pathway no longer make sense and may not get used by the people who live in the northern part. There's no other alternatives of crossing the wetlands to make a connection other than the people who would live in the new neighborhood will have to walk down Ten Mile to Novi Road and go south to Nick Lindstrom Drive to get to the dog park.

Member Thomas confirmed that the new development would also be a private community like Ridgeview. She didn't know if there was a way to think outside the box and give the people privacy but still make it so people can walk to places. She would like to see some options. Member Thomas asked if there was still discussions with the HOA and Mr. Iacoangeli stated that there had not been in a few months, but the takeaway of those discussions was they would go to the Planning Commission and the neighbors would relate their concerns and the Planning Commission could decide on whether or not to

keep the connection between the two neighborhoods. Member Thomas asked if the communications had been exhausted and Mr. Iacoangeli stated no, that they have an open line of communication and speak as often as they can about the project. Mr. Zimmerman then stated that they had looked at alternative connections like they had been asked for around the perimeter rather than through the middle and it becomes a major problem in disrupting the natural environment which they are trying to retain as much as possible. Member Thomas then asked has the possibility of eliminating the berm cut throughs on Nick Lindstrom Drive been discussed. Mr. Zimmerman replied that it isn't part of their project.

Member Heintz said he was curious as to why the entire area, including the proposed potential conservation easement area, would be rezoned to RM-1. Mr. Iacoangeli said that to his understanding, Toll would be responsible for that as part of the purchase of property after the development was entitled and a part of that was the City also asked for one of the items to be the conservation easement which they thought was prudent because it abuts up to another City property that's further to the west, a sort of undeveloped part space. It provides for a good solid corridor between that park and this space. Mr. Weiss stated that the Planning department asked them to do it that way for continuity. Member Heintz asked if part of the density calculations in that RM-1 area include that potential conservation easement in the calculations for the density. Mr. Weiss said it only included the areas that are available to the residents and where they could walk. Member Heintz said he disagreed about the potential and the feasibility for the more walk being part of that land. He understands it's not easy but definitely could be done and a nice potential public benefit to be able to better utilize green space. He had the opportunity to visit that space and overall thinks it's a wonderful space and can appreciate the potential in that area, the awesome easement area. He appreciates the residents of Ridgeview coming here and their approach to suggesting a reduction from 71 to 64 units because he thinks that could bring about the appropriate amount of density in that space and just the appreciation for enough green space for all residents and help to potentially mitigate any water issues with the floodplain. He thinks there's great potential for this development but from his perspective, it's not quite there yet.

Mayor Pro Tem Casey asked the City Manager who the HOA needs to reach out to help them understand what actions they need to take. The City Manager said they can work with the City Attorney to get the necessary documents to the HOA to be able to convey that information, but it would be through Mr. Schultz's office to work with the HOA, but they should reach out to the City Manager's office first. The Mayor Pro Tem then spoke with Jason Rickers and stated she had concerns about the traffic flows on Ten Mile and asked him to clarify what the additional lanes would be for. The Mayor Pro Tem then asked what of the project Oakland County is aware of, and Mr. Rickers stated that the site plan was also submitted to the County and in which they received comments back from them and they worked with the County to make sure all the entrances are in compliance. Once they get approval for the PRO, they'll start the engineering process and the County will review the engineering plans with all the grading, lane widths and all the things they suggested in their preliminary review. The Mayor Pro Tem asked if the applicants had a letter from the County that they have given some kind of approval to the road improvements and didn't want to see them as an afterthought. She wants to see some kind of guarantee from the County that they are confirming that they will work with the developer. Mr. Rickers stated that it was a concern from the developer as well. They do submit those plans at the same time they submit to the City so that typically keeps them on track with a simultaneous

approval. They usually keep the same review process as the City, and he doesn't anticipate a deviation from that. He confirmed that it would be the intention of the development to make that part of phase one because that work is tied to all the entrances. The only typical problem would be the end of winter when construction on that doesn't get done until spring of the next year. The Mayor Pro Tem is concerned about the timing and asked the City Attorney if there was anything they could do within the PRO to make sure the County is responsive and giving the okays as part of the process. Mr. Schultz responded that process wise, when a PRO agreement is done, they spot those kinds of issues and circulate them to the right department head or people to give us advice as to what it ought to say or what we ought to be asking for from the developers. The Mayor Pro Tem said she wants to protect against any delays with approvals at the County level. Regarding connectivity, she is 100% empathetic with the concerns of the residents and echoes the feedback from her colleagues about finding alternatives for a pathway and asks the applicants to explore options specifically between the new development and Ridgeview. Regarding the woods or buffer between the new development and Ridgeview, she asked what kind of trees are in that buffer and what kind of trees are expected to be planted to make sure there is full opacity that they require from an ordinance perspective. Dan Weiss responded that if this project doesn't get approved, the residents of Ridgeview will be worse off because not only can a 290,000 square foot factory be built there but anyone who buys it has the option of paying into the tree fund and not putting up any trees. What this project has proposed is a tree line that is doubled and staggered. Barb McBeth added that per Rick Meader, it is not known what species of trees will be planted. The Mayor Pro Tem stated to the City Attorney that she is indicating her interest in understanding and making sure that the opacity will be met and to understand the depth of the trees and type so she will feel confident in a statement she made last time.

Mayor Fischer said it occurred to him Mr. Weiss came to Council with Toll Brothers, and they entered into a PRO to rezone OS and light industrial property. They promised a public benefit to the City in order to get Ridgeview done. Now, seven years later, the same applicants are coming forward to finish the second part of that plan which is a public benefit to the entire area. The connectivity and walkability is something that the Council has talked about for decades. There are residents who live just across Ten Mile at Meadowbrook Glens and Orchard Hills that this gave an opportunity to for them to enjoy the amenities such as the sports club or dog park through this connectivity. Now we are in a quandary where they're being asked to eliminate that. Now we're going back, even though the core tenant of the PRO ordinance is the developer giving a public benefit, and we're asking the City to agree to eliminate that public benefit. We're going to ask the Ridgeview homeowners to go through the cost and exercise of doing so. Mr. Schultz said that he is not aware of Council ever going back and removing a substantial public benefit from a developed PRO before. He wants everybody to keep an open mind, and we'll talk about what the request is and what might be given in return. Mayor Fischer said his issue with that process is that we're going to a fully developed development and saying that you are not agreeing to the original proposed benefit and need to come up with something else. We have as a City, rezoned something with the promise of a benefit and now we're walking away from any benefit and got no benefit from the rezoning and that is his frustration with the PRO process and walking away from the connectivity at this point. Assuming that they walk away from the connectivity, he likes the idea of pursuing an alternative pathway, maybe along the railroad tracks. He would encourage the team on the development side, if not moving forward with the connection, to consider what another proposal would be. He says they've seen several times a situation where they have something built and then

a couple of years later, a phase two come through and causes issues. He's going to make a comment in general to the City that they need to encourage people to do these types of developments in concert. Reading back through the minutes of the discussions back when Ridgeview was approved, this was all part of the plan. He takes into consideration the comments that are made. He understands that to come into Ridgeview and potentially be told that something won't happen can be frustrating, but he also believes in the process and that's not something this body and his colleagues can consider. That is a private matter between two entities and the City is not party to that. He asked that people understand that they are bound by certain laws, agreements and ordinances as to what they can consider and unfortunately being told something in a third-party sale transaction is not something they can prohibit a developer from developing in the City of Novi based on what may have happened in a private agreement off of the site. Although he empathizes, it's not something they can consider. There have been a lot of comments made from Council and a lot of comments and considerations that continue to be brought up by residents. He's getting the impression that there a probably not enough votes to move forward with an approval. He thinks a postponement would be more appropriate at this time given the additional leg work the developer may need to do in order to get the tentative approval, which would then lead to a final approval. He is suggesting that they take a break so everyone can digest the many comments made about the connection, the easement, the old PRO, the traffic, et cetera, and come back with a new drawing. He's noting that this is I-1 and just because it wasn't developed in the past, if they don't approve this, to him it's playing Russian roulette and encourages both parties, staff and City Council to try to come up with a plan that people can live with. At some point the owner isn't going to want to continue to pay the taxes and sell it to someone who might go ahead and put an industrial building in. He doesn't like veiled threats and doesn't know that it's not true that that can be done. He thinks they need to consider that as they move forward and hopefully in a fashion that can work. He again suggests to his colleagues to give a postponement so the extensive information that they've provided to the applicants to take another look at this.

Member Staudt said he agrees and asks the developer to do some of the things requested like taking as much as what they heard today and put it in the PRO, working with the City staff and attorney. Council isn't telling them to change the number of units or move them around but is telling them that some of the things that are presented are acceptable. He would like to see the renderings that Member Smith discussed about what the building would look like backing up to each other and give them a bit of context about the height of the buildings next to each other. He would also love to see a boardwalk or pathway they could put along the railroad tracks from the front of the property to the dog park. He thinks that it would be a public benefit that all of them would really encourage.

CM 24-12-174

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

Postponement of tentative indication that Council may approve the request of Novi Ten Associates, JZ23-09 with Zoning Map Amendment 18.740 to rezone from I-1 and OS-1 to RM-1 and B-2, subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan, and direction to the City Attorney to prepare the PRO Agreement.

Member Thomas commented that this community will need some kind of connection. The green space is a huge benefit and simply removing the connection is not sufficient for her.

Roll call vote on CM 24-12-174

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

Nays: None

6. Initial review of eligibility of The Grove, to rezone property at the southeast corner of Twelve Mile Road and Meadowbrook Road to High-Density Multiple Family with a Planned Rezoning Overlay.

Gary Shapiro, a representative from Ivanhoe was present and said his company takes pride in doing environmentally sensitive developments. They've hired outside consultants so they could be as professional as possible and be prepared. This site is 70 acres on the corner of Twelve Mile and Meadowbrook and is zoned OST. They've known about this property for 25 years and nothing's happened on it. They entered into an agreement with Trinity Hospital when they came to realize, after they bought it 30 years ago, that all of the OST uses at that time, they didn't consider. This is a very environmentally sensitive site. They began to study it and what the proper use is. They concluded that site is designed to be changed. It's clearly not OST. We sought out to use the highest and best use and put together a proposal under our zoning, restricting it from 1,000 units to 400 units with four distinct communities of multi-generational housing and a fifth area that's strictly for residential. A major focus is our awareness of connectivity and bike path. They did the Beacon Hill project across the street and donated to this community a public park and they spent far in excess cleaning up the wetland situation there, remediated the rivers to make sure they were proper and put in a trailhead. Brad Strader, of Cincar Consulting, is a land use planner. He has 40 years of experience and has worked for communities all around Novi. The vision is to take the former OST property and make a planned rezoning overlay to add what's needed in this area. We know that there's a demand for residential and the demand for OST has gone down in different areas. One thing we want to feature is the connectivity that we have. We are within an easy mile of e-bike, walking or jogging for a lot of this residential or commercial area. We know from studies that you need residential in the market area to keep the sustainability of your commercial area. We're right in the middle of commercial, including the proposed commercial on the north side of Twelve Mile. This is zoned as office service or technology by the real area is multi-use or mixed use. Approved residential includes the Lakes Health Assisted Living so there's already mixed-use residential development in the area. We are trying to appeal to the millennials and the independent seniors that aren't ready to move into assisted living but want to downsize. We've got 64 units that are geared toward independent seniors. We are keeping 7.8 acres at the corner and Trinity Health will maintain that and we are designing it in context with Trinity Health. OST isn't appropriate for this site because the market for OST has changed and because of all the wetlands. The uses of OST will obliterate the wetlands and the natural features on the site if you build the buildings and the parking and so forth. The regulations for wetlands are different than when Trinity bought it and the City's regulations are very different. Beckett-Rader came to the same conclusion and basically said the location and size and environmental features means that this site is unique and there needs to be a unique approach. They will be preserving 7.8 acres at the corner for Trinity Health which will be developed with OST uses. About 50% of the frontage on Meadowbrook and Twelve Mile will be open space. Our units will be tucked in behind and

we'll have beautiful landscaping along Meadowbrook and pathways. North of Twelve Mile is the residential area that was just approved under another PRO and then commercial in the front. There's Tollgate Farms, residential and commercial to the north. There's MDOT open space detention area from along the M5 connector to the east. There's OST and a conservation easement to the south and a combination of uses to the west. Again, we're in the middle of a mixed-use zone and we're proposing a mixed-use type of project. He wanted to note that they'll have a pathway among the eastern property line and overlook in the MDOT conservation easement that right now nobody can enjoy. Adding the conservation easement to the south, our open space and the MDOT open, we're really increasing the habitat area. Amenities that we're providing are things like a pickleball court, pocket parks, playground, dog park, picnic areas, natural features, EV charging stations, and bike racks. We also have four landmarks along either Twelve Mile or Meadowbrook including relocating the SMART bus stop to a more advantageous location if the project is approved. One of the amenities is a clubhouse with a swimming pool. We use two different architects so there are some differences in design that adds variety. The Vistas will have about half of the units abutting open space. They are three-story town homes with a two-stall garage and flex space and then kind of a living area on the first floor and then the bedrooms above. These are for either sale or for rent. The Woods and The Pointe offer two-story condominiums. The Pointe has about half of the units backing to open space and the others are in shared courtyards. The Meadows are more like a traditional multiple family, and they are unique because there's no corridors and everyone has an individual entrance. The first floor, 64 units are going to be single story. The second and third floor are a separate unit, and they have separate garages. One of the PRO benefits is just the use itself because it appeals to the independent seniors and people you're trying to retain or attract in Novi. We also note that compared to the OST, the traffic generation is going to be about half or a third of OST compared to this type of use. We're going for RM-2 but that is mostly because of the setbacks. The units we're requesting are about half of what the RM-2 would allow. We've carved out that these units will preserve like 83% of the regulated wetlands and we've tried to tuck into preserve the best parts of the woodland features. There's a pathway on Meadowbrook but nothing on Twelve Mile. Even if we put the pathway on Twelve Mile, there's a gap so we're going to fill in the gap. That's a public benefit. One thing that's consistent with the recent City plans is improving transit so we've talked to SMART and suggested moving a stop from the west side of Meadowbrook to the east side. It's easier and more convenient for our residents and SMART said that sounds great. That's another public benefit. The ordinance required two acres of open space, and we'll have twelve acres of open space.

Mayor Pro Tem Casey said when looking at the development, the pluses are the use of open space, the wetland conservation easement, the focus on connectivity, and the multiple types of housing within the development. Staff would not support deviations regarding building materials that aren't right, so she'll defer to them. In regard to public benefit, she does not consider anything that benefits only the residents but does like the SMART bus suggestions. If something isn't accessible to the general public, then it's not a public benefit. She suggested public art at the corner features. She acknowledged the planting of trees but noted that a lot of trees would also be removed. She asked if it was known when these units would be for sale or rent, and Mr. Shapiro said it would depend on when they came to market. The Mayor Pro Tem confirmed which units would have the first-floor bedrooms, which would be the 64 units in the Meadows. She said she is focused on the ability for Novi residents who currently have family homes, aren't ready for assisted living but would like to downsize. She would also like to see some of the onus on the

applicants for proper screening between this development and whatever Trinity builds on the 7.8 acres that they will be developing at some point.

Member Smith commented that a consideration might be is to have access to the second and third floors for people who don't want to go upstairs in the Meadows. In regard to the impact on wetlands, he asked that trading height of the buildings for more preservation to also be considered. He also mentioned solar panels, geothermal heat pumps and LEED standards. He considers energy savings a public benefit. He thinks it's good to have the EV charging stations and confirmed that they'll be in all the garages. He said it would be an important consideration for the new residence to make sure they get fiber in there.

Member Heintz seconded the comments of Member Smith regarding energy savings as a public benefit. He appreciates the environmental sensitivity.

Member Thomas said it looked like the applicants paid a lot of attention to preserving the wetlands. She'd like to see the mitigation in the plan get down to as little as possible. She addressed the ability to do something else to save more of those environmental features and hates the idea of all of the protected trees or the wetlands being destroyed. She confirmed that it is unknown if the community for seniors would be available for purchase. She addressed that close attention should be paid to the traffic and Mr. Strader said the site was designed to have three access points to minimize traffic impacts.

Member Staudt said he won't support anything with covered parking. He asked what the original intention was for the OST portion of the property. Mr. Shapiro said people who want to develop on the site can come to them. They will work to get it development ready which means having it wetland mitigated. Alan Green, attorney, said he's been working with Trinity from the beginning, and they are retaining that parcel, so they won't be doing anything to in terms of development. The Trinity site has the least amount of wetlands. Member Staudt said there's no public benefit here. He does like a lot of what he's seen but there's a lot that still needs to be thought out. He'd rather have taller buildings and fewer of them. The green space looks great. The wetlands look great. He's perplexed about what portion will be for sale and what will be for rent. Most people who have condos want a garage, not a covered parking space. From his perspective, there's a lot to like but garage optional isn't one of them. It's a great location and it's definitely not an OST location.

Member Gurumurthy said she was happy to see the senior specific area but would like to see them be able to be for purchase. In regard to wetland impact, she would like to see that come down as much as possible and would like the setbacks they've asked for to move from 75 to 50 across the east west. The sustainable energy, she like to see that mention and looks forward to more detail. In terms of public benefit, she encourages them to look at the active mobility plan and see how they can build a walkable community. She asked if the intent was to do a phased approach and Mr. Shapiro stated that it is their hope to do it all one time.

Mayor Fischer said he did his own research and to have residential there wouldn't be out of character. He thinks a plan like this is more environmental. He asked if there is a way to mitigate more wetland and preserve more green space. In this area of the City, building height may be less of an issue. If there is an opportunity to make some of the first-floor bedroom units be owner occupied that would go a long way. He needs to see more

creativity in regard to public benefits. He would be interested to see the Trinity parcel built into their parcel or encourage Trinity to move along faster with developing their parcel. He wants to very clear, and he'll be watching what happened with that because he doesn't want residents in the future to come before Council saying they were told nothing would ever be built there.

COMMITTEE REPORTS:

Public Utilities & Technology Committee – Member Thomas said they met last Tuesday and discussed the Broadband Master Plan.

MAYOR AND COUNCIL ISSUES: None

COMMUNICATIONS: None

ADJOURNMENT – There being no further business to come before Council, the meeting was adjourned at 10:26 P.M.

Cortney Hanson, City Clerk

Justin Fischer, Mayor

Transcribed by Becky Dockery,
Account Clerk

Date approved: January 6, 2025