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ROSATI | SCHULTZ
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February 16, 2023

**CONFIDENTIAL CORRESPONDENCE
ATTORNEY-CLIENT PRIVILEGE**

Mayor Gatt and City Council
City of Novi
45175 Ten Mile Road
Novi, MI 48375

RE: Amendment to Consent Judgment—Novi Equities Limited Partnership v Novi (Proposed
“Station Flats” Multi-Family Building)

Dear Mayor Gatt and Council Members:

This letter relates to a request to amend a 2001 Consent Judgment relating to the Novi Promenade property at the southeast corner of Grand River Avenue and Wixom Road. This is the development that includes a Target and Sam’s Club, across from the Catholic Central Campus.

The request involves the open area between Target and Sam’s Club. The City has been approached by a developer who wants to fill that space in with a multiple-family development. A copy of a proposed conceptual plan is attached, along with a review letter from the Planning Department.

Typically, when the City gets requests for uses on properties that are governed by consent judgments, and the proposed new use requires an amendment to the consent judgment, the City Council is advised to hold a public hearing on the proposed amendment (or ask the Planning Commission to hold it). The reason for that advice has to do with case law in which courts have expressed concerns about municipalities quietly (and without notice to adjacent property owners) changing or amending the uses permitted on the property in a manner that might be construed as avoiding the usual zoning approval process. The idea is that by holding a public hearing and giving the same sort of notice that one might get under the Zoning Enabling statute a reaction by a reviewing court (in the event of an objection by a neighbor) can be avoided.

Before the administration takes the step of putting this matter in front of City Council for conducting a public hearing review, however, it is appropriate for Council to review the proposal and determine whether it even has any interest in proceeding with the proposed amendment to the Consent Judgment. The City is under no obligation to do so—it is very difficult for a property owner/purchaser to force a community to amend the Consent Judgment, especially one that is so old and has been relied on by both parties to it for over 20 years.

February 16, 2023

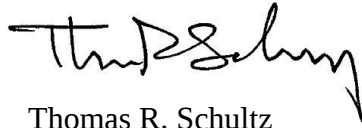
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We will be prepared to address whether the Council wants to proceed further with this proposal at the Council's February 27, 2023 closed session.

In the meantime, should you have any questions, please do not hesitate to call.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in black ink, appearing to read "Th R Schultz", written in a cursive style.

Thomas R. Schultz

TRS/jah
Enclosure

cc: Victor Cardenas
Cortney Hanson
Charles Boulard
Barb McBeth