

CITY of NOVI CITY COUNCIL

**Agenda Item G
March 23, 2009**

SUBJECT: Acceptance of a Conservation Easement from the Basilian Fathers of Milford, Michigan for the Basilian Fathers Residence, located on the west side of Taft Road, north of Eleven Mile Road, in Section 16.

SUBMITTING DEPARTMENT: Community Development Department - Planning *Emily*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The Basilian Fathers Residence, which will house the Basilian Fathers of Milford, Michigan is approximately 18,000 square feet and contains 14 living units. Associated parking will also be constructed along the residence itself. This property was recently rezoned with a Planned Rezoning Overlay (PRO) from R-1, One-Family Residential to RM-1, Low-Density, Low-Rise Multiple Family. The Planning Commission gave a positive recommendation for approval of the concept plan and rezoning to City Council on January 23, 2008. The rezoning with PRO appeared before the City Council on February 4, 2008. At that meeting, City Council granted preliminary approval of the plan and rezoning. On May 12, 2008, City Council granted final approval of the Rezoning with PRO. The Planning Commission reviewed the Preliminary Site Plan, Woodland Permit and Stormwater Management Plan on June 25th, 2008. Final Stamping Set approval was issued on September 17th, 2008.

The Conservation Easement covers 0.72 acres (17%) of the 4.15 acre site. The Conservation Easement was a condition of the PRO Agreement and offered by the applicant as one of the public benefits. Exhibit B graphically depicts the areas being preserved. The easement contains regulated woodlands.

The easement has been reviewed by the City's professional staff and consultants and is currently in a form acceptable to the City Attorney's office for acceptance by the City Council.

RECOMMENDED ACTION: Acceptance of a Conservation Easement from the Basilian Fathers of Milford, Michigan for the Basilian Fathers Residence, located on the west side of Taft Road, north of Eleven Mile Road, in Section 16.

	1	2	Y	N
Mayor Landry				
Mayor Pro-Tem Gatt				
Council Member Burke				
Council Member Crawford				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

**APPROVAL LETTER FROM
CITY ATTORNEY**

February 27, 2009

- 30903 Northwestern Highway
P.O. Box 3040
Farmington Hills, MI 48333-3040
Tel: 248-851-9500
Fax: 248-851-2158
www.secretwardle.com

KRISTIN BRICKER KOLB
Direct: 248-539-2837
kcolb@secretwardle.com

Ms. Kristen Kapelanski, Planner
City of Novi
45175 West Ten Mile Road
Novi, Michigan 48375-3024

Re: Basilian Fathers - Conservation Easement

Dear Ms. Kapelanski:

At your request, we have reviewed the proposed Conservation Easement submitted by Greg Kreutzer on behalf of the Basilian Fathers of Milford Michigan for the approved Basilian Fathers' residence located in the City of Novi.

The Conservation Easement is in the standard form required by the City of Novi. It does not appear they have made any changes to the document. Therefore, we have no substantive legal concerns about the Easement.

I do note, however, that they have left in Optional Paragraph #4, which does not apply to this development. Attached please find a revised Easement with Paragraph 4 removed, which should be executed by the appropriate person and then recorded with the Oakland County Register of Deeds.

If you have any questions or need anything further on this, please feel free to contact me,

Very truly yours,


Kristin Bricker Kolb

KBK:jw

Enc.

cc: Steve Rumples, Community Development Director
Barbara McBeth, Community Development Deputy Director
Thomas R. Schultz, Esq.

1201902_1

CONSERVATION EASEMENT

CONSERVATION EASEMENT

THIS CONSERVATION EASEMENT made this 10 day of February, 2009, by and between the Basilian Fathers of Milford, a Michigan non-profit corporation, whose address is 28724 Five Mile Rd., Livonia, Michigan 48374 (hereinafter the "Grantor"), and the City of Novi, and its successors or assigns, whose address is 45175 W. Ten Mile Road, Novi, MI 48375, (hereinafter the "Grantee").

RECITATIONS:

A. Grantor owns a certain parcel of vacant land situated in section 16 of the City of Novi, Oakland County, Michigan, described in Exhibit A, attached hereto and made a part hereof (the "Property"). Tax Parcel No. 22-16-451-076. Grantor has received Final site plan approval for construction of the Basilian Fathers residence on the Property, subject to provision of an appropriate easement to protect the wetland areas located thereon from destruction or disturbance. Grantor desires to grant such an easement in order to protect the area.

B. The Conservation Easement Areas situated on the Property are more particularly described on Exhibit B, attached hereto and made a part hereof, the second page of which contains a drawing depicting the protected area.

NOW, THEREFORE, Grantor hereby reserves, conveys and grants the following Conservation Easement, which shall be binding upon the Developer, the Co-Owners of the Property, the Association, and their respective heirs, successors, assigns and/or transferees and shall be for the benefit of the City, all owners and purchasers of the property in the condominium, the Developer and their respective heirs, successors, assigns and/or transferees. This Conservation Easement is dedicated pursuant to subpart 11 of part 21 of the Natural Resources and Environmental Protection Act being MCL 324.2140, et. Seq., upon the terms and conditions set forth herein as follows:

1. The purpose of this Conservation Easement is to protect the functions and values of the existing woodlands and wetlands, as shown on the attached and incorporated Exhibit B. The subject areas shall be perpetually preserved and maintained, in their natural and undeveloped condition, unless authorized by permit from the City, and, if applicable, the Michigan Department of Environmental Equality and the appropriate federal agency.

2. Except for and subject to the activities which have been expressly authorized by permit, there shall be no disturbance of the Wetlands or Woodlands, including altering the topography of; placing fill material in; dredging, removing or excavating and soil, minerals, trees, or vegetation from constructing or placing any structures on; draining surface water from; or plowing, tilling, cultivating, or otherwise altering or developing, and/or constructing, operating, maintaining any Use or Development in the Easement Area. *Dead or fallen trees may be removed by the Grantor.*

3. No grass or other vegetation shall be planted in the Wetlands with the exception of plantings approved, in advance, by the City in accordance with all applicable laws and ordinances.

4. This Conservation Easement does not grant or convey to Grantee, or any member of the general public, any right of ownership, possession or use of the Easement Area, except that, upon reasonable written notice to Grantor. Grantee and its authorized employees and agents (collectively, "Grantee's Representatives") may enter upon and inspect the Easement Area to determine whether the Easement Area is being maintained in compliance with the terms of the Conservation Easement.

5. In the event that the Developer and/or Association shall at any time fail to carry out the responsibilities specified within this Document, and/or in the event of a failure to preserve and/or maintain the wetland areas and/or protected woodlands in reasonable order and condition, the City may serve written notice upon the Developer and/or Association setting forth the deficiencies in maintenance and/or preservation. Notice shall also set forth a demand that the deficiencies be cured within a stated reasonable time period, and the date, time and place of the hearing before the City Council, or such other Council, body or official delegated by the City Council, for the purpose of allowing the Developer and/or Association to be heard as to why the City should not proceed with the maintenance and/or preservation which has not been undertaken. At the hearing, the time for curing the deficiencies and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or other body or official, designated to conduct the hearing, shall determine that maintenance and/or preservation have not been undertaken within the time specified in the notice, the City shall thereupon have the power and authority, but not obligation, to enter upon the property, or cause its agents or contractors to enter upon the property and perform such maintenance and/or preservation as reasonably found by the City to be appropriate. The cost and expense of making and financing such maintenance and/or preservation, including the cost of notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of 25% of the total of all costs and expenses incurred, shall be paid by the Developer and/or Association, and such amount shall constitute a lien on an equal pro rata basis as to all of the lots on the property. The City may require the payment of such monies prior to the commencement of work. If such costs and expenses have not been paid within 30 days of a billing to the Developer or Association, all unpaid amounts may be placed on the delinquent tax roll of the City, pro rata, as to each lot, and shall accrue interest and penalties, and shall be collected as, and shall be deemed delinquent real property taxes, according to the laws made and provided for the collection of delinquent real property taxes. In the discretion of the City, such costs and expenses may be collected by suit initiated against the Developer or Association, and, in such

event, the Developer and/or Association shall pay all court costs and reasonable attorney fees incurred by the City in connection with such suit.

6. Within 90 days after the Conservation Easement shall have been recorded, Grantor at its sole expense, shall place such signs, defining the boundaries of the Easement Area and, describing its protected purpose, as indicated herein.

7. This Conservation Easement has been made and given for a consideration of a value less than One Hundred (\$ 100.00) Dollars, and, accordingly, is (i) exempt from the State Transfer Tax, pursuant to MSA 7.456(26)(2) and (ii) exempt from the County Transfer Tax, pursuant to MSA 7.456(5)(a).

8. Grantor shall state, acknowledge and/or disclose the existence of this Conservation Easement on legal instruments used to convey an interest in the property.

IN WITNESS WHEREOF, Grantor and Grantee have executed the Conservation Easement as at the day and year first above set forth.

*If applicable to the particular development. If not, remove.

WITNESS:

[Handwritten signature]

(Grantor)

[Handwritten signature]
By, Rev. James O'Neill, CSB,
Its: Religious Superior of Basilian
Priests

STATE OF MICHIGAN)
)ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 10 day of February, 2009, by Rev. James O'Neil, CSB, as the Religious Superior of Basilian Priests of the Basilian Fathers of Milford.

[Handwritten signature]
Beth Fischer, Notary Public
Oakland County, Michigan
Acting in Oakland County
My Commission Expires: Dec. 31, 2011

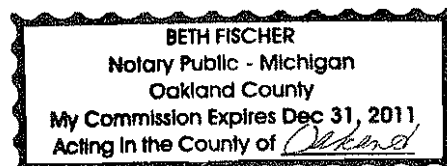


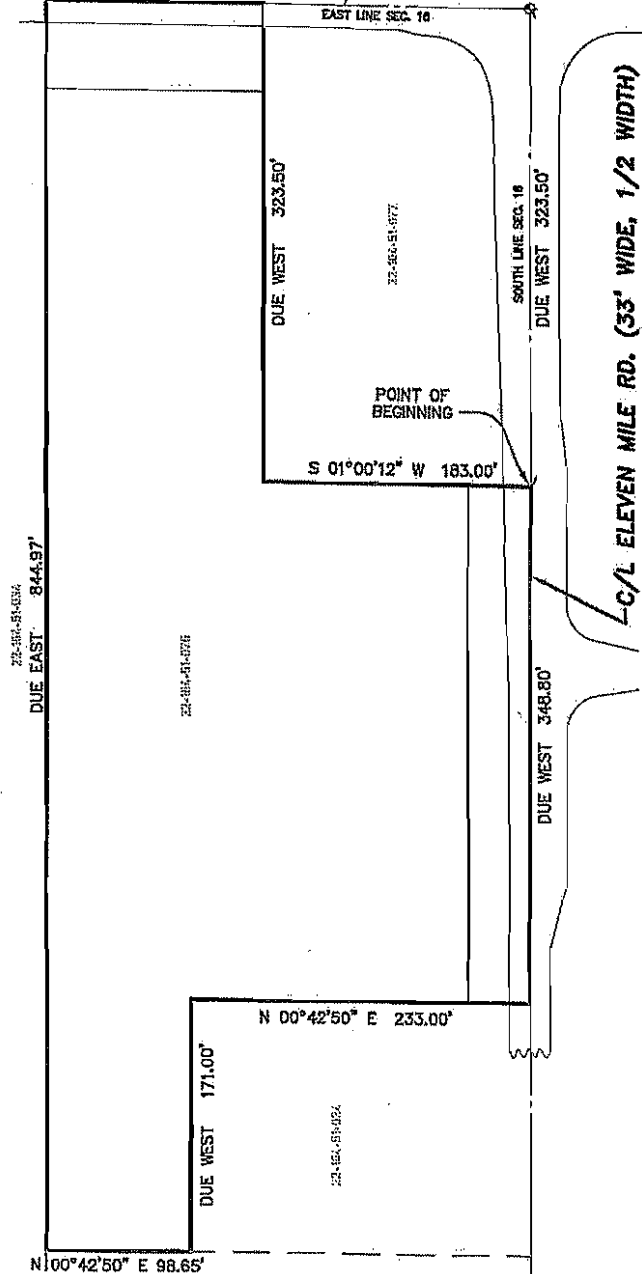
EXHIBIT A

S.E. CORNER
SECTION 16
T. 2 N., R. 8 E.
CITY OF NOVI
OAKLAND CO., MI.

C/L TAFT RD. (33' WIDE, 1/2 WIDTH) 7
S 01°00'12" W 148.68'



SCALE: 1" = 100'



LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN PART OF THE SOUTHEAST 1/4 OF SECTION 16, T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16 AND PROCEEDING ALONG THE SOUTH LINE OF SECTION 16, SAID LINE ALSO BEING THE CENTERLINE OF ELEVEN MILE ROAD (33 FEET WIDE, 1/2 WIDTH) DUE WEST 323.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH LINE AND CENTERLINE DUE WEST 348.80 FEET; THENCE N. 00°42'50" E. 233.00 FEET; THENCE DUE WEST 171.00 FEET; THENCE N. 00°42'50" E. 98.65 FEET; THENCE DUE EAST 844.97 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 16, ALSO BEING THE CENTERLINE OF TAFT ROAD (33 FEET WIDE, 1/2 WIDTH); THENCE ALONG SAID SECTION LINE AND CENTERLINE S. 01°00'12" W. 148.68 FEET; THENCE DUE WEST 323.50 FEET; THENCE S. 01°00'12" W. 183.00 FEET TO THE POINT OF BEGINNING, CONTAINING 4.15 ACRES MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

H:\Projects\07142\Draw\07142_ESM\TS.dwg, EXHIBIT A, 9/8/2008, 11:24:15 AM, PGenova

REVISIONS		
ITEM	DATE	BY

PROPERTY DESCRIPTION
BASILIAN RESIDENCE
 CITY OF NOVI MICHIGAN

ZEIMET WOZNIAK & ASSOCIATES
 Civil Engineers & Land Surveyors
 40024 GRAND RIVER AVE, SUITE 100
 NOVI, MICHIGAN 48375
 P: (248) 442-1101 F: (248) 442-1241 www.zeimetwozniak.com

DATE	SCALE
9-8-08	HOR: 1" = 100'
DESIGNED BY	FIELD BOOK NO.
PTG	
DRAWN BY	JOB NO.
	07142
	SHEET NO.
	1/1

© COPYRIGHT 2008

EXHIBIT B



SCALE: 1" = 60'

☐ TAFT RD.
(33' WIDE 1/2 WIDTH)

S.E. CORNER
SECTION 16
T. 1 N., R. 8 E.
CITY OF NOVI
OAKLAND CO., MI.
FD REMON DISC
#24598 IN MON BOX

LEGEND

P.O.B. POINT OF BEGINNING

H:\Projects\07142\dwg\07142_BDY.dwg, CONSERVATION ESMT, 3/16/2009 10:58:36 AM, P.Genova

R.=77.63'
ARC=94.99'
Δ=70°06'42"
CHD.=89.18'
CHD.BRG.=S35°03'21"W

22-16-451-034

22-16-451-076

0.306 ACRES

S10°01'33"W
66.41'

DUE EAST 48.39'

N 50°03'24" E 23.36'

DUE EAST 186.67'

P.O.B.

CONSERVATION EASEMENT 1

SOUTH LINE SEC. 16

S 89°46'48" W 241.41'

DUE WEST 642.30'

DUE NORTH 51.32'

S 00°00'22" W 25.64'

P.O.B. 2 POINT 'A'

CONSERVATION EASEMENT 2
0.409 ACRES

DUE EAST 221.00'

DUE WEST 171.00'

N 00°42'50" E 178.31'

S 89°17'10" E 70.86'

N 00°42'50" E 54.69'

☐ ELEVEN MILE RD.
(33' WIDE 1/2 WIDTH)

N 00°42'50" E 98.65'

22-16-451-023

REVISIONS			CONSERVATION EASEMENT			DATE	SCALE
ITEM	DATE	BY				2-10-09	HOR: 1" = 100'
PARCEL ID	3-5-09	PTG	CITY OF NOVI OAKLAND COUNTY MICHIGAN				FIELD BOOK NO.
UPDATE ESMT.	3-13-09	PTG	<p style="text-align: center;">Z E I M E T W O Z N I A K & ASSOCIATES Civil Engineers & Land Surveyors 40024 GRAND RIVER AVE, SUITE 100 NOVI, MICHIGAN 48375 P: (248) 442-1101 F: (248) 442-1241 www.zeimetwozniak.com</p>			DESIGNED BY	JOB NO. 07142
						DRAWN BY	SHEET NO. 1/2
						PTG	

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EXHIBIT B

CONSERVATION EASEMENT LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN PART OF THE SOUTHEAST 1/4 OF SECTION 16; T. 1 N., R. 8 E., CITY OF NOVI, OAKLAND COUNTY MICHIGAN BEING MORE PARTICULARLY DESCRIBED AS:

A DESCRIPTION OF TWO (2) NON-CONTIGUOUS CONSERVATION EASEMENTS REFERRED TO AS CONSERVATION EASEMENT 1 AND CONSERVATION EASEMENT 2; DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16 AND PROCEEDING ALONG THE SOUTH LINE OF SECTION 16, SAID LINE ALSO BEING THE CENTERLINE OF ELEVEN MILE ROAD (33 FEET WIDE, 1/2 WIDTH) DUE WEST 642.30 FEET; THENCE N. 00°42'50" E. 54.69 FEET TO POINT 'A'; THENCE S. 89°17'10" E. 70.86 FEET TO THE POINT OF BEGINNING OF SAID CONSERVATION EASEMENT 1; THENCE DUE NORTH 51.32 FEET; THENCE DUE EAST 186.67 FEET; THENCE N. 50°03'24" E. 23.36 FEET; THENCE DUE EAST 48.39 FEET; THENCE S. 10°01'33" W. 66.41 FEET; THENCE S. 89°46'48" W. 241.41 FEET TO THE POINT OF BEGINNING, CONTAINING 0.308 ACRES MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD. THENCE FROM SAID POINT 'A' N. 00°42'50" E. 178.31 FEET TO THE POINT OF BEGINNING OF SAID CONSERVATION EASEMENT 2; THENCE DUE WEST 171.00 FEET; THENCE N. 00°42'50" E. 98.65 FEET; THENCE DUE EAST 221.00 FEET; THENCE N. 94.99 FEET ALONG THE ARC OF A CURVE TO THE LEFT, RADIUS 77.63 FEET, CENTRAL ANGLE 70°06'42" AND A CHORD THAT BEARS S. 35°03'21" W. 89.18 FEET; THENCE S. 00°00'22" W. 25.64 FEET TO THE POINT OF BEGINNING, CONTAINING 0.409 ACRES MORE OR LESS AND BEING SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

PART OF TAX PARCEL NO. 22-16-451-076.

H:\Projects\07142.dwg CONSERVATION ESMT 2. 3/16/2009 10:58:54 AM P.Garova

REVISIONS			CONSERVATION EASEMENT			DATE	SCALE
ITEM	DATE	BY				2-10-09	HOR 1" =
PARCEL ID	3-5-09	PTG	CITY OF NOVI OAKLAND COUNTY MICHIGAN				FIELD BOOK NO.
UPDATE ESMT.	3-13-09	PTG				DESIGNED BY	JOB NO.
							07142
						DRAWN BY	SHEET NO.
						PTG	2/2

Z EIMET W OZ NIAK
 & ASSOCIATES
 Civil Engineers & Land Surveyors
 40024 GRAND RIVER AVE, SUITE 100
 NOVI, MICHIGAN 48375
 P: (248) 442-1101 F: (248) 442-1241 www.zeimetwozniak.com

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**CITY COUNCIL MEETING MINUTES
FEBRUARY 4, 2008- EXCERPT
(APPROVAL OF REZONING WITH PRO)**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, FEBRUARY 4, 2008 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello, Council Members Crawford, Gatt-absent excused, Margolis-absent excused, Mutch, Staudt

ALSO PRESENT: Pamela Antil, Assistant City Manager
Tom Schultz, City Attorney
Randy Auler, Director of Parks, Recreation and Forestry
Rob Hayes, City Engineer
Steve Rumpel, Community Development Director
Chief Smith, Fire Chief
Lt. Lauria, Police Department

APPROVAL OF AGENDA

CM-08-02-020 Moved by Capello, seconded by Staudt; **CARRIED UNANIMOUSLY:**
To approve the agenda as presented.

Roll call vote on CM-08-02-020 Yeas: Capello, Crawford, Mutch, Staudt, Landry
Nays: None
Absent: Gatt, Margolis

MATTERS FOR COUNCIL ACTION – Part I

3. **Consideration of Zoning Map Amendment 18.673 with Planned Rezoning Overlay (PRO) SP07-59 from the applicant, Basilian Fathers of Milford, Michigan, to rezone property located north of Eleven Mile Road, and west of Taft Road from R-1, One-Family Residential, to RT, Two-Family Residential or RM-1, Low-Density, Low-Rise Multiple-Family Residential District, and favorable consideration of the PRO Concept Plan. The applicant proposes a 14 unit residence for Basilian priests. The subject property is 4.15 acres.**

John Argenta, CDPA Architects, was present representing the applicant. He said the proposed residence was for the Basilian Priests who taught at Catholic Central. The facility would be a two story wing with 14 living units for the 14 priests, community room dining room, kitchen and small chapel as the one story area. The proposed site would be 4.15 acres at the corner of Taft and Eleven Mile Road with duplexes on one side, vacant property on the other side, and across Eleven Mile was the Novi Schools and bus garage. The Planning Commission

recommended R-T zoning because there was no use mentioned for a religious order or monastery. Mr. Argenta said after they made the filing for R-T more study was done and they found that in the R-M zoning there was a use for congregate elderly living, which was just about exactly what they were asking for. The Planning Commission was now recommending R-M, which they had no problem with. The proposed density was 3.37 units and for R-M it was 5.4 to 10.9. He said the building would be within the zoning requirement of 35 feet, and they

met the setbacks for parking and all of the setbacks for the building except for a few carports. They were 55 feet from the property line instead of 75 feet, and there was one parking space that reduced the front yard setback by ten feet. However, the entire site was very densely wooded and shielded in all directions from view. Mr. Argenta said, as part of the PRO, they had volunteered to extend the sidewalk beyond their property all the way to Taft Road, along Eleven Mile and then along Taft Road up to Eleven Mile Road. In addition, there were requirements for future right-of-ways on Eleven Mile and on Taft Road and the owner said he would deed them over to the City. He said there had not been a tree plan yet, but there had been a project several years ago and they were given that site plan by the people who did it. He said they looked at the trees and there were 217 regulated trees, and it looked like 55 would be removed but 25 of those had been identified as dead. He said the rest would all be replaced according to the tree ordinance and they would have it updated to see what it was presently. Mr. Argenta said they were asking for rezoning to RM-1.

Mayor Landry said this was a proposed PRO. Mr. Schultz said he was correct, and if Council chose to go this route, he knew the form of the motion was on the motion sheet. However, he would like to add the comment that as with the last PRO they had discussed the process and gave a tentative recommendation and directed his office, if interested, to work with the proponent on the agreement and then it would be brought back for an actual recommendation.

Mayor Pro Tem Capello asked if they were getting water off of Eleven Mile Road. Mr. Hayes said yes, they would tap into the main off of Eleven Mile. Mayor Pro Tem Capello thought it was a wonderful use of the property, woodlands were being preserved, it was very low impact, and it was nice to have this in Novi.

**CM-08-02-024 Moved by Capello, seconded by Staudt; CARRIED UNANIMOUSLY:
To tentatively approve the PRO SP07-59 with rezoning from the Existing R-1 to RM-1. Public benefits to the City are sidewalks in Two areas along Eleven Mile Road and along Taft Road, and preserving a lot of the natural features and woodlands, which otherwise, in a previous residential development, would all be taken down. In addition, there were some requirements for future right-of-ways on Eleven Mile and on Taft Road and the owner agreed to deed them over to the City including the Conservation Easement.**

DISCUSSION

Mayor Landry asked if the Conservation Easement was included in this. Mr. Schultz said if it was part of the general approval, it would be part of the PRO Agreement. Mayor Landry asked if it was a part of the motion, and Mayor Pro Tem Capello assumed it was. Mayor Landry said he assumed it was not a problem.

Tom Ryan, attorney for the Basilian Fathers, said they didn't have a problem and would work with the City. However, they were not certain what the nature of the trees were out there. He said they might not be very good trees and they might have to do some supplemental planting. He said they would be cooperative and work on that.

Mr. Schultz said that could be dealt with in the text as long as they were directed to work with Mr. Ryan.

Member Mutch asked if the sewer would come from Eleven Mile or would it come down Taft Road. Mr. Hayes said it would have to come down Taft Road from Grand River; it was a separate sanitary district. Member Mutch asked how far south the sewer currently came down Taft Road. Mr. Hayes estimated 1,200 feet. Member Mutch asked if it was to Andes Hills, and Mr. Hayes said yes. Member Mutch asked if the applicant would be responsible for the entire cost of bringing the sewer down, because between them and Andes Hills there were at least two or three different parcels including one discussed for another development. Mr. Hayes replied it would be their expectation that the applicant would have to extend the sewer from that location to their site. Member Mutch said regarding the sidewalk extensions on the property that they don't own, it didn't look like there was any dedicated right-of-way. He said it seemed where they were putting the sidewalk within the statutory right-of-way that it was really close to the existing curbs on Eleven Mile. He asked if there would be enough clearance, with the widening for the intersection, for the sidewalks to fit. Mr. Hayes said he was not familiar enough with the details of where the sidewalk would be placed, but they would work with them. Member Mutch asked if it was a site plan issue, and Mr. Hayes said yes. Member Mutch stated he would like that looked at before the PRO was approved. He thought that would impact the public benefit, if there was a problem putting that in or if they had to get an easement from the property. He commented that they didn't show the intersection improvements where the ramps would be on the concept plan, and assumed that would be required. Mr. Hayes said it would.

Member Mutch said Chief Smith had a question about the secondary fire access. He said when reading the minutes it sounded like they didn't have a secondary access and the Fire Department required it out to Taft Road. He asked why that was required because if the secondary access going out to Taft Road wasn't there, they would have an opportunity to save more of the natural features on the site. Chief Smith said the reason for the secondary access was a different part of the building that they might have to perform rescue or in an emergency situation. A secondary access was required in case there was a delivery to the building, a stalled car in the drive, a fire at the building, etc. they would need another way to get in there. A single drive would not be sufficient, especially with retired Fathers there, they would want access.

Member Mutch said the use seemed to fit pretty well into the area and public benefits were being offered with this. He said his problem with this went back to how the PRO worked. He was struggling with this because RM-1 made sense from a use viewpoint, but RM-1 as a zoning district didn't make sense from a density viewpoint in terms of this area. He said his concern was they would have future applicants or a judge, look at the map and say they saw RM-1, which meant the City wanted to allow multiples there and not get into the details, not for this piece, but maybe in an adjoining piece. He said he had a real problem with how the PRO was working in terms of introducing inconsistent zoning designations into the Master Plan and Zoning Map. He said he would support this because they had gone through the process and

followed the Zoning Ordinances, but he had a real problem with the PRO and didn't think it was the right vehicle to accomplish what Council wanted to accomplish. He said they had talked about having a PUD that got them away from trying to fit these round pegs into square holes in the Zoning Ordinance. He said it got rid of that whole concept and allowed the Council to look at unique projects, to talk about density, setbacks and public benefits as most

communities did. He thought it would be better long term for the City and over time, if they kept going this route, eventually someone would raise a flag on the consistency of the application of the Zoning Ordinance.

Member Crawford commented she lived on Eleven Mile Road and had no problem with the project. She said it would be next to duplexes, across from the bus garage, and she thought it would be a good fit. She said there were many residences on that road, they were single family and were about as big as their building. She stated she would support the project.

Roll call vote on CM-08-02-024

Yeas: Landry, Capello, Crawford, Mutch, Staudt
Nays: None
Absent: Gatt, Margolis

**CITY COUNCIL MEETING MINUTES
MAY 12, 2008- EXCERPT
(APPROVAL OF PRO AGREEMENT)**

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MAY 12, 2008 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

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

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Landry, Mayor Pro Tem Capello-absent/excused, Council Members Crawford, Gatt, Margolis, Mutch, Staudt

ALSO PRESENT: Clay Pearson, City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA

Member Gatt added to Presentations, Recognition of the Novi High School Robotics Team. Mayor Landry commented Member Gatt's presentation would be added as #3 and Fire Station #2 Improvements and Expansion would be moved to #4 and Council agreed.

**CM-08-05-070 Moved by Margolis, seconded by Gatt; CARRIED UNANIMOUSLY:
To approve the agenda as amended.**

**Roll call vote on CM-08-05-070 Yeas: Crawford, Gatt, Margolis, Mutch, Staudt,
Landry
Nays: None
Absent: Capello**

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-O)

Member Mutch removed Item C from the Consent Agenda.

**CM-08-05-71 Moved by Gatt, seconded by Margolis; CARRIED UNANIMOUSLY:
To approve the Consent Agenda as amended.**

**Roll call vote on CM-08-05-071 Yeas: Gatt, Margolis, Mutch, Staudt, Landry,
Crawford
Nays: None
Absent: Capello**

H. Final approval of Zoning Map Amendment 18.673 with Planned Rezoning Overlay (PRO) SP 07-59, and Planned Rezoning Overlay Agreement from the applicant, the Basilian Fathers of Milford, Michigan, to rezone property located north of Eleven Mile Road, west of Taft Road from R-1, One-Family Residential to RM-1, Low Density, Low-Rise Multiple Family Residential. The subject property is 4.15 acres.

REDUCED SITE PLAN



CIDPA
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 10000 W. 11th Ave., Suite 100
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ZIMBLE WATSON
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DEAK
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King & MacGregor
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 www.kingmacgregor.com

CONTRACTOR
PROFESSIONAL
SECTION 16
NOV. 2014

NO. 1	DATE	DESCRIPTION
1	11/10/14	ISSUED FOR PERMIT
2	11/10/14	ISSUED FOR PERMIT
3	11/10/14	ISSUED FOR PERMIT
4	11/10/14	ISSUED FOR PERMIT
5	11/10/14	ISSUED FOR PERMIT
6	11/10/14	ISSUED FOR PERMIT
7	11/10/14	ISSUED FOR PERMIT
8	11/10/14	ISSUED FOR PERMIT
9	11/10/14	ISSUED FOR PERMIT
10	11/10/14	ISSUED FOR PERMIT
11	11/10/14	ISSUED FOR PERMIT
12	11/10/14	ISSUED FOR PERMIT
13	11/10/14	ISSUED FOR PERMIT
14	11/10/14	ISSUED FOR PERMIT
15	11/10/14	ISSUED FOR PERMIT
16	11/10/14	ISSUED FOR PERMIT
17	11/10/14	ISSUED FOR PERMIT
18	11/10/14	ISSUED FOR PERMIT
19	11/10/14	ISSUED FOR PERMIT
20	11/10/14	ISSUED FOR PERMIT

DATE
NOV 10 2014
SCALE
AS SHOWN
PROJECT
10000 W. 11th Ave., Suite 100
GOLDEN, CO 80401
OWNER
10000 W. 11th Ave., Suite 100
GOLDEN, CO 80401
ARCHITECT
10000 W. 11th Ave., Suite 100
GOLDEN, CO 80401
ENGINEER
10000 W. 11th Ave., Suite 100
GOLDEN, CO 80401
CONTRACTOR
10000 W. 11th Ave., Suite 100
GOLDEN, CO 80401