



CITY OF NOVI CITY COUNCIL
MAY 19, 2025

SUBJECT: Initial review of eligibility of Mariella Estates, JZ24-43, to rezone property north of Eight Mile Road, west of Garfield Road, from Residential Acreage to R-1 One Family with a Planned Rezoning Overlay.

SUBMITTING DEPARTMENT: Community Development Department - Planning

KEY HIGHLIGHTS:

- Rezoning 9.4 acres on Eight Mile Road to allow development of 10 single-family lots in R-1 District. Under the current zoning, 6 single-family lots could be built.
- Redevelopment of a vacant parcel surrounded by single family developments.
- As the benefits to the public from the rezoning, the applicant points to the installation of a 5-foot-wide paved pathway from the existing Eight Mile Road crosswalk to the entrance of Maybury State Park (approximately 280 feet). Approval by the park would be required.
- The applicant also would like to include a contribution to improvements at the City's ITC Park in the amount of \$15,000 as part of the benefits. A specific improvement would be identified for the formal PRO Agreement, but the applicant has talked to PCRS about baseball dugout covers and bench seating, new playground structure, walking paths, additional sporting infrastructure, or concept planning for the park expansion to the recently acquired 88-acre site adjacent.
- Planning Commission reviewed the Initial PRO Plan and provided feedback on April 23, 2025.

BACKGROUND INFORMATION:

Braciolo Brothers, LLC is requesting a Zoning Map Amendment for approximately 9.4 acres of property on the north side of Eight Mile Road, to the west of Garfield Road, utilizing the Planned Rezoning Overlay option. The site is currently vacant and was formerly farmland. The current zoning is Residential Acreage.

As shown in the PRO Concept Plan, the applicant proposes to rezone to R-1 Single Family District and develop the property with 10 single family lots. The lot sizes are a minimum of ½ acre, which meets the requirements of the R-1 District. As shown in the parallel plan provided by the applicant, the property could be developed with six

single family homes under the current zoning. Therefore, the net increase of the rezoning is four homes.

The current zoning of the property is Residential Acreage. The properties to the north, east and west are also zoned RA, but have developed under the Residential Unit Development option, or RUD.

The Future Land Use Map identifies this property and those around it as Single Family. The density map shows a maximum planned density of 0.8 dwellings per acre.

The natural features map does not show any regulated features on the property, however current and historic aerial photos show a pond feature in the southeast corner of the property. We have asked the applicant to provide additional information to be able to determine if it is a regulated wetland. The tree survey also indicates trees that are greater than 36-inches in diameter, which are regulated by the woodland ordinance, and will require a woodland permit for removal.

The applicant had wanted to use the RUD option, which is how the adjacent Ballentyne and Parc Vista developments were approved, however that option requires a minimum site size of 20 acres. Therefore, they have proposed to utilize the Planned Rezoning Overlay to rezone the property to R-1 One Family Residential to achieve a similar and complementary development. The initial concept plan shows 10 single family lots. The development is accessed by a private gated street with one entrance off Eight Mile Road. While not required in the R-1 district, they have proposed a 20-foot landscape buffer around the lots to make the development consistent with the Ballentyne and Parc Vista developments.

As shown by this chart, the proposed Mariella Estates would have very similar minimum and average lot sizes to the surrounding developments, with the smallest lots being one-half of an acre and the largest being almost three-quarters of an acre. No façade elevations have been provided, but the applicant indicates these will be custom-built homes that would need to comply with ordinance standards at the time of plot plan review for individual lots.

Comparison of Adjacent Developments

	Number of lots	Average lot size	Minimum lot size	Maximum lot size
Mariella Estates (Proposed PRO)	10	23,622 sf	21,834 sf	31,856 sf
Ballentyne (Approved RUD)	41	25,295 sf	21,780 sf	43,717 sf
Parc Vista (Approved RUD)	44	25,295 sf	21,840 sf	49,560 sf

Rezoning to the R-1 category requested by the applicant would permit the use proposed. Some of the conditions proposed include:

1. Open space as shown on the plan. Neither the RA nor R-1 district require open space to be provided, so rezoning to allow the smaller lot sizes could result in more preserved open space than required.
2. Perimeter landscape buffers that offer additional separation from the existing lots, which is not required in the RA nor R-1 District. The applicant states additional trees will be provided in the buffers in future submittals.
3. Limiting the overall density of the development to 1.07, which is more restrictive than the 1.6 dwellings per acre permitted in the R-1 District and more similar to the 0.8 dwellings per acre average of the surrounding developments.
4. The applicant also now shows the pond area in the southeast corner to be preserved.

Since the Planning Commission meeting, the applicant has refined their proposed benefits to the public:

1. Providing a 5-foot paved pathway on the south side of Eight Mile Road from the existing crosswalk to the entrance of Maybury State Park. The existing crosswalk is approximately 460 feet east of the entrance to the proposed development, and there is no paved pathway on the south side of Eight Mile Road to get users of the crosswalk to the entrance of Maybury State Park. The applicant states in their letter dated May 9th that the estimated cost of this improvement is \$25,000, and that approval from the park will be required.
2. The applicant suggests making a contribution to improvements at the City's ITC Park in the amount of \$15,000. A specific improvement would need to be identified for the formal PRO Agreement, but the applicant suggests they could include baseball dugout covers and bench seating, new playground structure, walking paths, additional sporting infrastructure, or concept planning for the park expansion to the recently acquired 88-acre site adjacent.

With the exception of the ability to identify specific benefit to the public, Staff and consultants have not identified any significant issues with the proposed rezoning and Concept Plan. There are only three deviations requested, which staff support as they are each relatively minor. No deviations for building height or setbacks are proposed. The remaining deviations are generally supported by staff given the justifications provided. Additional information will need to be reviewed at the time for Formal PRO plan submittal to confirm.

The proposal could help fulfill the goals and objectives contained in the Master Plan for Land use, as well as other positive outcomes, such as:

1. The goal to ensure the availability of a wide range of attractive housing choices that are protected from noise, traffic and other impacts of non-residential development,
2. The goal to encourage the development of neighborhood open space within residential developments.

3. The objective to maintain the semi-rural character of the southwest quadrant of the City that is created by low-density residential development and undeveloped land.
4. The objective to maintain existing housing stock and related infrastructure, as no existing homes would be removed to develop this plan.
5. The impacts on traffic and public utilities are expected to be similar to development under the existing zoning.
6. Submittal of a Concept Plan and any resulting PRO Agreement, provides assurance to the Planning Commission and the City Council of the manner in which the property will be developed, and can provide benefits that would not be likely to be offered under standard development options.

BURDEN ON APPLICANT

The applicant bears the burden of demonstrating eligibility for a PRO:

In order to be eligible for the proposal and review of a rezoning with PRO, an applicant must propose a rezoning of property to a new zoning district classification, and **must, as part of such proposal, propose clearly-identified site-specific conditions relating to the proposed improvements that (1) are in material respects, more strict or limiting than the regulations that would apply to the land under the proposed new zoning district, including such regulations or conditions as set forth in Subsection C below; and (2) constitute an overall benefit to the public that outweighs any material detriments or that could not otherwise be accomplished without the proposed rezoning.**

The ordinance then goes on to specifically describe the **applicant's** burden in proving to the Planning Commission and City Council that its property is a good candidate for a PRO:

- (a) The PRO accomplishes the integration of the proposed land development project with the characteristics of the project area in such a manner that results in **an enhancement of the project area as compared to the existing zoning that would be unlikely to be achieved, or would not be assured, in the absence of the use of a PRO.**

In other words, an applicant needs to prove not only that its proposed project can integrate with the other development in the area, but that it results in an **enhancement** of the project area as compared to the existing zoning, one that couldn't happen without the rezoning and the PRO.

The ordinance adds to the "restrictions" requirement as follows:

- (1) *Restrictions/limitations not required by ordinance.* Development and use of the property **shall propose and be subject to**, following City Council review and approval, **requirements** shown, depicted, or specified on the PRO Plan, and/or in the PRO Conditions imposed, and/or in other conditions and provisions set forth in the PRO Agreement, **that are more restrictive, in ways that are material and identifiable and capable of being shown or described**

and as required in this Ordinance. Such PRO Plan, PRO Conditions, and PRO Agreement shall overlay and supersede all inconsistent regulations otherwise applicable under this Ordinance.

The PRO ordinance also separately discusses the concept of “benefits” as a concept related to the PRO Conditions and the public interest generally:

b. Sufficient conditions have been included on and in the PRO Plan and the PRO Agreement such that the City Council concludes, in its discretion, that, as compared to the existing zoning and considering the site-specific land use proposed by the applicant, **it would be in the public interest to grant the rezoning with PRO.** In determining whether approval of a proposed application would be in **the public interest**, the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council, following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.

The PRO Conditions shall not authorize uses or development not permitted in the district proposed by the zoning (and shall not permit uses or development expressly or implicitly prohibited in the PRO Agreement), and **may include some or all of the following, in addition to conditions that may be imposed by the City under MCL 125.3504:**

1. Establishment of development features such as the location, size, height, area, or mass of buildings, structures, or other improvements in a manner that cannot be required under the Ordinance or the City's Code of Ordinances, to be shown on the PRO Plan.
2. Specification of the maximum density or intensity of development and/or use, as shown on the PRO Plan and expressed in terms fashioned for the particular development and/or use (for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like).
3. Provision for setbacks, landscaping, and other buffers in a manner that exceeds what the Ordinance or the Code of Ordinances can require.
4. Exceptional site and building design, architecture, and other features beyond the minimum requirements of the Ordinance or the Code of Ordinances.
5. Preservation of natural resources and/or features, such as woodlands and wetlands, in a manner that cannot be accomplished through the Ordinance or the Code of Ordinances and that exceeds what is otherwise required. If such areas are to be affected by the proposed development, provisions designed to minimize or mitigate such impact.
6. Limitations on the land uses otherwise allowed under the proposed zoning district, including, but not limited to, specification of uses that are permitted and those that are not permitted.

7. Provision of a public improvement or improvements that would not otherwise be required under the ordinance or Code of Ordinances to further the public health, safety, and welfare, protect existing or planned uses, or alleviate or lessen an existing or potential problem relating to public facilities. These can include, but are not limited to, road and infrastructure improvements; relocation of overhead utilities; or other public facilities or improvements.
8. Improvements or other measures to improve traffic congestion or vehicular movement with regard to existing conditions or conditions anticipated to result from the development.
9. Improvements to site drainage (storm water) or drainage in the area of the development not otherwise required by the Code of Ordinances.
10. Limitations on signage.
11. Creation or preservation of public or private parkland or open space.
12. Other representation, limitations, improvements, or provisions approved by the City Council.

After this initial round of comments by the public bodies, the applicant may choose to make any changes, additions or deletions to the proposal based on the feedback received. The applicant will then submit their formalized PRO Plan, which will be reviewed by City staff and consultants. The project would then be scheduled for a 2nd public hearing before Planning Commission. Following the 2nd public hearing the Planning Commission will make a recommendation on the project to the City Council. The City Council would then consider the rezoning with PRO, and if it determines it may approve it, would direct the City Attorney to work with the applicant on a PRO Agreement. Once completed, that final PRO Agreement would return to Council for final determination.

CONDITIONS

The suggested types of conditions of Subsection C of the PRO Ordinance are summarized in the table below. [The Full text of Ordinance Amendment, including Subsection C, can be found here.](#)

Types of PRO Conditions (Section 7.13.2.C.ii.b)	Included	Notes
(1) Establishment of development features such as the location, size, height, area, or mass of buildings, structures, or other improvements in a manner that cannot be required under the Ordinance or the City's Code of Ordinances, to be shown in the PRO Plan.	No	Each single family lot would need to meet ordinance standards at time of plot plan review
(2) Specification of the maximum density or intensity of development and/or use, as shown on the PRO Plan and expressed in terms fashioned for the particular development and/or use (for example, and in no respect by way of limitation, units per acre, maximum usable floor area, hours of operation, and the like).	Yes	Use and lots as shown in PRO Plan could be stated as the maximum density allowed. The density proposed is less than allowed in the R-1 District.
(3) Provision for setbacks, landscaping, and other buffers in a manner that exceeds what the Ordinance of the Code of Ordinances can require.	Yes	The 25-foot landscape buffer surrounding the lots is not required in the RA or R-1 districts, so this exceeds ordinance standards. The landscaping within the buffer area also exceeds ordinance standards.
(4) Exceptional site and building design, architecture, and other features beyond the minimum requirements of the Ordinance or the Code of Ordinances.		
(5) Preservation of natural resources and/or features, such as woodlands and wetlands, in a manner that cannot be accomplished through the Ordinance or the Code of Ordinances and that exceeds what is otherwise required. If such areas are to be affected by the proposed development, provisions designed to minimize or mitigate such impact.	Yes	Pond in southeast corner proposed to be preserved.
(6) Limitations on the land uses otherwise allowed under the proposed zoning district, including, but not limited to, specification of uses that are permitted and those that are not permitted.	Yes	Only Single family homes proposed
(7) Provision of a public improvement or improvements that would not otherwise be required under the ordinance or Code of Ordinances to further the public health, safety, and welfare, protect existing or planned uses, or alleviate or lessen an existing or potential problem related to public facilities. These can include, but are not limited to, road and infrastructure improvements; relocation of overhead utilities; or other public facilities or improvements.	Yes	Provision of a 5-foot pathway to get non-motorized users from crosswalk to entrance of Maybury State Park

(8) Improvements or other measures to improve traffic congestion or vehicular movement with regard to existing conditions or conditions anticipated to result from the development.	No	Not proposed
(9) Improvements to site drainage (storm water) or drainage in the area of the development not otherwise required by the Code of Ordinances.		Stormwater management to be collected by underground detention/infiltration system.
(10) Limitations on signage.	No	Not proposed
(11) Creation or preservation of public or private parkland or open space.	Yes	- Open space provided within the development exceeds ordinance standards - Contribution of \$15,000 for TBD improvements at ITC Park
(12) Other representation, limitations, improvements, or provisions approved by the City Council.	TBD	

BENEFITS TO THE PUBLIC

The following is a summary of features that the applicant asserts may be considered to meet the standard of constituting an overall benefit to the public that outweighs any material detriments or that could not otherwise be accomplished without the proposed rezoning:

1. A To Be Determined improvement at ITC Park. A specific improvement will be identified for the formal PRO Agreement, but possible options include baseball dugout covers and bench seating, new playground structure, walking paths, additional sporting infrastructure, or concept planning for the park expansion to the recently acquired 88-acre site adjacent. An issue regarding the donation is the lack of connection to the land being developed or even the general area of the city. The "conditions" imposed on a development to ensure that there's public benefit to the City are generally required to "relate to the underlying land use and the **potential impacts** of that land use..." under the state zoning law. As that City Council has heard in connection with other projects, a "donation," even if to a public space like a park or library, doesn't necessarily always relate to the development (though it can in some cases).
2. Perimeter Landscape Buffers: The development proposes a minimum 25-foot perimeter landscape buffer from the lots to the property boundary. **Only a few areas of the buffer show any landscaping being provided. The applicant states additional trees will be planted to be considered as an enhancement of the project.**
3. Increased Open Space: The development proposes an extensive amount of open space for a single-family development (28%) and a majority of the proposed open space is usable active open space. **The pond area near 8 Mile is now proposed for preservation.**

4. Overall density shall not exceed 1.07 dwelling units per acre. **This would be more limiting than the 1.6 dwelling units per acre allowed in the R-1 District, and closer to what has been developed in the surrounding neighborhoods.**
5. A 5-foot sidewalk from the south side of the Eight Mile crosswalk to the entrance of Maybury State Park. **The existing crosswalk is approximately 460 feet east of the entrance to the proposed development, and there is no paved pathway on the south side of Eight Mile Road to get users of the crosswalk to the entrance of Maybury State Park. The applicant states in their response letter that they will pursue providing a 5-foot pathway that avoids the ditch and natural features on the south side of Eight Mile.**

DEVIATIONS

The proposed PRO Concept Plan includes the following ordinance deviation requests:

1. **Lot Width (Sec 3.1.2.D):** A Zoning Ordinance deviation is requested to reduce the required lot width for lots 4 and 5 to 98 feet (120 feet required). *The deviation is requested for the two pie-shaped lots near the corner of the road.*
Applicant Justification: These lots still provide adequate space for the intended housing product, are the two largest lots proposed, and exceed the R-1 minimum lot area requirements for over 10,000 square feet and 5,000 square feet respectively.
2. **Road Centerline Radius (Code of Ordinances, Sec. 11-194.b.2):** Design and Construction Standards deviation for proposed street with 90-foot centerline radius (230-foot radius standard).
Applicant Justification: This does not provide a safety concern given the short distance of the road, the low travel speed, and the minimal traffic volumes expected with 10 homes.
3. **Screening Berm (Sec. 5.5.3.B.ii, iii):** Landscape deviation for not providing the required berm on the east side of the road adjacent to the Public Right of Way. **This is supported if the existing wetland/pond is preserved, which appears to be shown.**

PLANNING COMMISSION

The Planning Commission held an initial Public Hearing on April 23, 2025, to review and make comments on the proposal's eligibility for using the Planned Rezoning Overlay option. Comments made at that time are reflected in the draft meeting minutes included in this packet, and the Commission's comments are summarized here:

- Commissioners expressed familiarity with other projects by the developer, and acknowledged they are high quality.
- Commissioners stated with similar lot sizes, the development would fit in with the character of the surrounding developments.

- Commissioners thought the current crosswalk location would be safer than moving it to the west, but an enhancement of it might be warranted.
- Commissioners stated that more trees should be provided within the open spaces bordering the adjacent developments.
- Commissioners encouraged the applicant to consider other conditions that confirm an overall benefit to the public, as those presented were fairly minor, and may not be enough to satisfy the requirements for use of the PRO rezoning process.

CITY COUNCIL ACTION

This is the City Council's opportunity to comment on the eligibility of the proposal according to the standards of the PRO Ordinance and offer feedback to the applicant. No motion is necessary at this time, but the table above contains the examples of conditions that may be more strict or limiting, and/or provide an overall benefit to the public, as listed in the Ordinance that could be discussed at the City Council meeting.