



CITY OF NOVI CITY COUNCIL
JULY 22, 2024

SUBJECT: Approval of the request of DTN Management/Tricap Holdings for JSP18-10 The Bond development for a Third Amendment of the Development Agreement, and revised Preliminary Site Plan, Storm Water Management Plan and Woodland Permit, to allow 69 additional units. The Subject Property is zoned Town Center One and is approximately 7.99 acres of vacant land in Section 22.

SUBMITTING DEPARTMENT: Community Development Department - Planning

BACKGROUND INFORMATION:

The subject property is approximately 7.99 acres and is located on the southwest side of Bond Street. Bond Street is located near the southwest quadrant of Grand River Avenue and Novi Road (Section 22). The applicant previously received approval to redevelop the former Fendt Transit Mix Concrete Plant into a mixed-use development with two four-story multi-family residential buildings with a total of 260 apartments and a single-story commercial building (5,578 SF). The site improvements included a two-level parking structure, surface parking, site amenities such as a swimming pool, landscaped courtyards and related improvements.

REVISIONS TO THE PLAN

The current revised Preliminary Site Plan primarily includes adding a fifth floor to both residential buildings to accommodate an additional 69 residential units (329 total) and add a third level to the parking structure. The applicant states that delays caused by FEMA floodplain delineation nearby, followed by the COVID-19 pandemic prevented construction from getting started, and now increased building costs and interest rates has made the previous project economically unfeasible.

The building footprint and site layout remains largely as previously approved, with only minor adjustments to façade materials, open space, landscaping, and surface parking. The additional units increase the room count to 812. The number of rooms previously approved was 641. For a parcel of this size in the TC-1 District, a room count exceeding 435 may be allowed, up to 870 rooms, if the City Council determines the following:

- a. That an increase in total number of rooms will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal, and police and fire protection to serve existing and planned uses in the area;
- b. That an increase in total number of rooms is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.

DEVELOPMENT AGREEMENT

The site plan qualifies for a mixed-use development and the higher densities the Town Center-1 District offers since the applicant is proposing 10 percent of the total development as a non-residential use. Because the applicant is proposing to build the qualifying non-residential use in phase 3, the timing of which is undetermined, the developer agreed to enter into a Development Agreement with the City. The Development Agreement was approved by City Council at their April 15, 2019 meeting (recorded with Oakland County Records on May 24, 2019, at Liber 52859, Page 785). The agreement in general consists of the following:

1. It sets forth conditions required in connection with the approval relating to certain deviations and variances.
2. The subject property shall be developed and used solely for a mixed-use development in accordance with the approved Site Plan.
3. It governs the type of use and timing of construction of the commercial portion of the project.

On November 25, 2019, the Developer and City Council entered into a First Amendment to the Development agreement, which increased the allowable number of rooms to 260 with a corresponding increase in the room count.

On January 25, 2021, City Council approved the 2nd Amendment to the Development Agreement, incorporating the revised Preliminary Site Plan, which included modifications of the Section 9 façade waiver and landscaping waivers. Final Stamping Set approval was granted administratively on April 18, 2022. That approval received approval for a one-year extension on March 18, 2024.

The current proposed changes impact the building height and density, but do not significantly alter the other conditions of the agreement. If the City Council is inclined to approve the modified plan, the recommendation is for the City Council to direct the City Attorney to prepare the 3rd Amendment to the Development Agreement, incorporating the modifications that are presented at this time that will be brought back to Council for final consideration and possible approval.

PLANNING COMMISSION ACTION

On June 26, 2024, the Planning Commission held a public hearing and made a recommendation to City Council to approve the revised Preliminary Site Plan, Woodland Permit, and Storm Water Management Plan based on the motion listed in the action summary attached. The draft minutes from the meeting are included in this packet.

According to Sec. 3.27, where the site proposed for development is five (5) acres or more in area in TC and TC-1 districts, preliminary site plan approval shall be by the City Council after review and recommendation by the Planning Commission. Following City Council approval, final site plan approval will be reviewed administratively.

RECOMMENDED ACTION: Tentative approval of the request of DTN Management/Tricap Holdings for JSP 18-10 The Bond Development for the revised Preliminary Site Plan, Woodland Permit, and Storm Water Management Plan and to direct the City Attorney to prepare the Third Amendment to the Development Agreement that will be brought back to Council for consideration and approval. The agreement shall be based on and subject to the following:

1. All deviations and waivers that have been previously granted in the Development Agreement, except as modified below.
2. City Council for allowing an increase in the number of rooms allowed (812 proposed) with the following findings per Section 4.82.2.b.:
 - a. *That an increase in total number of rooms will not cause any detrimental impact on the capabilities of public services and facilities, including water service, sanitary sewer service, storm water disposal, and police and fire protection to serve existing and planned uses in the area;*
 - b. *That an increase in total number of rooms is compatible with adjacent uses of land in terms of location, size, character, and impact on adjacent property or the surrounding neighborhood.*
3. City Council finding the usable open spaces as shown on the site plan acceptable as the proposed spaces meet the intent of the Ordinance to provide active and passive recreational opportunities for future residents.
4. Section 9 waivers for:
 - a. Not providing the minimum required brick (30% minimum required) on the east (17% proposed), north (21-24% proposed), west (23% proposed), and south (21-24% proposed) facades for Building 1 and 2;
 - b. Exceeding the maximum allowed percentage of EIFS (25% maximum allowed) on all facades (proposed: East-52%, North-51%, South- 51% and West- 77%) for Building 1 and 2;
 - c. Not providing the minimum required brick and stone (50% minimum required) for TC-1 district on all facades (23-34% proposed) for Building 1 and 2;
 - d. Not providing the minimum required brick (30% minimum required) on all facades (proposed: North -23%, -West 8%, South- 8% and East- 17%) for Commercial Building;

- e. Exceeding the maximum allowed for Cast Stone (50% maximum allowed) on all facades (proposed: North-55%, West-76%, South- 76% and East- 64%) for Commercial Building;
 - f. Exceeding the maximum allowed percentage for Ribbed Metal (0% allowed) on all facades providing the ribbed metal (proposed: North- 12%, West-6%, South- 6% and East- 9%) for Commercial Building;
 - g. Exceeding the maximum allowed concrete for west facade for parking structure (0% allowed, 100% proposed) in lieu of providing the minimum required brick (30% minimum required, 0% provided);
 - h. Exceeding the maximum allowed cast stone for north and south facades for parking structure (0% allowed, 100% proposed) in lieu of providing the minimum required brick (30% minimum required, 0% provided).
5. Zoning Board of Appeals variances previously granted will need to be reapproved as they have expired.
6. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance, Chapter 11 and Chapter 37 of the Code of Ordinances and all other applicable provisions of the Ordinance.