



CITY OF NOVI CITY COUNCIL
MAY 20, 2024

SUBJECT: Consideration of tentative approval of the request of Toll Brothers, LLC, for Elm Creek, JZ22-28 with Zoning Map Amendment 18.732, to rezone property on the west side of Meadowbrook Road, south of 12 Mile Road from Office Service Technology and Low-Rise Multiple Family to Low-Rise Multiple Family with a Planned Rezoning Overlay.

SUBMITTING DEPARTMENT: Community Development Department - Planning

BACKGROUND INFORMATION:

The petitioner is requesting a Zoning Map Amendment for approximately 37 acres of property on the west side of Meadowbrook Road, south of Twelve Mile Road (Section 14). The applicant is proposing to rezone property rezone from Office Service Technology (OST) and Low-Rise Multiple Family (RM-1) to Low-Rise Multiple Family (RM-1) using the City's Planned Rezoning Overlay (PRO) option.

The Formal PRO Plan proposes a two-phased up to 121-unit multiple-family townhome development. The single entrance to the development would be from Meadowbrook Road. Two new public roads are proposed, along with two access routes for emergency use only. A looped walking path and lake overlook amenity is proposed through a preserved wooded area to provide the required usable open space. Wetland impacts are proposed to be mitigated on-site near the entrance on Meadowbrook Road. One stormwater detention pond is proposed in each phase.

A unique feature of this property is that the northern roughly 23-acre area is owned by one entity, Lakeside/Novi Land Partnership, while the southern 13.6-acre area is "owned" by another entity, Singh VI LP. The quotes are around the word "owned" because there was never a formal split of this overall parcel, only a private agreement. As far as the City records are concerned this is one roughly 37-acre parcel. For the Formal PRO Plan, the entire parcel is proposed to be rezoned to RM-1, and the owner of the southern portion has submitted a letter stating that they agree to be bound by the terms of the PRO Agreement, should it be approved.

For the southern Phase 2 portion, the request is for up to 54 units (although only 34 units are shown on the plan). The proposed allowance for 54 units is the maximum density

permitted under the RM-1 District (5.4 dwellings per acre) and is not more restrictive than permitted under the ordinance. It is not clear how 54 units could be built on the site without requiring additional variances than have been identified at this time. If approved, the PRO Agreement should address the possibility that the Phase 2 portion of the property may not be developed for some time. This raises concerns with the timeline for acceptance of public streets that may be damaged by construction traffic, looping the water system, providing cul-de-sacs at the road terminus rather than a temporary T-turnaround. In addition, phase 1 residents will be impacted by construction traffic.

See the proposed motion for a complete list of deviations requested and suggested conditions to be included in the PRO Agreement.

PROPERTY HISTORY

A previous PRO Agreement and Plan was previously approved for this site in 2005, which was known as Uptown Park. That agreement, between the City and Singh IV Limited Partnership, permitted a rezoning to RM-2 to allow up to 201 residential units. Conditions of development included that they be for-sale units and stipulated the preservation of landscape buffers in lieu of building berms. The Uptown Park PRO Plan, which has expired, is included in the packet attachments.

PRO ORDINANCE

The PRO option creates a "floating district" with a conceptual plan attached to the rezoning of a parcel. As part of the PRO, the underlying zoning is proposed to be changed and the applicant enters into a PRO agreement with the City, whereby the City and the applicant agree to a conceptual plan for development of the site. Following final approval of the PRO concept plan, conditions for the development, and a PRO agreement, the applicant will submit for Preliminary and Final Site Plan approval under standard site plan review procedures. The PRO runs with the land, so future owners, successors, or assignees are bound by the terms of the agreement, absent modification by the City of Novi. If the development has not begun within two (2) years, the rezoning and PRO concept plan expires, and the agreement becomes void.

City Council adopted revisions to the Planned Rezoning Overlay ordinance. Under the terms of the new ordinance, the Planning Commission does not make a formal recommendation to City Council after the first public hearing. Instead, the initial review is an opportunity for the members of the Planning Commission, and then City Council, to hear public comment, and to review and comment on whether the project meets the requirements of eligibility for Planned Rezoning Overlay proposal. Section 7.13.2.B.ii states:

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.*

(See attachment for Full text, including Subsection C)

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 the Planning Commission. Following the 2nd public hearing the Planning Commission will make a recommendation on the project to City Council. 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 go back to Council for final determination.

PLANNING COMMISSION

The Planning Commission held a Public Hearing on the formal PRO Plan on April 24, 2024 and recommended approval to the City Council. Comments made at that time are reflected in the meeting minutes included in this packet.

City Council Action

If the City Council is inclined to approve the rezoning request with PRO at this time, the City Council's motion would be to direct the City Attorney to prepare a PRO Agreement to be brought back before the City Council for approval with specified PRO Conditions.

RECOMMENDED ACTION: Tentative indication that Council may **approve** the request of Toll Brothers, LLC, for Elm Creek, JZ22-28 with Zoning Map Amendment 18.732, to rezone from OST and RM-1 to RM-1, subject to a Planned Rezoning Overlay (PRO) Agreement, and corresponding PRO Concept Plan, and direction to the City Attorney to prepare the PRO Agreement including items A through C:

A. All deviations from the ordinance requirements shall be identified and included in PRO Agreement, including:

1. Side and Rear Setbacks (Sec 3.1.7.D and 3.6.2.B): A Zoning Ordinance deviation is requested to reduce the side and rear setbacks from 75 feet to 50 feet along the north, east, and west property lines of Phase 1. The deviation is requested to cluster the buildings in the northern portion of the site while preserving City Woodlands and Wetlands in the southern portion of the property.
2. Building Orientation (Sec. 3.8.2.D): A Zoning Ordinance deviation is requested to revise the required orientation of the buildings from 45 degrees to the property line to 90 degrees. This allows for a more uniform site layout with all of the units backing up to open space/wooded areas.

3. Distance Between Buildings (Sec. 3.8.2.H): A Zoning Ordinance deviation is requested to allow a minimum distance of 30 feet between buildings on the same side of the street. The calculated minimum distance would be between 33.72 feet and 34.9 feet, so the deviation is relatively minor.
4. Parking along Major Drives (Sec. 5.10): A Zoning Ordinance deviation is requested to allow for perpendicular parking on a major drive. This deviation is requested due to the impracticality of providing a minor road given the site constraints (woodlands, wetlands, and property configuration). The placement of these parking areas is not near the main entrance.
5. Landscape Berms (Sec. 5.5.3.A.ii): A Zoning Ordinance deviation is requested to not provide a 4-foot, 6-inch to 6-foot high landscape berm on a proposed RM-1 district adjacent to an OST district on the north and east sides of the property. This deviation is requested due to significant grade changes near property lines, and to preserve existing natural features including City regulated woodlands and wetlands. An 8-foot high vinyl fence is proposed along portions of the site where the homes are closest to these areas to provide visual and audible screening, including along the south side of the main entry road as described in the Landscape Review.
6. Right-of-Way Landscaping (Section 5.5.3.B.ii): A deviation for the lack of required street trees and greenbelt berm along Meadowbrook Road in order to avoid disturbance of the existing wetlands and underground utilities.
7. Street Connection (Subdivision Ordinance Design Standards, Sec. 4.04): A deviation for lack of a connection to the proposed Lion Lane of the Griffin Novi project (approximately 250 feet distance). The ordinance requires compliance with the Thoroughfare Plan of the Master Plan, which indicates a road connection between the mall area to Meadowbrook Road. The applicant requests this deviation as it is likely to create undesirable cut-through traffic in the neighborhood.
8. Any additional deviations identified during Site Plan Review (after the Concept Plan and PRO Agreement is approved), will require amendment of the PRO Agreement, unless otherwise stated in the PRO Agreement.

B. The following conditions shall be requirements of the PRO Agreement:

1. Preservation of 8.38 acres of City regulated woodlands, *as placement in a conservation easement is more restrictive than required, and it is beneficial to the public to have additional woodland areas permanently protected within conservation easements.*
2. Preservation of 3.02 acres of City regulated wetlands, *as placement in a conservation easement is more restrictive than required, and it is beneficial to*

the public to have additional wetland areas permanently protected within conservation easements.

3. On-site wetland mitigation will be provided in accordance with the Wetland and Watercourse Protection Ordinance.
4. Overall density of both phases shall not exceed 4.2 dwelling units per acre, *which is more limiting than the 5.4 dwelling units per acre allowed in the RM-1 District.*
5. Providing the community amenities shown in the PRO Concept Plan, including the nature trail and overlook with seating, *as this is a greater area of usable open space than required in RM-1 District, which will benefit future residents of the site.*
6. Screening between adjacent properties including fences and landscaping as shown in the PRO Plan.
7. A cul-de-sac shall be provided at the terminus of the road in Phase 2 rather than a temporary T-turn, since it is unlikely that the road will connect to future development to the south. If Phase 2 of the project does not move forward in a timely manner, the temporary T-turnaround shall be changed to a cul-de-sac.
8. The applicant proposes to fill two off-site sidewalk gaps along Meadowbrook Road adjacent to the north and south (on frontage of parcels 22-14-200-045 and 22-14-200-010) totaling 314 feet as a benefit to the public. The sidewalk extensions will include design, construction, and easement acquisition, if necessary.
9. The PRO Plan includes a sidewalk extension along the western emergency access road, which will allow non-motorized access to the mall area via the proposed sidewalk of the Griffin Novi project.
10. First floor living options providing primary bedrooms on the first level will be available in end units in the development.
11. The applicant has offered to contribute \$10,000 to City of Novi Parks, Recreation, and Cultural Services to be utilized for improvements to nearby Beacon Hill Trailhead at the northeast corner of Meadowbrook Road and Twelve Mile Road, likely to be used by residents of the proposed development.
12. The development will encourage energy efficient design and utilize LEED strategies such as energy efficiency, sustainably produced building materials, high indoor air quality and insulation materials. For Phase 1, Toll Brothers will be providing EV Charging Infrastructure with a 240-volt outlet prewired in every garage, Energy Star rated appliances in all units, and the use of Low-E Energy Star rated windows. Construction will also include High-Efficiency Insulation with 2x6 Walls with R-19 Insulation, blown in attic insulation, spray sealed ducts, and R11 Blanket insulation in basement walls.

13. Any land division requested for the property shall be subject to approval by the City of Novi Assessor's office. A title search shall be provided by the applicant. The timing of the land division shall be addressed in the final PRO Agreement and will not be granted unless and until appropriate easements have been established and appropriate performance guarantees have been provided to ensure access to all affected properties to the satisfaction of the City.
14. Appropriate consideration of the timing of development between the two phases, including conditions that account for road terminus treatment, water system looping, damage to public roads caused by construction, etc. shall be detailed in the draft PRO Agreement.

C. This motion is made because the proposed Low-Density Multiple Family (RM-1) zoning district is a reasonable alternative and fulfills the intent of the Master Plan for Land Use, because it meets the requirements of the Zoning Ordinance as relates to Planned Rezoning Overlays by including site specific features that are more restrictive than could otherwise be required by ordinance, and because the benefits to the public of the project outweigh any detrimental impacts of the project:

1. The proposed residential neighborhood would support healthy lifestyles through the provision of walking trails and sidewalk connections and ensure the provision of open space within the development.
2. The unit sizes and types help the City's goal of providing a wide range of housing options and could appeal to a variety of buyers who prioritize minimal maintenance, smaller unit sizes, and natural surroundings.
3. The proposed project will protect and maintain the City's woodlands, wetlands, and natural features *as the 8.38 acres of city-regulated woodlands and 3.02 acres of regulated wetlands will be preserved in conservation easements. The proposed layout minimizes impacts to natural features by grouping buildings along two roads, whereas an OST development would be likely to disturb more of the natural area.*
4. The proposed project will ensure compatibility between residential and non-residential developments *because the project proposes proper screening.*
5. The Rezoning Traffic Study demonstrates that the proposed use is likely to generate far fewer vehicle trips per day compared to potential development under the current OST zoning district.
6. Public utilities are available to connect to, and adequate service capacity is available for the residential demand proposed.