



CITY OF NOVI CITY COUNCIL AUGUST 25, 2025

SUBJECT: Consideration of proposed Amendment to Consent Judgment in *City of Novi v E&M Holdings* case (2001) relating to a previously approved multi-family development located at 12 Mile and Novi Roads in order to approve an alternate development plan under the terms and conditions of the Amendment.

SUBMITTING DEPARTMENT: Community Development Department - Planning

KEY HIGHLIGHTS:

- The original Society Hill Site Plan was approved in 1999. The approval period was then extended by way of a Consent Judgment entered into in 2001 initially for 5 years and then each year by City Council action after that until the present day (current extension ends in October, 2025).
- A proposed revised Preliminary Site Plan was submitted in 2024, with the most recent revised plan submittals reviewed in March 2025, with minor modifications reviewed in July 2025. The proposed new plan has proceeded as an amendment to the Consent Judgment.
- The site contains regulated woodlands and an extensive system of wetland areas.
- City Council considered this request at a duly-noticed public hearing on July 8, 2024, and authorized the City Attorney to draft an amendment to the Consent Judgment for Council's consideration. That document and the current proposed plans are before Council now.

BACKGROUND INFORMATION:

The applicant is proposing changes to the Society Hill development that was originally approved in 1999. The Society Hill project is currently governed by a 2001 Consent Judgment with the City. The Consent Judgment states that the site plan approved in 1999 was to remain in effect for 5 years from the date of execution, after which time the applicant would need to seek approval annually from City Council to extend the final Site Plan approval. The Consent Judgment also includes terms and conditions relating to the settlement of some eminent domain claims and addresses ongoing City obligations to extend sanitary sewer in the area of the property in the absence of a site plan extension. Each year since 2006 the applicant has requested, and City

Council has granted, the site plan extension, **so the 1999 site plan remains an approved project that could be built.**

The applicant has submitted a revised Preliminary Site Plan for review by City Council as an amendment to the Consent Judgment. Like the 1999 Plan, the new proposal for the development of the 33.89-acre property west of Novi Road and south of 12 ½ Mile Road utilizes the existing RM-1 Low Density Multiple Family zoning with the available Planned Development Option (PD-1) as designated on the Future Land Use Map. The current July 2025 Preliminary Site Plan includes 500 units in mid-rise apartment buildings and attached townhouses. The apartment buildings would include a 5-story central building (E) and four 4-story buildings with a total of 400 apartments ranging from studios to three-bedroom units. Sixteen townhome buildings on the north side of the site would have 100 residences with garages – 80 of those in three-story buildings and 20 in 2.5-story buildings. Sixteen of the townhome units would provide a ground floor primary bedroom suite.

Indoor and outdoor amenities are proposed for the residents of the site. The central building (E) contains 15,000 square feet of indoor space for a fitness center, spa facilities, café/bistro, community lounge, co-working space, conference rooms, community kitchen with dining area, library, and an indoor/outdoor terrace on the top floor overlooking the outdoor space. The outdoor amenities consist of two pools, a turf soccer field, tennis courts, sports court, pickleball courts, playground areas, dog park, and over two miles of walking path through the site.

In general, the Staff agrees that the proposed plan is a more modern development type than the 1999 plan. The design, architecture, and façade materials represent an upgrade to the 1999 plan, and the proposed residential neighborhood would support healthy lifestyles through the provision of walking trails, sidewalk connections, and open space amenities within the development.

The unit sizes and types help the City's goal of providing a wide range of housing options, some of which are not currently available in the City and could appeal to a variety of renters who prioritize minimal maintenance, smaller unit sizes, and natural surroundings. The proposed project will protect and maintain areas of the City's woodlands, wetlands, and natural features in a manner that could be seen as consistent and not significantly different from the 1999 plan, or a plan that could otherwise be brought under the PD-1 option on this RM-1 multiple-family zoned property.

The chart below compares the approved 1999 Plan to the proposed 2025 plan to be considered.

	1999 Plan (Existing Development Approval)	Current Plan (Proposed Development)
Zoning	RM-1 Low Density Multiple Family with PD-1 Option	RM-1 Low Density Multiple Family with PD-1 Option
Land Area	33.89 acres	33.89 acres
Number of Buildings	23	21

Number of Units	312	500*
Room Count	1,264	1,580*
Average Unit Size	1,758 square feet	1,228 square feet
Lot Coverage	Not known	14.84%
Building Height	2 and 3 story max	5 stories max*
Parking Spaces	693	988*
Parking Ratio	2.22 spaces/unit	1.98 spaces/unit*
Wetland Impacts	0 acres	0.79 acres
Wetland Mitigation	N/A	1.01 acres on-site Some off-site/Wetland bank/Conservation Easement/Enhancement*
Woodland Impacts	1,062 trees	1,338 trees (82 are off-site on City-owned parcel)
Stormwater Management	All on-site (10-year storm)	On-site and Use of City-owned parcel 22-10-400-005 (100-year storm)
Usable Open Space	~ 1 acre programmed outdoor 0% of units had private outdoor space	4.14 acres programmed outdoor* 98% of units have private outdoor space
Ancillary Commercial Use	0 sf	Up to 7,500 sf
Traffic Impact	1,902 trips per day (per 1996 Traffic Study)	2,377 trips per day* (per 10/4/24 F&V Traffic Study)
Curb cuts	1 on Novi Road, 1 on Twelve ½ Mile Road	2 on Novi Road, 1 on Twelve ½ Mile + 2 emergency access points

***Denotes items changed since the Plan was presented for Public Hearing in July 2024.**

The City's staff and consultants reviewed the latest proposal and provided written comments to the applicant on March 2nd. In July, staff received a digital copy of the plans that made a few minor revisions. The Planning Review was updated on August 15th with some changes and corrections. All review letters, as revised, are attached to this packet item.

DEVIATIONS FROM ORDINANCE STANDARDS

In the review of the 2025 Plan provided, City's staff and consultants have identified the following items as non-compliant with our current Codes and Ordinances. Staff's position and/or justification are noted in **Bold Underline**:

1. Maximum Length of Buildings (Sec. 3.8.2.C): The ordinance states building lengths cannot exceed 180 feet. If exceeded, the ordinance allows the Planning Commission to modify the length requirement up to 360 feet if there are recreational or social common areas with a minimum capacity of 50 persons within the building and if building setbacks are increased an additional foot for each 3 foot of building length over 180. Buildings A, B, C, D, E, 3 and 4 each exceed 180 feet. No additional building setbacks are proposed to offset the building lengths. Building E, at 492 feet, also exceeds the maximum length of 360 feet. Only building E appears to have the recreational or social common areas with a minimum capacity of 50 persons. All buildings in the 1999 Plan complied with maximum length. **City Council approval of the deviation in building lengths would be required. Staff does not object to the deviation.**
2. Shoreline Setbacks (Sec 3.31.6.B.iv.e): "A minimum yard setback of 100 feet shall be provided from any lake shoreline including natural or manmade water bodies. Stormwater retention facilities shall be considered as shoreline when they are designed and developed as an integral part of the site's landscaped open space." The site plan locates several buildings, drive aisles and parking areas within about 50 feet of Wetland A and the northeastern stormwater basin. **City Council would need to approve the deviations from this requirement, or the site layout would need to be significantly reconfigured to comply. Staff does not object as most other properties in the City only require a 25-foot buffer be maintained.**
3. Building Setbacks (Sec. 3.1.7.D): Along the western property line, buildings are 50 to 60-feet from the property line rather than the required 75 feet. It appears that all buildings in the 1999 Plan complied with building setbacks. **City Council would need to approve the deviations for the 5 buildings near the western property line.**
4. Parking Setbacks (Sec. 3.6.2.B): A minimum parking setback of 20 feet is required from interior side and rear lot lines, and front/exterior parking setbacks are to comply with the minimum building setback. For Novi Road, that would be 75 feet. In the 1999 Plan, the parking complied with setback requirements. **City Council would need to approve the deviations to allow parking within 14.4 feet along the south side of the property, and 20 feet along Novi Road. Staff does not object to the deviation.**
5. Building Orientation (Sec. 3.8.2.D): A Zoning Ordinance deviation is requested to revise the required minimum orientation for buildings along the perimeter of the property from 45 degrees for Buildings A, 12 and 15. In the 1999 Plan, it appears 4 buildings would not have met the minimum required orientation to the property line. **Staff supports this deviation as it allows a more efficient use of space, and therefore potentially less disturbance of natural features. City Council would need to approve the deviations.**

6. Yard Setback Area (Sec. 3.8.2.D): "Within any required front, side or rear yard setback from any property line in an RM-1 or RM-2 district, not more than 30% of such yard area shall be used for off-street parking, maneuvering lanes, service drives or loading areas." The applicant has provided a calculation for the Novi Road frontage that indicates 33%. **City Council would need to approve the deviation. As it is a relatively minor deviation Staff does not object.**
7. Distance Between Buildings (Sec. 3.8.2.H): A Zoning Ordinance deviation is requested to allow the calculated minimum distance between buildings to be less than required in seven locations. This calculation is made using a formula measuring the height and length between adjacent buildings, with a minimum distance of 30 feet required. **Based on the information provided by the applicant, the deviations for the seven locations range from a shortage of 32.47 feet to 1.7 feet. City Council would need to approve the deviations. Staff does not object.**
8. Number of Parking Spaces (Sec. 5.2.12.A): Given the unit mix proposed, the number of required parking spaces is 1,042 according to the standards for a multi-family development (2 spaces per studio/1- and 2-bedroom unit, 2.5 per each 3+ bedroom units). The site plan proposes 988 spaces in both garage and surface lots. The applicant requests a deviation for the deficiency of 54 spaces. **Staff supports the relatively minor deviation to reduce impervious surface area on the site as there are still nearly 2 spaces per unit.**

The plans also indicate that carports may be placed in certain locations noted on the plans. Each bay of parking where a carport is placed would lose 1-2 parking spots, with a total of an additional 15 spaces that could be removed. This assumption seems to be a worst-case scenario, as it appears to be the most any bay of parking would lose. City Council should make clear if they support granting this latitude, or if this note shall be removed from the plans with any conditions on deviations to be spelled out in the Consent Judgment, if amended. Staff believes the carports or garages would be a good amenity for residents, and has no objection, but attempts should be made to minimize the spaces lost.

9. Wetland Impacts: On Sheet 15, total wetland impacts are calculated as 0.79 acre, and the plan indicates 1.01 acre of mitigation is proposed to be provided on-site. The required mitigation calculation indicates that approximately 1.42 acres would be required for the impacts proposed. **The applicant's response letter states that the remaining 0.41 acre of required mitigation is "to be provided through purchase of credits from an EGLE approved wetland mitigation bank." This is not specifically provided for in the City's Wetland and Watercourse Protection ordinance (Chapter 12 of the Code), which requires mitigation on-site, or off-site within the City's jurisdiction. City Council will need to determine whether to allow the deviation to purchase wetland bank credits in lieu of providing mitigation within the City for the full amount of mitigation required.**
10. Accessory Structures (Sec. 4.19.1): Accessory structures are required to be located in a rear or interior side yard, with a minimum setback of 6 feet. **No more than 2 detached accessory buildings are permitted on a lot of this size, so a**

deviation is needed for four structures. There are several accessory structures proposed, and several ordinance requirements would **require deviations from the City Council. Staff does not object to any of these deviations.**

- a. **Attendant Booth** is located in the **front yard** by the main entrance and appears to be located **within 6 feet of the property line**. The Façade review notes the Attendant Booth **has an overage of Fiber Cement Panels (flat pattern), and a Section 9 waiver is supported for this condition.**
 - b. **Maintenance Building** is located in the rear yard, southeast of the pond, and observes the appropriate setback. The building is in conformance with the Façade Ordinance.
 - c. **Trash Compactor Enclosure** is located southeast of the pond near the maintenance building. The building is in conformance with the Façade Ordinance. Additionally, the applicant has provided a noise impact statement to verify that any noise emanating from the trash compactor will comply with the noise limitations of the ordinance.
 - d. **Trellis/Gazebo** is located near the pond (rear yard). While concept images are provided, no specific details have been provided at this time.
11. Parking on Major Drive (Sec. 5.10.1.B): Based on the ordinance definition nearly all private drives through the site would be classified as Major Drives if they exceed 600 feet (currently shown as Reserve Blvd, Society Hill Drive, Society Hill Blvd). "Angled and perpendicular parking spaces may be accessed directly from a minor drive or parking lot aisle, but not from a major drive." Perpendicular parking is shown throughout the site on major drives. The 1999 Plan had some areas of visitor parking that were perpendicular to the major drives. **City Council would need to approve the deviation. Staff does not object.**
 12. Building Setbacks from Parking (Sec. 3.8.2.F & Sec. 5.10.1.B.vi): Both ordinance sections prohibit parking spaces to be within 25 feet of any wall of a dwelling structure. In several locations parking is closer than 25 feet from the building, and in some cases as close as 12 or 14 feet. It is unclear if the 1999 Plan had parking within 25 feet of the buildings as dimensions were not indicated clearly, and the scale is not accurate. In some cases, there is a parking level adjacent to the parking spaces – not living spaces. **City Council would need to approve the deviation. Staff does not object.**
 13. Driveway Spacing Waiver (Code of Ordinances, Ch. 11.216.d.1.e): Deviation to allow a 41-foot driveway spacing from the opposite-side driveway on 12 ½ Mile Road. **This is supported as the Traffic Study indicates only 5% of traffic would likely utilize this entrance/exit. City Council would need to approve the deviation.**
 14. Landscape Berm (Sec. 5.5.3.B.ii and iii): Deviation to allow a lack of the required 6-8 foot screening berm along south property line, with alternative screening fence to be provided. **The applicant has agreed to install a fence, but states "the fence is not required if the neighboring property is re-zoned to RM1 or RM2 or**

Property Owner subsequently purchases the parcel.” Staff agrees that a fence would not be required if the property is developed with similar multiple-family uses, but we would like to suggest the condition that the fence must be installed prior to any certificate of occupancy on this site if the adjacent property has not been rezoned at that time. City Council would need to approve the deviation.

15. Adjacent to Public ROW (Sec. 5.5.3.B.ii and iii): Deviation to allow a lack of greenbelt berms and street trees for sections of both roads that are being preserved, as well as areas that are developed. **This is supported by Staff because it avoids disturbance of areas to be preserved. In the areas to be developed, significant screening landscaping has been proposed which fulfills the intent of the ordinance. City Council would need to approve the deviation.**
16. Adjacent to Public ROW (Sec. 5.5.3.B.ii and iii): A deviation is required for the shortage in greenbelt landscaping for 12 ½ Mile Road and Novi Road (1 canopy tree along 12 ½ Mile Road, 3 canopy trees and 3 subcanopy trees along Novi Road). **This is supported by Staff due to the required emergency access points on 12 ½ Mile and topography on Novi Road makes providing more trees difficult. City Council would need to approve the deviation, or the plan could be amended.**
17. Landscaped Islands in Parking Areas (Sec. 5.5.3.C.ii.o(4).): No more than 15 parking spaces may be contiguous without a landscaped island with a deciduous canopy tree. In three locations (south of Building A, west of Buildings B and C) there are 16 or more spaces without a tree. **This is not supported by Staff. City Council would need to approve the deviation, or the plans would need to be revised to comply.**
18. Greenbelt Canopy Trees (Sec 5.5.3.B.ii.f): A deviation is required for a shortage in greenbelt subcanopy trees on the City Parcel. **This is supported by Staff because the topography on Novi Road makes providing more trees difficult and there are no buildings present. City Council would need to approve the deviation.**
19. Street Trees (Sec 5.5.3.B.ii.f): A deviation is required for a shortage in street trees on the City Parcel where the stormwater basin is proposed. **This is supported by Staff since there will be no buildings here, and trees are provided to the extent practicable. City Council would need to approve the deviation.**
20. Foundation Landscaping (Sec. 5.5.3.F.iii): Deviation for a shortage of foundation landscaping for Buildings A-D, 8, 9, 10, 11, and 12. **This is supported by Staff for some buildings, but not Buildings A, B and C. City Council would need to approve the deviation, or the applicant would need to revise the plans to comply in those locations.**
21. Retail Signage (Sec.3.31.6.B.iii.c): Deviation to allow exterior signage for the retail component, under the terms listed in the Consent Judgment.
22. Tax Lot Deviations: The applicant has submitted a chart identifying the deviations

from the Zoning Ordinance that are created by the proposed tax lot division of the overall property (Sheet 17 of the Plan Set). That chart is attached for reference and appears to be accurate. In addition to the deviations noted there, the following also appear to be required:

- a. All parcels will require deviations from parking setbacks.
- b. Parcels 3 and 5 require a deviation for percentage of 1-bedroom units (33% allowed, 53% proposed).

The proposed Amendment to Consent Judgement includes the deviations listed above.

INITIAL CITY COUNCIL REVIEW

The City Council held a duly-noticed public hearing on the proposed alternate development plan on July 8, 2024. Members of the public spoke, and the Developer made a presentation. In addition, Council members made comments on the proposed plan. At the conclusion of the hearing, the City Council directed the City Attorney's office to work on a draft Amendment to Consent Judgment.

CITY COUNCIL ACTION

Among other things, the proposed Amendment to Consent Judgment approves the alternate plan (with related deviations from some standards); it approves the woodlands/wetlands/stormwater permits; it allows the use of the City Parcel for stormwater improvements. It also has a timeline for the expiration/termination of the City's obligation to extend sanitary sewer in the area and for the expiration termination of the 1999 development plan, which at this point is more than 25 years old and dated.

SITE PLAN EXTENSION

The City received a request from E & M, Inc. for a one-year extension of site plan approval for Society Hill, the same as what was received in prior years. It is recommended that, if the City Council determines to approve the amendment to the Consent Judgment, the 1999 site plan be extended one more time to allow for any contingencies in finalizing the terms of the Judgment. This is provided as Part II of the Recommended Action.

RECOMMENDED ACTION:

Note: Two-part Motion

Part I

Approve proposed Amendment to Consent Judgment in *City of Novi v E&M Holdings* case (2001) relating to a previously approved multi-family development located at 12 Mile and Novi Roads in order to approve an alternate development plan under the terms and conditions of the Amendment subject to:

- (1) The requirements of the staff and consultant review letters included herein, unless modified by the Amendment or the Exhibits
- (2) Final review as to form and content, including the making of necessary modifications or revisions to the Amendment in the interest of the City and to carry out the requirements of any ordinances or other laws and the intent of the Council in approving the proposed Preliminary Site Plan, prior to entry by the Court, by the City Manager and City Attorney
- (3) Final review and approval of the Exhibits to the Amendment in a manner satisfactory to the City Manager and City Attorney.
- (4) Undertaking all actions necessary, as determined by the City Attorney's office, to secure entry of the proposed Amendment, including but not limited to submitting the proposed Amendment to the Court by appropriate motion.
- (5) Entry of the Amendment by the Oakland County Circuit Court.

This motion is made because the alternate proposed Preliminary Site Plan represents an improvement upon the 1999 Final Site Plan extended for the past 25 years under the Consent Judgment in that:

- (1) The plan contemplates a more modern development type than the 1999 plan.
- (2) The design, architecture, and façade materials represent an upgrade to the 1999 plan;
- (3) The proposed residential neighborhood would support healthy lifestyles through the provision of walking trails, sidewalk connections, and open space amenities within the development.
- (4) The unit sizes and types help the City's goal of providing a wide range of housing options, some of which are not currently available in the City and could appeal to a variety of renters who prioritize minimal maintenance, smaller unit sizes, and natural surroundings.
- (5) The proposed project will protect and maintain areas of the City's woodlands, wetlands, and natural features in a manner that is consistent and not significantly different from the 1999 plan, or a plan that could otherwise be brought under the PD-1 option on this RM-1 multiple-family zoned property.

This motion is also made because the proposed Amendment addresses long-outstanding issues with respect to the sanitary sewer extension and eminent domain proceedings reflected in the 2001 Consent Judgment to the benefit of the City and the City Council believes its entry to be in the public interest.

Part II

Approval of request by E & M, Inc. (Society Hill) for one-year extension, to October 9, 2026, of site plan approval for a 312-unit apartment project developed as a PD-1 Option in a multi-family (RM-1) district, located at the southwest corner of Novi Road and 12 ½ Mile Road, previously extended under a consent judgment and subject to annual extension reviews.