



CITY OF NOVI CITY COUNCIL NOVEMBER 20, 2023

SUBJECT: Initial review of Planned Rezoning Overlay (PRO) eligibility of the request of Toll Brothers, LLC, for Elm Creek, JZ22-28, to rezone from Office Service Technology (OST) and Low-Rise Multiple Family (RM-1) to Low-Rise Multiple Family (RM-1) on land located on the west side of Meadowbrook Road, south of Twelve Mile Road in Section 14. The applicant is proposing to utilize the Planned Rezoning Overlay option to rezone and develop a 134-unit multiple-family townhome development on approximately 37 acres of land. Under the new PRO Ordinance, this initial review by City Council is an opportunity to review and comment on the eligibility of the proposal.

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 Future Land Use Map identifies this property and those to the north, east and south as Office Research Development Technology. The current zoning, Office Service Technology (OST) corresponds to the land use designation. Areas to the south and north are developed with medical and general office buildings. Land to the west of the subject property is indicated for Multiple Family on the Future Land Use Map, and the zoning is RM-1. This parcel is developed with the Waltonwood senior living facility.

The PRO Concept Plan proposes a two-phased 134-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 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. In the initial submittal, only the northern portion was proposed for rezoning. For this revised Concept 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.

Rezoning to the RM-1 Low Density Multiple Family category requested by the applicant would permit the development proposed. Some of the conditions that could be proposed based on the PRO Plan include:

1. Limiting the maximum Building height to 27 feet.
2. Building setbacks from Meadowbrook Road shall be no less than 400 feet.
3. Parking setbacks shall be no less than 50 feet from adjacent property lines.
4. The number of units shall not exceed 134.
5. The layout of the site will be generally as shown in the PRO Plan with respect to setbacks, building locations, parking areas, open space and amenities proposed.
6. Woodland tree credits will be planted on-site to the extent possible.
7. The use of native species in the landscaping to exceed the 50% requirement.
8. The usable open space provided shall exceed the 200 square feet per unit requirement.

Staff and consultants note some concerns about the proposed residential uses' compatibility with the surrounding uses and the extensive removal of regulated woodlands. Some additional screening is warranted. The identified benefits of the rezoning are construction of off-site sidewalk gaps and permanent preservation of woodland and wetland areas on-site. In addition, very little detail is provided for the "Phase 2" area at the south end of the project. No boundary/topographic survey is provided for the southern area (i.e., that area owned by Singh), and no tree survey is provided. The proposed plan for the southern area is very conceptual.

- There are seven deviations from the ordinance that have been identified.
- Building setbacks are proposed to be reduced from 75 feet to 50 feet along the northern and eastern property lines.
- Buildings are generally shown parallel to the lot lines rather than at the required 45-degree angle.
- The distance between buildings is reduced from about 35 feet to 30 feet.
- Perpendicular parking is proposed on a major drive in two locations, which is not permitted.
- Fencing and existing vegetation is proposed in lieu of landscape berms.
- Deficiencies in street trees are also proposed due to the presence of existing wetland areas and underground utilities.
- While the proposed building elevations meet the requirements of the façade ordinance, the applicant has not proposed additional elements that would result in an overall enhancement of the area, which may require a deviation.

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 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 Public Hearings on December 7, 2022, and October 11, 2023, 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 meeting minutes included in this packet, and the more recent comments are summarized here:

- An adjacent landowner suggested that the closest residential building to Meadowbrook Road should be moved even further west, to a setback of approximately 600 feet from the road, to further decrease the visibility of the project.
- A Novi resident suggested more of the units should have first floor living, with a primary bedroom on that floor, to be more accommodating to the senior population. He also raised concerns about the divided ownership of the two phases of the project, and not having enough information about the Phase 2 portion.
- Concerns about traffic congestion at the single entrance point from Meadowbrook Road and impacts to wetlands were mentioned in a letter received by the Commission from an adjacent landowner.
- Commissioners stated more information should be provided to compare a likely development scenario under the current zoning (OST) to the proposed residential development in terms of woodland and wetland impacts, and traffic impacts.
- Commissioners thought it was significant that a residential PRO development had previously been approved for this site, and they would like to see the layout that was proposed at that time.
- Commissioners thought the residential use could be an aesthetic enhancement for the area with the preservation of woodland and wetland areas compared to an OST use.
- Commissioners mentioned more clarity and definition of the Phase 2 portion of the project would help to strengthen the justification for the PRO process.
- Commissioners stated that additional strategies to make more of the units accommodating to seniors would be a benefit to the community.

SUMMARY OF CONDITIONS AND BENEFITS OFFERED

PART 1: Summary of possible conditions from applicant, or staff and consultant's review letters *that may be considered to meet the standard of clearly identified site-specific conditions that are more strict or limiting than the regulations that would apply to the land under the proposed new zoning district:*

- A. The permitted uses of the property will be 134 residential units in a townhome building configuration in substantial conformance with the Concept Plan.
- B. Density shall not exceed 4.65 dwelling units per acre (more limiting than 5.4 dwelling units per acre allowed in RM-1 District)
- C. Preservation of 7.06 acres of City regulated woodlands
- D. Preservation of 3.02 acres of City regulated wetlands
- E. Providing the community amenities as shown on the PRO Concept Plan

PART 2: Summary of conditions that 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:

- A. The applicant offers to cover the costs associated with design, easement acquisition and construction of two off-site sidewalk gaps totaling 314 linear feet along Meadowbrook Road on properties adjacent to the north and south.
- B. The proposed site plan allows for the preservation of 7.06 acres of Woodlands and 3.02 acres of wetland on-site that will be protected in perpetuity.
- C. The proposed Concept plan includes a nature trail and overlook amenity that will allow future residents to enjoy and directly benefit from the preserved natural features on-site.

DEVIATIONS

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

1. Planning deviations from Section 3.1.7.D and Section 3.6.2.B to reduce the side and rear setbacks from 75 feet to 50 feet along the north, east and west property lines. The deviation is requested to be able to cluster the buildings in the northern portion of the site while preserving City woodlands and wetlands to the south.
2. Planning deviation from Section 3.8.2.D to revise the required orientation of the buildings from 45 degrees to the orientation shown in the Concept Plan. This deviation would allow for a more uniform site layout with all of the units backing up to open space/wooded areas.
3. Planning deviation from Section 3.8.2.H to allow a minimum distance of 30 feet between buildings on the same side of the street, while the calculated minimum distance would require 33.72 to 34.9 feet (deviation of up to 5 feet).
4. Planning deviation from Section 5.10 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) and the relatively low traffic volumes anticipated.

5. Deviation from Section 7.13.2 to not enhance the façade design beyond the requirements of Section 5.15.
6. Landscape waiver from Section 5.5.3.A.ii 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 along the north and east side.
7. Landscaping deviation from Section 5.5.3.B.ii to allow a lack of required street trees and berm along the Meadowbrook Road frontage due to the existing wetlands and underground utilities.

CITY COUNCIL ACTION: This is 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 below 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.

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.	Yes	Buildings and layout to be as shown in the PRO Plan. Buildings to be setback a minimum of 400 feet from Meadowbrook Road.
(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	The number of units shown in PRO Plan are maximum intensity allowed.
(3) Provision for setbacks, landscaping, and other buffers in a manner that exceeds what the Ordinance of the Code of Ordinances can require.	Yes	Buildings to be setback a minimum of 400 feet from Meadowbrook Road. Use of native species in landscaping could exceed ordinance requirement.
(4) Exceptional site and building design, architecture, and other features beyond the minimum requirements of the Ordinance or the Code of Ordinances.		Not proposed
(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	Plan shows preservation of 7.06 acres of woodlands, and 3.02 acres of wetlands. Wetland impacts to be mitigated as permitted by the Code on-site.
(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	Uses would be limited to attached townhome units only. The applicant states they will be for-sale units.
(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	Off-site sidewalks proposed to be constructed (~314 feet)

(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 traffic improvements beyond what is required
(9) Improvements to site drainage (storm water) or drainage in the area of the development not otherwise required by the Code of Ordinances.		No Stormwater Management beyond what is required
(10) Limitations on signage.		Not proposed
(11) Creation or preservation of public or private parkland or open space.	Yes	Private parkland created with nature path, preservation of woodlands and wetlands. Exceeds requirement for open space.
(12) Other representation, limitations, improvements, or provisions approved by the City Council.		