



CITY OF NOVI CITY COUNCIL
DECEMBER 16, 2024

SUBJECT: Consideration of tentative approval of the request by Novi-Ten Associates to rezone approximately 34 acres of land east of Novi Road, south of Ten Mile, to Community Business and Low-Density Multiple Family with a Planned Rezoning Overlay.

SUBMITTING DEPARTMENT: Community Development Department - Planning

KEY HIGHLIGHTS:

- The City Council considered the initial submittal at the April 8, 2024 meeting.
- Rezoning to develop a 71-unit multiple-family townhome development in the RM-1 portion and approximately 35,900 square feet of commercial space in the B-2 portion.
- Pickleball courts have been removed, and B-3 zoning request has been changed to B-2, which would not permit drive-throughs.
- Proposed PRO Conditions include preservation of 15.87 acres of wetland/woodland, public-access trail connection and marshland overlook, and donation of trailhead area to the City, which the petitioner suggests are in the public interest.
- Improvements to off-set traffic impacts on 10 Mile Road proposed.
- Planning Commission recommended approval of the PRO Plan on October 30, 2024.

BACKGROUND INFORMATION:

The petitioner is requesting a Zoning Map Amendment for approximately 34 acres of property on the south side of Ten Mile Road, to the east of Novi Road, utilizing the Planned Rezoning Overlay option. The site is currently vacant. The Ridgeview of Novi development is to the south, along with the Novi Athletic Club and Novi Ice Arena & Dog Park further south. The railroad tracks border the eastern property line. North of Ten Mile Road are industrial uses, and commercial uses are to the west.

The current zoning of the property is I-1 Light Industrial on the eastern side, and OS-1 Office Service on the western side. The adjacent parcels on the west are also OS-1. The Ridgeview development to the south is zoned RM-1 with a PRO, while the Athletic Club and Ice arena area is I-1, as is the area east of the railroad tracks. North of 10 Mile is zoned I-2 and I-1.

The Future Land Use Map identifies this property as Community Office on the west and Industrial Research Development Technology on the east. To the south and east is planned for Industrial, north of the site is planned for Industrial and Heavy Industrial, and on the western side is Community Office.

There is floodplain area associated with Chapman Creek along the southern property boundary and the Walled Lake Branch of the Middle Rouge along the eastern side of the site extending down toward the dog park. The natural features map also indicates extensive

wetland area within the floodplain, and regulated woodlands are present in most areas of the site.

The applicant is proposing to utilize the Planned Rezoning Overlay option to rezone about 7 acres of the property to B-2 Community Business, and about 27 acres to RM-1 Low Density Multiple Family. The PRO plan shows a total of 71 attached 2-story townhome units on the site. The RM-1 residential portion is accessed by one entrance off Ten Mile Road, with a secondary emergency access drive to the commercial portion of the project. Parking is provided in garages, on the garage aprons, and a few small bays of surface parking.

For the B-2 commercial portion, the PRO plan shows a total of 35,900 square feet in 4 separate buildings. Access to the B-2 site would be from 3 curb cuts on 10 Mile Road – one is the existing shared driveway with Maly Dental office, and the other two are new. There are plaza seating areas with landscaping in front of the buildings. The plan notes retail and restaurant uses within the commercial buildings – but generally other uses permitted in the B-2 district could be tenants in those spaces. However, the applicant does offer to prohibit certain uses as a condition of the PRO Agreement, including hotels/motels, fueling stations, marijuana sales, check cashing and pawn shops. Automobile repair/service/maintenance uses and car washes would not be permitted in the B-2 District.

The applicant describes the project as creating a walkable community, with linkages to the Ridgeview Villas paved public access trail. The trail connection is consistent with the Ridgeview PRO Agreement, which offered as a public benefit the construction of a pathway for public use from Nick Lidstrom Drive to the north property line to provide for this connection to future development. This is also shown in the Ridgeview Master Deed, and a Pathway Easement was granted to the City for this segment in 2016.

See the relevant documents in the Packet section Ridgeview Villas Documents, with an excerpt from the Ridgeview Villas PRO Agreement provided below:

Applicants shall provide the following Public Benefits/Public Improvements in connection with the development of the Land:

- 2. Construction of a pathway for public use through the Development from Nick Lidstrom Drive to the north property line for connection to the future development of the non-residential property to the north...Pathway easements...shall be provided to the City for dedication for public use of the pathways.*
- 3. Construction of an off-site pathway for public use to the Novi Dog Park commencing from the site's southeast corner along the rear property line of Novi Sport's Club and a connection to the existing pathway along Nick Lidstrom Drive...*

The applicant's response letter dated December 10, 2024, offers as a concession to the homeowners in Ridgeview to eliminate the proposed trail connection to their public pathway. In the opinion of staff, this change would significantly change the "public benefit" of the proposed trail and diminishes the value of the public benefit that was offered in the Ridgeview PRO. Alternative routes for the trail could be explored to go around Ridgeview to the east or west. The trail on the south side of the proposed townhouses could also be eliminated if an acceptable alternate route could be located on the applicant's property.

A park area with seating is proposed between the commercial and residential area, and in place of the pickleball/tennis courts that were previously proposed in the northeast corner

of the site, there is now a "trailhead" area which is proposed to be donated to the City for public use. Currently, there are no amenities proposed for that area, and the size of the area to be dedicated is undetermined, which will need to be clarified for the PRO Agreement.

Staff and consultants have identified some issues with the proposed rezoning and PRO Plan. First, the zoning districts indicated do not match the Future Land Use map guidance. Staff has concerns with the proposed residential use's compatibility with the adjacent I-2 Heavy Industrial to the north. However, the RM-1 category does correspond to the adjacent Ridgeview development to the south, which was also previously zoned Light Industrial and Office Service. They are providing a landscaped berm to help screen the homes from the industrial uses to the north. There are commercial uses in this area to the west that would be contiguous with the B-2 area.

The revised Traffic study notes that the change of uses will result in a modest increase in traffic on the local road network compared to likely development under the current zoning. The revisions to the study took into account the commercial area decreasing in size from 60,000 square feet to about 36,000 square feet. The anticipated daily trips are just under 3,000 for the proposed uses, whereas the potential uses under the existing zoning is approximately 2,500 trips (16% increase). However, the proposed mix of uses is estimated to generate approximately 35% fewer morning peak hour trips compared to potential development under the existing zoning, and about 1% fewer afternoon peak hour trips. The applicant indicates that they intend to complete the following improvements identified in the study to mitigate the traffic impacts on 10 Mile Road when the commercial portion of the project is developed:

- *Widen eastbound side to two through lanes, ending with a right-turn deceleration lane at the site's easternmost residential driveway.*
- *Widen westbound side to two through lanes west from the 3rd site driveway to help provide additional capacity for outbound site traffic.*
- *Extend the center left-turn lane from where it currently ends at Catherine Industrial Road to service all commercial driveways.*

The applicant will need to coordinate improvements with the Road Commission for Oakland County as 10 Mile Road is under its jurisdiction.

Driveway spacing and major drive deviations are required, but the applicant states the Road Commission for Oakland County has given preliminary approval of the driveway locations.

Engineering notes there is capacity for the water and sewer demands for the proposed use in the public utilities, and stormwater detention is to be provided in a single storm sewer detention system on the east side of the site, with controlled outlet into the floodplain to the east. The City engineers review all proposed developments to ensure that the stormwater systems are properly designed to meet all standards to account for 100-year flood conditions.

The proposed landscaping is generally in conformance with the ordinance. The applicant has added screening between the residential and commercial portions of the property, and the deficiencies in foundation landscaping and greenbelt berm in the commercial portion will be corrected in the site plan submittal. Landscaping waivers for street trees and greenbelt canopy trees along 10 Mile Road are supported by staff due to conflicts with existing underground utilities.

Façade review notes that the commercial buildings are in full compliance with the ordinance, and actually exceed the requirement for brick material, which could be considered an enhancement to the area. For the residential buildings, Section 9 façade waivers would be required for an underage of brick on the rear and some front facades, and an overage of asphalt shingles on some front facades. These waivers are supported as they are minor in nature and do not adversely affect the aesthetic quality.

Wetland impacts have been minimized, with only 0.1 acre, less than 1% of the total wetland area present, of impact to a few small pockets of wetlands in the upland area. A large portion of the site, 15.87 acres of wetland, woodlands, and floodplain area, is proposed to be protected in a conservation easement to ensure permanent preservation (the area in green on this slide). This could be considered a benefit to the public.

The PRO request includes PRO Conditions that are more limiting than the City could otherwise require of a developer, including:

- A 15.87-acre area of woodland and wetland to be protected in a Conservation Easement,
- The publicly accessible pathway and trailhead area previously mentioned,
- Exceeding the open space requirements,
- the residential units will be set back a minimum of 100 feet from the south property line, which is greater than the required 75 feet.
- Limitations on building height,
- Limitations on residential density,
- Greater than required building setbacks for the commercial buildings,
- Use restrictions for the commercial buildings,
- See the suggested motion below for a full list of proposed conditions and deviations requested.

PROPERTY HISTORY

Two previous Planned Rezoning Overlay applications have been proposed for the subject property in 2004 and 2009. The first proposed 150,000 square feet of retail and about 18,000 square feet of office. The project was canceled before going to City Council. In 2009, a proposal for a 64,000 square foot Kroger and 41,000 square feet of other retail was proposed. That project was denied by City Council on October 11, 2010.

PLANNING COMMISSION

The Planning Commission held a Public Hearing on the formal PRO Plan on October 30, 2024 and recommended approval to the City Council. Comments made at that time are reflected in the meeting minutes included in the packet. One recommendation made by the Planning Commission was to eliminate the proposed pathway connection to the Ridgeview Villas subdivision due to concerns noted by the residents of that development.

CITY COUNCIL

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.

CITY COUNCIL ACTION

Tentative indication that Council may approve the request of Novi Ten Associates, JZ23-09 with Zoning Map Amendment 18.740 to rezone from I-1 and OS-1 to RM-1 and B-2, 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:

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

1. Building Orientation (Sec. 3.8.2.D): Deviation for proposed residential buildings to not be configured 45 degrees to the property lines since most of the buildings are not on any main road and they front to a substantial irregular shaped 20-acre wetland nature area of a minimum 200 feet wide separation across from Toll's existing multifamily Ridgeview project.
2. Side and Rear Setbacks (Sec 3.1.7.D and Sec 3.6.2.B): Deviation to reduce the side setback from 75 feet to 25 feet along the north property line for two residential buildings abutting the proposed commercial area (B-2), since screening is proposed between the residential and commercial uses.
3. Distance between Buildings (Sec 3.8.2.H): Deviation to reduce the building separation distance from the calculated formula (resulting in 31-32.72 feet required) to a distance of 30 feet between all buildings. This deviation of less than 3 feet is considered minor and enables the layout of this project to fit within the available space while minimizing wetland and woodland impacts.
4. Parking along Major Drives (Sec. 5.10): Deviation to allow for 8 perpendicular parking spaces on a major drive, since the spaces provide for visitor parking.
5. Major Drive Radius (Sec. 5.10): Deviation from the ordinance requirement for a minimum centerline radius of 100 feet, to allow the 85-foot radius shown at the western curve. The reduced radius does not impede the fire truck access route, and may serve to slow traffic speeds, creating a safer roadway.
6. Landscape Berms (Section 5.5.3.A.ii): A Zoning Ordinance deviation is requested to not provide a 10 to 15-foot-high landscape berm on a proposed RM-1 district adjacent to an I-1 district. The berm would be unnecessary in this case as the adjacent I-1 area is east of the existing natural features and the railroad tracks and would likely result in greater wetland and woodland impacts, as well as fill in the floodplain.
7. Right-of-Way Landscaping (Section 5.5.3.B.ii): A deviation for the lack the required street trees and berm along 10 Mile Road due to underground utilities. The required trees are to be provided elsewhere. This deviation is supported due to the utility conflicts.
8. Adjacent to Public Rights-of-Way – Berm/Wall (Zoning Sec. 5.5.3.B.ii, iii): The required 3-foot-tall berm is not proposed, however an alternative brick screening wall 3-feet in height is proposed.
9. Building Foundation Landscaping (Zoning Sec 5.5.3.D): None of the commercial buildings meet the requirements for building foundation landscaping along the front side and allow the planter landscaping to count toward foundation requirements.

However, Buildings A, C and D are only slightly deficient, so the waiver is supported. The applicant states Building B landscaping will be increased to lessen the deviation or eliminate it.

10. Section 9 Waiver (Section 5.15): Proposed elevations for residential buildings have an underage of minimum required brick on all rear and some front facades (26-27% proposed, 30% minimum required) and an overage of Asphalt shingles (56% front side, 50% maximum allowed). As the deviations are minor and do not adversely affect the aesthetic quality of the facades, the waiver is supported.
11. Opposite-Side Driveway Spacing Waiver (Code of Ordinances, 11.216.d.1.d & e.): The Design and Construction Standards indicate a minimum of 150 feet is required between a new driveway and an existing "downstream" driveway. The proposed driveways are 105 feet and 118 feet. *The applicant indicates they have RCOC approval of the proposed driveway locations, however the City would also need to approve a waiver from its standards.*
12. Color Spectrum Management (Sec. 5.7.3.F): A recent amendment to the Zoning Ordinance has a requirement that light fixtures shall not have a Correlated Color Temperature (CCT) greater than 3000 Kelvin (K). The photometric sheets show light fixtures measuring 4000K, *since the level still represents a warm tone that is pleasing to the eye rather than a cool or unnaturally bright light.*

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

1. *The complete east portion adjacent to the railroad tracks and the south 50-foot-wide strip along the wetland of the proposed PRO (15.87 acres of the 27.07 RM-1 rezoning) being retained as a natural area with a conservation easement to preserve its existing marshland and wildlife. This natural area, with wetlands, wraps around the PRO and includes on the west end a proposed new 0.4-acre park/playground located between the proposed residential and retail sites. The proposed trail system, with its overlooks near the Novi Athletic Club is to be a usable and accessible community resource." This is a benefit to both residents and the environment to have additional natural resources preserved in perpetuity.*
2. *"To help achieve walkability and connectivity of the entire area, a trail system is being added which consists of new crushed limestone paths, overlooks, and existing sidewalks. This walkway system provides connectivity between surrounding existing residential areas and new proposed PRO residential area with all the marshland nature areas, the proposed pocket park, the Novi Athletic Club, Ice Arena, and Dog Park, and with the new proposed local (retail) along Ten Mile Road. The retail consists of the new proposed retail and restaurant areas, and the existing Walgreen's and dental office. New walkways and bike paths wind through the natural area, overlook 15.87 acre wildlife area and connect this PRO development to the recreation areas: The \$3.2 million dollars worth of Novi 10 land previously donated to the city, initiated by Novi request (18 acres of land): For the Novi Arena Facility and the Novi Dog Park." This is a benefit as future residents as well as the general public will have access to a pleasant area for walking that connects various community amenities. Subject to the Planning Commission's recommendation to the City Council for consideration to modify or eliminate the proposed pathway connection to the Ridgeview subdivision.*
3. *"Two pocket parks are added: One added at the trailhead on 10 Mile Road at the north end of the new conservation area. The second is on the west end of the trail*

townhouses to include playground equipment." This is a benefit as future residents as well as the general public will have access to the pocket parks and trails. The applicant states the trailhead area will be dedicated to the City. It remains unclear if they will be providing amenities and responsible for maintaining it. There are no details currently provided. If this is to be a benefit, the size and details of the benefit will need to be clarified and be included in the PRO Agreement.

4. *"A planted plaza over 20 feet deep, with benches and other amenities is proposed to be continuous along the storefronts of the new local retail area including a variety of planter sizes and types with a variety of trees and flowers."* This goes beyond what the ordinance requires and is considered an enhancement of the project area that could be used by any customers of the retail area.
5. *Proposed use restrictions not permitting certain automotive and other business uses in the proposed B-2 commercial zoning (Sec. 3.1.12.B & C) are to be part of the PRO. Not permitted uses are:*
 - a. *Vehicle Oriented Uses: gas/fueling station,*
 - b. *Other excluded uses: Check cashing, Pawn shop, Hotel/motel (Marijuana sales already not permitted in the City of Novi will also be excluded by the PRO documents in case the city's law is changed to allow it in the future.)*

This is an enhancement of the property as the City can be assured that the future tenants of the property will not include certain less desirable uses, and is more restrictive than the ordinance requires.
6. *EV Charging Stations will be located at each of the commercial buildings (8 indicated in total). Outlets for 240-volt EV chargers will be provided in each townhouse garage.*

This is an amenity that goes beyond what the ordinance requires.
7. *The amount of open space provided for the RM-1 townhouses exceeds ordinance requirements.* This is a benefit as future residents as well as the general public will have access to the trails and trailhead area.
8. *Commercial Building Setbacks:*
 - a. *Front: 40 feet required....101 feet provided*
 - b. *Rear: 30 feet required....74 feet provided*
 - c. *Side: 30 feet required.....88 feet provided*
9. *Residential Building Heights* will be limited to 29 feet, which is more limiting than the 35 feet permitted. This is a benefit as the buildings will be less obtrusive than the 35-foot otherwise permitted.
10. *Commercial Building height* will be limited to 23 feet, which is more limiting than the 30 feet permitted. This is a benefit as the buildings will be lower profile than the 30-foot otherwise permitted.
11. *Maximum Residential Lot Coverage* of 25% is permitted, 14% is proposed. This is a benefit as more permeable surface will be preserved, which allows stormwater to permeate, and more green space is available.
12. The development standards of the RM-1 District require a minimum rear yard setback of 75 feet. The applicant proposes a greater setback of 100 feet minimum along the

south side. This benefits the neighborhood to the south as buildings are further away than the ordinance requires, with less of the existing trees to be cleared.

13. *In the RM-1 District, a development of 3-bedroom units can have up to 5.4 dwelling units per acre. This development proposes 4.5 dwelling units per acre. This is 17% more limiting than otherwise permitted in the district.*

14. *As noted in the façade review, the commercial buildings significantly exceed the 30% minimum requirement for brick on nearly all elevations. This represents an enhancement of the project area beyond what the ordinance requires.*

15. The applicant states they will off-set their impacts on 10 Mile Road by constructing the following improvements:

- a. *Widen eastbound 10 Mile Road to two through lanes, ending with a right-turn deceleration lane at the site's easternmost residential driveway.*
- b. *Widen westbound 10 Mile Road to two through lanes west from the 3rd site driveway to help provide additional capacity for outbound site traffic.*
- c. *Extend the center left-turn lane along 10 Mile Road from where it currently ends at Catherine Industrial Road to service all commercial driveways.*

As noted in the Engineering Review letter, these improvements may require the acquisition of Right of Way on the north side of 10 Mile Road, and the approval of those property owners, as well as the approval of the design by the RCOC.

C. This motion is made because the proposed General Business (B-3) zoning district is a reasonable alternative to the RC District and fulfills the intent of the Master Plan for Land Use, and because:

1. The plan results in the preservation of a large area of woodland, wetland, and floodplain, which benefits the overall environment and community members,

2. The development supports various goals of the 2016 Master Plan for Land Use, including:

- a. Provide residential developments that support healthy lifestyles. Ensure the provision of neighborhood open space within residential developments.
- b. Safe housing and neighborhoods. Enhance the City of Novi's identity as an attractive community in which to live by maintaining structurally safe and attractive housing choices and safe neighborhoods.
- c. Maintain existing housing stock and related infrastructure.
- d. Provide a wide range of housing options. Attract new residents to the City by providing a full range of quality housing opportunities that meet the housing needs of all demographic groups including but not limited to singles, couples, first time home buyers, families and the elderly.
- e. Maintain quality architecture and design throughout the City.
- f. Protect and maintain the City's woodlands, wetlands, water features, and open space.
- g. Increase recreational opportunities in the City.

- h. Provide and maintain adequate transportation facilities for the City's needs. Address vehicular and non-motorized transportation facilities.
 - i. Ensure compatibility between residential and non-residential developments.
- 3. The detriments to the City from the commercial and multiple family development as proposed are mitigated through the preservation of woodland and wetland areas, and the proposed improvements to 10 Mile Road. The conditions proposed would result in an overall enhancement of the area that may not be achieved in the absence of the PRO Agreement.