



CITY OF NOVI CITY COUNCIL DECEMBER 16, 2024

SUBJECT: Initial review of eligibility of The Grove, to rezone property at the southeast corner of Twelve Mile Road and Meadowbrook Road to High-Density Multiple Family with a Planned Rezoning Overlay.

SUBMITTING DEPARTMENT: Community Development – Planning Division

KEY HIGHLIGHTS:

- Rezoning 62 acres on Meadowbrook Road to allow a 438-unit multi-generational development with attached townhomes and apartments and open space amenities.
- Former agricultural site contains regulated woodlands and an extensive system of wetland areas.
- Proposed PRO Conditions include four pedestrian seating areas along Meadowbrook and Twelve Mile, and off-site 10-foot-wide pathway along Twelve Mile, which the applicant indicates are in the public interest.
- Planning Commission reviewed the Initial PRO Plan and provided feedback on October 30, 2024.

BACKGROUND INFORMATION:

The applicant is requesting a Zoning Map Amendment for approximately 62 acres of property on the south side of Twelve Mile Road, east of Meadowbrook Road (Section 13). The applicant is proposing to rezone the property from Office Service Technology (OST) to High-Density Multiple Family (RM-2) using the City's Planned Rezoning Overlay (PRO) option.

The current zoning of the property is OST – Office Service Technology. The properties to the east, west and south are also zoned OST. The area to the north is B-3 General Business and RA Residential Acreage.

The Future Land Use Map identifies this property and those around it in blue as Office, R&D and Technology, which is consistent with the current zoning. The area to the north is single family and community commercial.

The natural features map shows there are significant wetland and woodland areas on this property as well as to the east and south. The tree and wetland surveys provided by the applicant confirm these features.

The applicant is proposing to utilize the Planned Rezoning Overlay to rezone the property to RM-2 High Density Multiple Family. The initial PRO plan shows four “villages” offering different types of residential units. The Vistas are 3-bedroom townhome units – a total of 49 units in 3-story buildings. The Woods and The Point are 2-story townhome buildings with a total of 133 units, each with three bedrooms. The Meadows are residential apartment buildings with a total of 256 units. These would offer a mix of studio, 1-bedroom and 2-bedroom units. There is also a clubhouse building and central park area with amenities, including an outdoor pool, pickleball courts, a playground and a dog park.

The development is accessed by two entrances off Meadowbrook Road, and one from Twelve Mile Road.

Rezoning to the RM-2 category would permit the use proposed, however the multifamily zoning is not in compliance with the current Master Plan designation as Office Research Development and Technology. The current update to the Master Plan is under review, and the land use designation for this area may change.

The conditions in the interest of the public offered by the applicant include:

1. Four “focal areas” – two along Meadowbrook and two along Twelve Mile, which would be publicly available from the sidewalk. These are small seating areas with landscaping. One of these could serve as a bus stop for the new SMART service along Twelve Mile.
2. Construction of a 10-foot pathway on Twelve Mile on the Trinity site adjacent (off-site)
3. A corner feature at the southeast corner of Meadowbrook and Twelve Mile.
4. The usable open space and general open space significantly exceeds the requirements of the Ordinance.
5. Other conditions as listed in the Summary of Conditions section below.

Staff thinks that given the size of the development proposed, additional benefits to the public could be considered to off-set the detrimental impacts of the project.

As described in the Wetland Review, each of the delineated wetlands on the site meet the criteria of providing wildlife habitat as well as flood and storm control. Wetland review notes that the proposed development appears to result in a total permanent wetland impact area of 1.71 acres out of the total 9.64 acres present on site (about 18% impact). Approximately 1.4 acres of on-site mitigation area is noted on the plan, which is not likely to meet the full requirement for mitigation. The City has determined that all wetlands on the site are regulated, and therefore the wetland impacts, and mitigation calculation requirements should be updated accordingly on future submittals.

For woodlands, the plan appears to remove about 75% of the regulated trees on the woodland survey.

As noted in the Façade Review, the façade materials proposed do not conform to the Ordinance requirements. The building designs show extensive use of “luxury” vinyl siding, which is not permitted. Most of the building facades do not meet the 30% minimum brick requirement. The façade materials should be reconsidered to bring the units into substantial compliance.

Some other issues identified include questions of compatibility and buffering from the adjacent uses that will remain OST. Being adjacent to a residential development can require additional setbacks or other restrictions, which can be an added burden to surrounding non-residential landowners, however this would primarily be an issue to the south, but that parcel is largely developed. Dense landscaping is proposed in that area to provide buffering.

A residential development may result in smaller wetland and woodland impacts compared to an OST development due to the typical size of buildings and parking needs. OST-permitted uses include offices, research & development, data processing, and hotels, which all typically have a larger footprint than the RM-2 uses proposed. The Traffic study notes that the number of residential units proposed would likely result in fewer daily vehicle trips compared to an OST development, but there is a net increase during peak hours.

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 (unless terminated), 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 chart at the end of this motion sheet for example conditions from Subsection C)

Ultimately, the applicant will have the burden of demonstrating that the following requirements and standards are met by the PRO Plan, Conditions, and PRO Agreement:

- a. The PRO accomplishes the integration of the proposed land development project with the characteristics of the project area in such a manner that **results in an enhancement of the project area as compared to the existing zoning that would be unlikely to be achieved, or would not be assured, in the absence of the use of a PRO.**
- b. **Sufficient conditions have been included** on and in the PRO Plan and the PRO Agreement such that the City Council concludes, in its discretion, that, **as compared to the existing zoning and considering the site-specific land use proposed by the applicant, it would be in the public interest to grant the rezoning with PRO.** In determining whether approval of a proposed application would be in the public interest, **the benefits which would reasonably be expected to accrue from the proposal shall be balanced against, and be found to clearly outweigh the reasonably foreseeable detriments thereof, taking into consideration reasonably accepted planning, engineering, environmental and other principles, as presented to the City Council,** following recommendation by the Planning Commission, and also taking into consideration the special knowledge and understanding of the City by the City Council and Planning Commission.

In other words, an applicant needs to establish that its proposed project can integrate with the other development in the area, that it results in an enhancement of the project area as compared to the existing zoning, one that couldn't happen without the rezoning and the PRO, and that it would be in the public interest.

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 a Public Hearing on October 30, 2024, 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 summarized here:

- Commissioners stated they were concerned about changing the character of this area from Office Service Technology to more residential, especially since it isn't in line with the 2016 Master Plan.
- Commissioners thought the layout was thoughtfully designed to take into account the wetland areas.
- Commissioners thought the facades should be brought into compliance with the Façade Ordinance.
- Commissioners reiterated that additional public benefits would be needed to justify the PRO.
- Commissioners liked the look of the amenities within the development.
- Commissioners stated that providing the type of housing that would benefit the underserved senior housing market could be a public benefit to consider.

SUMMARY OF CONDITIONS OFFERED

Below is a 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*:

1. Preservation of City regulated woodlands
2. Preservation of City regulated wetlands
3. Density shall not exceed 8.0 dwelling units per acre (More limiting than the dwelling units per acre allowed in the RM-2 District)
4. Providing the community amenities shown in the PRO Plan, including the provision of 11 acres of usable open space, which significantly exceeds the requirement of about 2 acres.
5. Design and construction of an off-site 10-foot multi-use pathway on the adjacent property retained by Trinity (approximately 730 linear feet).
6. Dedication of 1,652 linear feet of Right of Way along Meadowbrook Road.
7. Building height will be limited to 41 feet.
8. Exceeding landscaping requirements, such as in the use of native species.
9. Improvements or other measures to improve traffic congestion or vehicular movement with regard to existing conditions or conditions anticipated to result from the development.
10. Creation or preservation of public or private parkland or open space.
11. Completion of a project recommended in the 2023 Active Mobility Plan in the nearby area.

Below is a summary of conditions that may be considered to reach the conclusion that, as compared to the existing zoning and considering the site-specific land use proposed

by the applicant, it is in the public interest to grant the rezoning with PRO (taken from the applicant's narrative):

Open Space and Parks – The Project design and layout is intended to create a “Placemaking” destination. These benefits will provide the City and its residents with great views, open space, pathways available to the public and, linked with the adjacent MDOT preserve, a large open space for wildlife habitat.

1. Over 1/3 of the site will be open space.
2. The open space includes “pocket parks” and an internal “Central” park community gathering area with many amenities (pool, clubhouse, Pickleball courts, picnic areas, playground, and a dog park).
3. Landscaping will focus on the use of native Michigan vegetation.
4. Setbacks, buffering and connectivity to support the eventual development of the corner parcel.
5. Views along Meadowbrook and 12 Mile Roads will have four places of interest, with extensive tree envelopes, benches and other amenities. Almost 50% of the frontage along those streets will be open space. The developer would be responsible for maintaining these amenities.
6. Preserves wetland and woodland corridors by mingling development into pockets. This is in contrast to development of OST uses that likely would have greater disruption of the natural features. Major wetlands will be preserved through a Conservation Easement.

Housing – Housing demand has changed. To address the market trends and need for more choices, we will offer multi-generational housing, geared toward young professionals and those looking for a more maintenance-free lifestyle.

1. Converts a long vacant OST parcel into a type of development that the public needs.
2. A more “attainable” housing cost compared to other options prevalent in the City.
3. Attractive, flexible housing types – townhomes, residential flats, designed for rent, sale or conversion to condominiums.

Mobility and Transportation – Connections to the Regional Pathways and the various internal non-motorized connections are consistent with “Walkable Novi” and the City’s new Mobility Plan.

1. Combining 12 parcels, which could be developed with individual access points, into one unified destination with just two access points. **There are two access points on Meadowbrook, and one on 12 Mile Road. The retained Trinity parcel at the corner would likely have at least two access points as well.**
2. Connections to a new bus stop for residents of the area for SMART's Route 740 along 12 Mile Road. **Would a bus shelter be provided?**
3. An integrated pathway system that links to the regional non-motorized system along 12 Mile and Meadowbrook Roads, that connects to the Michigan Air Line Trail, M-5 and I-275 systems.
4. Our internal non-motorized system includes sidewalks, pathways, compacted limestone and natural hiking trails. We are providing a wider, 10-foot wide, circular pathway system in the area where we believe the demand will be highest.

5. Significant reductions in traffic compared to development of the site with typical OST uses (as noted in the Community Impact Statement and Traffic Impact Study).
6. Additional right-of-way will be dedicated along the Meadowbrook Road frontage.

DEVIATIONS

The proposed PRO Concept Plan includes the following ordinance deviation requests (Note these are based on the Initial PRO Plan, **with Staff comments in bold**):

1. **Building Setbacks (Sec 3.1.7.D):** A Zoning Ordinance deviation is requested to reduce the building setbacks from 75 feet to 50 feet along the east, west and south property lines. The applicant indicates the property to the east will not be developed as it is the MDOT wetland and stormwater natural area, so the reduced setback will not impact this property. The applicant states that much of the property to the south is in a conservation easement, and a berm with landscaping for additional screening is proposed. **The conservation easement area is not in the area adjacent to the proposed homes.** On the western side, the applicant states the 50-foot setback is consistent with existing developments along Meadowbrook, and that Trinity Health has endorsed the design of the site, including the setbacks. **The setbacks from the Trinity Health parcel observe a 75-foot setback as is required. Most of the existing buildings along this segment of Meadowbrook are set back more than 70 feet from the road right-of-way. The only building setback that is less than 70 feet is the University of Detroit Mercy building, which is approximately 30 feet from Meadowbrook ROW.**
2. **Parking Setback (Sec 3.1.7.D):** A Zoning Ordinance deviation is requested to reduce the parking setback from 75 feet to 50 feet along the west property lines. The deviation is requested as it is similar to other developments along Meadowbrook Road, and ample landscaping will provide a screening buffer. **Parking areas along Meadowbrook Road are in the 30-to-50-foot range for setbacks. There is only one location on the proposed plan with parking this close to the road, and it is shown to be covered by a carport structure.**
3. **Total Number of Rooms (Sec. 3.8.1.A):** A Zoning Ordinance deviation is requested to allow a greater number of rooms than the RM-2 District permits for buildings less than 4-stories (1,389 rooms proposed, 1,195 permitted). The applicant states while the proposed number of rooms exceeds the number allowed, the proposed density for each unit type is less than the allowed density, and the proposed unit mix is consistent with current market conditions and demand. **The RM-2 district allows a greater number of rooms for buildings 4 stories or taller, with corresponding higher units. This deviation has been permitted previously, as the overall density permitted by the district is not exceeded.**
4. **Building Length (Sec. 3.8.2.C):** The maximum building length in The Meadows is 216 feet, which exceeds the allowed length of 180 feet. The applicant states that the buildings are smaller than most modern multi-family buildings of this

type. **Architectural details like changes in building materials, as well as over a third of the front façade of the building being landscaped, there is visual interest that helps to break up the bulk of the building.**

5. **Building Orientation (Sec. 3.8.2.D):** A Zoning Ordinance deviation is requested to revise the required orientation of the buildings from a minimum of 45 degrees in certain locations. This allows for a more uniform site layout with all of the units backing up to open space/wooded areas. **All buildings are either parallel or perpendicular to property lines abutting non-residential districts. This deviation has been requested and granted for many residential projects in the City in the last 5 years.**
6. **Distance between Buildings (Sec 3.8.2.H):** A Zoning Ordinance deviation is requested to reduce the building separation distance from the calculated formula as follows: The Vistas (side to side: 25 feet minimum proposed, 34.8 feet required; rear to rear: 50 feet proposed, 56 feet required); Woods and Meadows: (side to side: 25-feet proposed, 39.6 feet required); between Building 9 and 10 (32.8 feet proposed, 41.3 feet required). **This deviation enables the layout of this project to fit within the available space while minimizing wetland and woodland impacts.**
7. **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 to due to the impracticality of providing a minor road (defined as less than 600 feet in length) given the site constraints (woodlands, wetlands, and property configuration). **Perpendicular parking for guests is proposed on two Major Drives (Simi Drive and Beckham Drive) in several locations, where driveways are also proposed. The parking spaces will not cause any more disruption on the roadway than cars that will be backing out of the driveways.**
8. **Wetland Mitigation (Code of Ordinances, Chapter 12, Sec 12-173):** At this time, it appears the applicant would need to request deviations from the requirements of the Wetland and Watercourse Protection ordinance based on the information provided in the plan. **The applicant should reevaluate their calculated impacts and mitigation plans based on comments in the Wetland Review. Current deviations needed would not be supported by staff.**
9. **Section 9 Waiver (Section 5.15):** Proposed elevations for residential buildings have an underage of minimum required brick (0% proposed on some buildings, 30% minimum required), and an overage of Vinyl Siding on all buildings (0% allowed). **This waiver is not supported. As a minimum, the amount of brick should be increased to more closely match the 30% required. As vinyl siding is not permitted, the applicant should consider wood or fiber cement siding.**
10. **Parking Distance to Buildings (Sec. 3.8.2.F):** In two locations, off-street parking spaces are within 13-17 feet from the adjacent building. The ordinance requires 25-feet between parking spaces and a dwelling structure that contains openings involving living areas. **The parking spaces are further away than the**

driveways where parking is permitted, so it does not appear they will have a greater impact.

11. **Number of Accessory Buildings** (Sec. 4.19.1.J): For lots greater than ½ acre, not more than 2 detached accessory buildings are permitted. The PRO plan shows 4 detached garages. **A recent text amendment allows the number of carports to exceed 2. This deviation to allow a greater number of garages is supported as it is a large site, provides covered parking options for a greater number of residents, and will not be detrimental to the area.**
12. **Landscape Berms** (Sec. 5.5.3.A.ii): A landscape deviation is requested to not provide a 4-foot, 6-inch to 6-foot-high landscape berm on a proposed RM-2 district adjacent to an OST district on the east and south side. This deviation is supported by staff because of topography and the provision of dense landscaping along both property lines.
13. **Right-of-Way Landscaping** (Sec. 5.5.3.B.ii): A deviation to the required greenbelt berm and plantings along 12 Mile and Meadowbrook Road due to the existing natural areas to be preserved, and a heavily landscaped detention basin.
14. **Right-of-Way Landscaping** (Sec. 5.5.3.B.ii): A landscape deviation to allow a deficiency in street trees along Meadowbrook Road. **This may be supported by staff depending on the justification. The applicant is asked to provide rationale for this deficiency.**
15. **Building Foundation Landscaping** (Sec. 5.5.3.F.iii): A landscape deviation for the deficiency in building foundation landscaping. **This deviation is not supported by staff as there are opportunities to more closely comply with the ordinance standards. The applicant states that additional plantings will be added to the building corners and sides.**

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 examples of **conditions** (as listed in the Ordinance) that might assist the Council in reaching a conclusion that, as compared to the existing zoning and considering the site-specific land use proposed by the applicant, it is in the public interest to grant the rezoning with PRO.

Types of PRO Conditions (Section 7.13.2.C.ii.b)	Proposed	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.
(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	Number of units can be stated as maximum allowed. Additional restrictions could include limits on parking, height of buildings.
(3) Provision for setbacks, landscaping, and other buffers in a manner that exceeds what the Zoning Ordinance can require.	Yes	Open space exceeds requirements
(4) Exceptional site and building design, architecture, and other features beyond the minimum requirements of the Ordinance or the Code of Ordinances.	No	The building materials currently do not comply with minimum standards and should be revised.
(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	While significant areas of wetland and woodlands are proposed to be preserved, the impacts are also significant. Wetland ordinance will require mitigation, which is proposed but will not meet full requirements.
(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	Use to be limited to multi-family residential
(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	10-foot wide shared-use pathway proposed within the site, and along 12 Mile Road

(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	Not proposed.
(9) Improvements to site drainage (storm water) or drainage in the area of the development not otherwise required by the Code of Ordinances.		
(10) Limitations on signage.	No	
(11) Creation or preservation of public or private parkland or open space.	Yes	Enhanced pedestrian seating areas proposed along Meadowbrook and 12 Mile, other areas are not publicly accessible
(12) Other representation, limitations, improvements, or provisions approved by the City Council.	TBD	