



**CITY OF NOVI CITY COUNCIL
MARCH 22, 2021**

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.295 to include an option for stand-alone multiple family residential use in the PD-2, Planned Development Option, as amended from the First Reading, subject to conditions. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development, Planning

BACKGROUND INFORMATION: City Council considered the proposed Text Amendment 18.295 for the Planned Development Option 2 (PD-2) section of the Zoning Ordinance on March 8, 2021. Although it was approved for first reading, several members of Council indicated concerns with the extent of stand-alone residential uses that could be developed, as well as the need for the specific change at this time when the Master Plan update is scheduled to begin this summer, and may result in additional changes recommended for this area of the city.

To summarize, the primary intent of this ordinance amendment is to provide a tool for the City Council to remove the mixed-use requirement for the currently allowed residential use in the PD-2 Option, especially in light of retail challenges. Additionally, in listening to Council's concerns, in order to limit the application of multi-family uses to a smaller sub-section of PD-2 eligible properties, staff has now provided revised language to require such uses be located only on properties adjacent to a zoning district other than the RC District, as the current ordinance language does for mixed use projects. In effect, this would eliminate properties such as the former Art Van building from redeveloping with residential uses. The area south of West Oaks II, currently zoned Conference, would require rezoning to RC in order to take advantage of the uses available under the PD-2 option. Currently, the only vacant parcels zoned RC and designated for the PD-2 Option that are adjacent to zoning districts other than RC would be the three shaded red below along Twelve Mile Road northeast of the Twelve Oaks Mall.



While the Master Plan update is scheduled to begin in July 2021, the last update took about twelve months from start to formal acceptance. Based on previous experience, the 2021 Master Plan update is not likely to be formally adopted by the Planning Commission until summer of 2022. Any additional recommendations for changes to the RC District would then need to be proposed for Text Amendments to the Zoning Ordinance. Therefore, it could be 18-20 months before those changes could be formally adopted into the Zoning Ordinance. As staff mentioned, Singh Development has met informally with staff to discuss a possible development of one of the parcels north of Walton Woods. With their permission, we are sharing the concept plan and perspective drawings of the project they are interested in developing. They indicate they are ready to begin the site plan review process as soon as the current Text Amendment proposed is adopted. The plans have not yet been submitted for Preliminary Site Plan review, and the staff and consultants have not prepared review letters for the attached concept.

Another question staff heard during the first reading of the proposed Text Amendment was about the level of discretionary approval required for projects utilizing the PD-2 Option. The approval process is more rigorous than by-right uses in any Zoning District, and in some ways mirrors the PRO process. Section 3.31, the Planned Development Options, sets out specific conditions for effectuating a PD Option in the site plan review process.

First, the Planning Commission, in making a recommendation for approval to City Council, “shall find that at least the following conditions are met:

- i. *The plan meets all the requirements of Section 6.1 of this Ordinance for Preliminary Site Plans and the requirements set forth in the City's Site Plan and Development Manual.*
- ii. *The plan satisfies the intent of the Special Land Use provisions as stated in Section 6.1.2.C.*
- iii. *The Community Impact Statement and Traffic Study are provided, regardless of site size, in accordance with the requirements set forth in the City's Site Plan and Development Manual.*
- iv. *The plan satisfies the intent of this Section with respect to use of land and principal and accessory use relationships within the site as well as with uses on adjacent sites.*
- v. *That all existing or proposed streets, roads, utilities and marginal access service drives, as are required, are correctly located on the site plan in accordance with the approved plans for these improvements.*
- vi. *The plan meets all the applicable standards of this Ordinance relative to height, bulk and area requirements, building setbacks, off-street parking and preliminary site engineering requirements.*
- vii. *That there exists a reasonably harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; that there is a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area to assure proper relationships between:*
 - a. *The topography of the adjoining lands as well as that of the site itself including any significant natural or manmade features.*
 - b. *The relationship of one building to another whether on-site or on adjacent land, i.e., entrances, service areas and mechanical appurtenances.*
 - c. *The rooftops of buildings that may lie below street levels or from the windows of higher adjacent buildings.*
 - d. *Landscape plantings, off-street parking areas and service drives on adjacent lands.*
 - e. *Compliance with street, road and public utility layouts approved for the area.*

- f. *The architecture of the proposed building(s) including overall design and facade materials used. Architectural design and façade material are to be complimentary to existing or proposed buildings within the site and the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area."*

Second, the City Council is advised to review the Preliminary Site Plan with regard to the conditions above and Special Land Use conditions, and "is authorized to impose conditions that are reasonably related to the purposes of this section and that will:

- i. *Insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity;*
- ii. *Protect the natural environment and conserving natural resources and energy;*
- iii. *Insure compatibility with adjacent use of land; and*
- iv. *Promote the use of land in a socially and economically desirable manner.*

All conditions imposed shall be made a part of the record of the approval of the Preliminary Site Plan.

As part of Preliminary Site Plan approval, the City Council is authorized to grant deviations from Zoning Ordinance requirements related to area, bulk, yard and dimensional issues, as well as attach reasonable conditions in granting deviations.

Additionally, the PD-2 Option requires applicants for mixed use projects to demonstrate the following:

- (1) *The development will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.*
- (2) *Based upon the proposed uses, layout, and design of the overall project, the proposed building façade treatment, the proposed landscaping treatment, and the proposed signage, the development will result in a material enhancement to the area of the City in which it is situated.*
- (3) *In relation to underlying zoning, the proposed development will not result in an unreasonable negative economic impact upon surrounding properties.*
- (4) *Each particular proposed use in the development, as well as the quantity and location of such use, shall result in and contribute to a reasonable and mutually supportive mix of uses on the site, and/or a compatibility of uses in harmony with the surrounding area and other downtown areas of the City, and shall reflect innovative planning and design excellence.*
- (5) *The proposed development shall be under single ownership and/or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership and/or control, upon due notice to the City Clerk, provided that the transfer is to a single person or entity, as required in the first instance.*

(6) Streetscape amenities shall be included as part of a mixed-use building. The use of decorative, pedestrian-scale parking lot lighting, public pathways, and other similar features shall be an integral part of any site plan. Amenities shall include lighting, landscape plantings, and other amenities that reflect a consistent residential theme. All such amenities shall be privately owned and maintained.

The proposed text amendment would apply the above conditions to residential uses as well as add specific development conditions to any PD-2 project that includes residential use which are similar to those applied in the TC-1 District and other multiple-family districts.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.295 to include an option for stand-alone multiple family residential use in the PD-2, Planned Development Option, as amended from the First Reading. **SECOND READING**