

Conditions:

1. *That the applicant deposit \$2000.00 into the City Tree Fund for one street tree per lot, prior to issuance of a Land Improvement Permit.*
2. *All outstanding fees and permits must be submitted to Engineering Services prior to the applicant obtaining a Land Improvement Permit.*

**A motion was made by Schroeder, seconded by Brnabic, that this matter be Recommended for Approval to the City Council Work Session. The motion carried by the following vote:**

**Recommended for Approval to the City Council Work Session**

**Aye:** Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Reece, Schroeder and Yukon

**Absent:** Kaltsounis

*After each motion, Chairperson Boswell stated for the record that the motion had passed unanimously. The applicants thanked the Commissioners.*

## DISCUSSION

**2007-0195** Discuss possible Buffer Modifications (east and west property lines) - City File No. 05-039 - Faith Evangelical Presbyterian Church, a proposed 24,643 square foot church on approximately seven acres located on Hamlin west of Rochester Road, zoned R-3, One Family Residential, Parcel Nos. 15-22-451-009 & -010, Scott Barnes, Architect, applicant.

*Present for the applicant were Del Stanley of Faith Evangelical Presbyterian Church, 375 East 2nd St., Rochester, MI 48307, and Eron Kleckner, E.J. Kleckner & Associates, 7031 Orchard Lake Road, Suite 304, West Bloomfield, MI 48322, Landscape Architect.*

*Mr. Anzek advised that the applicants had submitted plans for a church to be located immediately east of Hamlin Elementary School on Hamlin. The project had been through one technical compliance review and questions came up regarding the buffering. For the current plan, the applicants would like to request Buffer Modifications on the east and west property lines, and if not supported ultimately by the Planning Commission, the project would have to be redesigned. Mr. Delacourt thought it would be advantageous to have a discussion with the Commissioners to obtain input and guidance on the matter. Mr. Anzek referred to the Site Plan and pointed out the wetland. He said that in order to avoid the wetland, the City Engineer and Staff thought it would*

be best to circumvent it by going to the west. That would require a Buffer Modification because the drive would be ten feet from the property line. The applicants were proposing the full buffer on the north and south sides of the property as required by Ordinance, but they would like to leave the east as natural as possible. He turned the discussion over to the applicants.

Mr. Stanley thanked the Commission for being allowed on the Agenda on late notice. He stated that they hoped to break ground in the near future on phase one of a two-phase project. There would be two buildings connected by a glass-covered walkway over the wetland. He advised that they had a few issues to wrap up before coming before the Commission for Site Plan Approval, and that one of the issues dealt with the boundaries. He pointed out the property lines and said they were talking about the boundary between the back of Hamlin Elementary and the church property. On the east side, the water from their property went across the neighbor's property and they had to plan for a 100-year storm. They proposed a system that required them to move closer to the boundary on the west. He advised that they had met with people from the school, and they were strongly in favor of not having a buffer added. A row of trees would upset the natural landscape of the property and now, when Hamlin School had an emergency or some kind of training, they had to go west several hundred feet through a lot to the church on the west side of the school to a safe place. The applicant's parking lot for phase two would be right across from the school's east side parking facility and they could use that parking lot without having to go far. He mentioned that the neighbor on the east was also strongly in favor of not having a buffer and of leaving the natural setting.

Chairperson Boswell referred to the north end of the property that abutted homes on Sandalwood, and confirmed that it would be buffered as required. Mr. Anzek advised the Commissioners that the project had only been through one technical compliance review. He did not want to give the impression that all City Departments and outside agencies were ready to sign off. He reminded that it was a discussion only and that no action would be taken.

Mr. Schroeder referred to the school boundary, and agreed that if that was what the school wanted, the Commission should agree. He asked the zoning to the east, and Mr. Anzek answered that it was R-3. Mr. Schroeder noted that if that property were developed as single-family they would want a buffer. Mr. Anzek said that since it was next to a non-residential use, a buffer was required. Mr. Schroeder wondered if they could have an agreement whereby the buffer would be required at such time that the eastern property was developed as single-family. He noted that they allowed it in Troy, and then reviewed the Waivers once a

year. Mr. Anzek said it would be new for Rochester Hills, but he felt it had merit. He added that there was the possibility that the church could buy the property to the east also. Chairperson Boswell said there were several properties to the east, which could be combined, and they would want a buffer. He did not think it had to be done until then, if it happened.

Mr. Stanley said there was no question that they wanted to be a good neighbor. They had discussions with the neighbor to the east, to show interest in acquiring the property if they were ever able, financially. He clarified that they were in no position to do it now.

Ms. Hardenburg asked if they had talked to the resident to the west on Hamlin. She said they had not mentioned talking to the people at the home that would now be isolated between a school and a church. She thought that would look rather funny.

Mr. Stanley said that was a good point. He said the reason he did not bring it up was because that property would not be affected by the boundary modification. The subject area was behind that house on the school property. He advised that those individuals showed up at the meeting they held for the neighbors, and were favorable toward the project. He assumed that if the neighbors knew they were going to put up 10-foot tall trees but were not buffering a building, that they would prefer lower shrubbery so it would not block their view.

Ms. Hardenburg asked about the phases. Mr. Stanley said that phase one would be an administration and education building with a temporary worship center. Phase two would be the worship center, and phase one would become a recreational area with a gym that they planned to open up to the neighbors.

Mr. Hooper said he believed that the house directly to the west was owned by the school and was rented out. He corrected that the map the applicants were showing did not include both lots the church owned.

Mr. Yukon noted that the driveway would come off of Hamlin and snake through the property on the north side of the building. He asked how far the driveway would be from the school property and was told ten feet. Mr. Yukon asked whether, in the discussions with the school, there was any concern about the driveway being so close to their property. He considered that the church would be using the facility primarily on the weekends, when the students would not be there, but he wondered if there would be daycare in the summer. Mr. Stanley said they would not have a school, and he added that the school did not express a concern about the driveway being too close.

Mr. Reece asked if the parking currently shown on the Site Plan (north side of building) was for both phases. Mr. Stanley said it would be used for both, because phase one would be an educational building, but in phase two there would be parking on the south side of the lot adjacent to the drive to the back. Mr. Reece asked how big the building would be for phase two and how much parking they would need to support that. Mr. Stanley said he did not bring the layout for the parking, but said that the combined parking proposed was beyond what the City required. Mr. Reece clarified that the driveway off Hamlin would not get reworked for phase two. He continued that he did not have a problem with the Buffer Modifications, but he was curious to see what phase two would look like. Chairperson Boswell agreed there did not appear to be a lot of room to work with. Mr. Reece wondered how many trees would have to be demolished to make way for phase two. Regarding phase two, Mr. Stanley added that the lot dipped and that parking would be hidden from Hamlin Road.

Mr. Reece asked the size of the congregation. Mr. Stanley said they had about 300 people. Mr. Reece asked how many people attended services normally, and Mr. Stanley said they had two services and typically, one would have 50 and the other would have 200 or so.

Mr. Dettloff asked if the first phase would be an educational center. Mr. Stanley said it would be administration, educational and recreational. Mr. Dettloff clarified that the second phase would be for worship. He asked the timeframe for the phases. Mr. Stanley said they would like to break ground as quickly as possible on phase one, and phase two was indefinite. It depended on finances. Mr. Dettloff asked if phase two could be as much as five years away, to which Mr. Stanley agreed. Mr. Dettloff asked if the 7.2 acres listed on the application reflected both lots, which was confirmed.

Ms. Hardenburg asked if they were planning to have some type of a school, noting the reference to education. Mr. Stanley said he meant Sunday School. Ms. Hardenburg said that Hamlin Elementary was very busy when it started and ended, and she would be concerned if there were even more classes and students involved right next door.

Ms. Brnabic asked if the facility would only be used on Sunday. Mr. Stanley said it would be primarily used Sunday morning, but they would have a smaller activity - 50 people or so - on Wednesday evenings. There might be a small board meeting during the week.

Chairperson Boswell opened the discussion to the public at 8:20 p.m.

**Gerald J. Shaw, 201 Sandalwood, Rochester Hills, MI 48307.** Mr. Shaw stated that he lived directly to the north of the proposed project, and that one of the reasons he bought the property was because of the quiet and the wooded area, although they did get noise from the school at times. It appealed to him that the area was residential and that there were only homes on Hamlin, with the exception of the school. He was concerned about property values, and if he tried to sell his home he was not sure if a church would lower his property value. He was not aware of the possible expansion of the project and that was another concern - he wondered how big it would grow. He was concerned about a buffer in back of the church, and about parking and how close it would be to the residential backyards. He was concerned about how many activities the church would have during the week and during the summer, such as bible camp, and if many activities would raise the noise level. He asked the Commissioners to consider that when making their decision.

**Matthew Jaroma, 193 Sandalwood, Rochester Hills, MI 48307.** Mr. Jaroma said he purchased his home in 2005, and he was also concerned about his property value. He paid about \$13,000.00 more than what the exact home on another street in the neighborhood cost because of the quiet backyard. He was concerned about the tall trees in the back they enjoyed looking at. He had young children and they enjoyed looking at the deer, squirrels and birds. He was concerned about looking at a parking lot and about what types of buffering they would have. When they purchased the home they were very moved by the view of the property behind their backyard. His friend, an engineer, expressed concern about the way Mr. Jaroma's property drained water. They were concerned that water would not drain off of their lots properly into the empty land as it did now. He was worried there would be a pool of water in his backyard or a flooded basement. He said he was not notified about the meeting until 6:30 p.m. when he got a notice in the mail. He said he was glad he was proactive about the matter because he only had an hour's notice.

**Ken Bartos, 181 Sandalwood Dr., Rochester Hills, MI 48307.** Mr. Bartos noted that the Hawthorn tree in back of his property was the boundary of the northeast quadrant of the church property. He stated that he had lived in his home for the last 13 years. Their house was a long-term investment and they chose carefully and liked to look at the pleasant meadow. The lot sizes were modest in his subdivision, particularly behind the houses. There was a fence behind his yard and their vista was beyond his boundary. There were a lot of charms to the property as it was now. The view from his deck was 13-feet above the property line. He was concerned about his property value, and said the real estate people projected he would lose between five and ten percent of the value of his home, depending on how well the church was

screened. He was 13 feet above the property line so that would take quite a screening. With five homes involved, it would amount to over \$100,000.00 of lost property value. He referred to the proposed five-foot high berm to the north, and said that with trees and bushes it could contribute to a dam for the surface water. There was a four-foot drop between his deck and the property line, as it was for the rest of the properties along the northern property line of the church. He believed that would block a flood plain, which he said was against State law. When the snowplows cleared the asphalt parking lot, if they pushed the snow to the north, and it melted and refroze, it would become a solid ice dam so their water could not flow to the south as it did now. There would be a swamp created on the property line. The water would flow into the projected parking lot area or the berm. The trees looked to be deciduous in the plans and they would have good cover from June to October, but from November through May the parking area would be totally visible. There was no screen projected for the parking lot from his view. He was not sure what type of fencing was planned for the perimeter of the parking lot. They now had a steel mesh fence along the northern border, but it was not clear if that fence would be removed. If it was going to be removed, he wondered whether they would use a bulldozer and rearrange the property and if the Hawthorn tree would be taken out. He was not sure what grounds he had, but he wanted to say he was being personally impacted by an investment that he did not care to subsidize.

Chairperson Boswell asked Mr. Anzek to describe what type of buffer was needed on the north property line and of what that would consist.

Mr. Anzek responded that the Ordinance required a Type B Buffer, which was a 25-foot horizontal, measured distance from the property line before any structure could begin. The Buffer also included a six-foot opaque screen wall, fence or berm, and a 20-foot IVO, which were deciduous trees planted 20-feet on center, so their growth in time filled in the area.

Chairperson Boswell asked what guarantees adjacent property owners would have that a berm would not create an ice rink in their yard. Mr. Anzek said that all the properties on Sandalwood had backyards that sloped down towards the property line. If they put a berm on the other side they would be inviting the opportunity for ponding water unless it was well drained.

Chairperson Boswell asked how close the parking lot would be to the back property line. Mr. Kleckner answered that it would be a minimum of 50 feet. Chairperson Boswell used a scale and said it looked to be less than 40 feet. Chairperson Boswell clarified that there would not be any

fencing proposed. Mr. Kleckner said there was no opaque fencing proposed and they would add evergreen trees.

Chairperson Boswell stated that as to property values, the Commission could not say whether they would go up or down because of development anywhere. They could argue about it, and some people would say values would go down and others would say they would rise. The Commission could not guarantee anything one way or the other.

Mr. Anzek said that if a berm were proposed with a four-to-one slope, which was pretty steep for mowing, it would take 48 feet of horizontal to make a six-foot high berm.

Mr. Schroeder indicated that they would have 50 feet, so when they balanced the site they could use the dirt to increase the width and the height of the berm. Mr. Kleckner thought they could, but they would not want to do that exclusively across the rear because if they filled underneath the existing trees they would destroy them. Mr. Schroeder said that was correct, but they had to consider the trade-offs. Mr. Kleckner said that where there were areas without existing trees they could come up with a taller berm.

Mr. Schroeder said there was mention of taking down the fence, but he did not feel the church would take it down even if it was a little into their property. He suggested that once the property was developed and the trees and growth were there, the homeowners would probably want to take the fence down. He noted that the comments about drainage, and he advised that when a site was developed, the City really looked at drainage. The property dropped and the church would have to accommodate any drainage from the north. It had to be taken through their system (detention pond) and it would be seriously looked at by the City's Engineering Department. They would work with the neighbors to the north to make sure their concerns were addressed. He assured that they would not have ponding. He added that the church would have to retain for a 100-year storm for the entire site.

Mr. Hooper advised that when the homes were developed on Sandalwood, the drainage was directed to a pond on Drexelgate. There were rear yard drains all along the homes and unless a property owner filled in the swale, the rear yard drainage should flow through the east-west storm sewer on the rear property line within the subdivision and head to Drexelgate. At the time it was developed, all the drainage was collected and sent to the pond, and he said it should normally be flowing off the property through the drain, unless someone altered the drainage pattern by filling in the property.

Mr. Hooper referred to the berm, and said it looked about 40 feet, so he noted that the one-on-four slope would be four feet high at best. He stated that things could change when the Site Plan came back - there could be more room and a higher berm. Mr. Schroeder added that there were breaks in the berm so water could go around it and through, and if they wanted a solid berm they could also add a pipe for water to go through.

Chairperson Boswell referred to meeting notifications and said that the matter before them was a discussion topic that got put on the agenda late. Notifications went out on Friday, which he agreed was not a lot of time. He advised that any time an item needed a public hearing (which the church would), everyone within 300 feet would be notified two weeks in advance. Mr. Anzek said that the gentlemen that spoke would also automatically be put on a list and get notification.

Ms. Brnabic noticed that someone in the audience wished to speak, and Mr. Bartos said that the fence was not on their properties - it was put up by the owners before the church bought it. Mr. Shaw said there was a huge evergreen tree on the church's property, about ten feet from the fence that might have to be removed.

Chairperson Boswell asked if anyone had objections to the buffer requests. Mr. Hooper said that the buffer for the west property line made sense, but he indicated that there were significant issues on the north property line that needed to be addressed when the applicants came back for Site Plan Approval.

Mr. Anzek asked if the Commissioners agreed with Mr. Schroeder's suggestion to make the eastern buffer something that could occur in the future, depending on how the land was redeveloped. There were no objections, and Mr. Anzek said he would determine the method to do that. Mr. Schroeder said he would send a copy of Troy's Ordinance regarding the process.

Mr. Hooper noted that the homeowners on Sandalwood east or west of the development would look right at the building. He was not sure there was anything they could do about it, but he indicated that it was something to consider.

Chairperson Boswell said that it sounded like the people from the church had talked with the neighbors on Hamlin and the school. He asked if they talked with the people on Sandalwood.

Mr. Stanley said they sent out a mailing to neighbors within 300 feet and



*invited them to an invitational meeting. He did not believe anyone from Sandalwood showed up. The neighbors to the east and west on Hamlin showed up and were very favorable to the project. Chairperson Boswell asked if anyone from the south side of Hamlin showed up, and was told they did not. He suggested some people might not have gotten the invitation. Mr. Stanley said they got the list from the City and if two people got one everyone else should have. Chairperson Boswell said that the Commission really appreciated hearing that applicants talked with the neighbors so they were not blindsided by a neighbor's objection. He believed that things could usually be worked out between developers and the neighbors prior to it coming before the Commission. Mr. Stanley asked if they should repeat the mailing and have another meeting. Ms. Hardenburg said she would personally knock on doors and talk to people, and Mr. Stanley agreed they would do that.*

*Chairperson Boswell asked the applicants if the Commission had answered their questions. Mr. Stanley said they had and that they appreciated the time and advice from the Commission.*

**Discussed**

**Discussed**

## **ANY OTHER BUSINESS**

**2007-0191** Recommendation of Planning Commission Representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2008

Motion by Hardenburg, seconded by Schroeder, the Planning Commission recommends to City Council that Vice Chairperson Deborah Brnabic of the Planning Commission shall be their Representative to the Zoning Board of Appeals for a one-year term to expire March 31, 2008.

**A motion was made by Hardenburg, seconded by Schroeder, that this matter be Recommended for Approval to the City Council Work Session. The motion carried by the following vote:**

**Recommended for Approval to the City Council Work Session**

**Aye:** Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Reece, Schroeder and Yukon

**Absent:** Kaltsounis

## **NEXT MEETING DATE**

The Chair reminded the Commissioners that the next regular meeting was scheduled for April 3, 2007.

## **ADJOURNMENT**

Hearing no further business to come before the Commission, the Chair adjourned the regular meeting at 8:50 p.m.