

**City of Rochester Hills
Department of Planning**

**STAFF REPORT TO THE PLANNING COMMISSION
June 15, 2004**

Site Plan Abiding Presence Lutheran Church	
APPLICANT	Abiding Presence Lutheran Church 1550 Walton Blvd. Rochester Hills, MI 48307
AGENT	Arthur Kalajian, Architect
LOCATION	North Side of Walton Blvd, West of Livernois
PARCEL NOS.	15-09-378-022
FILE NO.	87-829.2
ZONING	R-2 (One-Family Residential) District
STAFF	Derek L. Delacourt
REQUESTS	Revised Conditional Land Use Recommendation Buffer Modifications Site Plan Approval

SUMMARY

The proposal is for construction of a 5,700-square-foot additon to the existing Church located on the north side of Walton Blvd. west of Livernois. The proposed addition is for expanded Church and Sunday school space.

Specific actions requested by the applicant for consideration by the Planning Commission are making a Revised Conditional Land Use recommendation to City Council, granting Buffer Modifications, and approving the Site Plan.

CONDITIONAL LAND USE

Churches are permitted in any zoning district per Section 138-1337 of the Rochester Hills Zoning Ordinance, subject to the following conditions (as paraphrased):

1. *The site is so located as to provide ingress to and egress from the site directly onto a major or secondary thoroughfare having an existing or planned right-of-way at least 86*

feet in width. The proposed project will currently and will continue to access Walton Blvd., which has a right-of-way width of 120 feet.

2. *Building of greater than the maximum height allowed may be permitted, provided the front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.* The maximum building height in the R-2 zoning district is 35 feet. The height of the proposed church addition is 16' 6". Therefore, this standard is not applicable.

Section 138-1306[d] of the Zoning Ordinance details the general requirements for a conditional land use, which are as follows:

1. *Will promote the intent and purpose of this ordinance.* As previously mentioned, churches are permitted in any zoning district. Therefore, the use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-1337 in particular.
2. *Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.* Although the development has been operated, maintained, and managed so as to be compatible and harmonious, the Planning Commission will need to determine whether the proposed addition's architecture and materials are compatible, harmonious, and appropriate in appearance with the existing structure, character of the general vicinity and adjacent uses of land. Staff recommends that the addition to the existing church will not negatively impact the above stated criteria and the improvements being made, including additional landscaping and storm water improvements, will enhance the situation.
3. *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.* The development is adequately served by essential public facilities and services.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
5. *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.* The development does

not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

If the Planning Commission feels that the proposed architecture and materials are compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity and adjacent uses of land, **staff recommends approval of the following motion relative to City File No. 87-829.2 (Abiding Presence Lutheran Church).**

MOTION by _____, seconded by _____, in the matter of City File No. 87-829.2 (Abiding Presence Lutheran Church), the Planning Commission **recommends** to City Council **approval** of the **Revised Conditional Land Use**, based on plans dated received by the Planning Department on May 11, 2004 with the following findings.

FINDINGS:

1. Since churches are permitted in any zoning district, the use is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-1337 in particular.
2. The proposed development has been designed to be compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity and adjacent uses of land.
3. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
4. The development should be not detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
5. The development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

BUFFER MODIFICATIONS

The applicant has requested several buffer modifications. In her attached memorandum dated May 26, 2004, the City's Landscape Architect details the requested buffer modifications and references several related findings. Ms. Campbell further notes that she believes the buffers as proposed for the project meet the full intent of the ordinance and recommends approval. Based on these findings, **staff recommends approval of the following motion relative to City File No. 87-829.2 (Abiding Presence Lutheran Church).**

MOTION by _____, seconded by _____, in the matter of City File No. 87.829.2 (Abiding Presence Lutheran), the Planning Commission **grants** the following **Buffer Modifications**, based on plans dated received by the Planning Department on May 11, 2004, with the following findings.

- Buffer Modification to reduce the required 25-foot width on the east and west portions of the site to what is existing and shown on the Site Plans. Although both abutting parcels to the east and west - where the 25' foot width requirement is not met - are zoned residential, neither parcel is developed with a residential use. In addition, the need for the modification from the width requirement is not created by the proposed addition, but rather, by the existing approved and conforming development.
- Buffer Modification to use existing vegetation on-site to provide the required six-foot opaque screen and twenty-foot Intermittent Visual Obstruction (IVO). The applicant has worked diligently with Staff to provide additional plantings to meet the intent of both the IVO and the opaque screen requirements. The City's Landscape Architect recommends that the existing buffers supplemented by additional plantings meet the intent of the "Type B" Buffer and provide significant screening for the site.

FINDINGS:

1. Due to the existing parking on the west and east portions of the site, and because abutting parcels to the east and west are not developed as residential uses, the proposed buffer width shown on the plans is sufficient to meet the intent of the ordinance.
2. Existing vegetation on the site supplemented by the additional proposed plantings meet the intent of the "Type B" Buffer for both the six-foot opaque screen requirement and the 20-foot IVO requirement.

SITE PLAN

As part of the technical review for this project, all applicable City departments and consultants have reviewed the plans and supplemental documentation. Review comments are either included in this report or contained within the enclosed information.

Tree Removal Permit

No Tree Removal Permit is required for the subject site.

Wetland Use Permit

There are no regulated wetlands on site.

SITE PLAN

The proposed addition meets the City's zoning requirements for the use, including parking, interior landscape islands, setbacks, and height. Also, the proposed improvements, additional landscaping, and enhanced storm water retention proposed for the site will improve the overall development.

Staff recommends approval of the following motion relative to City File No. 87-829.2 (Abiding Presence Lutheran Church).

MOTION by _____, seconded by _____, in the matter of City File No. 87-829.2 (Abiding Presence Lutheran Church), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on May 11, 2004, with the following findings and subject to the following conditions.

FINDINGS:

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City ordinances, standards and requirements, can be met subject to the conditions noted below.
2. The proposed church will continue to access Walton Blvd.
3. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
4. There should be a satisfactory and harmonious relationship with existing contiguous development and adjacent neighborhoods.
5. The proposed development should not have an unreasonably detrimental nor an injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

CONDITIONS:

1. That the applicant submit a Landscape Performance and Maintenance Guarantee in the amount of \$22,725.00 for a period of two growing seasons, to be adjusted by Staff if necessary, prior to issuance of a Land Improvement Permit.
2. That if the City's Forestry Department determines that site construction activity damages any of the five regulated trees in the Walton Blvd. right-of-way, the applicant will be required to remove and replace them at the time of inspection prior to issuance of a Certificate of Occupancy.

3. That the applicant obtain all necessary Oakland County Drain Commission and Soil Erosion Permits prior to construction.
4. That a Land Improvement Permit shall be required from the City's Engineering Services Department prior to work on the site.

THANK YOU

Reference: Plans dated received by the Planning Department May 11, 2004 (Title Sheet [Sheet No. C-0.0], Existing Site Conditions [Sheet No. C-1.0], Demolition Plan [Sheet No. C-1.1], Site Plan [Sheet Nos. C-2.0], Misc. Site Details [Sheet C-2.1], prepared by Mickalich and Associates, Inc.; Landscape Plans [Sheet Nos. L-1.0, 2.0, 2.1], and Floor Plans and Elevations [Sheet Nos. A-1.1 and A-2.0], prepared by Arthur E. Kalajian, Architect.

Attachments: Planning Department memorandum dated 5/26/04; Assessing Department memorandum dated 4/20/04; Building Department memorandum dated 4/16/04; Parks and Forestry memorandum dated 4/23/04; Public Services memorandum dated 5/27/04; Orchard, Hiltz & McCliment, Inc. letter dated 5/20/04; Goodison Child Care Centers, Inc. letter dated 3/24/04; Environmental Impact Analysis Revised 4/6/04; Development Application dated 1/12/03.
