

**City of Rochester Hills
Department of Planning**

**STAFF REPORT TO THE PLANNING COMMISSION
February 1, 2005
REVISED**

Site Plan Ahmadiy'ya Mosque and Muslim Community Center	
APPLICANT	DeMattia Group 45501 Helm Street Plymouth, MI 48170
AGENT	Tim Zawodny
LOCATION	North Side of Auburn Road, East of Crooks
PARCEL NOS.	15-28-300-026
FILE NO.	02-013
ZONING	R-4 (One-Family Residential) District
STAFF	Derek L. Delacourt
REQUESTS	Tree Removal Permit Conditional Land Use Recommendation Buffer Modifications Site Plan Approval

Based on changes made to the proposed site plans the following staff report has been revised since the October 19th Planning Commission Meeting. The revisions are to address issues identified by the Commission and subsequent issues identified by further technical review.

Revisions include:

- Removal of the proposed phase II for construction of an additional structure at the southeast corner of the site.
- Relocation of the proposed retention pond and proposed parking south of the building.
- Elimination of the proposed storm water pump for the retention pond.
- Finalization of the Auburn Road improvements related to the site and incorporation into the proposed plans.
- Revisions to the regulated tree counts to allow removal of the dead or poor-condition Ash trees; this allows the applicant to replace all removed regulated trees onsite as opposed to paying into the City's Tree Fund.

The changes indicated above appear to address the concerns identified by the Planning Commission and have made a substantial improvement to the proposed site design, operation and compatibility with surrounding areas. All proposed changes have been reviewed and recommended for approval by applicable City Departments and outside agencies. The recommended motions and conditions have been modified to reflect the proposed changes.

SUMMARY

The proposal is for construction of a place of worship and a community center. The subject site is located on the north side of Auburn Road, between Crooks and Livernois. The subject site is 4.6 acres and is zoned R-4, One Family Residential. The surrounding land to the east, west and south is also zoned R-4, while the property to the north is zoned I-1, Light Industrial.

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

CONDITIONAL LAND USE

Places of Worship 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 access Auburn Road, which has a right-of-way width of 120 feet.
2. *Buildings 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-4 zoning district is 25 feet. The height of the proposed building is 34' and the proposed tower structure is 50'. Based on the closest point of the building to a minimum setback, (an additional 28' above the required 10' side yard) the applicant may have a height of up to 53' feet. All proposed structures and features are below the 53' allowed.

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 all City zoning districts.
 - 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 will have an impact on the general vicinity and the natural environment, it is Staff's opinion that the site plan proposed will 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 character of the general vicinity and adjacent uses of land. Staff recommends that the proposed project will not negatively impact the above stated criteria and the improvements being made will not have an adverse effect on the area.
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 does not appear to be, after meeting any conditions of approval, 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. 02-013 (Ahmadiy'ya Mosque and Muslim Community Center).**

MOTION by _____, seconded by _____, in the matter of City File No. 02-013 (Ahmadiy'ya Mosque and Muslim Community Center), the Planning Commission **recommends** to City Council **Conditional Land Use Approval** of the proposed project, based on plans dated received by the Planning Department on January 26, 2005 with the following findings.

FINDINGS:

1. Places of Worship 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

Section 138-1218 of the City's Ordinance allows the Planning Commission to modify, reduce, or waive the required buffer based on the following criteria:

1. The landscape/screening plan shall protect the character of new and existing residential neighborhoods against negative impacts such as noise, glare, light, air pollution, trash and debris, and hazardous activities.

2. The planning commission shall determine the screening, width and type of buffer zone needed to ensure compatibility based upon the following criteria:
 - a. The development is compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, building height, identified historical character, disposition and orientation of buildings on the lot and visual integrity.
 - b. The site has natural existing vegetation and/or topography, natural bodies of water or wetland areas or other existing conditions which offer screening consistent with the standards set forth in this chapter. The planning commission shall require the retention of these natural features as a condition of site plan approval.
 - c. The arrangement, design and orientation of buildings on this site lends itself so as to maximize the opportunity for privacy and isolation from negative impacts of this project.

The applicant has requested a buffer modification to allow vegetation to replace the required six-foot opaque screen on both the east and west property lines. The applicant has met both the 25' buffer width and 20' Intermittent Visual Obstruction requirements.

The applicant indicates that they have met with several of the surrounding residents and that they indicated a desire for vegetation to meet the requirement in lieu of a wall fence or berm.

In her attached memorandum dated January 27, 2005, 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.

It is Staff's recommendation that the use of existing vegetation in lieu of a wall fence or berm to meet the 6' opaque screen requirements meets the intent of the City's Ordinance and is consistent with the above stated criteria. Based on these findings, **staff recommends approval of the following motion relative to City File No. 02-013 (Ahmadiy'ya Mosque and Muslim Community Center).**

MOTION by _____, seconded by _____, in the matter of City File No. 02-013 (Ahmadiy'ya Mosque and Muslim Community Center), the Planning Commission **grants** the following **Buffer Modifications** to allow existing vegetation supplemented by additional plantings to meet the six foot opaque screen requirements on both the east and west property lines, based on plans dated received by the Planning Department on January 26, 2005 with the following findings.

FINDINGS:

1. That the use of existing vegetation supplemented by additional plantings is consistent with the intent of the "Type B" buffer requirement for the subject site.
2. That the proposed plan meets the criteria of Section 138-1218 to allow the Planning Commission to modify or waive the buffer requirements for the proposed development.

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.

Wetland Use Permit

There are no City or State regulated wetlands on the subject site.

Tree Removal Permit

The City's Tree Conservation Ordinance applies to the subject site.

The applicant is proposing to remove 342 of 544 regulated trees from the site, 202 trees (37%) will be preserved. The applicant is proposing to replace all 342 tree credits on site.

The City's Landscape Architect has reviewed the Landscape Plans and recommends that they meet the requirements of the City's Ordinance subject to conditions.

Staff recommends approval of the following motion relative to City File No. 02-013 (Ahmadiy'ya Mosque and Muslim Community Center).

MOTION by _____, seconded by _____, in the matter of City File No. **02-013 (Ahmadiy'ya Mosque and Muslim Community Center)**, the Planning Commission grants a **Tree Removal Permit** based on plans dated received by the Planning Department on January 26, 2005 subject to the following findings and conditions.

FINDINGS:

1. The applicant is proposing to remove 342 of 544 regulated trees on site (saving 37%), 342 replacement credits are required.
2. The applicant is replacing all 342 required credits on site.

3. The proposed plan is in conformance with the Tree Conservation Ordinance.

CONDITIONS:

1. That the applicant submit a Tree Replacement Performance and Maintenance Guarantee in the amount of \$83,000.00 for a period of two growing seasons, to be adjusted by Staff if necessary, prior to issuance of a Land Improvement Permit

Site Plan

The proposed project, subject to conditions, meets the City's zoning requirements for the use, including parking, interior landscape islands, setbacks, and height.

Remaining Issues:

1. The City's Planning Consultant indicates that the pick-up drop located at the rear of the proposed building is awkward. Attached to their review letter is a sketch that indicates a potential solution. The applicant has indicated that they will provided information to the Planning Commission and be prepared to discuss the pro's and con's of both options. A potential condition is included in the below motion if the Planning Commission requires the proposed change.
 - **This item was revised in the proposed plans to conform to the recommendation of the Commission.**
2. The applicant is proposing to utilize banked parking for the proposed development. The proposed plan meets the City's requirement for parking on the site. However, the applicant and staff agree that there may be a need depending on future use and circumstance for additional parking. Staff strongly supports the use of banked parking in this situation.
 - That the applicant adds a note to the plans indicating if the City's Ordinance Enforcement Department documents incidents of problem parking, banked parking areas identified on the site plan must be constructed.
 - That a note be added to the plans indicating that if banked parking is constructed the applicant shall be required to received a revised Tree Removal Permit.
3. That the applicant add a note to the site plan indicating that all outdoor lighting shall be turned off when the facility is not in use to reduce any light impact to surrounding residential districts.

Staff recommends approval of the following motion relative to City File No. 02-013 (Ahmadiy'ya Mosque and Muslim Community Center).

MOTION by _____, seconded by _____, in the matter of City File No. 02-013 (Ahmadiy'ya Mosque and Muslim Community Center), the Planning Commission **approves** the **Site Plan**, based on plans dated received by the Planning Department on January 26, 2005, 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 development will access Auburn Road.
3. Off-street parking areas have been designed to avoid common traffic problems and promote safety.
4. There appears to 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 \$130,410.00 for a period of two growing seasons, to be adjusted by Staff if necessary, prior to issuance of a Land Improvement Permit.
2. That revised plans indicate the proposed sidewalk continues along the west side of the building and connects to the City's Pedestrian Path, to be reviewed and approved by Staff prior to final approval.
3. That a note be added to the plan indicating that if the City documents three incidents of problem parking related to the site that banked parking areas shall be constructed by the applicant, to be reviewed and approved by staff prior to final approval.
4. That the applicant removes all reference to future design occupancy and future expansion from revised site plans prior to Final Approval. Any future expansion will require revised site plan approval.

5. Provide typical details for proposed stamped concrete areas on revised plans prior to Final Site Plan Approval
6. Revise tree calculation charts and cost estimates to conform the City Landscape Architect's memo dated January 27, 2005, to be reviewed and approved by staff prior to final site plan approval.
7. Tree protective fencing must be installed, inspected and approved by the City prior to issuance of Land Improvement Permit.
8. That the note on sheet 1 of 5 be revised to read, "Proposed Auburn Road Improvements shall be subject to MDOT requirements and approval. Improvements as shown with center left turn lane are subject to modifications, including improvements to the south side of Auburn, as required by MDOT/City of Rochester Hills to meet current standards and specifications."
9. That the detention pond's 100-year emergency overflow route is reviewed and approved by City's Engineering Services department prior to approval of construction plans.
10. Label all building materials and colors on revised plans for review and approval by Staff prior to final site plan approval.
11. Conditional Land Use approval by City Council.
12. That a note be added to the plans indicating that all exterior lighting shall be turned off when the facility is not in use.
13. That all required barrier free ramps be added to the site plan for review and approval by the City's Building Department prior to final approval by Staff.
13. That the applicant obtain all necessary Oakland County Drain Commission and Soil Erosion Permits prior to construction.
14. That a Land Improvement Permit shall be required from the City's Engineering Services Department prior to work on the site.
15. That the applicant remove identified loading zones from the east side of the building on revised and submitted plans prior to final site plan approval.

THANK YOU

Reference: Plans dated received by the Planning Department 01/26/05: Title Sheet [Sheet No. T.001], Site Plan [Sheet AS.1.01], Floor Plan [Sheet A1.0.01], Exterior Elevations [Sheet A2.0.01 to .03], Landscape Plan [Sheets L1.0 and L2.0], Tree Preservation Plans [Sheets L3-L5] Photometric Plan [Sheet E1.0.01] prepared by Demattia Associates; Site Plan [Drawings 1 of 6 through 6 of 6] prepared by R. K. Engineering & Surveying Associates, Inc.

Attachments: McKenna Associates letters (2) dated 12/28/04; Building Department memorandum dated 12/15/04; Fire Department memorandum dated 08/18/04; Planning Department memorandum dated 01/27/05; Public Services memoranda dated 04/15/04 and 01/26/05; Applied Science & Technology, Inc. letter dated 06/28/02; MDEQ letter dated 05/15/02; Parks and Forestry memorandum dated 05/06/04; Assessing Department memorandum dated 05/03/04; Oakland County Drain Commissioner letter dated 10/08/04.
