

Tuesday, April 15, 1997

REGULAR PLANNING COMMISSION MEETING held at the City of Rochester Hills Municipal Building, 1000 Rochester Hills Drive, Rochester Hills 48309, Oakland County, Michigan.

The meeting was called to order by Chairperson Kaiser at 7:30 p.m. in the auditorium.

I. ROLL CALL:

Present: Chairperson Eric Kaiser; Members William Boswell, John Gaber, Paul Krupa, Eugene Nowicki, Christian Ramanauskas, Gerald Robbins, James Rosen, Audrey Ruggiero
Quorum Present.

Absent: None

Also Present: Patricia A. Goodwin, Planning Director
Paul Rizzardi, Planner
Susanne Vergeldt, Recording Secretary

II. MINUTES FOR APPROVAL:

Regular Meeting of March 4, 1997:

MOTION by Boswell, seconded by Nowicki, that the Minutes dated March 4, 1997 be accepted as printed.

Ayes: All
Nays: None

MOTION CARRIED.

III. COMMUNICATIONS:

- A. Letter from Linda Lemke dated April 10, 1997 regarding Agenda Item IV.A.
 - B. Memo dated April 15, 1997 from Patricia Goodwin regarding the Historic Districts Commission to be considered under Any Other Business.
 - C. Note dated April 15 regarding Agenda Item IV.A.
 - D. Planning & Zoning News, March 1997
 - E. Letter from SEMCOG regarding a Spring Workshop
 - F. Agenda, April 10, 1997 Historic Districts Commission Meeting
 - G. Letter dated March 12, 1997 from Edwin Boner regarding Agenda Item IV.A.
 - H. Letter dated March 12, 1997 from Leonard and Hazel Raffler regarding Agenda Item IV.A.
 - I. The Chair has received a letter from Mr. Anthony Versaci, Multi-King, dated April 9, 1997 (File No. 95-003). Copies will be supplied to all commissioners in the next packet.
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IV. OLD BUSINESS:

- A. **Site Plan Approval - File No. 79-951**
Project: Islamic Mosque
A 39,200 square foot addition to the existing 7,700 square foot mosque on 6.0 acres

Requests: 1. Tree Removal Permit
 2. Buffer Modification
 3. Site Plan Approval
Location: South side of Auburn east of Livernois
Parcel: 15-34-101-032, zoned R-4, One Family Residential
Applicant: Islamic Association of Greater Detroit
 865 West Auburn Road
 Rochester Hills, Michigan 48307

(Reference: Staff Report prepared by Paul Rizzardi dated April 2, 1997 has been placed on file and by reference becomes part of the record hereof.)

Present for the applicant were Douglas Tull, attorney for the Islamic Association of Greater Detroit; Jack Hill and Jack Morris from Johnson Hill & Associates, landscape architects; Raj Khatri, civil engineer with RK Engineering.

Mr. Rizzardi briefly reviewed the staff report, referring to a displayed rendering provided by the applicant. The submitted site plan is consistent with the plan submitted approximately one year ago for Conditional Land Use Approval and is identified as Scheme 4. This scheme contains the highest amount of parking of all the submitted schemes. In achieving Scheme 4 some buffer modifications would be required. The zoning ordinance requires a 25 foot buffer along the property lines for a nonresidential use in a residential zoning. The approved buffer for the existing building was approximately 10 feet wide. Where the addition comes in, additional buffer area is proposed but still falls short of ordinance requirements at a total of approximately 15 feet. The applicant is proposing to meet the full buffer requirements requested by City Council, but would like some modifications in other areas. Considering the total buffer areas proposed, the applicant is going above and beyond the requirements of the ordinance to help minimize any impacts of the proposed use on adjacent properties. All residents who have expressed an interest in this project in the past, such as speaking at previous meetings, were notified of tonight's meeting. Also, all adjacent property owners were notified of the Tree Removal Permit request.

Mr. Tull explained the reasons for his belief that the dome and minaret are exempt from requirements of the ordinance. The dome and minaret are analogous to a steeple on a church. He shared pictures of domes and minarets from around the world. The proposed dome is a prefabricated unit which is placed on the roof of the existing structure; it is not part of the building. Mr. Tull referenced Sections 22.00.c. and 21.07 of Zoning Ordinance 200 as the basis for his argument. The dome and minaret would be on a parcel that has already been granted special land use approval; therefore he would hope that this request would not need to go back to City Council. The applicants have reduced the size of the addition as much as possible to still retain the purpose for building it. They could accept all the recommendations and conditions of Linda Lemke and the staff report, with the exception of going to City Council for the dome and minaret.

An error in the staff report was discussed, namely a wrong parcel number in City Council's conditions for land use approval. Parcel No. 15-34-101-024 should read Lot 24.

The Chair invited comments from those in attendance at the meeting even though this was not a Public Hearing.

Rabia Asghar, 1636 Black Maple, Rochester Hills 48309, spoke about the importance of mosque-centered activities in the lives of young people and the positive influence they have in the community as a whole.

Syed Arifuddin, 2029 Reagan Drive, Rochester Hills 48309, spoke about the goals of their organization of raising responsible and caring citizens who grow up with strong ethical and moral values and the importance of the mosque in accomplishing those goals with the proposed facilities.

Telephone call received on April 15, 1997 from **Mr. and Mrs. Theo Batchelor, 3171 Livernois, 852-3596** stating they do not want the pine trees that are between their property and the IAGD property cut down. It's OK to cut down the other trees, but the pine trees took a long time to grow.

Letter dated March 12, 1997 from **Edwin Boner, 819 West Auburn Road, 810-852-4652**, which states he has no objection to the revised site plan dated February 28, 1997 for the subject site which discloses plans for construction of a dome and a minaret, or to the request for a variance for the 17.5 foot buffer.

Letter dated March 12, 1997 from **Leonard and Hazel Raffler, 921 West Auburn Road, 810-852-1808**, which states they have no objection to the revised site plan dated February 28, 1997 for the subject site which discloses plans for construction of a dome and a minaret, or to the request for a variance for the 17.5 foot buffer.

Dr. Mohammed Ansari, one of the trustees of the Islamic Association of Greater Detroit, responded to questions from commissioners. There is no required height for a minaret. It is a prefabricated unit built in proportion to the size of the building it is atop. The proposed height of the subject minaret is 55 feet, and it could be reduced if necessary. The minaret is symbolic of Islamic culture. It has no specific use. The Prophet's tomb in Medina has one, and it is copied throughout the world. Dr. Ansari confirmed that there will be no loudspeaker to announce a call to prayer. They have assured this to the Planning Commission and City Council in the past. There will be no opening from inside the building to the inside of the dome. They have shown drawings of the dome and minaret to the neighbors and have heard no objections.

There were no further comments from the public.

To Member Robbins the heights of the dome and minaret were more acceptable than the height of a wireless communication tower.

Member Gaber stated City Council should have the opportunity to review the project again, particularly regarding the height issue and to maintain consistency with the way church steeples are considered. He did not believe Council would have any objections, but that would be the proper action in light of the way the ordinance is written.

Mr. Tull pointed out that the subject property has been approved for conditional land use since 1979 or earlier. He did not see the necessity for returning to City Council in light of the fact that no limitations were placed on that approval. In addition Council did not want to consider the concept plan as part of the conditional land use approval.

Mr. Rizzardi stated that there is general consensus among city staff that the minaret is exempt from the height limitations of the ordinance; there is no such consensus on the dome. City staff have agreed on the following distinction: if the dome is a readily demountable feature, i.e., it can be removed from and replaced back on the building, it probably would be exempt from the ordinance provisions of Section 22. If it is possible to look up into the dome from inside the building, then it would be considered part of the building and would not be readily demountable. Section 22 also states that City Council may place height restrictions on exempt features. The dome does meet the height limitation of the ordinance per Section 21.17, but the site would not meet ordinance requirements as designed. Parking would be required to be moved farther away from the property line because parking is not permitted in setbacks.

Several commissioners compared the dome and minaret to the steeple, cross, or sanctuary of a church. Commissioner Ramanauskas considered them architectural features.

Mr. Rizzardi provided the following reasoning. Churches are allowed to be taller than other structures in residential zoning districts. But as the height is increased, the setbacks must be increased. Most religious institutions get the increased height approval as part of the conditional land use that is approved by City Council. In the subject case the dome and minaret were added after the Conditional Land Use was approved; so they are new items that Council hasn't seen before. There are two ways to approach this: provide greater setbacks to allow for the increased height, or request a conditional land use to go before City Council in the usual way. However, providing greater setbacks would require the parking area to be moved out of

the increased setback area; then the site would not meet the parking requirements.

Mr. Tull indicated that the applicants would have no objections to a condition of approval that the dome not be an integral part of the structure.

Mr. Rizzardi confirmed that a revised landscape cost estimate of \$17, 125 has been submitted.

Item 1. Tree Removal Permit

MOTION by Boswell, seconded by Robbins, in the matter of File No. 79-951 (Islamic Mosque), that the Planning Commission **grant a Tree Removal Permit** incorporating all findings and conditions in the staff report dated April 2, 1997, Linda Lemke's letter dated April 10, 1997, and requiring a landscape bond.

CONDITIONS:

1. The tree removal and tree replacement plans are also approved by Linda Lemke & Associates.
2. The applicant provide a landscape plan guarantee in the form of a bond, letter of credit or surety in the amount of \$17,125.

Discussion on the Motion:

Mr. Rosen confirmed with Mr. Rizzardi that the majority of the trees to be removed are in the detention pond area, and the majority of the replacement trees will be placed in the detention area.

Mr. Morris confirmed that the pine trees bordering the Batchelors' property would not be affected by any construction, and no pine trees are listed on the tree list.

Ayes: All

Nays: None

MOTION CARRIED.

Item 2. Buffer Modification

MOTION by Robbins, seconded by Boswell, in the matter of File No. 79-951 (Islamic Mosque), that the Planning Commission **approve** the Buffer Modification with the four findings and two conditions in the staff report dated April 2, 1997, consistent with the plans dated received April 1, 1997.

FINDINGS:

1. The property is extremely narrow, and in some portions the required buffer encompasses 25 percent of the property width.
2. Requiring the complete buffer width would result in less available parking on the property. Currently during Friday worship, ample parking does not seem to exist on the site. Providing additional parking would help resolve this parking problem.
3. In exchange for the requested buffer width reduction, the applicant is proposing to place additional plant materials within the buffer yards.
4. Although the buffer yards do not meet the full 25 feet of width, the buffer yards are of sufficient width to provide plantings which can flourish.

CONDITIONS:

1. The applicant is required to retain the existing vegetation along the property lines adjacent to the existing building and proposed addition.
2. If the existing vegetation thins out or dies, the buffer yard will be supplemented with evergreen planting materials.

Discussion on the Motion:

Mr. Rosen suggested replacing Finding No. 2 with the following: "There is adequate existing vegetation on site to achieve the purposes of the ordinance."

COMPLETE MOTION AS AMENDED:

MOTION by Robbins, seconded by Boswell, in the matter of File No. 79-951 (Islamic Mosque), that the Planning Commission **approve** the Buffer Modification including Finding Nos. 1, 3, and 4 plus the two conditions in the staff report dated April 2, 1997, plus a new Finding No. 2, consistent with the plans dated received April 1, 1997.

FINDINGS:

1. The property is extremely narrow, and in some portions the required buffer encompasses 25 percent of the property width.
2. There is adequate existing vegetation on site to achieve the purposes of the ordinance.
3. In exchange for the requested buffer width reduction, the applicant is proposing to place additional plant materials within the buffer yards.
4. Although the buffer yards do not meet the full 25 feet of width, the buffer yards are of sufficient width to provide plantings which can flourish.

CONDITIONS:

1. The applicant is required to retain the existing vegetation along the property lines adjacent to the existing building and proposed addition.
2. If the existing vegetation thins out or dies, the buffer yard will be supplemented with evergreen planting materials.

Ayes: All

Nays: None

MOTION CARRIED.

Item 3. Site Plan Approval

The Chair and Member Ramanauskas discussed with Mr. Khatri the possibility of relocating some of the handicap parking spaces from the eastern or western property lines to the rearmost entry on the southern side of the proposed addition, near the relocated tool shed. From their proposed locations along the property lines handicappers would be required to cross a roadway in order to enter the facility. After discussion Mr. Khatri will consider the following changes: Parking spaces numbered 162, 163, 164, 165 along the eastern property line will be moved farther south to spaces numbered 151, 152, 153, 154 so they will be closer to the proposed side door entrance on the east side of the proposed addition. The handicap spaces on the west side of the building will remain. Two additional handicap spaces will be provided in spaces numbered 28 and 29;

parking space number 40 will be removed to allow for the required widening of numbers 28 and 29.

Mr. Rizzardi clarified that the existing building contains one floor; the proposed changes include a second floor on the existing building plus a two-story addition. Parking requirements are based on the prayer area only. The prayer area is on the existing first floor and the proposed second floor addition. The gymnasium and classrooms and other areas are not included in the parking calculations. The basic assumption is that not all uses will be active at the same time; the greatest use will be the prayer areas.

In reviewing the dumpster location further, Mr. Rizzardi recommended angling the dumpster so that it would be parallel with the adjacent parking spaces. Mr. Khatri agreed.

MOTION by Robbins, seconded by Boswell, in the matter of File No. 79-951 (Islamic Mosque), to **grant Site Plan Approval** incorporating the findings and one condition in the staff report dated April 2, 1997 plus three additional conditions.

FINDINGS:

1. If the buffer modification is granted, the site plan indicates that all ordinances can be met.
2. The addition to the Mosque is proposed to be designed to be compatible with the existing building. The residents adjacent to where the building expansion is proposed have knowledge of and support the addition to the Mosque.
3. The site plan indicates that 26 additional parking spaces will be provided. The parking lot is laid out in a manner to provide effective vehicular access to the spaces.
4. The site requires only one access point on Auburn, and the proposed location can provide safe ingress to and egress from the site.
5. The development is not expected to have any harmful effects on natural features and characteristics of the site as documented in the applicant's Environmental Impact Statement.

CONDITION:

1. The applicant meets any additional comments of Linda Lemke & Associates.
2. The applicant provide a landscape plan guarantee in the form of a bond, letter of credit or surety in the amount of \$37,894.
3. The handicap parking spaces on the east side of the property be moved further south as discussed to be in closer proximity to the proposed new side entrance of the proposed addition. Two additional handicap parking spaces be added on the south side of the building.
4. The dumpster pad be angled to be consistent with the flow of traffic on the east side of the property.

[Enter Lois Golden, Vice-Chairperson of the Historic Districts Commission

9:10 p.m.]

Discussion on the Motion:

Member Rosen stated he would agree with Member Gaber regarding returning this item to City Council for consideration of the dome and minaret. He thought they should be approved as architectural features with a condition that if City Council chooses to review it, it be subject to their approval. Member Gaber did not think Council would have a problem approving

them; the ordinance requires them to give City Council to opportunity to review them.

Roll call vote:

Ayes: Boswell, Kaiser, Krupa, Nowicki, Ramanauskas, Robbins, Rosen, Ruggiero

Nays: Gaber

MOTION CARRIED.

The Chair recognized the president of the IAGD who came forward and, on behalf of the entire community, expressed appreciation for the board's patience, kind support and fairness in looking at all the relevant issues. He assured the board that whatever they do will be in the best interests of the community and the environment.

(Reference: Site Plan dated received by the City of Rochester Hills Planning Department on April 1, 1997 prepared by RK Engineering and Surveying; reference sheets dated received by the City of Rochester Hills Planning Department on April 1, 1997; landscape plans prepared by Johnson Hill & Associates dated received by the City of Rochester Hills Planning Department on April 1, 1997; Staff Report prepared by Paul Rizzardi dated April 2, 1997; letter from Linda Lemke & Associates dated April 10, 1997.)

[Recess 9:25 p.m. - 9:35 p.m.]

V. ANY OTHER BUSINESS:

A. Historic Districts Commission

(Reference: Discussion Paper to Planning Commission prepared by Patricia A. Goodwin dated April 15, 1997 has been placed on file and by reference becomes part of the record hereof.)

Ms. Goodwin discussed the staff's analysis of the issues presented in HDC Chairman John Dzuirman's letter dated 3/13/97 regarding the City Master Plan update, referencing her discussion paper dated April 15, 1997.

As redevelopment of existing sites becomes more commonplace in the City, it may be prudent to explore whether there is a need to more definitively plan for the preservation of historic sites and resources. The Planning Department is recommending the following actions in this regard at this time:

1. Update the current noncontinuous historic districts inventory to include parcel numbers and street addresses and an index of whether it is a historic district, resource, structure or site.
2. Map the current noncontiguous sites location.
3. Update and inventory the potential historic districts, sites, buildings, and resources throughout the community.
4. Prepare a map detailing the location and type of potential sites.
5. Prepare a report for the Planning Commission and Historic Districts Commission to review jointly. The purpose of the joint review will be to decide whether a preservation plan is needed and if so how best to incorporate the preparation of it into the Master Plan update process.