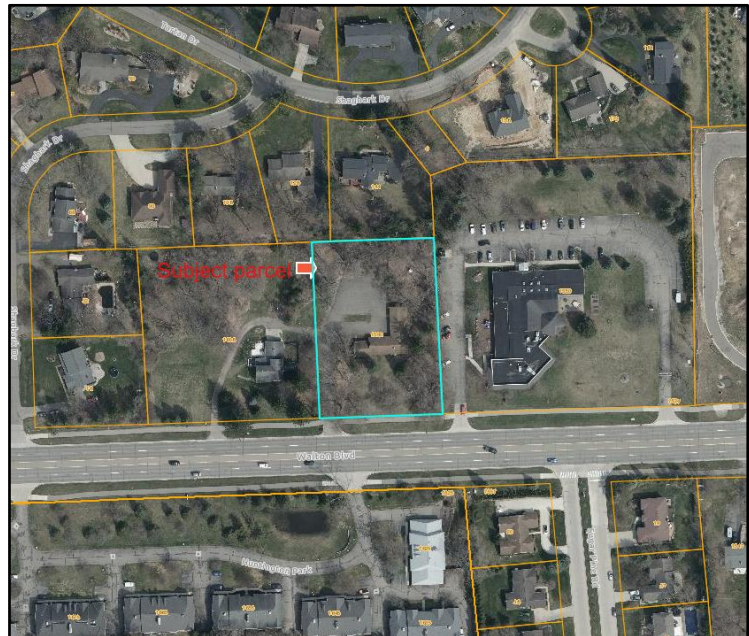


Oakland Gospel

REQUEST	Conditional Use Recommendation Site Plan Approval Tree Removal Permit
APPLICANT	Trevor Hewitt 1754 N. Fairview Lane Rochester Hills, MI 48306
LOCATION	1590 Walton Blvd., located on the north side of Walton Blvd. and west of Livernois and Rochdale.
PROJECT NO.	JNRA2022-0005 (PCU2023-0009, PSP2023-0008 and PTP2023-0010)
PARCEL NO.	70-15-09-378-019
ZONING	R-2 One Family Residential
STAFF	Chris McLeod, AICP, Planning Manager

Summary

The applicant is proposing to convert an existing residential structure of approximately 2,500 square feet into a place of worship. The building is located on a parcel of nearly 58,000 square feet. The site is located on the north side of Walton Blvd., west of Livernois and Rochdale. Places of worship of less than 5,000 square feet are a conditional use in the R-2 One Family Residential District. The proposed place of worship will be one story in height and the façade material will be a mix of siding and decorative face brick. The site improvements include a minor expansion to the existing paved surface to provide parking for a total of 14 parking spaces. Additional pedestrian accommodations will also be provided within the site and to the pedestrian sidewalk along Walton Blvd, along with additional stormwater facilities. The parking lot area will also include some minor lighting improvements.



The parking lot area will also include some minor lighting improvements.

	Zoning	Existing Land Use	Future Land Use
Site	R-2 One Family Residential District	Vacant	Commercial Residential Flex-2
North	R-2 One Family Residential District	Single Family Residential (Lochmoor Hills)	Commercial Residential Flex-2
South	RM-1 (across Walton Blvd)	Huntington Park (multiple family) (across Walton Blvd)	Commercial Residential Flex-2
East	R-2 One Family Residential District	Abiding Presence Lutheran Church	Commercial Residential Flex-2 and Residential 4
West	R-2 One Family Residential District	Single Family Residential (Lochmoor Hills)	Residential 4 (across Rochester Road)

General Requirements for Conditional Uses

Per Section 138-2.302 of the Zoning Ordinance, there are five areas of consideration for the Planning Commission for the discretionary decision of a conditional use. Each of the criterion are listed below in italics, followed by staff comments on the proposed conditional use's compliance with each.

Criterion:	Staff Comment:
1 <i>Will promote the intent and purpose of (the Ordinance).</i>	The R-2 One Family Residential District supports this type of use as a conditional use.
2 <i>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.</i>	The proposed use will be located within the existing building. No building expansion is being proposed at this time, the building will actually be reduced in size. The building façade will be renovated with decorative face brick and siding. Minor improvements are being proposed to the parking lot area with parking lot lighting. The site plan also proposes to add landscaping in each yard and will also include storm water improvements.
3 <i>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.</i>	The site plan has been reviewed by City Staff and has now been approved by all departments.
4 <i>Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.</i>	The proposed use is a conditional use in the district; is located adjacent to another place of worship; will be located in the existing residence on the site; provides supplemental landscaping along its western, northern and eastern boundaries; and will be limited to its occupancy given the limited parking proposed. Therefore, it does not appear the proposed use would be detrimental, hazardous or disturbing to existing or future neighboring uses.
5 <i>Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.</i>	There do not appear to be any additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community.

Specific Requirements for Places of Worship or Assembly

SECTION 138-4.427 - Places of Worship or Assembly

Places of worship or assembly may be permitted in any zoning district subject to the following conditions:

Criterion:		Staff Comments:
A.	The site shall be so located as to provide for ingress to and egress from such site directly onto a major or secondary thoroughfare having an existing or planned right-of-way at least 120 feet in width as shown on the current City master thoroughfare plan. For places of worship or assembly established before the adoption of this ordinance, ingress and egress onto a major or secondary thoroughfare with an existing or planned right-of-way of at least 86 feet in width shall meet this condition.	The site has access to Walton Blvd. which is a public roadway with a right-of-way of 120 feet.
B.	Buildings of greater than maximum height as allowed by <i>Section 138-5.100</i> of this ordinance may be allowed, provided 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 building height is slightly less than 12 feet in height as measured to the midpoint of the highest peak which is less than the maximum height permitted of 35 ft.
C.	Steeple, bell towers, and similar architectural features are exempt from the height requirements of this ordinance.	N/A for this application.
D.	For places of worship or assembly greater than 5,000 square feet, abutting a property that contains a residential use, a Landscape Buffer D shall be required in the rear and side yards.	See Below

Tree Removal Permit

The applicant has provided a tree survey that indicates a total of 52 regulated trees onsite and six (6) trees are proposed to be removed including one (1) specimen tree. Based on City Ordinance and the number of specimen trees proposed to be preserved, a total of four (4) trees are required to be planted as replacement trees. Based on the plantings provided, the applicant is not proposing to pay into the City's Tree Fund.

Staff Recommendations

Department	Comments & Waivers/Modifications	Recommendation
Planning	<p>A modified photometric plan be provided in compliance with City requirements.</p> <p>All ground utilities must be screened from view.</p> <p>Maximum occupancy to be limited by number of parking spaces provided (14).</p> <p>Revise landscaping plans as noted on reviewed site plans.</p> <p>Modified elevations to include additional masonry product.</p>	Approval
Fire		Approval
Building	<p>Basement to be used solely for storage.</p> <p>Details of light poles to be provided.</p>	Approval
Assessing		Approval
Engineering	Land improvement permit will be necessary.	Approval
Engineering (Traffic)		Approval
Engineering (Legal)		Approval
Parks & NR		Approval

The conditional use public hearing was advertised and noticed according to State Statute and City Ordinances prior to the meeting. City Staff has received several comments. These comments are largely relating to the intensity of the use; availability of parking; asking that no parking be permissible on nearby subdivision streets; and drainage concerns for the area.

Review Process

The conditional use and site plan process includes a number of reviews at Administrative, Planning Commission and City Council levels. The Conditional Use process requires review and recommendation by the Planning Commission and review and approval by City Council. The site plan review and Tree Removal Permit require Planning Commission action. After Site Plan, Tree Removal Permit and Conditional Use approval, full engineering and construction plans are reviewed administratively.

Motion to Recommend Conditional Use Approval

MOTION by _____, seconded by _____, in the matter of City File No. PCU2023-0009 (Oakland Gospel), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow a place or worship on the parcel 70-15-09-378-019 (1590 Walton Blvd.), based on plans received by the Planning Department on November 29, 2023, with the following findings.

Findings

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The site has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the use.
3. The proposal will have a positive impact on the community as a whole and the surrounding area by offering an additional place of worship.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Conditions

1. City Council approval of the Conditional Use.
2. That the total occupancy of the building shall not exceed 42 persons based on the total number of parking spaces being provided onsite.
3. The use shall remain consistent with the facts and information presented to the City as a part of the applicant's application and at the public hearing.
4. If, in the determination of City staff, the intensity of the operation changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

Motion to Approve Site Plan

MOTION by _____, seconded by _____, in the matter of City File No. PSP2023-0008 (Oakland Gospel), the Planning Commission **approves** the **Site Plan**, based on plans received by the Planning Department on November 29, 2023, 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 project will be accessed from Walton Blvd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. Off-street parking areas have been designed to avoid common traffic problems and promote attendee safety.
4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
5. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff including all comments noted on the site plans and staff reports

- contained within the Planning Commission packets.
2. Provide a landscaping bond in an amount deemed acceptable by City Staff, based on the cost estimate for landscaping and irrigation, plus inspection fees.

Motion to Approve a Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of File No. PSP2023-0008 (Oakland Gospel) the Planning Commission **grants a Tree Removal Permit (PTP2023-0010)**, based on plans received by the Planning Department on November 29, 2023, with the following findings and subject to the following conditions:

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the City's Tree Conservation Ordinance.
2. The applicant is proposing to remove 6 regulated trees including 1 specimen tree, and provide 4 replacement trees onsite.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
 2. There is no proposed payment into the City's Tree Fund.
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