

5. An acceptable Environmental Impact Statement has been submitted indicating a minimal impact caused by development of the proposed units.

CONDITIONS:

1. Verification that the delinquent property taxes for 1997 and 1998 have been paid to the Oakland County Treasurer, as well as verification that delinquent weed cutting charges have been paid to the City of Rochester Hills.
2. Future plans must show that sump leads deposit discharged water directly into a storm sewer where a storm sewer is available.
3. Location of protective fencing for Trees #12 and #13, Trees #1 and #2 on Unit 1, and Tree #9 on Unit 2; and inclusion of a note on the preliminary plan indicating that the city may require removal of Tree #12 and/or Tree #13 if they are damaged during construction.
4. The building envelopes as depicted on the submitted preliminary plan to coincide with the tree survey plan.
5. The site plan note that the bikepath as drawn on the plan need not be constructed until such time as it can be connected with the bikepath at both its eastern and western portions, to the east of Unit 3 and to the west of Unit 1, from Norton Lawn westward to Walbridge. The applicant make a contribution to the pedestrian/bikepath fund equivalent to the going rate in an amount to be determined by city staff in lieu of the construction of the pedestrian/bikepath until it is constructed by the City of Rochester Hills. The applicant cooperate in perfecting any necessary documentation to effect the subject pedestrian/bikepath.
6. Driveway for Unit 1 be located on the eastern half of the lot.

Roll call vote:

Ayes: Boswell, Corneliussen, Hill, Hooper, Kaiser, Ramanauskas, Ruggiero
Nays: Rosen
Absent: Potere

MOTION CARRIED.

The requests for a Wetland Use Permit and Natural Features Setback Modification were withdrawn by the applicant as they are no longer required.

(Ref: Staff Report prepared by Deborah A. Millhouse dated December 28, 1999; Plans dated received by the City of Rochester Hills Planning Department on November 3, 1999 prepared by Equinox, Inc. Title Sheet, Preliminary Site Plan, Tree Survey Plan; letter from J & L Consulting Services dated 29 November 1999; letter from Linda C. Lemke & Associates dated October 20, 1999; Environmental Impact Statement dated November 2, 1999, including Exhibit A Revisions; aerial photograph; letter from Bear Construction Co. dated September 28, 1995; Notice of Meeting regarding Wetland Use Permit Request; Wetland Use Permit and Application; Land Use and Tree Removal Permit Application.)

B. Site Plan Approval - File No. 98-037

Project: St. Paul Albanian Catholic Community Church
A church, convent and rectory development on 25.4 acres

Requests: 1. Wetland Use Permit
2. Natural Features Setback Modification
3. Buffer Modifications
4. Site Plan Approval

Location: Southeast corner of Auburn Road and M-59
Parcel: 15-34-127-006, zoned R-3, One Family Residential
Applicant: Brown-Teefey & Associates Architects, Inc.
4190 Telegraph Road, Suite 2700
Bloomfield Hills, MI 48302

(Reference: Staff Report prepared by Deborah Millhouse dated December 28, 1999 has been placed on file and by reference becomes part of the record hereof.)

Present were Jack Brown of Brown-Teefey Associates Architects, and Paul Modi of Giffels Webster Engineers Inc.

Mr. Brown displayed a colored rendering of the subject site. Mr. Brown explained that the subject site is a difficult site with the storm drain and wetlands diagonally dividing the site into two sites with neither one having enough room to do the total job. They have tried a number of schemes and the best one is being submitted to the Planning Commission for consideration.

The Chair invited comments from the public although this was not a public hearing, and no persons came forward to speak regarding the subject project.

It appeared to Member Corneliussen that 8 parking spaces could be eliminated in the ellipse to prevent any intrusion into the natural features setback. Mr. Brown responded that they would certainly agree to eliminating those parking spaces if necessary in order to have the site plan approved. Insufficient parking can create neighborhood havoc, and he is sensitive to that possibility. They have attempted to put as many parking spaces as possible on the building side closest to the main door. The finished floor elevation is higher than that of the parking spaces against the building, so one would look over the tops of the cars. They can eliminate the parking spaces next to the wetlands if it's a matter of approving the site plan.

Mr. Modi added that the height of the wall that elevates the parking over the wetlands is approximately 5 to 6 feet. Member Corneliussen added if the 8 parking spaces were eliminated, the wall could probably be eliminated as well. Mr. Brown agreed with Member Corneliussen that the loss of 8 parking spaces would not be detrimental.

The Chair reviewed that Mr. Kagler's report had recommended the elimination of 28 parking spaces. Mr. Kagler identified a small island of parking spaces on the rendering where he has recommended eliminating parking spaces and added that his comments were related to the number of spaces rather than specific areas. The site does have a lot of limitations. It was the limitations combined with the size of the proposed facility and the number of times per year that the excess number of parking spaces would be needed on which his recommendation was based. The Chair was almost in total agreement with Mr. Kagler's directive.

Member Hill concurred that, of the 421 spaces required by ordinance and the 449 provided by the applicant, she would favor very much the elimination of the subject 28 parking spaces, either having the parking area end where it encroaches on the natural features setback, or be reconfigured to eliminate all 28 spaces.

Member Hooper suggested that the 28 extra parking spaces might be acceptable compared to the situation at the Islamic Mosque across the freeway to the west with parking up and down Auburn Road. The proposed location of the 28 parking spaces would not impact anything near the wetlands.

Member Rosen recommended minimizing the parking loss and maintaining the aesthetics.

Ms. Millhouse commented because the parking is in excess of ordinance requirements, the intrusion into the natural features setback may not be warranted.

Member Hooper noted that the letter from the wetlands consultant states that the applicant has already received a permit from the MDEQ.

Item 1. Wetland Use Permit

MOTION by Hooper, seconded by Boswell, in the matter of File No. 98-037 (St. Paul Albanian Catholic Community Church), that the Planning Commission recommend approval of a Wetland Use Permit to place 2,792 cubic yards of fill and four culverts within 0.4 acres of wetlands, on Parcel No. 15-34-127-006 located at the southeast corner of Auburn Road and M-59, based on the findings as modified and conditions in the Staff Report dated December 28, 1999.

FINDINGS:

1. Of 5.51 acres of wetlands on-site, the applicant is proposing to fill and cross 0.4 acres of wetlands (about seven percent of the horizontal area of the wetlands).
2. The City's Wetland Consultant has determined that, because the two areas of proposed wetland fill are in regard to road crossings, these wetland impacts are acceptable as regards Ordinance #355.
3. The applicant is proposing to mitigate the loss of wetlands with a 0.6 acre wetland replacement area.

CONDITIONS:

1. The cross section, planting plan, and any other material dealing with the approved mitigation plan of the MDEQ be forwarded to the City of Rochester Hills for review and use by the City's Wetland Consultant during the 3- to 5-year monitoring period.
Note # 24
2. The construction drawings indicate that a combined silt fence/straw bale berm be placed on the interface between the mitigation area and adjacent wetlands.
Note # 25
3. The construction drawings indicate that the stormwater basin be sufficiently stabilized to prevent siltation of the adjacent 0.6 acre wetland mitigation area when stormwater discharge into the basin is begun as mass grading of the project site starts to take place. Further, the outlet from the basin to the wetland replacement area must have a stand pipe with gravel filter.
Notes # 26 & #27
4. The construction drawings indicate that a temporary silt control measure be installed in the Wolf Drain when the vehicular/pedestrian crossing is constructed across the Wolf Drain/creek.
Note # 28
5. The contractor generate an as-built drawing so that the proper construction of the wetland creation can be verified by the City of Rochester Hills after the 0.6 acre mitigation area is created.
Note # 29

Roll call vote:

Ayes: Boswell, Corneliussen, Hill, Hooper, Ramanauskas, Rosen, Ruggiero
Nays: Kaiser
Absent: Potere

MOTION CARRIED.

Ms. Millhouse clarified that the way the natural features setback modification recommendation is written in the staff report, it is only for displacement as a result of the construction of the mitigation area and two road/pedestrian crossings; the applicant would not be allowed to intrude into the wetland buffer area for off-street parking spaces.

Item 2. Natural Features Setback Modification

MOTION by Hooper, seconded by Boswell, in the matter of File No. 98-037 (St. Paul Albanian Catholic Community Church), that the Planning Commission approve the Natural Features Setback Modification to waive that portion of the Natural Features Setback displaced as a result of the construction of the mitigation area and two road/pedestrian crossings, based on the findings in the Staff Report dated December 28, 1999.

FINDINGS:

1. A portion of the natural features setback is being displaced as a result of the construction of the required mitigation area.
2. A portion of the natural features setback is being displaced in conjunction with the two road/pedestrian crossings.
3. The required number of off-street parking spaces can be provided without

displacement of the natural features setback by proposed parking spaces.

Roll call vote:

Ayes: Boswell, Corneliussen, Hill, Hooper, Ramanauskas, Rosen, Ruggiero
Nays: Kaiser
Absent: Potere

MOTION CARRIED.

Item 3. Buffer Modifications

MOTION by Hooper, seconded by Boswell, in the matter of File No. 98-037 (St. Paul Albanian Catholic Community Church), that the Planning Commission conditionally approve a Buffer Modification to waive the requirement for additional Intermittent Visual Obstruction (IVO) plantings and six feet opaque screening in the wetland areas on the north and south portions of the east property line, based on the two findings and one condition as modified in the Staff Report dated December 28, 1999.

FINDINGS:

1. Existing plant materials will provide adequate screening.
2. The applicant is meeting the spirit of the buffering and screening requirements.

CONDITION:

1. These areas be part of a Preservation Easement in favor of the City and in a form to be approved by the City Attorney.

Provide copy of Preservation Easement approved by the City.

Roll call vote:

Ayes: Boswell, Corneliussen, Hill, Hooper, Kaiser, Ramanauskas, Rosen, Ruggiero
Nays: None
Absent: Potere

MOTION CARRIED.

MOTION by Hooper, seconded by Boswell, in the matter of File No. 98-037 (St. Paul Albanian Catholic Community Church), that the Planning Commission approve a Buffer Modification to approve Type D screening instead of Type B screening for the small parcel which is isolated along the M-59 right-of-way, based on the two findings in the Staff Report dated December 28, 1999.

FINDINGS:

1. Existing plant material is being preserved and additional plantings are proposed along M-59.
2. The applicant is meeting the spirit of the buffering and screening requirements.

Roll call vote:

Ayes: Boswell, Corneliussen, Hill, Hooper, Kaiser, Ramanauskas, Rosen, Ruggiero
Nays: None
Absent: Potere

MOTION CARRIED.

MOTION by Hooper, seconded by Boswell, in the matter of File No. 98-037 (St. Paul Albanian Catholic Community Church), that the Planning Commission conditionally approve a Buffer Modification to waive the Intermittent Visual Obstruction (IVO) height requirement in the area of the wetlands along the north property line, based on the three findings and one condition as modified in the Staff Report dated December 28, 1999.

FINDINGS:

1. Existing vegetation opacity and preservation in the area of the wetlands along the north property line.

2. Trees are being saved along other non-wetland portions of the northern property line.
3. The applicant is meeting the spirit of the buffering and screening requirements.

CONDITION:

1. These areas be part of a Preservation Easement in favor of the City and in a form to be approved by the City Attorney.

Provide copy of Preservation Easement approved by the City.

Roll call vote:

Ayes: Boswell, Corneliussen, Hill, Hooper, Kaiser, Ramanauskas, Rosen, Ruggiero
Nays: None
Absent: Potere

MOTION CARRIED.

The Chair reviewed that the consultant was recommending approval of the submitted site plan with 28 parking spaces to be kept in reserve and not built until some future point in time when they are actually needed. The Chair envisioned the view from traffic on M-59 if the proposed site were constructed would include a soccer field, a large parking area, a big church, and a convent and rectory. He did not perceive that twenty fewer parking spaces would impact the overall destruction of the natural area unnecessarily. Mr. Kagler responded that in essence that would mean that the applicant would have approval to construct those reserved parking spaces and at some point if the applicant met some sort of threshold that they could do so without having to have the plan reapproved. It was a way to attempt to serve the applicant's demonstrated or stated need and the consultant's response to the ordinance requirements. It is something that is done in other communities, but Mr. Kagler did not know if it has been done in the City of Rochester Hills. A typical type of threshold to be met would be a car count on consecutive Sundays or holy days, with the public safety forces concurring.

Member Hooper noted that there were no provisions for a passing lane on Auburn Road in front of the subject site. There is a 75 foot taper on the south side of Auburn Road leaving the subject site to the east. This did not appear to be consistent with other developments and other roads in the city. He described that the catholic church on John R has significant passing lanes and tapers in front of the property, and the site has far less parking than the subject site. He asked if any discussions have taken place with MDOT. Mr. Brown responded that MDOT would inform them about all the requirements. MDOT has acknowledged that the proposed entrance to the subject site is in the proper place. Mr. Modi added that if a passing lane were required, he was sure MDOT would inform them so. Ms. Millhouse commented that the city's Traffic Engineer, Steve Dearing, has reviewed the plan and had no adverse comments. Ms. Millhouse added that the difference may be that John R is a city road and Auburn is a state road. Site plans are typically submitted to MDOT for review and no recommendations for changes have been received. Ms. Millhouse added that a traffic impact study was previously submitted for the subject development. Member Corneliussen was satisfied that the plan has been satisfactorily reviewed by all authorities.

Member Rosen referenced the recommended conditions for site plan approval and commented that this was the first reference he has seen to property taxes in connection with a site plan approval.

Mr. Brown stated that the church has ownership free and clear. The property was obtained in 1997.

Mr. Staran stated that simple ownership alone does not satisfy the tax exemption requirement. When the proposed use is in effect is when it would become tax exempt. Mr. Staran did not believe it was an essential condition of approval; he would like to discuss it further with the planning staff and the assessor.

The applicant was agreeable to paying the delinquent property taxes as a condition of

site plan approval.

The Chair pointed out that the Planning Commission lacks information regarding how, from one determination about the safety of Auburn Road was made, an entirely different determination has been made of which the Planning Commission has no information on what that is based on. It was the consensus of the Planning Commission that they would like to have information on what caused the traffic engineer to determine that previously mandated safety is no longer necessary.

The Chair called a recess to allow time for staff to search the file for documentation confirming Mr. Dearing's recommendation and/or absence of a recommendation for a passing/left turn lane.

[Recess 10:07 p.m. - 10:17 p.m.]

Ms. Millhouse described the reviews submitted by Mr. Dearing as contained in the file -- letters dated March 15, 1999 regarding the pathway and sidewalk; July 9, 1999 with no adverse comments; October 22, 1999 with no adverse comments. Ms. Millhouse also found a letter from MDOT dated April 20, 1999 which discussed a widening lane. Mr. Modi believed the MDOT letter referred to a lane on the south side of Auburn Road, not the north side. Mr. Modi described the proposed lane on the rendering. The Chair questioned why accommodations would be made for a safe turn -- being for right-hand turns into the subject site from eastbound Auburn Road -- and not for the more dangerous turn -- being left-hand turns into the subject site from westbound Auburn Road. Mr. Modi responded that apparently MDOT did not believe a center lane or a passing lane was necessary. Mr. Modi understood that the subdivision that was built approximately five years ago on the north side of Auburn Road opposite the subject site constructed two approaches coming onto Auburn Road, and those two approaches might equal a full lane to accommodating passing traffic. The shoulder is asphalt in the area. The subdivision was required to do the same thing the applicant is doing. The asphalt lane is created by the two approaches. The Chair did not interpret that as a passing or decel lane as currently configured. Member Hooper interpreted the MDOT letter to mean the drive approach refers to eastbound traffic into the site, and the widening lane is for left-turn traffic into the site. Despite the traffic engineer's recommendation, Member Hooper thought the Planning Commission would be very remiss if they were not consistent and require a passing lane for the subject development.

Mr. Modi stated if the Planning Commission requires the passing lane, they will construct it.

The Chair confirmed that the applicant was agreeable to a condition that a passing lane be constructed on the north side of Auburn Road consistent with safety standards established by the city's traffic engineer and/or MDOT. Mr. Brown reiterated that whatever MDOT and Mr. Dearing recommend the applicant will do.

Further discussion ensued regarding whether or not the paved shoulder constituted a passing lane and whether drivers could be ticketed for using it as such. Although the lane is wide enough to accommodate traffic, Mr. Staran stated it is not marked or striped for that use and drivers are being cited for improper lane use. Mr. Staran suggested tabling the subject matter until more specific answers were available from MDOT and Mr. Dearing. Mr. Staran believed this issue probably cannot be resolved tonight.

If the report from MDOT were to suggest that no road improvements would be required, Member Ruggiero questioned whether the Planning Commission can mandate improvements to a state trunk line. The Chair responded that the Planning Commission can impose any condition that is lawful as well as disapprove the site plan. Member Hooper believed it was just an oversight.

The Chair suggested that other alternatives be considered such as moving the location of the entrance drive.

Mr. Brown would prefer that the matter not be tabled so that they may proceed on to City Council and with their plans as soon as possible.

Member Hooper put forth a motion to grant Site Plan Approval for File No. 98-037 (St.

Paul's Albanian Catholic Community Church), based on the 5 findings and 8 conditions in the Staff Report dated December 28, 1999, plus requiring a passing lane on the north side of Auburn Road in accordance with MDOT and city design standards, plus removing 8 parking spaces to avoid intrusion into the natural features setback, plus an amount for a maintenance and performance guarantee for the landscaping. The motion died for lack of a second.

Item 4. Site Plan Approval

MOTION by Corneliussen, seconded by Ramanauskas, in the matter of File No. 98-037 (St. Paul Albanian Catholic Community Church), that the Planning Commission table further action until the next available meeting as determined by staff in order for staff to gather more information regarding the requirement for a passing lane on the north side of Auburn Road.

Ayes: All
Nays: None
Absent: Potere

MOTION CARRIED.

The Planning Commission addressed the remainder of the outstanding issues. Regarding handicap spaces it was suggested to move a couple to the southwest side of the building.

The landscaping appeared to be satisfactory. Member Ramanauskas suggested adding a window in the garage to achieve a balanced facade. Regarding the towers Mr. Kagler stated that the height is consistent with past practice for steeples on churches.

The Chair confirmed that when the subject item returns to the Planning Commission, no revised drawings will be required.

(Ref: Plans dated received by the City of Rochester Hills Planning Department on November 24, 1999 prepared by Giffels-Webster Engineers Inc., two sheets 1 of 1; Sheets A-1a, A-1b, A-1c, A-2, and A-3 prepared by Brown-Teefey & Associates Architects Inc. dated received November 24, 1999 by the City of Rochester Hills Planning Department; Staff Report prepared by Michele Goldstein dated December 28, 1999; letter from McKenna Associates dated November 19, 1999; letter from J & L Consulting Services dated 14 December 1999; Michigan Department of Environmental Quality Permit issued July 23, 1999; letters from Linda C. Lemke & Associates dated December 13, 1999 and November 9, 1999; Preliminary Landscape Estimate prepared by Giffels Webster dated November 23, 1999; Memo from James A. Dietrick dated November 9, 1999; letter from Johnson & Anderson, Inc. dated November 9, 1999 REVISED; Environmental Impact Statement dated received March 15, 1999; Wetland Use Permit and Application; Application for Permit Corps of Engineers; Supplemental Text for Wetland Permit Application dated received March 25, 1999; Tree Conservation Ordinance "No Affected Regulated Trees" Affidavit; Site Plan/Subdivision Plat application Form; Notice of Meeting for Wetland Use Permit January 4, 2000; City Council Meeting Minutes of May 5, 1999; Planning Commission Meeting Minutes of January 19, 1999.)

VI. ANY OTHER BUSINESS:

A. CIP (Capital Improvement Plan)

Due to recent staff changes Ms. Millhouse reported that the CIP is running a bit behind, and that Members Rosen and Boswell have requested to continue on the CIP subcommittee. The Planning Commission members concurred.

B. Master Recreation Plan

Ms. Millhouse reported that the Master Recreation Plan Update will be coming down the pike and the Planning Commission will be heavily involved in that update process.

VII. NEXT MEETING DATE: