

**City of Rochester Hills
Department of Planning and Development**

**STAFF REPORT TO THE PLANNING COMMISSION
August 7, 2007**

Proposed Faith Evangelical Presbyterian Church	
APPLICANT	Merritt, McPherson, Cieslak, P.C. 33750 Freedom Road Farmington, MI 48335
AGENT	Scott Barnes
LOCATION	North of Hamlin, East of Livernois
PARCEL NO.	15-22-451-034
FILE NO.	05-039
ZONING	R-3 (One-Family Residential) District
STAFF	Derek L. Delacourt, Deputy Director
REQUESTS	Conditional Land Use Recommendation Buffer Modifications Natural Features Setback Modification Wetland Use Permit Recommendation Site Plan Approval

SUMMARY

The recently combined parcel (formerly two parcels) proposed for the church site is approximately 7.3 acres in size. The layout includes a 13, 087 square-foot upper level, and an 11, 556 square-foot lower level, building comprised of a multi-purpose worship center/fellowship hall, offices and classrooms. The site is surrounded by residential zoning on all sides; therefore buffering is required. As the Commission will recall, the applicant appeared at the March 20, 2007 meeting to discuss the possibility of Buffer Modifications. Those Minutes are included in the packet.

Specific actions requested by the applicant for consideration by the Planning Commission are Conditional Land Use and Wetland Use Permit Recommendations to City Council, and

approval of Buffer Modifications, a Natural Features Setback Modification and 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 approval by the City Council following a recommendation by the Planning Commission and subject to the following conditions per Section 138-1306[d]:

1. *Will promote the intent and purpose of this ordinance.*
 - Places of worship are permitted in all City zoning districts; therefore, the church 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.*
 - The applicant must design the building to be harmonious with the residential uses surrounding the site, but the elevations appear consistent with adjacent uses.
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 requirement can be met, and the City's Engineering consultant, Fire Department and Wetland Consultant have approved the plans.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
 - The uses in the immediate area include homes, a school and another church. This phase of the church will be approximately 300 feet north of Hamlin Road. The applicant states that they will take advantage of the existing mature trees to frame the entrance of the site and that it will be visually pleasing.
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.*
 - Public service costs should not be detrimental to the community with a church operation.

Adjacent Zoning/Uses

The church is surrounded by residential zoning; to the north is the Avon Hills Village Subdivision, to the west is Hamlin Elementary; to the south is Cumberland Hills Subdivision and to the east are homes on large parcels.

Landscaping/Tree Removal

The City's Tree Conservation Ordinance does not regulate the site. Replacement trees are not required and are not being provided, but the applicant presents that every effort will be made to save the existing trees. The parking lot islands and island trees meet the Zoning Ordinance requirements. The City's Landscape Architect (Ms. Dinkins) has reviewed the Landscape and Irrigation Plans, and details her findings regarding the buffering at length in the attached memo dated July 17, 2007.

Wetland Use Permit

The applicant proposes to use the water feature running through the center of the property for storm water detention. According to the October 9, 2006 letter from the DEQ, the swale running through the property does not meet the definition of a stream, and is therefore not regulated by the DEQ. The hydrology of the stream, although identified as wetland, is less than five acres and also not large enough to be regulated by the DEQ. The assessment of the City's Wetland Consultant, ASTI Environmental, determined that the on-site wetland is connected to a larger wetland off-site, and is greater than two acres, which is, therefore, regulated by the City. Please refer to the ASTI letter dated January 11, 2007.

Buffer Modifications

A Type B Buffer (25' width, a 6' high opaque screen wall/fence and sufficient IVO plantings) is required along the north, east and west property lines and a Type C Buffer (10' width and IVO plantings) is required for the south property line. Ms. Dinkins, the City's Landscape Architect, recommends that the Planning Commission carefully consider the comments in her July 17, 2007 memo regarding the buffering. Existing buffer width and buffer plantings along the northern limit of the development still meet the intent of the IVO and 25' width; however in lieu of a wall or fence, the applicant is proposing intermittent berming (due to the trees in this area the berming would have to be intermittent). The applicant is requesting a Buffer Modification for the sections where berming is not possible. Berms in this area would need careful design to avoid ponding of storm water, but Ms. Dinkins recommends granting a Buffer Modification for the northern limit if the neighbors to the north prefer berming in lieu of a 6' high wall or fence.

The Type B Buffer requirements have not been met on the western side of the property. To avoid the wetlands on site, the entrance drive is being moved to within 10' of the property line,

and 10' is insufficient for the Buffer width. The applicant is requesting a Modification for the 25' width, the 6' opaque wall/fence and the IVO. If the school prefers berming rather than a 6' high wall/fence, Ms. Dinkins would not disagree with the Modification request with the exception of the portion adjacent to the resident to the west. For this area, Ms. Dinkins recommends the full Buffer requirements. The applicant suggests that planting the required trees on the western limit would restrict pedestrian traffic flow and is requesting a Modification of the IVO requirements; however, Ms. Dinkins believes the IVO can be planted along the entire western property line and does not recommend a Modification to eliminate the IVO.

The required 25' width has been met on the eastern property line, and the applicant is seeking a Modification for the 6' wall/fence and the IVO. The applicants state that they wish to maintain the natural landscape of the property until such time as homes are constructed on the adjacent property to the east. Ms. Dinkins recommends a Buffer Modification to eliminate the 6' high fence/wall on the eastern property line with the exception of the portion adjacent to the home facing Hamlin. However, she recommends planting IVO trees to add to the natural landscape and does not recommend a Modification for the IVO requirement. Please refer to Ms. Dinkins' memo regarding additional screening for storm drainage items (including a weir) on the eastern side.

The southern property line, adjacent to Hamlin, requires a Type C Buffer, which requires a 10' width and IVO plantings. The 10' width has been met, but the applicant is requesting a Buffer Modification for the IVO. Ms. Dinkins suggests that it would not be difficult to meet the IVO with additional trees and does not recommend this Modification.

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.

If Buffer Modifications are not granted by the Commission, the landscape and irrigation plans will have to be revised; however, Ms. Dinkins recommends the Buffer Modifications as presented in the first Buffer motion below, and that the plans be revised and resubmitted for review. She also states that the landscape and irrigation plans are acceptable but cannot be approved until determination of the buffering.

Parking/Lighting

A total of 108 parking spaces are required for the 324 seats proposed, and 139 are being provided, a 28% increase over what is required in anticipation of any overlap parking for two services. The proposed light poles will be 20 feet in height and all fixtures are fully shielded and faced downward.

Traffic

The City's Transportation Engineer compiled information regarding peak hour trips (for weekdays and weekends) for a church of this size, and has recommended a passing lane for Hamlin, which is shown on the plans.

Architecture

The church facade is composed of predominantly brick and the pitched roof will be covered with asphalt shingles.

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

The following motions are included for your consideration:

Conditional Land Use:

MOTION by _____, seconded by _____, in the matter of City File No. 05-039 (Faith Evangelical Presbyterian Church), 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 July 13, 2007 with the following findings.

Findings:

1. Places of Worship are permitted in any zoning district; the addition is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-1337 in particular.

2. The proposed church building is designed and will be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity, the capacity of public services and existing facility affected by the use, and the community as a whole.
3. The proposed development will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
4. The proposed church has been designed so as to not be detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare.
5. The proposed church will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

Buffer Modification (2 Motions for Consideration):

If the Planning Commission agrees to eliminate part of the requirements of the Type B to use vegetation in lieu of a wall fence or berm to meet the 6' opaque screen requirements and to reduce the buffer width on the west, as recommended by the City's Landscape Architect, Staff provides the following motion for consideration:

MOTION by _____, seconded by _____, in the matter of City File No. 05-039 (Faith Evangelical Presbyterian Church), and with the exception of the property lines adjacent to the homes at 222 and 140 W. Hamlin, the Planning Commission **grants Buffer Modifications** to eliminate the requirements and allow existing vegetation supplemented by additional plantings to meet the six-foot opaque screen requirements on the north (intermittently where berming is not possible) and west property lines, and regarding the east property line, only until, and if, homes are constructed adjacent; and to reduce the 25' width requirement to 10' along the western property line, based on plans dated received by the Planning Department on July 13, 2007, with the following findings and subject to the following conditions:

If the Planning Commission agrees with the applicant's requested Buffer Modifications, Staff provides the following motion for consideration (same findings and conditions will apply):

MOTION by _____, seconded by _____, in the matter of City File No. 05-039 (Faith Evangelical Presbyterian Church), and with the exception of the property lines adjacent to the homes at 222 and 140 W. Hamlin, the Planning Commission **grants Buffer Modifications** to eliminate the requirements and allow existing vegetation supplemented by additional plantings to meet the six-foot opaque screen requirements on the north (intermittently where berming is not possible) and west property lines, and regarding the east property line, only until, and if, homes are constructed adjacent; to reduce the 25' width requirement to 10' along

the western property line, and to eliminate the IVO requirements for the east, west and south property lines, based on plans dated received by the Planning Department on July 13, 2007, with the following findings and subject to the following conditions:

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.

Conditions:

1. That the entire weir is well screened from the adjacent properties, as approved by the City's Landscape Architect prior to Final Approval by Staff.
2. That corrected plans are submitted to show the Planning Commission's decision on buffering, if necessary, and resubmission of the Plant Schedule/Cost Estimate and irrigation system, if necessary, subject to review and approval by the City's Landscape Architect, prior to Final Approval by Staff.

Wetland Use Permit Recommendation

MOTION by _____, seconded by _____, in the matter of City File No. 05-039 (Faith Evangelical Presbyterian Church), the Planning Commission **recommends** to City Council **approval of a Wetland Use Permit**, based on plans dated received by the Planning Department on July 13, 2007 with the following findings and subject to the following conditions.

Findings:

1. The Wetland and Watercourse Protection Ordinance is applicable to the subject site because it is not included within a site plan which has received final approval prior to January 17, 1990.
2. Approximately 1,006 square feet of permanent wetland impacts will result from the utilization of the water feature for storm water management.

Conditions:

1. Implementation of site appropriate structural and non-structural best management practices, to prevent or minimize the impact on water quality.

Natural Features Setback Modification

MOTION by _____, seconded by _____, in the matter of City File No. 05-039 (Faith Evangelical Presbyterian Church), the Planning Commission **grants a Natural Features Setback Modification** for approximately 320 lineal feet of direct and permanent Natural Features Setback impacts that will result from construction of the detention basin in the central location of the site, based on plans dated received by the Department of Planning and Development on July 13, 2007, with the following finding and subject to the following conditions.

Finding:

1. A Natural Features Setback Modification is needed to construct a detention basin.

Conditions:

1. Change “Wetland Buffer” to “Natural Features Setback” where labeled on the plans, prior to Final Approval by Staff.

Site Plan

MOTION by _____, seconded by _____, in the matter of City File No. 05-039 (Faith Evangelical Presbyterian Church), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on July 13, 2007, 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 church development should not have a detrimental increase in traffic onto Livernois, but a passing lane is being added.
3. Off-street parking areas are designed to avoid common traffic problems and promote safety.
4. 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.
5. The addition will help meet the religious, cultural and educational needs of the Evangelical Presbyterian community.

Conditions:

1. Conditional Land Use Approval by City Council.
2. That the applicant obtains a Soil Erosion Permit prior to construction.
3. That a Land Improvement Permit shall be required from the City's Engineering Services Department prior to work on the site.
4. Correct planting schedule for the northeastern portion of the site per Landscape Architect memo of June 20, 2007 and resubmit plans for landscaping cost estimates and bond amounts, in consideration of buffering requirements, prior to Final Approval by Staff.
5. Wetland Use Permit approval by City Council.
6. Address comments from Building Department memo of July 24, 2007 regarding the landings at exit doors and exterior stairs on the east side of the building, prior to Final Approval by Staff.

THANK YOU

Reference: Plans dated received by the Planning Department 07/13/07 Cover Sheet SP-1, Boundary & Topographic Survey, Sheet SP-2, General Site Plan, Sheet SP-3, Preliminary Engineering Site Plan, Sheet SP-4, Storm Water Management Plan, Sheet SP-5, Profiles, Sheet SP-6, Tax Parcel, Drainage & Wetland Map, Sheet SP-7, Hamlin Road Plan, Sheet SP-8, prepared by Nowak & Fraus; Tree Preservation Plan, Sheet L-1, Landscape Plan, Sheet L-2, Irrigation Plan, Sheet L-3, prepared by E. J. Kleckner Landscape Architect; Architectural Site Plan, Sheet SPA-1, Conceptual Site Plan, Sheet SPA-2, prepared by Merritt, McPherson, Cieslak, PC; Photometric Plan, Sheet PP-1, prepared by MA Engineering; Floor Plans, Sheet A2.1, Roof Plan, Sheet A4.1, Exterior Elevations, Sheet A5.1, Building Sections, Sheet A6.1 and A6.2, prepared by Merritt McPherson, Cieslak, P.C.

Attachments: Assessing Department memo dated 06/18/07; Building Department memo dated 07/24/07; Fire Department memo dated 07/21/07; Planning Department memo dated 07/17/07; HRC Letter dated 07/25/07; ASTI Environmental letter dated 06/21/07; Parks and Forestry memo dated 05/04/07; Oakland County Drain Commissioner Letter dated 01/26/07; MDEQ Letter dated 10/09/06; Oakland County Health Division letter dated 01/23/07; Public Hearing Notice for CLU; EIS dated 01/11/07; Development App dated 01/12/07; and Planning Commission Minutes dated 03/20/07.
