



## CITY of NOVI CITY COUNCIL

Agenda Item 1  
January 12, 2015

**SUBJECT:** Consideration of Zoning Ordinance Text Amendment 18.273 to amend the City of Novi Zoning Ordinance at Article 4, R-1 through R-4 One-Family Residential Districts, Section 402, Principal Uses Permitted Subject to Special Conditions in order to allow additional height for places of worship, subject to certain standards. **FIRST READING**

**SUBMITTING DEPARTMENT:** Community Development Department - Planning Division

**CITY MANAGER APPROVAL:** *WR*

### **BACKGROUND INFORMATION:**

The applicant, Brightmoor Christian Church, proposed modifications to the text of Article 4, R-1 through R-4 One-Family Residential Districts, Section 402, Principal Uses Permitted Subject to Special Conditions, to allow for additional building height of up to 65 feet for places of worship. The applicant suggested the ordinance change to 'accommodate modern worship sanctuaries with a seating capacity over 2,000 persons in a riser configuration as well as the pre-service and post-service lobby areas'.

#### Staff Review

Planning staff recommended approval of the proposed text amendment to allow for additional height for places of worship located on larger development sites with the following conditions, as agreed to by the applicant:

- Require an additional 1.5 feet of setback for each foot of height above 35 feet (the current maximum height for all uses within the district)
- Allow increased height for Churches and Places of Worship located on sites 30 acres or larger. (This provision would still allow a place of worship of up to 35 feet in height on sites as small as 3 acres.)

Staff's review of local ordinances in the Cities of Troy and Southfield revealed Places of Worship may exceed the height standards of the district in those communities, provided that one foot of additional building setback is provided for each one foot of additional building height that is proposed. Excerpts of these provisions are attached.

#### Planning Commission Consideration

The Planning Commission considered the proposed text amendment at the December 10, 2014 Planning Commission meeting. At the time, the Planning Commission held the public hearing and, after significant discussion, recommended **denial** of the proposed amendment, with the majority voicing concerns with the notion of permitting a building up to 65 feet in height adjacent to smaller single-family residential homes on essentially any residentially-zoned parcel of 30 acres or greater, no matter where it is located or what the adjacent uses are. There was a specific recommendation by many of the Commission members, that the Brightmoor site, given its large size, its location adjacent to a freeway, and the adjacent use of Fox Run, which also exceeds 35 feet, was probably an appropriate place for a building of greater height than otherwise permitted.

Following the Planning Commission meeting, staff and the City Attorney's office discussed with the applicant a **revised** proposed amendment that would allow a building up to 65 feet in height provided the following conditions and findings are made:

- The site abuts a freeway or a Major Arterial road; and
- The Planning Commission finds that the increased height will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and the proposed building(s), the size and nature of the improvements on the adjacent and surrounding properties, the aesthetic quality of the proposed building(s), including design, exterior materials, and landscaping, and any other relevant aspects of the site or proposed building(s).

The only existing place of worship within the City that would be eligible for additional height up to 65 feet under the proposed conditions and with a Planning Commission finding as noted above would be Brightmoor Christian Church (40.1 acres).

The revised draft amendment is attached along with relevant Planning Commission meeting minutes and supporting documentation from the applicant.

**RECOMMENDED ACTION:** Approval of Zoning Ordinance Text Amendment 18.273 to amend the City of Novi Zoning Ordinance at Article 4, R-1 through R-4 One-Family Residential Districts, Section 402, Principal Uses Permitted Subject to Special Conditions in order to allow additional height for places of worship, subject to certain standards. **FIRST READING**

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Markham				

	1	2	Y	N
Council Member Mutch				
Council Member Poupard				
Council Member Wrobel				

Strike-Through Version

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STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14- 18 – 273

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 4, R-1 THROUGH R-4 ONE-FAMILY RESIDENTIAL DISTRICTS, SECTION 402, PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS; IN ORDER TO ALLOW ADDITIONAL HEIGHT FOR PLACES OF WORSHIP.

THE CITY OF NOVI ORDAINS:

**Part I.** That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, hereby amended to read as follows:

**ARTICLE 4. R-1 THROUGH R-4 ONE-FAMILY RESIDENTIAL DISTRICTS**

Section 400. [Unchanged.]

Section 401. [Unchanged.]

Section 402. Principal Uses Permitted Subject to Special Conditions

1. Churches and other facilities normally incidental thereto subject to the following conditions
  - a. Minimum site size shall be three (3) acres.
  - b. Minimum site width shall be two hundred (200) feet along the front yard.
  - c. All access to the site shall be onto a Major Arterial, Arterial or Minor Arterial road as shown on the City's Thoroughfare Plan.
  - d. Minimum building setbacks shall be seventy-five (75) feet from all property lines.
  - e. Maximum building height shall be as provided in Article 24, provided that, on sites exceeding thirty (30) acres, buildings may be constructed up to sixty-five (65) feet in height if:
    - i. the minimum front, side, and rear yard building setbacks are increased by one and one-half (1.5) feet for every one (1) foot of building height in excess of thirty-five (35) feet;
    - ii. the site abuts a freeway or a Major Arterial road;
    - iii. the Planning Commission finds that the increased height will be compatible with, and will not have a material negative impact upon, existing and planned uses located on adjacent and surrounding properties, taking into consideration the size and configuration of the site and the proposed building(s), the size and nature of the improvements on the adjacent and surrounding properties, the aesthetic quality of the proposed building(s), including design, exterior materials, and landscaping, and any other relevant aspects of the site or proposed building(s).

**STAFF VERSION/Council**

d.f. There shall be no parking in the front yard, nor closer than twenty (20) feet from any side or rear lot line, except in those instances where the lot abuts a residential lot and in those instances, no closer than thirty-five (35) feet.

e.g. Screening of vehicular parking areas shall be in conformity with requirements at Section 2514.

f.h. A noise impact statement is required subject to the standards of Section 2519.10(c).

**Part II**

**Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART III.**

**Savings Clause.** The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

**PART IV.**

**Repealer.** All other Ordinance or parts of Ordinance in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART V.**

**Effective Date: Publication.** Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:

**STAFF VERSION/Council**

Nays:

Abstentions:

Absent:

Clean Version

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**COUNTY OF OAKLAND**

**CITY OF NOVI**

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**STAFF VERSION/Council**

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MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE \_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
ROBERT J. GATT, MAYOR

\_\_\_\_\_  
MARYANNE CORNELIUS, CITY CLERK

Ayes:

**STAFF VERSION/Council**

Nays:

Abstentions:

Absent:

Planning Commission Draft Meeting Minutes  
Excerpt – December 10, 2014

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## PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**DECEMBER 10, 2014 7:00 PM**

Council Chambers | Novi Civic Center | 45175 W. Ten Mile  
(248) 347-0475

### CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

### ROLL CALL

**Present:** Member Baratta, Member Giacometti, Member Greco, Member Lynch, Chair Pehrson, Member Zuchlewski

**Absent:** Member Anthony (excused)

**Also Present:** Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; Sri Komaragiri, Planner; Jeremy Miller, Staff Engineer; Tom Schultz, City Attorney

### PLEDGE OF ALLEGIANCE

Member Greco led the meeting attendees in the recitation of the Pledge of Allegiance.

### APPROVAL OF AGENDA

Moved by Member Greco and seconded by Member Baratta:

### VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GRECO AND SECONDED BY MEMBER BARATTA:

**Motion to approve the December 10, 2014 Planning Commission Agenda. Motion carried 6-0.**

### PUBLIC HEARINGS

#### 1. ZONING ORDINANCE TEXT AMENDMENT 18.273

Public hearing for the Planning Commission's recommendation to City Council for an ordinance to amend Ordinance No. 97-18 as amended, the City of Novi Zoning Ordinance at Article 4, R-1 through R-4 One-Family Residential Districts, Section 402, Principal Uses Permitted Subject to Special Conditions in order to allow additional height for places of worship.

Planner Kapelanski said the City has received a proposed text amendment to allow for additional building height of up to 65 feet for places of worship. Staff is generally in support of the proposed amendment with some minor revisions to the conditions noted in the suggested text which the applicant has agreed to. The Planning Commission set the public hearing for the proposed amendment on October 22, 2014. The Planning Commission is asked to hold the public hearing and make a recommendation to the City Council regarding the proposed amendment.

Gary Jonna, representing Brightmoore Christian Church, said in a moment I'll ask our architect to make a very brief presentation but I just wanted to note for the record that at the recommendation of staff we did speak to our neighbors, both Fox Run and Lenox Park, and we communicated with them that if they had not known that we were requesting a public hearing on this matter that we wanted to make them fully aware of it. So we made contact with them and they were both very supportive of our petition. So with that, I would like Brian Cane from Progressive AE to make a brief architectural presentation.

Brian Cane said I think the last time we were here we put together some ideas of sections and understanding of large places of worship. The early trend in designing places of worship was that larger places of worship would have balconies and catwalks because it's theatrical in nature. Catwalks allow you to go up and adjust lights and adjust speakers and it starts to give you a certain sectional quality. One of the things that we've been doing in practice is that when you get into the range of about 1800 to 2500 in seats, instead of going with the balcony we've been doing what we call the lower bowl and stadium style seating. So what that does is help us with the height and the idea of intimacy. The reason you have the lower stadium style is that the depth from stage platform to the back of seating, we're trying to minimize that. So here's a couple things that that does. It helps us with the idea of section and intimacy but what it also requires is that you're entering at a midlevel so when you come in you're at the center point so when you turn around behind would be stadium seats and in front of you would be those lower soft rake, as they call it, and a stage.

So the reason that I'm bringing that up as part of a section is because the buildings are pushed into the ground but they're pushed into the ground to the level of the platform. So when you start looking at long spans, you're starting to get a building that has a structural footprint of about 10 to 15 feet in height, you have catwalks and the idea of elevated seating. Our experience has been that when communities allow worship within certain areas they have a zoning ordinance that supports the further you bring the building from the setback the more height you can establish. I guess in a nutshell that's really the thesis behind it and the package that you have there is really for information of what contributes to the height of a building of this nature.

Mr. Jonna said also in your package you also saw some comparables from both Southfield and Troy. Just note that our church was located in Southfield until we moved to Novi and Southfield allows 55 feet and they don't really set a acreage size. So in this case I think it's important to note that we've narrowed this petitioner proposed amendment to be on a size of 30 acres or more. And really what that's about is a demographic trend. Novi has been growing dynamically over the years, as you know. So as the population grows then you have places of worship that you can establish that can support major campus developments. So thus population is driving it. In a community of 10,000-15,000, you may not see churches like this but since Novi is 55,000-65,000 in population you can see the necessity of this structure. Another point to note, during the calculations it would require any front, rear or side yard setback to be a minimum of 135 feet from any property line. Southfield and Troy generally allow one foot of additional height for one foot of additional setback. In this, we've increased that by 50% indicating that it would be one and a half feet for every additional 1 foot of setback. So in summary, if churches are going to be an allowed use in an R-1 to an R-4 district that you need to provide a modern ordinance to recognize that larger campuses of worship sanctuaries of 2,000 seats or more cannot be accommodated under the current zoning ordinance. So I'm happy to answer any questions and Brian is available as well.

Chair Pehrson opened the public hearing. No one wished to speak and there was no correspondence and Chair Pehrson closed the public hearing.

Member Giacometti said first I have a question for Mr. Cane. I appreciate you explaining the design philosophy; it was really interesting. I guess when I looked at these plans, I thought this concept could be achieved if you built down, meaning you walked into the church and instead of going up, that the structure was below ground and then you'd have plenty of space for the catwalks and lighting which seems to really put you over the edge in terms of exceeding the height. Now was that ever a consideration?

Mr. Cane said I alluded to that and I'll tell you the design difficulties and hardships that it puts on communities that we're working with. So what would happen with that is its two points of access that would become very difficult. Barrier free access would be very difficult because having a lower bowl and an upper bowl when you come into the middle the slope from the part where you come in to the stage that's a barrier free slope so from that point down to the stage, everybody could have access. If you would start from the back and try to go to the front, you wouldn't be able to maintain that barrier free access. The idea of how high the stage would have to get from the view point in the back, you would have to maintain a stage of six to seven feet in height so the individuals in the back would be able to have a good view point. The other thing that works really well about having the stage or the platform at the level by not submerging it is having vehicular access. Part of what happens is it's a performance based environment and that's going on actually right now. They're putting on a wonderful Christmas performance and there's a stage set. So to be able to get product up on the stage, you would have a lengthy truck duck to get down to the level where the stage is if you would submerge that substantially into the ground. So we looked at that and we have looked at that in the past but for barrier free access it really makes it simpler doing it this way.

Member Giacometti said a key component of service at the church seems to be performance space.

Mr. Cane said that is correct. Think if this was stadium seating from that point up and we entered from the back, trying to have access down to this level would be extremely difficult. If our entrance was right at the point where the door is and then you can have your access down and turned around and had the stadium seating, it really works out planning wise that there's a lot of equality when it comes to that.

Member Giacometti said I just have some other general comments; this is mostly to share with commission members. In your overview there were a few statements made, one in terms of where places of worship are heading and the other suggestion that we need to consider modernizing the ordinance. I agree with you but I think you're going the other direction, which is large places of worship are heading in this direction where they're getting bigger and bigger. I think the commission and ultimately the City Council has to consider whether or not residential is appropriate zoning for places of worship over a certain size. I went back and I looked up some history of how places of worship came to be a permissible use in residential districts and if you go back to the 1930's when zoning ordinances started to develop, it was to promote walkability. Not everyone owned a car so they could walk to church. Modernizing the ordinances, I don't suspect as many people walk to church as they once did so that's one. Secondly, I'm concerned that the ordinance change would encourage more development of large structures in residential districts. The setback is a great suggestion in terms of no one's house or property line having something towering over it but then it also requires a larger campus. The City Master Plan is really designed to accomplish a lot of things. One of them is to provide as much

residential development as we can which has an impact on our tax base as we move forward. So I think for me its two things. One, I do think it's time to modernize but I think the modernization should be to encourage large places of worship to build in zones that are more appropriate. I would love to see this project take place in a distressed area of Grand River. I mean you can go as high as you want. In a residential neighborhood I have a problem with it. Also, it's not this project, I think this project is great but I'm just concerned with the size of these buildings located in neighborhoods. Its traffic concerns, the character of the neighborhood, the amount of space the campus needs to be. Those are my concerns of why I'm inclined to recommend denial to City Council. I just don't feel like it's in keeping with the intent of ordinance in terms of permitting places of worship in residential zones. I feel like it's contrary to the intent of the master plan to maximize residential area and develop a tax base that can support the city as it builds out.

Member Lynch said I think I've been through this before and if you go back through history it's exactly right. The church is in a residential area, based on what I could find, so that people could walk to them. But now the law is a permissible use for a place of worship is a residential area. So we can't go back and disallow them to be in residential areas because I absolutely agree with you. When they first started, churches in residential areas were small and the people within less than a mile would walk to that church. I do agree with Commissioner Giacometti that I don't feel that megachurches should be in a residential area. However, the law is that it is an allowed use. So theoretically, I'm not in favor of megachurches in a residential area, however I will support what the proposal is by staff mainly because we're bound by the law and this is the best of what we can do in accordance with the ordinance to minimize the impact in a residential area.

City Attorney Schultz said churches are a permitted use in a residential district under the zoning ordinance and have been for a long time, but not necessarily to be confused with federal law pertaining to religious land uses. I'm not sure if that's what you're referring to but we allow churches in residential areas but at this point they're limited in size. So you aren't obligated to allow the change that's being proposed just because it's a church.

Member Lynch said well that is my concern.

City Attorney Schultz said just because it's a church doesn't mean that you have to enact a legislative ordinance to raise the height on it. Anybody can seek a variance. The height of a building is really specific to the district.

Member Lynch said I thought I'd be breaking the law; I certainly don't want to do that. In that case, I don't want to see them getting any bigger.

Mr. Cane said regardless of the height conversation, I want to address the history of churches in residential areas. I think what is quite wonderful about campuses is that they are a community asset and a part of town square. There is a public realm that was outside the building and that public realm was a place for the community to come together and it was typically open space or a park. When I say public realm, that's what I mean by it is a park. I wouldn't be nervous of, as you put it, megachurches or large campuses because those large campuses are really quite wonderful assets to the community because what they allow for is open space for the community to use and that becomes one of those intersections between the church place and community place that they can come together and use. It can be part of your park system. So I think those are some things to think about when you think about a large campus and the history of a church being a place that was walkable. Of course our society has changed; we're car centric and the larger they get, you can't walk 2,000 people to a certain destination but I think

what they are are great community assets when it comes to open space. So that was the piece that I wanted to add.

Member Lynch said that's a good credible argument; I do agree. I guess I probably haven't done as much detailed research on this particular text ordinance. It has to be a certain size, 30 acres, which is quite substantial. I guess I'll listen to the rest of my commissioners. It's a dilemma. I do like the idea; I just don't think it's appropriate. I mean I think that's where we're headed, to these larger congregations and the issue is should it be in residential or another type.

Mr. Cane said look at it as a community asset. It does have public space for the community to use.

Member Baratta asked Planner Kapelanski if there are three places in Novi where we can have this size of facility. Is that a fair reading of this proposal?

Planner Kapelanski said yes that's what the map in the packet indicates.

Member Baratta said so we've limited it to only three places.

Planner Kapelanski said two really. One of the parcels is 27 acres so if they were to acquire some additional land then that would be eligible as well.

Member Baratta said so on the west of this proposed facility you've got a multi-store apartment complex. Is it four or five stories?

Planner Kapelanski said I believe they do have some buildings that are five stories.

Member Baratta said so we've got five stories on the west. You've got Thirteen Mile Road, which is a good east-west connector, south of it. Then you've got the M-5 connector to the east of it. So really what we've got is a highway visible site here. This isn't a typical residential neighborhood where you would see that small place of worship. You've got a proposed five to six foot high building. How far is the closest point of that building to the M-5 connector? Is it four or five hundred feet?

Mr. Cane said probably over 1,000 feet.

Member Baratta said so you're a long way from M-5 and it's not on the building side of Thirteen Mile Road, it's behind it. So maybe that's another couple thousand feet. So we basically have an area there that's a long way from M-5 and Thirteen Mile. You've got a multi-story apartment complex to the west. So we're not talking about you're local neighborhood, that's number one. Initially when this proposal came up I was against it, to be honest with you, and I didn't think it should be in a residential neighborhood either. Then I got to think about it and I looked at the sight and saw precisely where it was located and I concluded that it might have been zoned residential and maybe that's not the correct zoning for it in the ordinance because it's truly not a residential area like we think it is. So I don't think I'm opposed to granting what they're looking for in this instance. The question that I have is is there any feature on or appendage to the building higher than the 65 feet? Maybe like the cross?

Mr. Cane said it has not be established yet what that height will be. We were showing that as part of a capital campaign package and the cross is a request by our client.



Mr. Jonna said let me answer that very specifically. It would be no higher than 65 feet.

Member Baratta said ok so everything is capped at that height. Ok so the way that the ordinance is written is would everything be capped including the appendages at the 65 foot mark?

Planner Kapelanski said I believe that if it's attached to the building it would be capped at 65 feet unless they were to seek some sort of variance.

Deputy Director Barb McBeth said I'm sorry if I might add also, there is a provision in the ordinance for steeples and the height of steeples can be determined by the Zoning Board of Appeals. So if a church were to come in with something taller than that that would be permitted by the ZBA.

Member Baratta said so if there was a cross that's higher, that would go to the ZBA.

Deputy Director McBeth said the cross that was shown on the drawings, we were talking to Mr. Jonna about that for some time, we're not sure if that's interpreted the same as a steeple or if that's something that would be different than that. So we appreciate the concern about it being 65 feet or less.

Member Greco said I have a couple of questions and comments. First of all, I really like the way the project looks. I think it looks excellent. The explanation that you've given for the churches and the presentation all make sense and I think it all makes sense maybe for this spot right here but I do have a couple of concerns and comments. Number one is with big campuses like this, with buildings that look like this, as appealing as it is, I really don't see it as an extension of a community area. It more so looks like a corporate park. It may look very nice with a steeple and I'm sure for Christmas it's going to look gorgeous but I don't think it really is an extension of our parks for people to you. I mean the people who worship at the church may use it but I don't really see that as a plus.

Mr. Jonna said we have athletic fields so we draw lots of different teams from all communities to our athletic fields. We have many special events throughout the year. We're going to have 10,000 people at our Christmas production from all over Novi and neighboring communities. We are very active in our community. We have car shows, things for youth, special events, and camps for underprivileged children. So there's a lot of community activity.

Member Greco said and my comments were not directed at the work that the church is doing or the outreach that it's doing, it's just that I think there's a difference between those activities and a community park. That's the only point I was making. But my biggest concern here, and we can ask our city attorney is, going through this text amendment process, this is one way for them to do this. Could they also seek a variance?

City Attorney Schultz said correct.

Member Greco said so this is an avenue that the applicant has taken to see if they can get their church in by way of this method which is changing the ordinance to just allow it. So this is the point that I'm looking at, when looking at our map at available spots that are here, I echo Member Baratta's points that he made that this looks like a good fit for this particular spot. I mean M-5 is right in front of it, you've got the apartment complex and residential to the north. It looks like a really good spot at 13 Mile and M-5. The other spots that this may be available for,

don't look so good, particularly Oak Pointe Church. That is not near an M-5 type of access road. We may have plans in the future to do more with 10 Mile Road but that Oak Pointe area would not be something I'd be in favor of if we were looking at this project. So that being said, while I am certainly in favor of the project, and I'm going to withhold my opinion totally until I hear from anybody else if there are going to be any more comments, perhaps the text amendment is not the way for them to get this done. If this were the Oak Pointe at 10 Mile and Wixom Roads, I would not support it. For that reason, I'm not sure I'm going to support this and maybe direct the applicant to go apply for a variance because you're right, the spot that they're in looks good. That concludes my comments.

Member Baratta said with Mr. Greco's statements regarding Oak Pointe Church, I won't support it. I agree with your strategy, maybe this isn't the appropriate way of doing it. The project might look satisfactory but I certainly wouldn't want it expanded to Oak Pointe or Cross Pointe Meadows church.

Member Lynch said I think this is a great looking project and it's more philosophical that it's in a residential zone but when you physically go to 13 Mile where it's located, I agree with you. Either a variance or a rezoning of the parcel, which is certainly a lengthier process, would be a better idea. When you drive up and down 13 Mile Road, I think there's a lot of rezoning issues. We had a meeting just prior to this and we had a rezoning request to discuss. So I agree, I am not opposed to this project, I think it's more so the method of how we're going to do this.

Member Zuchlewski said I think after listening, initially I was in favor of the whole idea, but I think this particular site fits what you want to do. I think rather than set ourselves up for additional problems later a variance is in order. That's my comment.

Chair Pherson said for my comments on the record, I'm in favor in the project as it stands with its zoning text amendment. Everything we try to do in a text amendment is consider the best case scenario and make allowances for the kinds of setbacks that we're trying to do to create the adequate buffer. Right now, I'm basing this solely on this particular site which, if it was residential or light industrial, it doesn't matter to me at this point in time because it fits that particular area. Oak Pointe doesn't fit right now because it doesn't have the particular acreage that's required per this zoning text amendment. Cross Pointe Meadows could if they really wanted to. I think we've taken a look at what other communities do, which is typically what we do. We take a look at other communities to see what is valid in their ordinances and try to come up with the best of this. I respect your opinions of what happened in the 1930's, but we're not there. This is at least the 21<sup>st</sup> century. We drive to things. Churches are community points of access for a whole host of reasons like Mr. Jonna illustrated. I have no issue with this text amendment as it stands and for this particular reason, I'd be in support.

Mr. Cane said in dialogue when we were talking about the strategy of how we should go because I know you've talked about going through ZBA but why I'm giving our client a lot of kudos is that they were suggesting that the best way to go is the zoning text amendment because then it's not episodic. When we started analyzing it and looking at it, that's when we put in the documentation that we did because we think that it's logical to have this as a text amendment to accept large places of worship within your community. I also think the idea of having it as a larger site protects you from things that you're concerned about. So that's the reason we went this route.

Mr. Jonna said and the last thing I'll add is that other communities have, with sites as small as three acres, someone could go up to 65 feet if they meet the setbacks. I guess what I'm

illustrating is that other communities that are in Oakland County that are of similar size or larger, have provided provisions that allow for modern places of worship. So we see this as more of a community issue. Everyone knows, my office is in Novi and 80% of my work is in Novi. I've been developing in this community for 25 years and I'm very committed to our church in this area. So I think it's incumbent upon the Planning Commission to honestly look at the ordinance and look at the population center they've become and look at what other communities are doing and allow something very practical which in this case is to allow a worship space to accommodate 2,000 or more. This height is needed. It's not for any other reason than for that assembly space for worship. In our case, we're a special use district and we're about 40 acres. Theoretically, if we could not get a zoning ordinance text amendment or were denied a variance, we basically can't grow anymore. Unless we can build and expand, we're really under a lot of pressure because our church is vibrant and attracting a lot of people and growing dynamically. So I understand that there may be other outlets to achieve this but this is really more of a 'd-day' for the Planning Commission to speak to a much longer term issue and we believe that we have presented in a compelling fashion and we've done it in a narrow basis only for large campuses.

Moved by Member Giacometti and seconded by Member Greco:

**Motion to recommend denial to the City Council of Text Amendment 18.273.**

Member Baratta said if the text amendment is modified to put in that there needs to be a frontage on a highway like M-5, to include a location like 10 Mile Road which is not a divided highway like M-5, would you still have your objections to text amendment?

Member Giacometti said yes I would. This is not about this project, this is about an ordinance change. This project is unique in that I think it's in a zone that maybe shouldn't be a residential zone. We would be modifying the ordinance to suite one instance. So I mean this is more about the procedure than the ordinance, not about this project. This is a great looking project and well done presentation but my recommendation is more about the method. We're not talking about this project, this project would benefit, but we're talking about the ordinance.

Member Baratta said I just have a question for you with that line of thinking. Would we then preclude any church from going in an R-1 or and R-4 if we changed this ordinance? That's one thing I want to make sure we stay away from.

Member Giacometti said no I think this really only addresses the size of the facility and this isn't size its height.

Member Baratta said it's not size, it's height. That's what we're talking about, 65 feet high.

Member Giacometti said this would just preclude places of worship from being that tall. This doesn't preclude a new house of worship being proposed for a residential zone, just at a height that is consistent with other buildings in the residential zone.

Member Baratta said the other comment I'd like to make then and apparently there's a lot of multiple family adjacent to this property and that's at least 60 feet high. It's five stories so it's already there.

Member Giacometti said and again that's this project. But future projects, this is the ordinance that would apply.

Member Baratta said see that's why I think a variance would work.

Member Giacometti said I'm not opposed to this project.

Member Greco said since I seconded the motion I'll respond to Member Baratta's questions. The answer is, if that were to be put into the ordinance, that type of text amendment that would further limit it and narrow it to areas where it's closer to a bigger road, that would probably change my opinion because that would narrow the sites down from three to one which is basically what we're talking about in essence. I think that if there were a change like that where it's near an M-5 road or another highway that would likely change my opinion.

Member Baratta said my point is when you have residential zoning that allows a place of worship we have a modification to that to allow for a higher elevation only with very specific instances where you have a very large piece of property. Logically it's still residential, it's still allowed in residential. We give it a little more height and we give it the setback requirements and amount of land and still have the capability of the traffic not being a problem because of the highway area. So I think there's some logical basis for modifying a residential ordinance in that regard.

Attorney Schultz said really it would be any residential property 30 acres in size. I mean it may not be worth it for a church to buy a 30 acre residential piece somewhere else in the city but theoretically we're not just talking about the places where existing churches are, it could be any assemblage of 30 acres or more.

Member Greco said really my previous comments were, and I don't think that that's a likely scenario, but the spirit of the Master Plan is to promote that these large parcels of residentially zoned districts are for the development of residential houses which supports the long term goals and long term sustainability planned for the city. I think this is a great project. I think it's in the wrong zone and I think that parcel is not properly zoned given its proximity to M-5. Maybe a variance is more appropriate. As council suggested really any parcel in the city, there's not just three, could do this.

Member Baratta said but it still could be. The only question is can it be 65 foot high. And you could have a steeple that's 60 feet high.

Member Greco said I think a steeple is a different animal.

Deputy Director McBeth said with regard to proximity to the limited access freeways, there was a text amendment that went through a number of years ago to allow and encourage additional height for OST, Office Service Technology, properties that have certain proximities to M-5 or I-96 and a couple of projects have taken advantage of that. One of them was Harman Becker and ITC Headquarters. So I don't know if the Planning Commission is thinking along those lines, but if you're thinking certain projects within a certain proximity of the limited access freeway could have additional height given the certain circumstances. If that's something the Planning Commission would like for us to draft up and change, we can certainly take a look at that as well.

Chair Pherson said I think that makes good sense.

**ROLL CALL VOTE ON TEXT AMENDMENT 18.273 DENIAL MOTION MADE BY MEMBER GIACOPETTI AND SECONDED BY MEMBER GRECO:**

**Motion to recommend denial to the City Council of Text Amendment 18.273. *Motion carried 4-2.***

Planning Commission Meeting Minutes  
Excerpt – October 22, 2014

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# PLANNING COMMISSION MINUTES

CITY OF NOVI

Regular Meeting

**OCTOBER 22, 2014 7:00 PM**

Council Chambers | Novi Civic Center | 45175 W. Ten Mile  
(248) 347-0475

## CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

## ROLL CALL

**Present:** Member Anthony, Member Baratta, Member Lynch, Chair Pehrson

**Absent:** Member Giacometti (excused), Member Greco (excused), Member Zuchlewski (excused)

**Also Present:** Barbara McBeth, Community Development Deputy Director; Kristen Kapelanski, Planner; David Beschke, Landscape Architect; Jeremy Miller, Staff Engineer; Tom Schultz, City Attorney; Rod Arroyo, Traffic Consultant

## PLEDGE OF ALLEGIANCE

Member Lynch led the meeting attendees in the recitation of the Pledge of Allegiance.

## APPROVAL OF AGENDA

Moved by Member Baratta and seconded by Member Lynch:

## VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER LYNCH:

**Motion to approve the October 22, 2014 Planning Commission Agenda. Motion carried 4-0.**

## MATTERS FOR CONSIDERATION

### 1. SET PUBLIC HEARING FOR DECEMBER 10, 2014 FOR TEXT AMENDMENT 18.273, BUILDING HEIGHT STANDARDS FOR PLACES OF WORSHIP

Planner Kapelanski said the City has received a proposed text amendment to allow for additional building height of up to 65 feet for places of worship. Staff is generally in support of the proposed amendment with some minor revisions to the conditions noted in the suggested text. Suggested conditions include the following: The site must exceed 30 acres; The minimum front, side and rear yard building setbacks shall be increased by 1.5 feet for every one foot of building height in excess of 35 feet. These requirements are generally consistent with those listed in other local ordinances. The Planning Commission first considered this amendment on October 8<sup>th</sup>. At that time, the Planning Commission asked staff for additional information. The packet includes ordinance excerpts from other local ordinances, a description of the need for the additional height by the applicant and a map indicating parcels that could qualify for additional height. The Planning Commission is asked to schedule the public hearing for December 10<sup>th</sup>.

Gary Jonna said I'm here this evening representing Brightmoore Christian Church. Just some very brief history on our church; it actually started in 1926 in the Brightmoor District of Detroit. After many years, they moved to Southfield at Franklin Road and Telegraph, in 1980. Then the move to Novi was made in 2000. So they've now been in the community for 14 years. What brings us here this evening is that the church has flourished and grown dynamically and when we did the initial phase of the project, we could not afford a modern sanctuary so we built what's termed 'a fellowship hall' and actually use that as our place of worship. So as we've continued to grow, we've looked at our full build out of the campus and that would include about 90-100 thousand square foot expansion; the center piece of that being a modern worship sanctuary. So in reading the ordinance, it was quite apparent that the type of sanctuary that we want to construct would not fit within the current limitation. So what I'd like to do is take a few moments and allow our architect, Ryan Cane, to walk you through, from a technical standpoint, the physical requirements and the need for the height increase.

Ryan Cane said we did a schematic section and it's really not to address just this project but it's to address larger worship centers that are presentation style that might have a more theatrical presentation thrust to their DNA. We've been working on churches for quite a few years and we're doing them all over the country and what we're finding is that with the presentation style you have a gentle rake. You're probably about 120 seats here and my gentle rake it's allowing people to see over heads. And then what we're trying to do is keep it as intimate as possible. So some churches have a balcony and others have more of a stadium style seat. So you come in at the midpoint of the church with a rake in front of you and then a stadium style in back. What we're finding is they prefer the stadium style. Even with the balcony, you start to get a certain height to that volume. It has to be free span because you don't want to have columns coming doing into your space. Then there's a height that's required over a platform because of the types of presentations that they put on. What we've been trying to do as professionals, if you think of the old performance halls or auditorium, there's usually a fly loft and that fly loft starts to get really tall. What we've done in our strategy is a side fly. So along on each side of the platform we create space that allows them to stage and bring in scenes instead of going up. So we're trying to keep height down as much as possible. But on top of that with the theatrical lighting and the free span, you're starting to get a structure that is ranging from 14 feet to 16 feet deep. But inside that we also have catwalks so that they can service and adjust their lights. So when you starting adding it up, looking at just this section, you're getting up to 60-65 foot range when you're in a 2,000 seat capacity in this worship space. So that's what's starting to push the height. So when we started reviewing the ordinance, and we've had some experience with Troy and knowing that there's this additional requirement that if you increase your setback you can increase your height. That's what started this conversation.

Mr. Jonna said just too briefly summarize, some of this phenomena is actually attributable to the growth of the southwest suburbs. Older communities, provided for the ordinance and additional height. Novi has a dynamic growth leading Oakland County and is newer in terms of places of worships. So this is kind of something that is a progression. So case in point is the fact that we were in Southfield and they allowed 55 feet. We actually went higher with the setback allowances that we have. So you see a few sites that are noted by staff but that doesn't mean that where could be further projects where land is assembled 30 plus acres. Our site is 40 acres, just for the record. So I think it's an issue of population growth. Again, the Southfield and Troy ordinances provide for that. We are actually adding a 50% increase, where Southfield and Troy will say we want one foot of additional setback for every foot. We're proposing one and a half feet, which is a 50% increase. As Brian touched on, it's really an issue of physical and structural requirements to build a modern and contemporary worship sanctuary. The way we view this is it's only applied to large scale sites. It's not that this is 30 acres or more. And that's where you're



really seeing it is large worship campuses of 30 plus acres generally include a sanctuary of 2,000 plus seats. In our case we're 2,100 seats. So it's an order of magnitude. It's a campus seating and it's really this. We really view this as just a logical and reasonable modernization of the ordinance to allow for the appropriate structure and use. So we respectfully request that you set this for a public hearing.

Member Anthony said I see in our packet we have a staff version and an applicant version. In the public hearing, do both go in front or the staff version?

Planner Kapelanski said the staff would recommend that you set the staff version for a public hearing.

Member Anthony said ok I have a question for you Gary. Have you taken a look at the staff version?

Mr. Jonna said yes we have and we're fully supportive of the staff version.

Member Anthony said alright so that allows you to do what you've proposed to do with your addition.

Mr. Jonna said that's correct.

Member Baratta said I understand that you want to cubic volume for the people to be in there, have you looked at doing what the theatres have done in the past and that's dig down a little bit so you don't have to go as high so you'll get the same volume.

Mr. Jonna said excellent point. We have looked at that and we are actually sloping down into earth three feet. So we are sloping into the ground and we have some limitation to that because of outside grade and drainage and other things. But yes we are actually excavating the earth below our current finish floor.

Mr. Cane said the only reason that it's only three feet is you want to have good access to the stage to service it. So if they're bringing in sets. So that stage is actually at grade. So the rake is cutting into the ground. So that's all contiguous.

Member Baratta said but you could get your objectives met by digging down like a theatre or what schools do in some instances, is that accurate? I guess my concern we have a 65 foot high proposal building and it could go anywhere. If we want to do a text amendment that would limit it to a couple of areas but inevitably a place of worship it's got some capabilities of going into residential areas. I don't think the community would want a 65 foot building in their backyard. Obviously that's an extreme example. So if you can obtain your own objectives and get a lower building because you're digging down, that would be my question.

Mr. Cane said I hate to call it an issue, but accessibility is part of what we try to balance. So the more you dig down, and then you're entering at the very back or the larger the raked floor component gets. The rule of thumb is that you try to keep the rake floor so you can still see facial expressions. So you try to keep the rake floor no more than 60-70 feet from the platform. The farther you dig down, the further you put the rake. So it starts to have a function of how you access the space and where you put the back row of the rake.

Mr. Jonna said let me add just one thing. The current requirement is a 75 foot setback and if we

were to go to the 65 then that would be another 45 feet. So it would be a minimum 120 feet from the property line.

Member Baratta said thank you very much.

Moved by Member Baratta and seconded by Member Lynch:

**ROLL CALL VOTE TO SET THE PUBLIC HEARING FOR TEXT AMENDMENT 18.273 MOTION MADE BY MEMBER BARATTA AND SECONDED BY MEMBER LYNCH:**

**Motion to set public hearing for Text Amendment 18.273 for December 10, 2014. *Motion carried 4-0.***

**Additional Information from Staff**

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# Southfield Zoning Ordinance - Excerpt

H = height of building as defined in Article 2, Section 5.3 (11).

In all zoning districts which are regulated by this footnote, not more than fifty (50%) percent of any required yard abutting a street shall be used for vehicular parking or driveways. Adjacent to any lot line abutting a street, there shall be a continuous landscaped area not less than fifteen (15') feet (4.575 meters) wide except at points of approved vehicular access to the street.

(w) Exceptions to Height Standards (Amended – Ordinance 1613 – 8/4/13)

Exceptions. The height limitation of this Ordinance shall not apply to chimneys, cooling towers, elevators, bulkheads, fire towers, penthouses, stacks, stage towers, scenery lofts, tanks, water towers, pumping towers, monuments, steeples, cupolas, and mechanical appurtenance accessory to and necessary for the permitted use in the district in which they are located.

Height of Public and Semi Public Buildings. The height of public and semi public buildings such as churches, cathedrals, temples, hospitals, sanitariums, or schools shall not exceed fifty-five (55) feet, provided that if any such building exceeds the height limitation for the district in which is is located, then, in addition to the required setback, the building shall be set back an additional one (1) foot for each foot by which the building exceeds the height standard.

Height of Parapet Walls. Parapet walls may extend up to five (5) feet above the permitted height in the district in which the building is located.

- C. The site shall have frontage on and primary access to a [major](#) or [minor arterial](#).
- D. Buildings of greater than the maximum height allowed in the District in which a place of worship is located, may be allowed provided that the front, side and rear yards are increased one (1) foot for each foot of building height which exceeds the maximum height allowed.
- E. [Front](#), [side](#) and [rear yard](#) setbacks shall be a minimum of fifty (50) feet.
- F. Parking shall not be permitted in the required [yards](#) adjacent to any public [street](#) or adjacent to any land zoned for residential purposes, other than that which is developed or committed for uses other than the construction of residential dwellings. Such yards shall be maintained as landscaped [open space](#).
- G. Traffic from events, including church worship services and other large assemblies, shall be controlled so as not to create congestion or unreasonable delays on the public [street](#).

## SECTION 6.22 POST-SECONDARY SCHOOLS

- A. All ingress and egress from said site shall be directly on to a [major arterial](#).
- B. No [building](#) shall be closer than eighty (80) feet to any property line that is residentially zoned or used. In all other cases, front, side, and rear setbacks shall be a minimum of forty (40) feet.
- C. Off-street parking areas shall be located at least fifty (50) feet from any residential property line.
- D. Those [buildings](#) to be used for servicing or maintenance, such as heating plants, garages, and storage structures shall be screened from view of residentially zoned or used property, in accordance with the standards set forth in [Section 13.02.B](#).

## SECTION 6.23 PRIMARY/SECONDARY SCHOOLS

- A. All outdoor play areas shall be located in the rear or side yards only and shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way.
- B. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.

**Additional Information from the Applicant**

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progressive|ae

# BRIGHTMOOR CHRISTIAN CHURCH

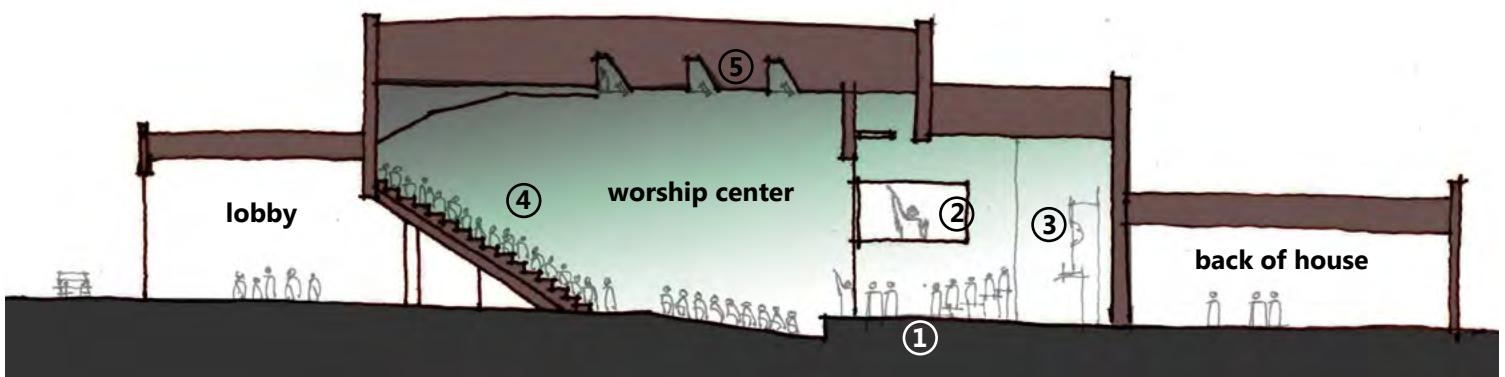
[ Preliminary Zoning Text Amendment Review ]



We understand that the City of Novi permits religious projects within a zoned residential area. After further investigation, we have discovered the current ordinance as written has not stayed current with the needs of large worship centers. Our experience shows that centers that are 30 plus acres and require a seating capacity of more than 1800 seats have special needs, specifically when it pertains to the building height. The primary rationale for the need for height is as follows:

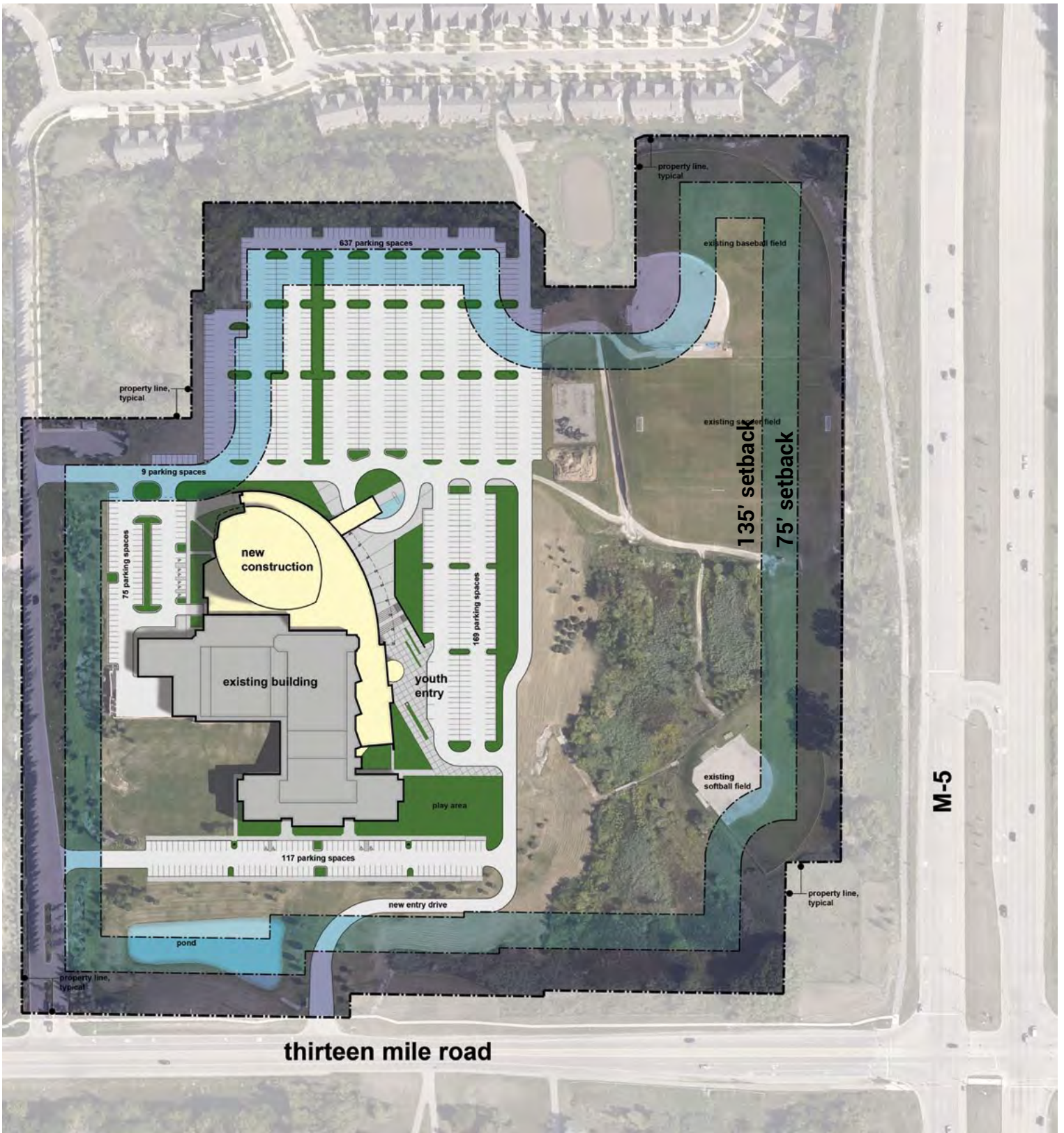
1. The venue must be tall enough to accommodate lighting and sound equipment utilized on a platform large enough to support orchestral or large bands providing musical accompaniment.
2. Multi-screen image magnification of presenter and instructional aides also requires tall volume space. Large projection screens allow the congregation to see facial expressions of the pastor or read presented text. It is necessary to mount screens above the presenters to insure clear views resulting in a tall building height.
3. Similar to a secular auditorium, set design and props add to the experience of the event and require extensive area to build and incorporate into presentations at large theatrical style presentations for events like Christmas and Easter.
4. Seating on a sloped or stepped floor to maintain clear sightlines. Communication works best face to face and 70' to 90' is the outer range that most people can clearly see and understand facial expression. For this reason seating is often arranged in a wide fan shaped to maximize the number of people within this optimal viewing distance. Along with the fan shape, a sloped or stepped floor allows for compact seating and improved sightlines. This is the primary reason for balcony's in the past though stadium style seating, allowing for a direct connection of the upper seats to the platform, has grown in popularity. The result is longer structural spans requiring a deeper structural system to enclose the venue.
5. Area to accommodate catwalks to access specialty lighting and projectors for service and adjustability.

When the elements of a broad, uninterrupted footprint and high seating are combined the result is a building reaching 60 to 70 feet in height. Brightmoor Christian Church's proposed new worship center plans to incorporate all of the elements discussed. (1) Generous platform size (2) Image magnification (3) Theatrical support accommodations (4) Sloping and stadium style multi-level seating. (5) Catwalks



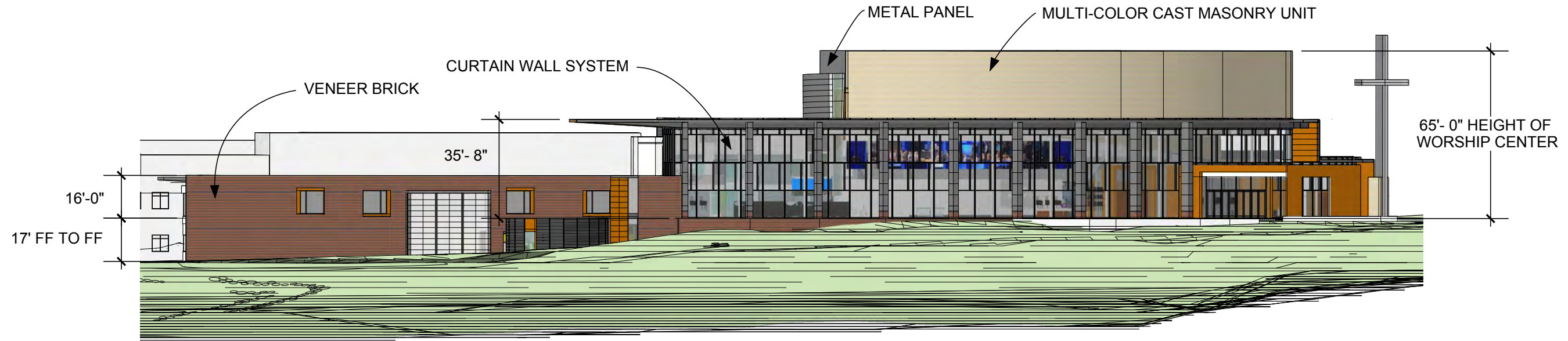
Furthermore, neighboring communities, specifically, Troy and Southfield have updated their ordinance to include extra height allowance for every additional foot of setback. This logical addition supports the historical inclusion of religious projects within a residential use area. By including this clause, these communities have considered the current requirements and needs of worship facilities of today.



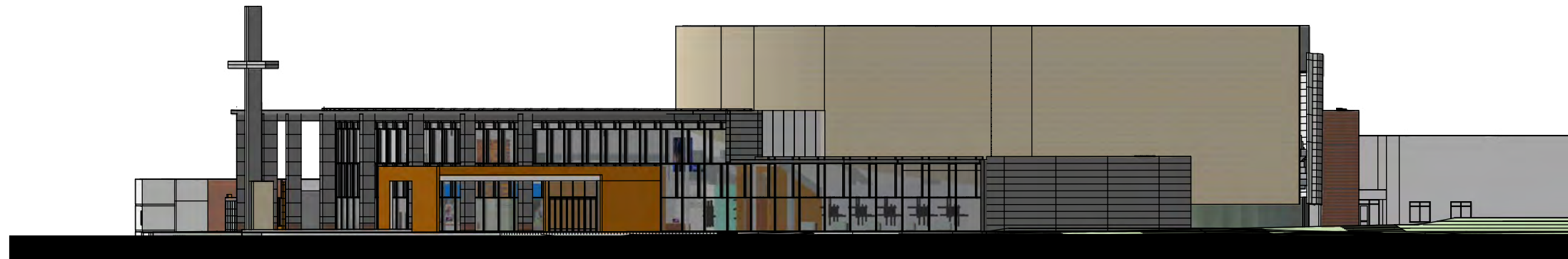


Site Plan 

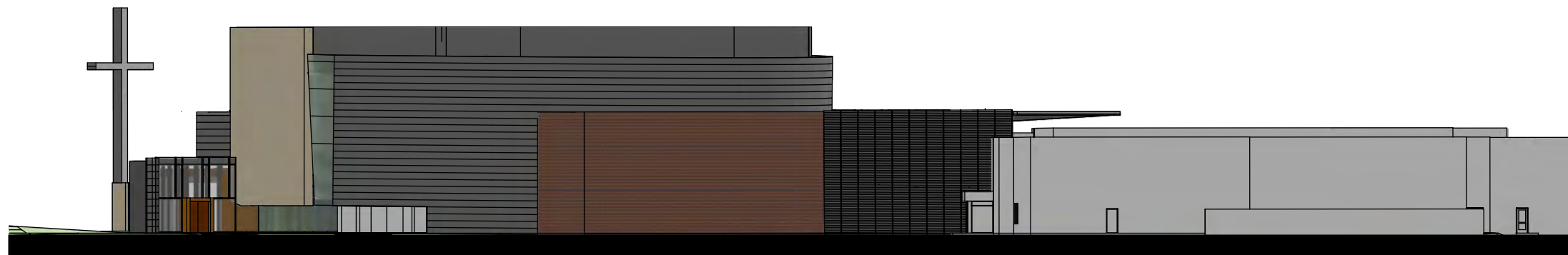




East Elevation



North Elevation



West Elevation





view from M5



view from parking



worship



lobby hub