

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

**STAFF REPORT TO THE PLANNING COMMISSION
 February 20, 2007**

Revised Site Plan Han-Bit Korean Church Addition	
APPLICANT	Han-Bit Korean Christian Reformed Church 1849 South Livernois Rochester Hills, MI 48307
AGENT	Rev. Christian Yung Ju Oh
LOCATION	East side of Livernois, North of Hamlin
PARCEL NOS.	15-22-351-012
FILE NO.	93-352.2
ZONING	R-4 (One-Family Residential) District
STAFF	Derek L. Delacourt, Deputy Director
REQUESTS	Revised Conditional Land Use Recommendation Buffer Modifications Tree Removal Permit Revised Site Plan Approval

SUMMARY

The existing site is approximately 5.95 acres in size. The revised layout now includes a 3,178 square-foot addition to the existing 7,650 square-foot church. The addition includes meeting/activity and storage rooms, and there is associated paving to add a basketball court and driveway. The existing church received Conditional Land Use (CLU) approval from City Council in January 1994 and will require a Revised CLU Recommendation and Approval for the addition.

Specific actions requested by the applicant for consideration by the Planning Commission are a Revised Conditional Land Use Recommendation to City Council and approval of a Tree Removal Permit, Buffer Modifications and the Revised Site Plan.

SITE PLAN

As part of the technical review for this project, all applicable City departments and consultants have reviewed the plans and supplemental documentation. Review comments are either included in this report or contained within the enclosed information. Further, the original construction of the church anticipated this expansion, and the addition is designed to reflect the appearance and match all finish materials of the church.

Parking

A total of 48 parking spaces are required and 89 are being provided, including four handicap spaces; 1,350 square feet of parking lot island planter and 6 trees are required for 89 spaces; 1,873 square feet of parking lot island planter and 6 trees are being provided.

Wetland Use Permit

There are no regulated wetlands on the site.

Landscaping/Tree Removal

The City's Tree Conservation Ordinance *does* regulate the site. The applicant is proposing to remove only eight of the 60 regulated trees on site and nine replacement credits will be provided. The City's Landscape Architect has reviewed the Landscape Plans, including the proposed buffering, and recommends that they meet the requirements of the City's Ordinance subject to three conditions.

Buffer Modifications

The site is surrounded by residential zoning on the north, east and south. A Type B Buffer (25' width, a 6' high opaque screen wall/fence and sufficient IVO plantings) is normally required along these property lines. Existing buffer width and buffer plantings along the northern and eastern limit of the development still meet the intent of the IVO and 25' width. The applicant received a Buffer Modification from the Planning Commission for the original church on November 16, 1993 to waive the requirement for a 6' high opaque screening wall/fence on the north and east property lines and to waive the IVO requirement on the southern property line. For the Revised Site Plan, the applicant is again requesting a buffer modification to allow vegetation to replace the required six-foot opaque screen on both the north and east property lines and a modification for the southern property line to eliminate the IVO requirement because additional trees cannot be planted due to the location of the proposed drainage swale and overhead utilities. There is a six-foot wooden fence proposed for the southern limit.

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.

In her attached memorandum dated July 13, 2006, the City's Landscape Architect details the requested buffer modifications and references several related findings. Mrs. Dinkins further notes that she believes the buffers as proposed for the project meet the full intent of the ordinance and recommends approval.

Architecture

The church facade is composed of predominantly brick with small amounts of siding; the addition will match the original church. The pitched roof will be covered with asphalt shingles.

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 and the church received Conditional Land Use Approval in 1994. Therefore, the addition to 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 church addition will have materials to match the existing building, which was already given approval. The congregation is small and activities are primarily limited to weekends. Additional landscaping is proposed to buffer the surrounding residential zoning.
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 development is adequately served by essential public facilities and services and additional public facilities at public cost will not be necessary.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.*
- The addition will not appear to be, after meeting any conditions of approval, detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare. Approximately 3.8 acres will remain undisturbed; the height of the proposed building is 22' and the parking lot is off of Livernois, so the use and enjoyment of neighboring homes should not be diminished.
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.*
- The development will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community. All utilities are existing and the basin was designed with the addition contemplated.

If the Planning Commission feels that the proposed architecture and materials are compatible, harmonious, and appropriate in appearance with the existing character of the general vicinity and adjacent uses of land, **staff recommends approval of the following motion relative to City File No. 93-352.2 (Han-Bit Korean Church):**

Revised Conditional Land Use:

MOTION by _____, seconded by _____, in the matter of City File No. 93-352.2 (Han-Bit Korean Church Addition), the Planning Commission **recommends** to City Council **Revised Conditional Land Use Approval** of the proposed project, based on plans dated

received by the Planning Department on October 17, 2006 with the following findings and subject to the following condition.

Findings:

1. The property received Conditional Land Use Approval by City Council for the original church on January 26, 1994.
2. 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.
3. The proposed addition to the Han-Bit Korean Church 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.
4. The site is currently developed and minimal grading will occur. A church addition should provide minimal visual and traffic aspects.
5. 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.
6. The proposed church addition has been designed so as to not be detrimental, hazardous, or unreasonably disturbing to existing land uses, persons, property, or the public welfare. There should be minimal adverse affects during construction because many site effects are already in place.
7. The proposed church addition 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

It is Staff's recommendation that the use of existing vegetation in lieu of a wall fence or berm to meet the 6' opaque screen requirements meets the intent of the City's Ordinance and is consistent with the above stated criteria. Based on these findings, **staff recommends approval of the following motion relative to City File No. 93-352.2 (Han-Bit Korean Church Addition).**

MOTION by _____, seconded by _____, in the matter of City File No. 93-352.2 (Han-Bit Korean Church Addition), the Planning Commission **grants the Buffer Modifications** to eliminate the requirement and allow existing vegetation supplemented by

additional plantings to meet the six-foot opaque screen requirements on both the north and east property lines, and to eliminate the IVO requirement along the southern property line, with the following findings:

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.
3. That the planting of trees to meet the IVO requirement is not possible due to the location of the proposed drainage swale and existing overhead utilities along the southern limit of the development.

Tree Removal Permit/Revised Site Plan

The proposed project, subject to conditions, meets the City's zoning requirements for the use, including parking, interior landscape islands, setbacks, and height. **Staff recommends approval of the following motions relative to City File No. 93-352.2 (Han-Bit Korean Church Addition).**

MOTION by _____, seconded by _____, in the matter of City File No. 93-352.2 (Han-Bit Korean Church Addition), the Planning Commission **approves a Tree Removal Permit** based on plans dated received by the Planning Department on October 17, 2006, with the following findings and conditions.

Findings:

1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to preserve 86 percent of the regulated trees on-site.
3. The applicant is proposing to replace 8 regulated trees with 8 replacement trees (i.e., 9 tree credits) on-site.

Conditions:

1. Add one additional replacement tree to the plan and to the Master Plan Schedule and adjust plan as necessary, prior to Final Approval by Staff.

2. Tree protective fencing must be installed, inspected, and approved by the City's Landscape Architect prior to issuance of a Land Improvement Permit for this development.

MOTION by _____, seconded by _____, in the matter of City File No. 93-352.2 (Han-Bit-Korean Church Addition), the Planning Commission **approves** the **Revised Site Plan**, based on plans dated received by the Planning Department on October 17, 2006, 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 size of the addition should not have a detrimental increase in traffic onto Livernois.
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 growing Han-Bit Korean community.

Conditions:

1. Revised Conditional Land Use approval by City Council.
2. That the applicant obtains a Soil Erosion Permit prior to construction.
3. During construction plan preparation, the condition of the existing pond and its performance under current conditions shall be evaluated and approved prior to Construction Plan Approval.
4. That a Land Improvement Permit shall be required from the City's Engineering Services Department prior to work on the site.
5. That the applicant submit a Landscape Performance and Maintenance Guarantee in the amount of \$33,820.00 for a period of two growing seasons, to be adjusted by Staff if necessary, prior to issuance of a Land Improvement Permit.

THANK YOU

Reference: Plans dated received by the Planning Department 10/17/06 Cover Sheet, Boundary & Topographic Survey, Sheet C-1, Tree Survey, Sheet C-2, Site & Paving Plan, Sheet C-3, Utility & Grading Plan, Sheet C-4, Drainage Calculations Plan, Sheet C-5; Landscape Plans, Sheets L-1 thru L-3, Site Lighting, Sheet P-1, prepared by Nowak & Fraus; Architectural Drawings, Sheets T000, A000, A100, A200, A300, A600, M100, prepared by Gerald J. Yurk Associates.

Attachments: Building Department memo dated 10/24/06; Fire Department memo dated 10/24/06; Planning Department memo dated 07/13/06; HRC Letter dated 07/11/06; Parks and Forestry memo dated 07/11/06; Assessing Department memo dated 07/25/06; Oakland County Drain Commissioner Letter dated 01/28/02; Public Hearing Notice for CLU, TRP; revised EIS dated received 02/02/07; and Planning Commission Minutes dated 11/16/93.
