



Rochester Hills

Minutes - Draft

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Gerard Dettloff, John Gaber, Marvie Neubauer,
Nicholas O. Kaltsounis and Ben Weaver

Tuesday, April 20, 2021

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting to order at 7:00 p.m. in the Auditorium. She wished everyone a good evening and welcome to the April 20, 2021 Regular Planning Commission Meeting. She noted that it was the first in-person meeting the Commissioners had since Feb. of 2020 due to the COVID 19 pandemic, and that It was great to be back together again. She looked forward to some of the restrictions ending soon. She then outlined the procedure for the virtual meeting, stating that "In compliance with the Open Meetings Act, as amended, the Planning Commission will continue to move forward and carry out our Planning and Development meeting agendas in person and using Zoom video conferencing to limit the potential exposure to the Covid-19 virus. Any member of the public who would like to speak via Zoom on a particular agenda item or during Public Comment, which is for non-agenda commentary, will be recognized by calling into the Zoom meeting and using the I.D. number. Once you are on the call, press 9 to speak on the phone or raise your hand in the Zoom application. All comments and questions will be audio only and limited to three minutes per person. All questions will be answered together after every person has had the opportunity to speak on the same agenda item. Each member of the public that wishes to speak will be asked to state and spell their name and give their address for the record. Members of the public are also allowed to comment on an item by sending an email to Planning@rochesterhills.org prior to the meeting."

ROLL CALL

Present 6 - Deborah Brnabic, Gerard Dettloff, John Gaber, Greg Hooper, Nicholas Kaltsounis and Susan M. Bowyer

Excused 2 - Ben Weaver and Marvie Neubauer

Quorum present.

Also present: Sara Roediger, Director of Planning and Economic Dev.

*Kristen Kapelanski, Manager of Planning
Jason Boughton, Engineering Utilities Manager
Paul Davis, Deputy Director, DPS/Engineering
Keith Depp, Traffic Engineer
Deborah Hoyle, Senior Fiscal Analyst
Maureen Gentry, Recording Secretary*

APPROVAL OF MINUTES

2021-0152 March 16, 2021 Regular Meeting

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Approved as Presented. The motion PASSED by an unanimous vote.

COMMUNICATIONS

A) Planning & Zoning News dated March and April 2021

PUBLIC COMMENT

Chairperson Brnabic opened Public Comment for non-agenda items at 7:05 p.m. Seeing no one wishing to speak and no email communications received, she closed Public Comment.

NEW BUSINESS

2021-0115 Request for Adoption of the 2022-2027 Capital Improvement Plan

(Memos dated April 14 and April 20, 2021 prepared by Ms. Roediger and Ms. Hoyle and draft 2022-2027 Capital Improvement Plan (CIP) had been placed on file and by reference became part of the record thereof).

Present for the discussion were Deborah Hoyle, Senior Fiscal Analyst, and City staff members.

Ms. Hoyle advised that the 2022-2027 CIP covered all new and existing projects in the City. She noted that there were 17 new projects totaling \$16.9 million, and that City staff were on Zoom to answer any questions.

She introduced the projects: FA-02N, Fire Station 1: Restroom/Locker Room Renovation, scheduled for 2022 for \$390k; was FA-15 Auburn Alley South Parking Lot at Eastern, scheduled for 2022 for \$630k; FA-16 Oakland County Sheriff Lobby Security/Sensitive Victims Area for 2022 for \$165k; FA-17 electric Vehicle Charging Stations throughout the City

for 2023 for \$250k; IS-22 Mobile Fire Training Simulator, scheduled for 2022 for \$93k; MR-21B E. Nawakwa Road Rehabilitation for 2027 for \$781k; MR-61 Drexelgate Road Rehabilitation for 2024 for \$3.5 million; MR-63 Marketplace Circle Rehabilitation scheduled for 2027 for \$760k; PK-01L Bloomer Park Brick House Sanitary Sewer Improvements for 2022 for \$55k; PK-04H Spencer Park Entrance Pathway scheduled for 2022 for \$171k; PK-05M Borden Park Materials Storage building scheduled for 2022 for \$171k; PK-26 Cricket Pitch Development scheduled for 2022 for \$1 million (City's share TBD from private partnership); SW-16 Stratford Knolls Sub #3, #6 Roadside/Sideyard Culvert Replacement scheduled for 2023 for \$583k; WS-07B Booster Station #1 Permanent Natural Gas Generator scheduled for 2022 for \$50k; WS-39B Two Valve Turner Replacements scheduled for 2022 for \$75k; WS-59 Auburn Road Water Main Replacement (Rochester-Culbertson) scheduled for 2022 for \$3.4 million; and WS-60 Great Oaks West/Long Meadows Water Main Replacement, scheduled for 2025 for \$4.8 million.

Mr. Gaber observed that most of the new projects were scheduled for the near future - many for 2022. He was not sure about the total number of projects scheduled in the 2022-2027 timeline, but it appeared that the new projects would be bumping down a lot of the existing. He asked Ms. Hoyle if she could comment about that.

Ms. Hoyle said that he was correct, and they had asked staff about it. They had prioritized projects they felt were most necessary for 2022, and had pushed back some of the projects they felt were not.

Mr. Gaber was curious as to why they seemed more urgent as opposed to some of the others. He asked if they were situations that had developed quickly that required capital improvements or if they had not been noticed timely. He questioned why they had not been identified and put in the queue a while ago.

Ms. Hoyle explained that it was a little of both. Some things had just come up, for example, some of the Parks projects. For the brick house, they were having some drain and sewer issues, so it was quite necessary to expedite that. It was an expensive project that had to go through the CIP process. She added that it was up to the departments to realign their priorities for the years.

Mr. Gaber believed that the charging stations were scheduled for 2023, for \$250k, and he wondered how many stations, about their locations, and

if they would all be on City-owned property. He asked if there was any grant or third party money that could be leveraged toward their development. Ms. Roediger said that they did not currently know the exact locations. The intent was to have them on City properties, and they would absolutely look into grant funding. The stations had been a recommendation in the Transportation Master Plan. They did an initial poll of the Planning Commission and City Council, and they were strongly supported, so they wanted to start planning for them. Mr. Gaber asked if they knew how many charging stations \$250k would pay for.

Mr. Gary Nauts, Facilities Manager, advised that they ranged from \$3k to \$6k each. Depending on the adaptability of the chargers, they hoped to get 15 to 25. He agreed that they would be on City property. It was in the early stages, so there would be more research.

Mr. Gaber commended City staff and Administration for putting the CIP document together. He felt that it was a great planning tool to immensely help the City. He knew that it was a lot of work, and he thanked them for having such a comprehensible, usable tool for the City.

Dr. Bowyer concurred with Mr. Gaber, and she thanked staff for putting it together and making it flow nicely. She mentioned the Drexelgate project which was for the road and the pathway. They had been scheduled for different years, and because they would be two big projects, she wondered why they could not be done at the same time so people were only inconvenienced once.

Mr. Hoyle apologized and agreed that they should be the same years (2023 for the design and 2024 for the construction). Dr. Bowyer noted the Reuther lighting and sidewalks project, and she asked what year they were to be done. She pointed out that the Auburn Rd. corridor was done nicely, and she thought it would be a good idea to get the Reuther lights done sooner rather than later. Ms. Hoyle said that they were moved to pending because of the work with the Safe Route to Schools project. That project would be bumped forward as soon as everything was worked out between the City and schools.

Mr. Kaltsounis mentioned that the Rochester Hills Planning Commission had been one of the first Commissions in the State to put together a CIP. He explained that the CIP was a guide for City Council for future projects. It gave staff and residents a chance to become involved and determine whether something was needed or not. Some years were tougher than others. There were two Commissioners on the CIP Policy Team who

helped put it together. He thanked staff and his colleagues for putting it together. He said that it was a great document to refer to when people asked him what was happening when and where. He stated that it did not mean something would happen; it was for guidance.

Chairperson Brnabic opened the Public Hearing at 7:20 p.m. Seeing no one wishing to speak and no communications received, she closed the Public Hearing.

Hearing no further discussion, Mr. Kaltsounis moved the following:

MOTION by Kaltsounis, seconded by Hooper, that the Rochester Hills Planning Commission Approves the Capital Improvement Plan that has been proposed for the years 2022-2027. The Rochester Hills Planning Commission has determined the following:

WHEREAS, the Municipal Planning Act, Act 285 of Public Acts of 1931, as amended, requires the Rochester Hills Planning Commission to annually accept a Capital Improvement Plan for the benefit of the health, safety and welfare of the community as those criteria relate to the physical development of Rochester Hills; and

WHEREAS, the Rochester Hills Fiscal Office has consulted with the City's professional staff who carry out the business of planning for and providing for the present and future needs and desires of the citizens of Rochester Hills; and

WHEREAS, the Capital Improvement Plan is meant to consider the immediate and future needs and goals of Rochester Hills, as identified by the public, City Boards and Commissions, and the Mayor's staff, in light of existing projects and plans and anticipated resources; and

WHEREAS, the Capital Improvement Plan is a flexible document, necessarily meant to be reevaluated and amended each year, to project into the six succeeding years, and further amended as needed to address practical realities as they relate to policies and philosophies of relevant Boards, the City Council and the Mayor's office; and

WHEREAS, the Capital Improvement Plan is a guide and forum to aid the Rochester Hills Mayor's Office and the Rochester Hills City Council in making decisions regarding the physical development and infrastructure maintenance of the City and determining what, if any, resources can or should be available to carry out City Council's policies and budgetary

decisions; and

WHEREAS, *the components of the Capital Improvement Plan have been subject to a public hearing, public review, and committee reviews over the course of several years and a duly noticed full public hearing held on April 20, 2021 and*

WHEREAS, *the components of the Capital Improvement Plan were arrived at through a point system using variables that included, among other things, whether the project has begun, funds committed, sources of funds, prior City Council decisions, Planning Commission or administrative recommendations and decisions; and*

RESOLVED, *that the Capital Improvement Plan presented for review on April 20, 2021, is adopted by the Rochester Hills Planning Commission on April 20, 2021 and*

BE IT FURTHER RESOLVED, *that this Plan should be published and attested to according to law.*

Chairperson Brnabic thanked Ms. Hoyle, and noted that the CIP was always well prepared and very much appreciated. She knew that a lot of hard work went into putting it together. Ms. Hoyle thanked her fellow employees and Mr. Hooper and Mr. Weaver, who attended the Policy Team meetings and helped rate the projects.

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Adopted. The motion PASSED by an unanimous vote.

Chairperson Brnabic stated for the record that the motion had passed unanimously.

2021-0109

Public Hearing and request for Conditional Use Recommendation - City File No. 20-023 - Barns Senior Living, a proposed 12-bed senior living facility on two acres located at 1841 Crooks Rd., between Avon and Hamlin, zoned R-1 One Family Residential, Parcel No. 15-20-428-003, Lijo Anthony, Grace Properties Group, LLC, Applicant

(Staff Report dated April 14, 2021, site plans and elevations had been placed on file and by reference became part of the record thereof).

Present for the applicant were Lijo Antony, Grace Senior Properties, LLC, 2695 Powderhorn Ridge Dr., Rochester Hills, MI 48309, George Reichert, Reichert Surveying, 140 Flumerfelt Lane, Rochester, MI 48306, and Mark Sandberg, Antonelli Landscaping, 16171 31 Mile Rd., Ray Twp., MI

48096.

Ms. Kapelanski stated that the applicant was proposing to construct a single-story, 12-bed senior living facility at 1841 Crooks. She noted that the parcel was zoned R-1 One Family Residential, and the applicant was requesting a conditional use, which was required for State licensed residential facilities with 7-12 residents. The applicant had complied with all City conditions for a facility of this size and type. The applicant was also requesting approval of a Tree Removal Permit and Site Plan. She also noted that the property was part of the City's Noncontiguous Historic Districts. The Historic Districts Commission (HDC) had reviewed the plans and found them to be in compliance with their requirements and granted the required Certificate of Appropriateness. She suggested that the Planning Commission might want to inquire further about the intended use of the existing barn, which had to be preserved. They might also consider adding a condition that the applicant be required to maintain the barn. She advised that a circular, one-way drive was proposed and had been approved by the Road Commission and the City's Engineering and Fire Departments. The rear of the property would remain largely unchanged. The Planning review noted the need for a revised landscape plan complying with Ordinance requirements, which had been submitted. The Planning Commission might also want to consider requiring shrub plantings along the parking area near the north property line to screen headlights. She concluded that all reviews had recommended approval, and that she would be happy to answer any questions.

Mr. Antony related that he had similar businesses in Macomb County. He had lived in Rochester Hills for about ten-and-a-half years, and he and his wife were both nurses. He said that a lot of people in the Rochester area had reached out to them. He saw the subject property many years ago and finally bought it. He knew that it was an historic property, and he agreed that he went before the HDC. He felt that the location was wonderful; there were no similar properties in the neighborhood. It was not large or small, and there would be adequate space for the residents. He stated that it would strictly be for the elderly, not for the disabled or people with traumatic brain injuries. It would be for elderly citizens who could not live by themselves. Chairperson Brnabic asked if it would be an assisted living facility, which was confirmed.

Chairperson Brnabic asked Mr. Antony if he had talked with his neighbors recently. Mr. Antony said that he had talked with a few. Chairperson Brnabic asked what questions he was getting. Mr. Antony said that a lot of

people had concerns about traffic on Crooks. A couple of people mentioned property values. Some just did not want to see anything from their yards and asked about the wildlife and trees.

Chairperson Brnabic opened the Public Hearing at 7:29 p.m.

Craig Lipanski, 1665 Northumberland, Rochester Hills, MI 48309 Mr. Lipanski noted that he had been a resident of Christian Hills for about 12 years. He had a great concern that the approval of the project would create life threatening road conditions in an already very difficult area. He said that anyone who lived in Christian Hills knew that when leaving Bretton, looking south, there were three to four seconds for oncoming traffic coming over the hill to make a decision. Traffic moved at about 35 m.p.h., and there were large trucks and cars. To go north or south on Crooks, people had just a few seconds. For the site under discussion, the top of the hill would limit line of sight going north or south. He heard that the Road Commission had approved the plan. There were two signs on the northbound side just after Hamlin. The first was a deer warning. That was something that the people driving had to deal with daily. The area was hazardous, and there was a limited line of sight. The second sign, less than 50 yards away from the subject site said that there was a hidden intersection. The sign already warned people that there was a hidden intersection above as people went north traveling 35 m.p.h. He said that he did not have a chance to look up the accidents that had happened there, although he had seen quite a few. He maintained that the proposed facility would add to the level of danger for all drivers passing through the area, going in and out of the site and traveling the road. He thought that should really be taken into consideration. He felt that approval of the project would see people injured and possibly killed because of more traffic accidents. He had lived there for 12 years, and it was something he and his neighbors definitely did not want to see happen. He said that he appreciated their time.

Brenda Savage, 1715 Northumberland Dr., Rochester Hills, MI 48309 Ms. Savage said that she had been a resident of Christian Hills for 35 years. She asked the consideration of the basis of the Public Hearing. She asked if it was only to allow residents to express concerns, and then they would proceed with a plan, or if it was a serious consideration of what was being presented before approval might or might not be granted. She said that the purchaser obviously knew that it needed a rezoning for the increased density of residency, which was a great concern to those who lived there. They were concerned about safety issues, and they were looking at the fact that it would be something that was not necessary in

Rochester Hills. There were at least a dozen assisted living facilities in Rochester Hills, and more in the surrounding areas. They were at approximately 70% capacity. She claimed that there was not a need for more beds. She thought that was an important consideration. It would be a licensed facility, which meant that the people who lived there needed care. It was not the same as she and her neighbors getting older and deciding they could not live alone. It was for people who actually needed someone to look after them and make sure they were taking their medications. They had concerns about noise, lighting, seniors who might wander off the property and become injured, and increased traffic through the subdivision if there was a lot of traffic on Crooks. She said that senior living very often was accompanied by many ambulances and fire trucks coming at all hours of the day and night, especially on weekends. There were many, many serious considerations and concerns. Some had suggested that the City did not have a legal basis to deny, but she pointed out that judges were given equity of law to consider things outside the specifics of the zoning. Even though it was a residential zoning, it was one-family, and there were not typically 12 people of similar age living in a residence. If they were to build a facility with six residents, they would not need special approval. There were group homes in Christian Hills that did not exceed the requirements, and it was not a problem. She asked if the property had been re-platted to show that it was a single property that was two acres or if it was still two separate plats of land, one of which belonged to Christian Hills and one that did not. She thought that it was appropriate to look at all of the concerns being presented and recognize that there was an opportunity to say no at this juncture for the plan. They should realize that a smaller building would not require anything of the Planning Commission. She suggested that the property could be developed as a single residence and sold at a very good price.

Jackie Pawlak, 1861 Ludgate Lane, Rochester Hills, MI 48309 *Ms. Pawlak noted that she lived in Riverside Highlands Subdivision. She stated that she was totally against rezoning the parcel of land. In 1974, her family moved to a quiet area called Avon Township and lived in a subdivision off of Walton. Within a few years, the area became the City of Rochester Hills, Walton Blvd. was widened, and several commercial buildings were built. The area became very loud and had heavy traffic, so they decided that it was not where they wanted to grow their family or their children to live. They looked around and found the beautiful subdivision she lived in, which was a one-block, 21-home, treed area. It backed up to an historical home and barn. They were now considering changing that with a large, 6,826 s.f. facility that was being called a 12-bed senior facility. She said that it was more than that. It was 12 beds and baths, with*

a bedroom for staff, kitchen, office, conference room, laundry room, maintenance room, dining room, living room and outside patios and porches on 1.9 acres of residential land. She said that was commercial, and someone was making money. There were no other commercial sites between Hamlin and Avon. Everything was R-1 residential. She wondered about the adjacent, smaller lot north of the barn. In November 2019, multiple lots were purchased by the new owner, and she questioned what was planned for that lot. The 1.9 acre lot and the smaller lot were previously zoned historical. The HDC moved to change that. A few of them knew of residents who wanted to purchase the land to build a single-family home. They were told that they could not, because it was historical. She asked when and why that classification changed, and why nearby residents were not consulted. She commented that it would have been nice to know, so they could have had a say so about it. It was changed to R-1, so they thought there would be a single family moving in. The new owner talked to a few residents by the proposal. The new owner was quoted as saying that it was his American dream. She asked about the neighbors' American dream. There were other senior living facilities in the area and surrounding cities. The builder had said that there was a Walnut Creek living facility in Macomb which was owned by the applicant. There were six individual homes built on that land for assisted living and memory care. She claimed that was where the applicant should have his American dream, not Rochester Hills.

Glenn Moore, 2195 Bretton Dr., Rochester Hills, MI 48309 Mr. Moore said that everything he was about to say was rhetorical. He stated that 1841 Crooks was a mistake. Once the City allowed it, there was no going back. They could not revoke it or kick them out. If the owner let the barn go, it would be too bad, and he would have already gotten his change. He asked about the baby boomers. The baby boomers for whom the facility was being designed had a life span of about 15 more years, and then they would be dead. He asked if the homeless would go there. He indicated that it was a slippery slope, and once the City allowed one facility to go up, the whole town would be fair game. He said that their subdivision was a sanctuary from the pressures of everyday life. They liked to go home and relax, not have a commercial building staring them in the face, especially at 2:00 in the morning when the shift changed. A commercial site in a residential sub along a busy road would be advertising that Rochester Hills was on its way down. He asked why they would allow a communal living space to be built in the middle of a senior citizen-killing pandemic. Gov. Whitmore was highly against people socializing, but the facility would be a virus waiting to happen. He noted the lot next door that the applicant had also purchased. He suggested

that they could build a six-bed facility there and not have to go to the Planning Commission. There would not be 12 beds then, there would be 18. Once there were 18 beds, he lived in the next lot, and there would be nothing stopping someone from converting his property to an assisted living/disabled facility. Then there would be three in a row plus one across the street. There would be four within 250 feet. He would not invest big bucks to keep it looking brand new. It would look like everyone else's rental house.

John Lucas, 1865 Ludgate Lane, Rochester Hills, MI 48309 Mr. Lucas said that he also lived in the Riverside Highlands sub, which was Ludgate Lane, the street immediately behind the proposed facility. He had submitted a letter dated April 12 to the Planning Commission. He summarized the letter. He was objecting based on the Zoning Ordinance that talked about traffic, safety and an orderly development of the City. Some of the speakers had already indicated that the traffic situation on Crooks was very tenuous at best. There was a hill and limited sight distance going up and down it, and that was where they were proposing to put the facility. One speaker had said that it was 35 m.p.h., but he claimed that it was very brief at 35 m.p.h., and then it went to 45 m.p.h., and some people went even faster. He was concerned about the increased traffic heading east and west and ingress and egress onto Crooks. The residents would have family members, and there would be medical personnel and vendors going in and out constantly, and that would pose a danger waiting to happen. He had indicated that there were some drawings he had obtained dated April 12, 2021, and notes four and five talked about the limited sight distance. It said, "Existing site conditions may require an engineering study to determine sight distance." He thought that it was not approved, and that it was still an issue that had to be resolved. The Zoning Ordinance stated that a conditional use "shall be denied where the purpose will be injurious to the public health, safety, welfare or orderly development of the City." He did not think that the facility was consistent with public health, safety or welfare. The traffic situation would not be corrected by having a horseshoe in and out driveway. Moreover, there used to be a single-family home on the parcel. Having a single-family home would be the orderly development of the City, not a 12-bed group home. He was concerned about what could happen on the north side of the barn as well. They would like to know what the plans were. If the owner could put in a six-resident home next door, like the other speaker said, there would be 18 units. Mr. Lucas concluded that he was objecting for those reasons.

Laura Douglas, 2131 Bretton Dr., S., Rochester Hills, MI 48309 Ms.

Douglas noted that her property came to a point at the back of the applicant's lot. They spoke with the owner a couple of weeks ago when he stopped by their home. She said that she was kind of on the fence with the development. The neighbors had brought up very valid points regarding the lot in Christian Hills. That had become a concern. When they talked to the owner he spoke about plans for the barn, and she said that it would be interesting to know when he planned to complete that, because it would need a lot of work to restore. He had talked about leveling the ground behind it. They thought that meant that he would level to the ground to the stable where the stalls were behind. She was not sure if the HDC knew that. She felt that would be ruining the whole historical aspect of the barn. They could not just fill in the foundation, because there would be a question of what would happen to the top. If the project were to go forward, they did speak with Mr. Antony about landscaping at the back. They could not see the barn when the leaves were out. If the building went up, she said that large evergreens would be nice or something that was not deciduous. They also talked about the fencing, which had been up for a number of years. She was surprised that it was still upright. They would like to see the fencing replaced with something much more aesthetically pleasing and sturdy to help with property values. She mentioned that her parents bought their house in 1970, and she currently lived there. They bought the land because of the barn and horses, and she would like to see some of it maintained.

Mike Pelzer, 1845 Ludgate Lane, Rochester Hills, MI 48309 Mr. Pelzer said that he lived in Riverside Highlands, and he had lived there a little over 12 years. He saw a lot of his neighbors and friends at the meeting. He said that he did believe in the American Dream. Rather than restating everything that had been said with regards to traffic, safety and things of that nature, he asked why they could not just build a regular house. He asked what would happen if the company went under. They would be stuck with a hulking commercial building on Crooks Rd., which would mean that another commercial operation would move in. Recently, the residents of Riverside Highlands were tasked with an environmental issue with phragmites because of runoff. He asked if there had been an environmental study done on the property and what it would do to the rest of the neighborhood. He asked what would happen if the barn were accidentally damaged when a construction vehicle came in. He asked what sort of precautions would be taken to make sure it remained protected. He said that he was concerned about the safety of the residents of the facility as well as his neighbors.

Ms. Gentry read an email that arrived during the meeting from **Kirk**

Yates, 1751 Trafalgar Square, Rochester Hills, MI 48309: “We urge a no vote on this proposal. It is not what we need on Crooks Rd. This is a commercial facility in a residential area. Traffic, safety and preservation of the neighborhoods are all reasons for this proposal to not move forward.”

Jon Rowland, 2326 S. Christian Hills Dr., Rochester Hills, MI 48309

Mr. Rowland said that they had lived in Christian Hills for 52 years. He heard that it would be assisted living, but he asked if it could elevate to memory care or the next level of a nursing home. Because of health care issues many people had, he asked what level of Medicare or Medicaid the facility would participate in. He said that he would like the developer to answer those questions.

Scott Sousley, 1870 Ludgate Lane, Rochester Hills, MI 48309 Mr.

Sousley said that he had the opportunity to meet the owner. He and his wife came to Mr. Sousley’s residence in a windy rainstorm to discuss their ideas and to show some architectural drawings. Mr. Sousley said that he had been involved in medical, health safety and environmental technical areas for over 30 years. His diverse background consisted of firefighting, paramedic EMS, OSHA, MIOSHA, safety consultant and director. He said that he was also a devoted husband and father. In 2009, he received an appointment from Governor Granholm to take a board position with the Department of Energy, Labor and Economic Growth, Bureau of Commercial Services. In that time, he saw many places, such as the one being discussed, go into operation. While always in the guise of a group home they, in time, operated under very different circumstances. They encountered high employee turnover and, in many cases, a wide range of code violations. He stated that they really did not need the proposed facility in their backyards. He had given it a lot of thought. There were plenty of other locations in other communities where such a facility could do much more and be much more welcomed. Before attending the meeting, he visited the web site “A Place for Mom.” There were currently 207 residential, personal care homes in and near Rochester Hills. Most of them were not to capacity. They included Elite Alternatives, Ridgeway Home, Medilodge and Somerset House, to name a few. He stated that when there were so many group home settings in the area that were not to capacity, it made no sense why they were even looking at it. Christian Hills and Riverside Highlands were wonderful neighborhoods. They moved there specifically because it was a family-oriented area, free of businesses, and to enjoy their large yards and community spirit. A 12-bed senior facility would impede on the values that they currently enjoyed. The number of beds for the proposed facility indicated by the

architect's drawings made it appear that it was a business, but it might not be in the future. He encouraged the Commission to be courageous and not allow the proposal to go through.

Ms. Roediger allowed callers on zoom to speak.

Paige Avallone, 2172 Bretton Dr. S, Rochester Hills, MI 48309 Ms.

Avallone said that they had sent in their questions and concerns via email. She was curious if they had those, which Chairperson Brnabic confirmed. Ms. Avallone read her email: "Due to the current Covid restrictions, they would like to submit questions by email for tonight's meeting concerning the proposed Barns Senior Living facility. Christian Hills is a single-family, residential subdivision with approximately 394 homes. Christian Hills already has three group homes, none of which are in any way comparable to the proposal. They do not have multi-space parking, a 12 by 7-foot illuminated sign or 7,000 sq. ft. dwellings. Existing facilities are located on Crooks Rd. and Hampstead Lane within their subdivision. The proposed building certainly does not meet the criteria of the existing senior living sites in our subdivision that are actually single-family homes. The proposed business will create traffic difficulties due to the elevation and blind spot issues on Crooks Rd. This will only add to the already existing congestion. The required illumination for the project will not be in line with other residential properties, such as parking lot lampposts, 12 x 7 sign and headlights due to emergency vehicles. Was this project approved prior to Grace Properties' purchase? Why were plans from the previous owner declined on several occasions from improving and developing the property? Did Grace Properties discuss the historical significance of the property prior to their purchase? Was their proposed use of this property disclosed at the time of purchase? It would seem counterproductive to purchase a plot of land for a specific purpose without first having the purpose approved. They had lived in Christian Hills for 25 years. They moved here because of the residential nature and large trees. This project is not conducive to our existing neighborhood. This will drive down property values and make the surrounding houses undesirable. Certainly, City Hall can find other revenue streams. We would appreciate responses to these questions.

Jim Oleksinski, 1809 Northumberland, Rochester Hills, MI 48309 Mr.

Oleksinski remarked that all the great speakers before him had stolen his thunder. He had also sent an email. He said that it was a bad location for the project from a traffic standpoint, a safety standpoint, and the fact that it was all residential on both sides of the street from Avon to Hamlin. Heritage Oak Subdivision was also between Hamlin and the proposed

site. He mentioned the limited visibility with the hill. He maintained that there were better locations within Rochester Hills to build the project. He looked at the plans, and he did not think that it looked very aesthetically pleasing and conducive to what was already there in the area. He strongly urged that at the very least, they took a second look at the whole project. He said that he just found out about it two weeks ago. There had been a lot of conversation on Next Door. He urged rejecting the request to rezone and to cut the trees down and build the project.

Kim Bailiff, 2101 Bretton Dr., Rochester Hills, MI 48309 Ms. Bailiff said that she was going to say a lot of the things that other people had said. They had lived in their house for 20 years. When she first heard about the project, she thought that it sounded really lovely. There were a lot of other facilities in the area, but they were not quiet, idyllic and residential. She thought that Mr. Antony deserved some respect. He had a servant's heart, and she believed that he was a nurse, and that his other facilities had excellent reviews. She thought that there was a lot of frustration and upset people, but she wanted to make sure that they put that frustration where it was due. She said "shame" on the HDC, because that property was purchased by a lovely couple with the intent of fixing up the blue, historical home that was there for a very long time, and the HDC blocked them at every turn. She talked about an American dream being crushed. She wanted to publicly say shame on the HDC for complete and utter overreach. If she was going to put something on that property, she would say that it should only be under the condition that all ties with the HDC be cut. If that had happened, they would not be having the conversation. Instead, they had to look at an eyesore for years and years until it finally fell apart. She asked if they were happy now. She said that everyone in Rochester Hills was a little bit touchy and untrusting with the City of Rochester Hills. They had so many things sprung on them by the City, and they held Public Hearings to hear what people had to say, but she said that it was a bunch of "crap," because they went ahead and did whatever they wanted to. She mentioned Premier Academy on Adams. Everyone said not to do it, there would be a traffic problem, and they did it anyway. She said God Bless you to Mr. Antony. She thought that it was a beautiful idea, and it would be a place she would love to have available for her parents, but there was a lot of baggage that went along with it. She wanted to make sure that they put the blame where the blame was due.

Sherry Wynn Perdue, 1620 Northumberland, Rochester Hills, MI 48309 Ms. Wynn Perdue said that like many others, the things that she had articulated in her email had already been said. She felt that it was important that they felt how the community felt. It was not personal; it was

about a neighborhood. There was plenty of commercial land available in Rochester Hills to build such a project. The owner purchased something in a residential neighborhood. One of the adjacent neighborhoods had been there since the 1950's. She believed that the owners deserved the expectation that the area would remain residential. They had been given no reason to believe that something had changed that would require a change in the way the land was used. The target location put it right in the backyard of two sets of neighbors. If they were struggling, and there were no places for people to go, they might be inclined to think about things differently. She stated that it was important to remember that there were zoning regulations for a reason. The residents had been given absolutely no reason to believe that there should be a change in the zoning of the property.

Chairperson Brnabic closed the Public Hearing at 9:06 p.m. She noted that there had been a lot of questions asked. She asked how many employees there would be in the facility at all times, and what hours shifts would change.

Mr. Antony said that the goal was to have two employees at a time per 12-hour shift. The shifts would be 7:00 a.m. to 7:00 p.m. and 7:00 p.m. to 7:00 a.m. Some of his properties in Macomb had a couple who lived on site. His goal was to have that, and he pointed out that they would not be driving in and out per shift. He said that it would take some time to find the right staff, but he usually did.

Chairperson Brnabic said that the staff report stated that he would have eight employees. Mr. Antony said that was the total capacity. Eight people would not work at the same time. People could only work 40 hours per week. Chairperson Brnabic asked if there would be someone else doing the cooking. Mr. Antony said that the staff there did the cooking. There was a housekeeper who came in once a week.

Chairperson Brnabic noted that there were quite a few people who expressed concerns about the barn, such as when it would be painted, how it would be maintained and when everything would happen. Mr. Antony said that at the HDC meeting, he was asked the same thing. The barn was in a really bad shape, including the roof, windows, subfloors, and interior. He had been looking into grants. When he got the grants, he expected to do a complete renovation. During the construction of the facility, he wanted to fix the exterior so water did not get into the barn. Eventually, he wanted to use it as a library for the residents and family visits. Chairperson Brnabic asked if he would paint the outside and

make it water tight at the same time the facility would be built. Mr. Antony agreed. He said that he spoke with the builder who said he could do it. Complete renovation would cost a lot of money, and he was already taking out an extensive loan. The builder was kind enough to help him with the exterior.

Chairperson Brnabic said that it was a small facility, only holding 12, and Mr. Antony had said that it would be for assisted living. There was a question whether it would always be that or if it could turn into nursing or memory care. Mr. Antony said that it could not turn into a nursing home. That was a Medicare-affiliated building that had to have its own rules. His facility would only have 12 beds, and it would be licensed by the State. He said that memory care was a glorified term that in the last five years people had used. Even though he was a nurse, he did not understand what memory care was. Elderly people had memory loss, and a lot of their residents had Alzheimer's and dementia. Just because someone had dementia, it did not mean that they had to be secured in a unit. That was not his plan. He thoroughly assessed people. If at any time they tried to look for a door, he would not admit them. He wanted to make sure that everyone in the facility got along, and that the two staff people could handle them at all times.

Chairperson Brnabic brought up the concern that a resident could wander off into the road. She asked what safety procedures they would have in place with only two employees. Mr. Antony advised that the front and back doors would be alarmed and secured at all times. There were IT companies that would put in security.

Chairperson Brnabic noted that there would be patios, and she assumed that in nice weather, employees would take residents outside. She did not think that everyone would be in a wheelchair. If there were six or eight residents on a patio, there could be an opportunity for someone to wander off. Mr. Antony agreed. He said that the patio would be mainly for people to have a nice visit with their family. They could have a BBQ. They had an activity director, who was a social worker. She came in once or twice a month and engaged with the residents. He thought that the patio would be a great place for them to enjoy the backyard. He assured that it would be supervised at all times.

Chairperson Brnabic asked Ms. Kapelanski to explain a conditional use, as the proposal required one, and how it was not permitted by right.

Ms. Kapelanski wanted to clarify that the property was not proposed to be rezoned. The use proposed was permitted as a conditional use in single-family residential districts. Any State licensed residential facility for 7-12 residents, subject to a couple of conditions, required a conditional use. It was required by State law that the City accommodated the request for such facilities in residential neighborhoods. A conditional use meant that it was a discretionary decision by the Planning Commission and City Council. The Planning Commission would make a recommendation, and the recommendation would be forwarded to City Council for ultimate approval or denial. There were a number of standards outlined in the Zoning Ordinance for both boards to consider when deciding whether or not to grant a conditional use. A lot had to do with whether or not there would be adverse impacts, such as additional lighting spilling on to adjacent properties, for example, or if the use would require a lot of tree removals. They looked at impacts to the adjacent residences to make sure the appropriate screening had been provided, as another example. Both boards were allowed to attach conditions to their recommendations and approvals, and oftentimes they did. She hoped that provided clarification for a conditional use.

Chairperson Brnabic noted the traffic concerns and having two employees for two shifts. Ms. Roediger promoted Mr. Depp and Mr. Davis of Engineering to address those comments.

Mr. Depp said that they heard a lot of questions about existing and proposed crashes, and they looked into crash data from 2016 to 2020. There were seven accidents; two were from deer and five from minor rear end accidents. The level for those types of accidents was low. They also considered the volume of traffic generated from the site, which would be minimal. As Mr. Antony alluded, the residents would not be leaving the site. The two staff members would be there for 12 hours at a time. Considering family members visiting or taking residents to eat, it would normally be beyond peak hours. They also had the Road Commission look at the plan. Their traffic safety analysis program and review indicated that no major road improvements, such as a passing lane or cutting down the hill, would be required. They also had the sight lines indicated on the plans, and trees were shown to be removed to clear the area for sight distance lines. The hill mentioned had a 100-foot level area at the top of it, so there was adequate sight distance. That was why they had the developer put in a one-way driveway. That would eliminate left turns out of the site at the north driveway and leave adequate sight distance. The developer was asked to reconfigure the driveways, even though it was not a requirement or warranted through the County or the

City. The City did not pursue a passing lane or reconsolidation of the driveways.

Mr. Davis added that the property was 1.9 acres, and although it could be rebuilt with one home, it might have the option for additional homes. He said that he would be careful saying "increased traffic due to the development." He felt that the development was unique. Although it might have more people, they might not necessarily be drivers. If there were additional homes, the trips from a few more residential homes might exceed what was being proposed. He agreed that the Road Commission looked at the sight lines, which were important and taken seriously, and they found them acceptable.

Chairperson Brnabic said that was a very valid point about a single-family home versus the development with new employees. She thanked Mr. Davis for bringing that up and Mr. Depp for explaining everything. She noted that a couple of residents mentioned the additional lot. Ms. Kapelanski advised that there were no plans in for that lot presently. She believed that the applicant owned the lot.

Mr. Antony said that when he purchased the property, he only wanted to buy the lot with the barn, but the seller would not sell just one. He did not have any plans at this time, and he did not know if there would be any in the future. He was trying to get a loan for one property, which he claimed was very hard.

Chairperson Brnabic said that it was probably true that there could be six residents on the other lot, and that would not have to come before the Planning Commission. Ms. Kapelanski said that State licensed residential facilities for six or fewer residents were a permitted use in all residential districts, so an applicant would just go to the Building Dept. for permits but not have to appear before the Commission.

Chairperson Brnabic said that a comment was made about another couple who wanted to purchase the property, but the HDC denied that. She was not clear about that. Ms. Kapelanski said that the project itself came before the HDC, and they were happy with the plans proposed. Prior to that, there was a house on the property, and the owners got a Notice to Proceed to demolish the house a couple of years ago. The HDC would not approve or deny offers to purchase; they would just review the site layout and the architecture of any proposed structures. There was no other formal request brought before the HDC.

Chairperson Brnabic asked if there was something she might have missed. Ms. Kapelanski noted that one resident had mentioned the fencing in the rear of the property. She knew that the applicant had spoken to that resident directly about potentially replacing it. There were some landscaping questions as well. There would be some tree replacement plantings going in the rear of the site, and she felt that they could work with the applicant and resident to change some to evergreens or shift the locations to provide additional screening. There was a question about an environmental study. She checked with the Building Dept. after receiving some emails, and found out that it was not something the City would review for the subject site. If the owner wanted to get a study done, it would be at his own discretion. There was also mention about the conditional use sign, and she clarified that the sign was required by Ordinance and was installed the required 15 days prior to the public hearing.

Mr. Antony agreed that he had talked with the neighbors about fencing. He said that it was in bad shape in some areas. They would be replacing or repairing the fencing so that it all looked nice. He would paint it white to match. Regarding landscaping, there were some dead trees in the back which would be replaced. There were some trees they had to remove, but they would replace with about 33 trees as required by the City. They were not changing a lot in the back, because there was good lawn. Whatever they needed to do to make it nice, they would. Chairperson Brnabic asked about additional landscaping to shield headlights. Ms. Kapelanski pointed out the parking spaces where there could be some spill over onto the adjacent north and south lots. She thought that it might be a good idea to add some shrubs. Chairperson Brnabic asked Mr. Antony if he would agree to that, and he said that he would.

Mr. Hooper noted that there would be grading work done on the north and east sides of the barn for the installation of the storm sewer system. He asked if that was the extent of development, which Mr. Antony verified. Mr. Hooper wanted everyone to be aware that there would be grading work within 75-100 feet around those sides. Other than that, it looked like the easterly 100 or 125 feet would remain undisturbed except for new tree plantings. He asked if that was accurate, which Mr. Reichert confirmed. Regarding traffic concerns, Mr. Hooper asked about daily trip generations for the proposed development with two employees and 12 residents versus the normal trip generation for a single-family home according to ITE.

Mr. Depp said that he did not have the exact numbers, but they looked at

MDOT and RCOC guidelines regarding trip generations, and they did not meet the volume requirements. Mr. Davis said that past studies had shown that Rochester Hills generally had higher trip generation than ITE showed for residential homes. He recalled ITE's numbers at 13 to 14 trips per household per day. Mr. Hooper noted that the site would have two employees and 12 residents with an eight-car parking lot, and he asked the average trip per day. Mr. Depp said that they looked into the crash rates per million vehicle miles, and for Crooks between Bainbridge and Bretton to Bonnie Brae, and there were .94 crashes per. Michigan city and county roads had 3.74 crashes per million vehicles miles, so the former was much lower than would be required for a road improvement.

Mr. Hooper asked if the developer hired a traffic consultant for an analysis. Mr. Depp said that he consulted with HRC, and he offered to supply some reports. Mr. Hooper was just trying to see if there was an opinion on the average trips per day for the development compared with residential. He asked how many single-family homes could potentially be placed on the property. Ms. Kapelanski said that the property could definitely be split for two homes. She would have to look at the frontage, but she thought that it would be hard to get in a double loaded street. Mr. Hooper said that short of having an opinion, two homes would generate 26 to 28 trips per day versus the proposed development with two employees and an eight-car parking lot. The development would appear to generate fewer traffic trips than two homes. Someone started calling out from the audience. Mr. Hooper stated that people had to be professional, and if there was debate from the audience, he indicated that there was no need to have a meeting. He added that the Commissioners wanted to hear the questions and get the answers.

Chairperson Brnabic cautioned that people needed to stop yelling comments or she would have to ask them to leave. She stated that they were out of order. She asked if any of the residents would be able to independently drive, and Mr. Antony answered "no." Chairperson Brnabic said that there would be employees and visitors. Mr. Antony agreed, but he said that most visitors came on the weekend. If it was during the week, it was generally between 11 a.m. to 4 p.m. to avoid traffic. There was a doctor who came once a month per Medicare. The rest were video calls or phone calls. There might be a supplier that came in twice a month with a delivery, and that would be him.

Mr. Gaber said that he looked at the plans and the sight distance triangles, and he asked if he could assume that all of the trees in the right-of-way between the road surface and the bike path would be

removed. Mr. Reichert agreed that everything inside the triangles would be. Mr. Gaber said that they might have some shrubs but nothing that would interfere with sight distances in that area. There had been questions raised about the market demand for the site, and he thought that it was a developer's prerogative to make that determination. He tended to believe that if people were going to put in time, sweat equity and money into a project, they would do the best to guarantee its success. If a market analysis was not done, the applicant would not have gotten this far. While he did not believe that it was a proper line of inquiry, there was a question about what type of residents there would be and what level of financial ability there would be relative to eligibility and the level of Medicaid and Medicare. He asked Mr. Antony about that. Mr. Antony advised that they did not take either. Medicare did not cover that kind of cost. Medicaid did, but it only paid about \$800 per month. They were privately paid at about \$4,000 per month.

Mr. Gaber said that in terms of landscaping, they had talked loosely about replacing trees with what was required. One lady asked if evergreens would be installed in the back to screen, and he asked if Mr. Antony could be a little more specific on his intent, and if he would be willing to entertain that as a condition of approval. Mr. Antony asked his Landscape Architect to answer.

Mr. Sandberg advised that there would be over 30 tree replacements. They would be 2-inch caliper trees. Along the back property line, he had proposed a mixture of 20 different native trees, including Oaks, Maples, Beeches and Hickories. There was one White Pine, and any of them could be replaced with evergreens if that was desired. Mr. Gaber asked if there was a plan that showed that recommendation. Ms. Kapelanski said that there was a landscape plan. She showed the replacement plantings. Her suggestion was to swap out some of the deciduous trees for evergreens and locate them purposefully to provide additional screening where they could. Mr. Gaber said that made sense so the neighbors could benefit. He assumed that the applicant had no issue with that, and Mr. Antony said that it was not a problem. Mr. Gaber asked how he would feel if a few extra trees were needed for screening. Mr. Antony agreed that they could add them. Mr. Gaber asked about a condition obligating the restoration of the barn and maintaining it in good operating condition. Mr. Antony said that he had no opposition to that. They would do the exterior, and when he received a grant, he wanted to do a full remodel, and he said that it would be maintained forever. Mr. Gaber asked about lighting. There was talk about shielding headlights, and it seemed that it would require some type of analysis as to where the headlights would shine into

neighboring houses. They would want to avoid that as much as possible. It appeared that it would be proper grounds for a condition as well. If he lived next to it, he would not have headlights shining into his house. Ms. Kapelanski thought that it would be a great idea. They could require a hedgerow. Mr. Gaber asked Mr. Antony if he could explain the lighting on the site, such as the type, colors and lumens and how it would be viewed from adjacent properties. Mr. Antony did not believe that there was exterior lighting or light poles. The wattage was submitted with the plans, and it was residential lighting. There would be no bright lights. Mr. Gaber asked if the lights would be on the building. Mr. Antony said that it would be like a regular home with low wattage for lighting on a garage or on the front of a house. Mr. Gaber asked if it would be on the barn. Mr. Antony thought that there would be landscape lights that focused on the barn. Mr. Gaber asked if there was any requirement for additional lighting from a safety perspective for the use. Ms. Kapelanski responded that there were no City requirements. She agreed that the only lighting proposed was on the building itself, and it would be residential-style, porch lighting.

Mr. Davis said that he had looked into ITE trip generation. He advised that for assisted living, it was 2.68 trips per bed or 31 daily trips. They would add in at least four daily trips for the two employees, so approximately 35 daily trips versus 26-28 daily trips for two homes or for three homes, just under 40.

Mr. Kaltsounis noted that the proposed plantings would be 2-inch caliper. He asked how tall they would be. Mr. Sandberg explained that they would be 15-20 feet tall, depending on the species, and they would grow to 60-80 feet eventually. Mr. Kaltsounis asked why trees were proposed to be planted on the lot line. Mr. Sandberg clarified that they were eight to ten feet off the property line. Mr. Kaltsounis asked what the dot and circle represented, and Mr. Sandberg explained that the circle was the border of the mulch.

Mr. Kaltsounis knew that there were patients with dementia at senior care facilities, and he asked what type of patients would be at the proposed facility and what the State would allow. Mr. Antony said that there were different types of licenses. One was for aged, and there was one for Alzheimers and dementia, which required special staff training. Then there was one for mentally-challenged and behavior-related. He would only take the aged and people with mild dementia with no behavior-related issues. They might have some memory issues or cognitive issues or might need a walker or wheelchair. They did not take anyone who had combative behavior or aggressive people who

wandered. It would be for seniors who could not live alone. Mr. Kaltsounis asked what would happen if a person progressed to having behavior problems. Mr. Antony said that they would contact the family, and they would be discharged. His social worker would find other settings which were suitable. Mr. Kaltsounis said that all of Mr. Antony's licenses would be through the State, and the City's Ordinances went by what the State prescribed. Mr. Antony agreed that the State had the specific regulations. Mr. Kaltsounis said that there had been a comment about the HDC allowing the house to be demolished. They had a meeting about it, and he had some big concerns about things happening to historic homes. He asked if Mr. Antony could look through those minutes to see what concerns the Commissioners had about going forward with the many historic district buildings that had been lost in the last several years. Mr. Antony had talked about what work was needed and a plan for the barn. Mr. Kaltsounis asked if a lot of work was really needed. Mr. Antony stated that there was. Mr. Kaltsounis asked in what sense, and Mr. Antony said for the entrance door, windows, interior, the sub-floor being open to the basement, the roof, which was in extremely bad shape, and possible mold. Mr. Kaltsounis noted that Mr. Gaber had asked for a plan for repairing the barn, but Mr. Kaltsounis did not see a plan. Mr. Antony responded that he did have a plan to repair the barn, because he wanted to use that space for the elderly. That was why he named the new building Barns Senior Living. If the barn was gone, that would not make any sense. He knew that there were grants available, and he was researching the options to make it happen as quickly as he could. Mr. Kaltsounis asked if that meant three or four years, and Mr. Antony felt that it would be sooner.

Ms. Kapelanski advised that any repairs to the barn would have to go before the Historic Districts Commission. It sounded like the applicant was suggesting that he would be immediately ready to make the barn weather tight and stabilized, and future plans would be to restore it. She thought that the Commission could consider a condition to make the barn weather tight for now, with the commitment to work towards the restoration. Mr. Kaltsounis asked Mr. Antony if he would agree to that condition to do something right away. Mr. Antony said that he could definitely paint and repair the exterior and replace the windows. He had to check into the cost of the roof, because it was more than just the roof - it included the frames inside which were damaged.

Mr. Kaltsounis recalled that the last time Mr. Antony was before the Commission for a discussion, Mr. Kaltsounis had called himself the "negative Nancy" of the batch. He had concerns then, and he still had the

same concerns. He had gone over the notes, and the Commission had asked Mr. Antony to talk to the neighbors, and they heard those results. He thought that the road was an intangible that needed to be addressed, either with a decel lane or some other option. He went up that hill as fast as he could, because it was fun. When he shot up the hill earlier in the day, he went slower and noticed the sign, and he had a concern. He thought that if someone slowed down or stopped, there could be an accident. He said that if it were him, he could do something dumb, and if he could do that, someone else could, too. He wanted to see an excel or decel lane. He knew what the numbers said, but there were a lot of intangibles with the hill, and they needed to make it safe for the trips generated. He stated that buildings such as the proposed were allowed in the area, but it required an owner to come before the Planning Commission for a recommendation. That recommendation would go to City Council. He read conditional use findings: "The use will promote the intent of the Zoning Ordinance," and "The building has been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land and the capacity of public services and facilities affected by the use." He said that was a tough one for him. He thought that Mr. Antony would do a wonderful job of operating and maintaining the building. The building was approved by the HDC, so that handled appropriate in appearance, however, the development had to be compatible and harmonious with everything in the vicinity. For as long as he had been a Planning Commissioner, there had been a lot of tough decisions made. He noted that the square-footage of the building was over 6,000 s.f. Everything around it was less than 3,000. The houses across the street were 3,000 sq. ft. with two-stories, so a 1,500 s.f. footprint. The proposed home would be four times the size of those. So, not only would he be shooting over the hill, but his kids would want to stop and see the massive mansion built there. To him, that was not harmonious with everything around it. The other common sense item to him was to consider the nearest site plan they had approved for the area. It was half-a-mile down the road. They had allowed businesses with certain conditions in certain areas that made sense. There was a conditional use later on the agenda for an auto shop. There would be other businesses around it, and they had to look at that. He said that he could not vote for a 6,000 s.f. building in the middle of the houses around it. He stated that it just did not make sense. He agreed that they could put a six-family home on the lot to the north, and someone could build a house for six on both lots. Someone could split the lot and develop. He did not come to meetings with a yes or no decision in mind. He would listen to the residents, the applicants, staff and the

Commissioners. He said that the road issues needed to be addressed, and the square-footage was massive. If there was a vote, the proposal would not pass his litmus test. He looked forward to hearing from other Commissioners.

Mr. Antony said that there was a reason he went with a larger size. There were other residential facilities like his in other townships that had six elderly patients in three bedrooms. He asked if people knew how hard it was to live in a three-bedroom house with six people. They did not even have enough room to walk and exercise. Just because the residents were old did not mean that they had no rights. When he bought the property, he did not intend to build such a big house. He bought the property because it was for sale forever, and he was able to buy it thinking that it could be used as proposed. He looked at the ordinances and spoke with staff. He did not want to repeat and have another six-bed facility. That would not serve his purpose or offer a harmonious life for the elderly. He worked in the health care field, and he had been a nurse for 13 years. He knew that there were many facilities where people were tied to their bedrooms. Everyone knew someone elderly. In Christian Hills, he claimed that there was an existing six-bed group home that was disgusting. His facilities were not loud. When they first came in to a neighborhood, there were complaints, but when people saw how it operated, there were none. He reiterated that he could build another six-bed, but that was not the purpose. The reason the house was 6,800 s.f. was to have more living space. The bedrooms had an attached bathroom. A husband and wife could live together, and rather than share with other people, they could have their own bathroom. They had to provide maintenance rooms and different things per the Fire Dept. or Planning. There was a bedroom or breakroom for staff. He did not want them to just sit outside and take a break; he wanted them to have a designated area. There would be a garage for storage or parking a car. He stated that it was not a high profile building. The exterior matched the neighborhood. They had maintained the yard and would maintain the building to match Rochester Hills. He lived in Rochester Hills. He wanted to use the barn. People talked about the American Dream. If hard work meant that it would lead to the American Dream, he agreed. He worked at K-Mart for \$7.15 per hour ten years ago. He and his wife worked three jobs day and night and swapped the kids in parking lots. He was thankful to God. He claimed that it would not be a nuisance to anyone. He maintained that they were not a commercial corporation; they were a family.

Mr. Kaltsounis said that he appreciated his comments. He knew Mr.

Antony had no ill intentions and only good will. As a Planning Commission, they had to be concerned about setting a precedent for different areas. If they allowed something that was so different from what was around it, Mr. Antony could come in next door for the same thing. That was one of his concerns. There were not a lot of places in the City where he would be comfortable setting a precedent. He understood that Mr. Antony had great intentions, but there were other things they had to be concerned about. The use could snowball all the way down the hill. He knew the hill, and that was one of the intangibles that needed to be addressed.

Dr. Bowyer thanked Mr. Kaltsounis for pointing out a lot of the things she had issues with. She stated that she was not a proponent of the development. She did not think it looked anything like the other residences that were brick and Tudor. To her, the proposal looked like a pole barn with cheap material. She asked if the HDC had actually seen the house. From their comments, it appeared that they did not see plans for the house. Ms. Kapelanski related that they most certainly did. Dr. Bowyer agreed that the HDC had let them down. She did not agree with how the house looked. She did not think that it fit into a residential area. It looked like a hulking commercial building, and none of the colors were harmonious with the neighbors' homes. She did not think that a white fence would fit in, either. She thought that it was too wooded for white fencing. She asked if there would be pole barn lighting facing downward anywhere, and was informed that there would not be. Dr. Bowyer asked if two bedrooms would be taken by staff if they lived there, leaving bedrooms for ten residents. The ratios would be two to ten, not two to twelve.

Mr. Antony said that if he got a live-in, one of the bedrooms would be used. A live-in would only take one bedroom. Dr. Bowyer considered that the elderly progressed into worsened states, and people would be taken out on a regular basis. It would be a lot for two people to handle the elderly with worsened health. She also had some concerns about the road. She thought that decel lanes would help some of that. She agreed that the landscaping could be increased to buffer the neighbors behind. She still could not agree to the finding that the building fit harmoniously with the residential area, and she would be a no.

Mr. Antony said that the reason he went with the cedar look was because it was old farmland, and he felt that the building looked like a farmhouse. That was also why they chose white fencing, but that could be changed. Dr. Bowyer thought that it looked like a pole barn building that was

commercial grade in the middle of residential, and she would not support that look at all. She was sorry the HDC thought it was alright.

Chairperson Brnabic agreed with that comment about the look of the house. She felt the same way. She noted brick veneer on the bottom, but the landscaping would cover that, and it did not do much for the presentation of the building. She felt that there needed to be more bricking on the front of the building and perhaps on the peaks of the dormer. It just looked like a wood-sided building. She asked how high the brick veneer came up on the building. Ms. Kapelanski said that she would have to measure, but it looked like a beltline brick veneer, so she guessed three feet. Mr. Antony said that it was two to three feet. Chairperson Brnabic held up a drawing which showed the brick. Mr. Antony said that the drawing was done by a third party, and it might not have been completely accurate. Chairperson Brnabic stressed that the Commissioners needed accurate. She felt that there needed to be more brick on the building. She agreed that a house that looked like a different colored barn would not fit in with the area.

Mr. Antony said that the HDC wanted to know the colors, which were submitted and approved, and that was why they went with them. Chairperson Brnabic understood what he was saying; the Commissioners were just expressing concern as to how the building presented. She said that she loved the landscaping and the brick pathways, so there were some good features. She did not see a dumpster on the plan. She assumed that they would use residential trash bins, but there would be 12 residents and eight employees. She asked how many bins they planned to use. She had a two-person household, and hers were almost full every week. There would be extra medical things, such as items for incontinence. Mr. Antony advised that there would be two trash cans and two recycle bins. Chairperson Brnabic stated that it would not be enough for the number of people. Mr. Antony said that for the six-bed homes he had, they had one trash can and one recycle bin, and it worked fine. There might be an extra bag some weeks, but they would not need a dumpster. Chairperson Brnabic said that she was surprised to hear that there would only be two cans. Mr. Antony said that he doubled what he had with six residents. If he had to, he could add a trash can. Chairperson Brnabic asked where the cans would be kept, and Mr. Antony said they would be in the garage. Chairperson Brnabic mentioned that the Environmental Impact Statement stated that there would be no adverse effect to wildlife. Residents had brought up the variety of wildlife that currently existed. Construction would disrupt them for a while, so she was not sure the statement was accurate. She said that

she would rather the EIS acknowledge the wildlife that existed and state that there could be temporary adverse effects due to construction. Mr. Antony reminded that there was a lot of land in the back of the barn where he had seen a lot of wildlife which would return. He agreed to update the EIS.

Mr. Gaber indicated that there had been a lot of tough issues. He respected the views of his colleagues, and they brought up a lot of good points and potential difficulties with the development in the area. He believed that a property owner had the right to use their property as permitted. Mr. Antony was exercising his right by coming before the Commission and asking if he could implement the use on a conditional use basis. It was also the obligation of the Planning Commissioners to make sure that the standards of the conditional use were complied. Mr. Kaltsounis had gone through some of those and questioned whether the project would comply. Mr. Gaber said that it was a tough balancing act; the property owner's right to do what he wanted versus the potential adverse impact on the neighbors and the public welfare and so forth. He would like to visit the site with the owner so he could see exactly how things would lay out in relation to the neighbors, where the sight lines would be, where headlights might shine, etc. to better understand the information that had been presented as to what type of impacts the development could have on the neighbors and how they could mitigate them, if at all. If they could not be mitigated, they would have to make a decision on that basis. He said that he would like to move to postpone to give the applicant an opportunity to go back and address the concerns raised by everyone. Mr. Antony might consider offering conditions acceptable to address some of the concerns, and the Planning Commission could determine whether they could accept and recommend approval of the project.

MOTION by Gaber, seconded by Hooper, in the matter of City File No. 20-023 (Barnes Senior Living), the Planning Commission **postpones** the request for recommendation of the conditional use and approval of a Tree Removal Permit and Site Plan to allow a senior living facility for up to 12 residents in the R-1 district to give the applicant the opportunity to address the concerns raised and return at the next available meeting when the matter is ready for consideration.

Mr. Kaltsounis reiterated that there was a lot of work to be done. There were a lot of residents in attendance, and everyone who turned in a card would probably be at the next meeting. He said that many developers in the same shoes did their homework, took their time, answered questions and made changes that made everyone happy. He stressed that they

made changes. Mr. Antony said that he was willing to make changes to accommodate the neighborhood. Mr. Kaltsounis said that a lot of the Commissioners had concerns, and they would see where it took them.

Mr. Dettloff thanked Mr. Antony for his interest, and he was glad that the desire to do something in the City Hills had not waned since their discussion a couple of years ago. He agreed with a lot of the comments. He asked about the projected monthly price points and if it had changed since 2019. Mr. Antony said that it would be about \$4,000 per month. His goal was to be affordable and to balance his expenses. Mr. Dettloff mentioned that he worked with a lot of communities on historic district projects. He asked Mr. Antony if he had explored any of the costs for the renovation of the barn. His concern was that he would get a number, and then say that he could not do it. Mr. Antony said that he had not gotten any price estimates, but in talking with his builder, he felt that he could do it with the help of a grant. Mr. Dettloff encouraged him to explore that sooner rather than later, just to not encounter sticker shock. He believed Ms. Kapelanski said that the Secretary of Interior Standards had to be followed. He thought that it was a wise decision to postpone and for Mr. Antony to take into consideration a lot of the things that were discussed. He thanked him again for his interest in doing something in Rochester Hills, which Mr. Dettloff added was greatly appreciated.

Mr. Sandberg wished to offer some clarification about the confusion with the architectural style, noting that he was not the architect. Most of the screenshots they had seen were meant to show the landscape. Chairperson Brnabic had referred to the main architectural rendering that showed the cultured stone and masonry at the bottom of the building. He shared his screen that showed a board and batten farmhouse style, which was historically significant and a relevant architectural style. It was not just typical wood siding. He claimed that a lot of the houses on Crooks Rd. had a façade of aluminum or vinyl siding. A lot of the homes were not Tudor-style on Crooks. Most were ranches of brick and stucco with vinyl aluminum siding or mid-century split level houses. He felt that another item to consider was that there were no barns on Crooks Rd. any longer. He claimed that what was being proposed was not a pole barn but a board and batten house that would match the historical significance of the site.

Dr. Bowyer said that she liked what he said about the building matching the barn, but she indicated that it had to match the community and the area it was being built in. Even if they were approved at the Planning Commission and moved forward, the matter would still have to go before the City Council for approval. She said that it was one thing to do battle at

Planning Commission, but all the residents would call their City Council rep with reasons why it should not move forward and how it did not harmoniously fit, and they still might be in a losing battle. It was an historic barn, and that would be the paramount item that had to be taken care of. She said that she felt sorry for him. She had a barn in Imlay City, and she estimated that his would cost \$1 million plus, and she reminded that a grant was not guaranteed.

Chairperson Brnabic asked Mr. Antony if he agreed with the postponement. He said that he did.

Voice Vote:

Ayes: All

Nays: None

Absent: Neubauer, Weaver

MOTION CARRIED

Chairperson Brnabic stated for the record that the motion had passed unanimously. Ms. Kapelanski noted for the residents in attendance that the Public Hearing had been held. The notices would not go out again, but notices would go to anyone who had turned in a speaker card or sent an email if it came back before the Planning Commission again. The sign on the property would stay up until Council considered the conditional use. Chairperson Brnabic thanked the residents for coming out, sharing comments and asking questions. The Commissioners appreciated hearing from them. She commented that she liked to keep the meeting professional and orderly and for people to respect each other. The Commissioners had a lot of respect for the residents, and they would like that respect returned.

2021-0110

Request for a Tree Removal Permit - City File No. 20-023 - for the removal and replacement of as many as 25 trees for Barns Senior Living, a proposed 12-bed senior living facility on two acres located at 1841 Crooks Rd., between Avon and Hamlin, zoned R-1 One Family Residential, Parcel No. 15-20-428-003, Lijo Anthony, Grace Properties Group, LLC, Applicant

Postponed

2019-0497

Request for Site Plan Approval - City File No. 20-023 - Barns Senior Living, a proposed 12-bed senior living facility on two acres located at 1841 Crooks Rd., between Avon and Hamlin, zoned R-1 One Family Residential, Parcel No. 15-20-428-003, Lijo Anthony, Grace Properties Group, LLC, Applicant

Postponed

2021-0111

Public Hearing and request for Conditional Use Recommendation - City File No. 20-028 - First Baptist Church renovations/additions, located on Orion Rd., north of Tienken, zoned R-1 One Family Residential, Parcel No. 15-03-276-030, Steve Auger, Auger Klein Aller Architects, Applicant

(Staff Report dated April 14, 2021, site plans and elevations had been placed on file and by reference became part of the record thereof).

Present for the applicant were Scott Reynolds, Auger Klein Aller Architects, 303 E. Second St., Rochester, MI 48307 and Mark Cizauskas, Pastor of First Baptist Church, 6377 Orion Rd., Rochester Hills, MI 48306.

Ms. Kapelanski outlined that the applicant proposed to replace an open air canopy with an enclosed entrance hall, install 24 parking spaces and add an 8,400 s.f. addition for classrooms at the southeast corner of the existing church. She noted that the church was located on Orion Rd., and she showed a drawing of the renovated areas. She advised that the site was zoned R-1 One Family Residential, and that places of worship were a conditional use in a single-family district. The applicant was seeking a Conditional Use Recommendation, along with a Tree Removal Permit and Site Plan Approval. New lighting had been proposed, which was in compliance with the Ordinance. Minimal landscaping had been proposed. She noted that the proposed additions would match the architecture of the church. All staff reviews recommended approval, and she said that she was available for any questions.

Pastor Cizauskas thanked the Commissioners. He noted that he had been a Pastor at the church for 8 ½ years. He commented that it was a delight to be in the community, and they desired to be good neighbors. He also noted that First Baptist had been part of the community for 168 years, and they wanted to continue to be a profitable church community, in a spiritual sense, for their members. They felt that God had blessed their church in a lot of ways, and they wanted to construct additions to accommodate their current church family. The church was built in the 1970's with an auditorium and some classrooms. Sometime in the late 1990's, a gym and a couple more rooms were added. He claimed that as their ministries morphed and adapted over the years, there was a need for some more space. Kids required more square-footage in classrooms, but the original classrooms were fairly small. He stated that they were not looking to become a mega church, and there was no plan to expand the Sanctuary. Their desire was to accommodate what they currently had, not necessarily grow. If they were to grow, their desire would be to see where folks were coming from and perhaps start another church. The word

classrooms did not mean a school; there would be six Sunday school classrooms for education on Sundays and some Wednesdays. They felt that they had designed additions that would meet their needs, fit with the current building and, hopefully, work well in the area.

Mr. Reynolds pointed out that the property was quite deep off of Orion Rd., and the building was set back a considerable distance. He explained that the entrance was currently covered, and they were making it into a covered drop-off space with a covered ramp for easy access. The classrooms would be medium-sized for youth ministries and small group functions. There was also a small addition to the kitchen on the north to bring it up to code and add a little more space. The primary addition off the front would be tucked inward, so it would not be highly visible. He noted that there would be a paved sidewalk adjacent to the existing parking spaces to promote safety and access to the front of the building. The membership wished to address the safety for elderly people and young families. The four existing bathrooms were highly outdated and they were being brought up to code. The lobby would be expanded to be more welcoming and to have current ADA ramping and stairs to address the grade change from the parking lot to the interior of the building. He added that all the proposed materials and architectural styles would complement what existed.

Chairperson Brnabic opened the Public Hearing at 10:04 p.m.

Wayne and Irene Waller, 6370 Orion Rd., Rochester Hills, MI 48306

Mr. Waller stated that he lived directly across from the church, which he mentioned was zoned residential. He thanked the Commission for the opportunity to voice their concerns regarding the proposed plan for the First Baptist Church expansion. Their main concern was parking. They met with Pastor Mark, and he agreed that the additional parking spaces were not needed at the present time. Mr. Waller asked the Commissioners to please consider removing the additional parking from the plan. He thanked Pastor Mark and the church for shutting off the bright parking lights after they met. They had been going off between 8:00 and 8:30 p.m., and he requested that they continued to be shut off between 8:00 and 9:00 p.m. with the exception of evenings when there were church events. He also asked the Commissioners to consider adding evergreens to the east parking lot to make it more aesthetically pleasing. He thanked everyone.

Chairperson Brnabic asked if anyone on zoom wished to speak, and if any email communications had been received, and there were neither.

Ms. Roediger noted that there were a few attendees on zoom. Chairperson Brnabic asked people to raise their hand if they wished to speak during the Public Hearing, as it would be their last chance to do so, but no one did. Ms. Roediger mentioned that several emails had been received prior to the meeting, which had been forwarded to the Commissioners.

Chairperson Brnabic closed the Public Hearing at 10:08 p.m.

Chairperson Brnabic noted that Mr. Waller had asked that lights be turned off between 8:00 and 9:00 p.m. She asked Pastor Mark if he would be willing to agree to that as a condition. Pastor Mark said that he absolutely would, and he said that he was thankful that Mr. Waller had made him aware they had been on so late. Chairperson Brnabic asked about Mr. Waller's request for evergreens. Mr. Reynolds said that they had a couple of discussions with Mr. Waller, and they had no issue with additional plantings. He wanted to make sure Mr. Waller knew that they had to be out of the clear vision area. There was an opportunity to add trees in the parking islands and some evergreens and plantings by the detention pond, and they could work with staff. Chairperson Brnabic mentioned Mr. Waller's comment about the church not needing the additional parking. She asked why they were asking for additional parking.

Mr. Reynolds clarified that the Zoning Ordinance did not require them to add parking. Both the addition and the additional parking were being provided as a safety element for members. There had been a lot of people who could not get close to the front door. There was a sidewalk and crosswalk being proposed to connect to the entrance. It was motivated by adding safety more so than a need because all the spaces were filled during all church events. Chairperson Brnabic asked how many spaces were being added, and Mr. Reynolds replied 24, and a lot would be handicap spaces that would feed to the sidewalk.

Mr. Gaber said that he still did not understand about the parking and the safety impact. They were saying that someone had to walk over to the sidewalk to cross the drive aisle to get to the front entrance. He did not see much difference between that and walking down the drive aisle itself. He was still trying to understand the safety component as to why the parking area was needed.

Mr. Reynolds said that all of the parking did not currently have sidewalks or direct access to the front entry. They wanted to get people on a

sidewalk, especially since the front entrance would have a covered drop-off area. They expected some additional drop-offs at the main door. They had a lot of young people with baby carriers and strollers that wanted parking spaces nearest to sidewalks. Mr. Gaber said that it was really not a safety issue; it was a convenience issue, because they wanted to get people closer to have better access and to travel less distance to get to the front door. That made more sense than saying it was a safety issue. Whether it was necessary or not was up for debate, because they met the numbers without it, and they were not anticipating a large growth. They were trying to accommodate the congregation with the additions and the existing size of the congregation. He understood the rationale. Regarding the trees, he asked if they could plant a couple on the east side of the new parking area. It was a grassy area. Mr. Reynolds said that they would review it to see if the north area was large enough to sustain a tree. They could maybe shuffle some spaces around to put the trees on the west side of the parking instead of the east. They were willing to work with staff to make sure the vision lines were addressed and add plantings. Mr. Gaber noted that the façade of the additions would be architecturally compatible with the existing building. He asked if it would be the same color and material or a contrast. Mr. Reynolds explained that they planned to match the brick as closely as possible. There was a lot of glazing proposed. The glass from 1970 would be hard to match exactly, but they would try to mimic the colors as best as possible. They envisioned it to be complimentary to what was there, not contrasting.

Mr. Kaltsounis indicated that he knew something about churches and people who would rather walk short distances. He got a bunch of hugs and thank-yous when he added more handicap spots, so he could understand why they were doing what they were. For what was being proposed, there was plenty of space to the lot lines and space in the back. The development was inside the current footprint, they were freshening the entrance, and it was much less challenging than the previous application. Hearing no further discussion, he moved the following:

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 20-028 (First Baptist Church of Rochester), the Planning Commission **recommends** to City Council **Approval** of the **Conditional Use** to allow modifications to a place of worship in a residential district, based on plans dated received by the Planning Department on March 5, 2021 with the following six (6) findings and subject to the following two (2) conditions.

Findings

1. *The use will promote the intent and purpose of the Zoning Ordinance.*

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

Conditions:

1. *That the parking lot lights shall be turned off daily at 9 p.m. daily unless a later church event is taking place.*
2. *Work with staff to add evergreens or appropriate plantings to shield the parking lot, prior to final approval by staff.*

Dr. Bowyer commented that they had a beautiful church and area, and the trees were very nice. She thought that saying that they were not trying to open a private school but rather a Sunday school took care of a lot of the comments they received from the neighbors who were worried they were starting a private school with a lot of traffic.

Pastor Mark noted that they emailed people back to try to answer questions and clarify things. Dr. Bowyer said that when she looked at the front approach, there was a beautiful grass berm, and she wondered why they would want to take that out and put in a parking lot. They did not even fill their current parking lot on Sundays, and she felt that was a waste. She would rather see the grass. They could add handicap parking and put a sidewalk between the lots they had as opposed to taking out the whole berm. She thought that they could perhaps move it a couple of feet back to add a sidewalk. She stated that no one wanted to see a parking lot, and it would detract from the site. Regarding the kitchen expansion, she asked if they would be adding eating space or something else.

Mr. Reynolds said that they were working with a kitchen planner to reconfigure the equipment. There would be minimal changes to the equipment, perhaps one additional fryer or a couple of burners. The equipment had not been updated since the 1990's. They were working with a kitchen planner and would go through the Health Department. The additional square-footage was for function, but it would mainly bring things up to code. Dr. Bowyer said that the front entrance looked awesome, and she thought covering it would be really nice. She thought that what they were doing was great, she would just hate to see the berm taken out for parking. She thought it was a waste to take out the berm. She suggested that they could put a sidewalk on the other side of the building.

Mr. Kaltsounis asked about a landbank situation. If spaces were needed in the future, there would be a plan, but they would not be built initially. Mr. Hooper mentioned that he and his wife were former members of First Baptist. He was intimately familiar with the church. He maintained that handicap parking was a definite need. The front of the church was used by folks with young children and the elderly. The other active adults and millennials parked on the north or south side of the church and came in through the side doors. From personal knowledge, that parking was really needed.

Dr. Bowyer asked Mr. Hooper if he felt that more parking spots were needed or more handicap accessible spaces at the front of the church were needed. Mr. Hooper asked the Pastor if they were holding two services, and he responded that they were due to Covid. Mr. Hooper asked if there was no Covid if they would have two services, and Pastor Mark said that it would be back to one. Mr. Hooper said that 15 years ago, there were two services, and the amount of people who attended was 50% more than it was currently. There had been some email comments in the packet, which he said were not really true. He stated that there was a lot more traffic 15 years ago. From his view, handicap and parking in the front was needed where young kids and the elderly were dropped off, and they wanted to be as close as possible to the front door.

Mr. Waller from the audience claimed that the Pastor said that the parking was not needed. He came in with the belief that they were not going to have the parking. He asked if that was true. Chairperson Brnabic warned that he could not argue with the applicant. Mr. Waller said that he did not care what he could do. He said that he was dying, and he (the Pastor) was a man of God. Mr. Waller said that he had asked "this man" to take his soul when he died. He said that "this man" made a

promise to him. He asked if he did or did not make a promise to him. He asked why "this man" was pushing the parking. He reiterated that his wife and he were dying, and that he had cancer. He said that a man of the cloth made a promise to him. He asked why he was still talking about it. He apologized to the Commission, but he said that there was a man of the cloth who told him it was not needed, but he heard everyone talking about the parking. He stated that he did not want the parking.

Pastor Mark said that he and Mr. Waller had talked several times. He asked the architect if they had to have the parking to build the additions, and the answer was no. He told Mr. Waller that there was nothing pressing them to build it right away. If they could save money and do it later, they would do it later. It was not something they wanted to do right away. He thought that satisfied Mr. Waller. He explained that the reason it was kept on the plans was because if, down the road, they needed it, it would have been approved. When Mr. Waller said that he promised not to build it, Pastor Mark said that he had never used the word promise. He told him that it was not their intention to build it initially.

Chairperson Brnabic said that she had the impression that they planned to build the parking lot with the addition. She asked if they did not plan to add the parking lot until it was needed. She said that it was a little confusing, and she had assumed that the parking would be added for safety or convenience.

Pastor Mark said that maybe he was confused. His understanding was that anything they might want in the future should be put on the site plan for approval. He indicated that the building was more of a priority than the parking, and that they did not have a parking problem currently. They would like the ability to phase the plan. Chairperson Brnabic understood what he was saying; she just did not get the impression that they would build it later.

Mr. Reynolds said that they had tried to address some of the public comments prior to the meeting. The neighbor across the street was obviously very passionate about the parking addition. From the beginning of the project, they had always proposed to add the parking. They knew that it was in addition to what the Ordinance required. The motive to add the parking was that with the addition, they were pronouncing the front door. As was previously mentioned, a lot of the entrances came in the side. The purpose of adding onto the building was to put more people through the front door, hence, the safety and convenience elements. They started a master plan for the church back in

2018 and had a lot of discussions. They had always discussed phasing the project, which could be what Pastor Mark was referring to. They had already submitted design development drawings to the contractor. The parking and the additions were all being proposed and evaluated from a cost estimating standpoint. The intent of the church was to proceed with everything on the site plan. With Covid, one of the debates had been about screening, and they wanted to be neighborly and address the comments. They did not want to have banked parking. They would add landscaping. They hoped to move forward and add everything on the plan.

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.

2021-0112

Request for a Tree Removal Permit - City File No. 20-028 - for the removal and replacement of as many as three trees for the renovations at First Baptist Church, located on Orion Rd., north of Tienken, zoned R-1 One Family Residential, Parcel No. 15-03-276-030, Steve Auger, Auger Klein Aller Architects, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 20-028 (First Baptist Church of Rochester), the Planning Commission grants a Tree Removal Permit, based on plans dated received by the Planning and Economic Development Department on March 5, 2021 with the following two (2) findings and subject to the following two (2) conditions.

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the Tree Conservation Ordinance.
2. The applicant is proposing to remove up to 3 trees on site and replace onsite.

Conditions

1. Tree protective and silt fencing, as reviewed and approved by the City staff, shall be installed prior to issuance of the Land Improvement Permit.
2. Should the applicant not be able to meet the tree replacement requirements on site the balance shall be paid into the City's Tree Fund at a rate of \$304 per tree.

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Granted. The motion PASSED by an unanimous vote.

2021-0113

Request for Site Plan Approval - City File No. 20-028 - First Baptist Church, for renovations/additions to the existing church on Orion Rd., north of Tienken, zoned R-1 One Family Residential, Parcel No. 15-03-276-030, Steve Auger, Auger Klein Aller Architects, Applicant

MOTION by Kaltsounis, seconded by Hooper, in the matter of City File No. 20-028 (First Baptist Church of Rochester), the Planning Commission **approves the Site Plan**, based on plans dated received by the Planning Department on March 5, 2021, with the following four (4) findings and subject to the following one (1) condition.

Findings

1. *The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.*
2. *The proposed project will be accessed from Orion Rd., thereby promoting safety and convenience of vehicular traffic both within the site and on adjoining streets.*
3. *The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.*
4. *The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*

Condition

1. *Address all applicable comments from other City departments and outside agency review letters.*

Dr. Bowyer asked when they planned to add the parking lot. Mr. Reynolds said that they did not have a confirmed construction schedule. He said that there was no need to wait as long as pricing and so on came back favorable. They had done cost estimating all the way through; it would be more about materials and availability, but it would go with the rest of the construction they were proposing. Dr. Bowyer suggested that they would not HAVE to build it, even with an approval. Mr. Reynolds said that was correct. The issue had been brought up with the committee, and they had many discussions with the membership as a whole. He believed that the discussion about not doing it was brought forth due to the neighbors' public comment. He pointed out that most of the parking was to the north, and it did not align with the addition they were proposing. Dr. Bowyer felt that it was a shame that they would be losing the berm, which

was a beautiful approach to the church, and she maintained that the church would not look as beautiful.

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Approved . The motion PASSED by an unanimous vote.

After each motion, Chairperson Brnabic stated for the record that the motion had passed unanimously and she congratulated the applicants.

2021-0108

Public Hearing and request for Conditional Use Recommendation - City File No. 21-009 - to operate Marshall's Auto Repair, located at 1848 Star Batt Dr., east of Crooks, north of M-59, zoned REC-W Regional Employment Center - Workplace, Parcel No. 15-28-177-002, Brian Marshall, Applicant
(Staff Report dated April 14, 2021 and application documents had been placed on file and by reference became part of the record thereof).

Present for the applicant was Brian Marshall, Marshall's Auto Repair, 1848 Star Batt, Rochester Hills, MI 48309.

Ms. Kapelanski stated that the applicant was requesting a recommendation for a conditional use for an existing auto repair facility on Star Batt. She noted that there were no site plan changes proposed or required. She advised that auto repair services were a conditional use in the REC-W district, and that staff recommended approval of the request.

Chairperson Brnabic asked Mr. Marshall if he had anything to add. Mr. Marshall felt that he had outlined everything in his email documentations, and said that he did not really have anything further to add.

Mr. Gaber commended Mr. Marshall for putting everything together. He said that Mr. Marshall seemed to be very diligent and on top of things, which was what the Commissioners were looking for. He asked Mr. Marshall if he could address the question about cars and parking and how that would work.

Mr. Marshall explained that in the front office area, there were shared spaces. When customers dropped off a vehicle, they typically parked in the front. Shortly after, he would move the vehicle to the overflow parking on the side, which he claimed was ample. He tried to keep the front parking used by other tenants clear. When a vehicle was done and was being picked up, he backed it into a parking space in front to make it easier for customers. Sometimes, there were four or five people who wanted to pick up at the same time. He had been trying to work it better

and keep only two or three cars in front and know who was picking up when.

Mr. Gaber knew that it was kind of tight, and that Mr. Marshall had neighbors. He agreed that there was ample parking on the side to use as staging. Mr. Marshall knew that one of his neighbors had brought up an issue saying that more spaces were being taken in front of his (Mr. Marshall's) business and pushing other tenants into the neighbor's parking. The neighbor had to walk further across the parking lot. That was brought to his attention several months ago. He had since corrected it and had a conversation with that neighbor, in which he verified that the situation was not an issue any longer.

Chairperson Brnabic asked if he only used the front lot for cars that were ready to be picked up that had been serviced. Mr. Marshall agreed, and added that they could be there for a short period of time when they were dropped off before being moved into the overflow parking. Chairperson Brnabic asked if those cars ever sat overnight because someone did not pick up a car. Mr. Marshall acknowledged that sometimes they did. Chairperson Brnabic asked if cars parked overnight would always be assembled and parked in the rear, which Mr. Marshall confirmed. Chairperson Brnabic suggested for condition number three, which read that "Cars left overnight will be assembled and parked in the rear of the building," that "for repair" could be added after overnight.

Mr. Kaltsounis read the four suggested conditions asking after each if Mr. Marshall agreed, and Mr. Marshall agreed to each.

Chairperson Brnabic opened the Public Hearing at 10:44 p.m. Seeing no one wishing to speak and no email communications received, she closed the Public Hearing.

Hearing no further discussion, Mr. Kaltsounis moved the following:

MOTION *by Kaltsounis, seconded by Hooper, in the matter of City File No. 21-009 (Marshall's Auto Repair, LLC), the Planning Commission recommends to City Council Approval of the Conditional Use for its ongoing auto repair facility at 1848 Star Batt Dr., based on documents dated received by the Planning Department on March 24, 2021 with the following findings.*

Findings

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

Conditions

1. *All work on vehicles will be conducted inside the structure.*
2. *Site will be kept in a generally clean and neat condition.*
3. *Cars left overnight will be assembled and parked in the rear of the building.*
4. *All work will be conducted between the hours of 8:00 am and 6:00 pm Monday through Friday and 8:00 am and 2:00 pm on Saturdays.*

A motion was made by Kaltsounis, seconded by Hooper, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion PASSED by an unanimous vote.

ANY OTHER BUSINESS2021-0114

Request for Election of Officers - Chairperson, Vice Chairperson and Secretary

for a one-year term to expire the first meeting in April 2022

Upon nomination by Kaltsounis, seconded by Hooper, Deborah Brnabic was unanimously re-elected as Chairperson for another one-year term to expire the first meeting in April 2022.

Upon nomination by Kaltsounis, seconded by Dettloff, Greg Hooper was unanimously re-elected as Vice Chairperson for another one-year term to expire the first meeting in April 2022.

Upon nomination by Hooper, seconded by Dettloff, Nicholas Kaltsounis was unanimously re-elected as Secretary for another one-year term to expire the first meeting in April 2022.

Approved

NEXT MEETING DATE

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for May 18, 2021 (subsequently cancelled).

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, seconded by Mr. Dettloff, Chairperson Brnabic adjourned the Regular Meeting at 10:52 p.m.

Deborah Brnabic, Chairperson
Rochester Hills Planning Commission

Nicholas O. Kaltsounis, Secretary