

Mr. Hooper said that he agreed with most of everything that had been said. They needed to get over the PUD hurdle. He pointed out that the balconies would be black. They needed to do something at the top, whether it was a parapet or something else, and change the color, and add awnings or a different relief treatment. They changed the garages as was suggested. If they could get the easement for the landscaping that would take care of the east and north elevation. He felt that a huge benefit would be the development of a long vacant corner with a former gas station and putting it back into a good purpose that would serve the needs of the community. He said that he would like to find a way to work with the applicant, not against him. Mr. Hooper had walked the property, and he observed that the existing vegetation would more than cover the east wall. He agreed that it would be completely screened. He realized that it was owned by the Pine Ridge Apartments, and even though he doubted that the vegetation would be removed in the future, it could be. He hoped that they could satisfy the criteria for the PUD and work out the other features to make it more appealing and less stark-looking.

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

MOTION by Kaltsounis, seconded by Dettloff, in the matter of 18-016 (Rochester Hills Trio PUD), the Planning Commission **postpones review of the PUD Concept plans** dated received May 2, 2019 until a later date so the applicant can address the concerns raised by the Planning Commission at its May 21, 2019 meeting.

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

Aye 8 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Schroeder, Schultz and Gaber

Excused 1 - Reece

NEW BUSINESS

2019-0216 Public Hearing and request for Conditional Use Recommendation - City File No. 19-017 - Varishy Senior Living, to allow an existing, in-home adult foster care to go up to 12 adults, located on a one-acre parcel at 1527 John R Rd., located on the east side of John R, south of School Rd., zoned R-4 One Family Residential, Parcel No. 15-24-301-081, Varishy Properties, Applicant
(Reference: Staff Report prepared by Kristen Kapelanski, dated May 17, 2019 and application documents had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Jinesh Chhuda and Mitesh Patel, Varishy Senior Living, 1527 John R, Rochester Hills, MI 48307 and Cheryl Waring, Associate Broker, Remax Encore.

Ms. Kapelanski stated that the applicant was proposing to increase the number of residents at their adult group home from six to 12, which necessitated approval of a conditional use. She noted that the home was located on the east side of John R south of School, and it was zoned R-4. There were no exterior modifications to the site proposed. Interior modifications, if any, would go through a Building permit review process. As part of the conditional use recommendation, the Planning Commission was being asked to examine the exterior effects of a potential use and determine whether those would be detrimental to the surrounding properties or City services. A level of service, and to some extent, interior modifications provided by an adult group home were under the purview of the Bureau of Licensing and Regulatory Affairs (LARA) through the State. The applicant would be required to obtain a license to care for 12 adults. They currently had a license to care for six. There was a process to allow for complaints or concerns to be lodged through LARA, and she had contact information if anyone was interested. The Planning Commission was only asked to look at the exterior impacts of the conditional use, and the State would examine anything to do with the interior, the size of the structure, etc.

Mr. Chhuda thanked the Commission for allowing them to speak. He said that in recent years, there had been a trend among seniors to choose facilities such as theirs as opposed to skilled nursing facilities to live out their lives. There were larger institutions for assisted living, but not everyone could afford them. Theirs was a more home-like environment, and they would like to continue to be that for more residents. They came across a lot of people who wished to move to his place, but they had to respectfully decline because they were full. They had noticed recently that they had to pass accepting adults, especially those moving out of hospitals and nursing homes. Their vision was that if they could increase capacity, they would be able to serve more residents and not have to turn them away. Getting the conditional use was the first step, and they would have to go through the State and the Building Dept. for any internal changes, if needed.

Chairperson Brnabic asked how many bedrooms were in the home, and Mr. Chhuda said that they had six currently. Chairperson Brnabic asked how they would manage with 12 residents. Ms. Waring said that the State requirement was 65 s.f. per resident. The first two rooms were 360 s.f.,

which could be made into two rooms of 180 s.f., and that could house four residents between the two rooms. The next rooms were 210 s.f., which could be made into 70 s.f. rooms for three residents. The bottom block of rooms totaled 300 s.f., which could be broken into two rooms with two residents each. There was an office that could be moved to the basement that was 110 s.f., which would be a large, private room for one individual. There was also a laundry room that was 100 s.f., and the laundry could be relocated to the basement. That would potentially allow 13 rooms, and they would need 12.

Mr. Schultz asked if staff could clarify the Commission's scope of review. There were questions about the inside of the facility, and he was not sure what they were actually approving. Ms. Kapelanski said that she met with the City Attorney earlier in the week. He indicated that the scope of the Planning Commission and eventually City Council was the external impacts - how it affected City services, surrounding properties, and whether there were detrimental impacts. She also went to the State's website to see what they would look at as part of approving a license for up to 12 residents. That included what the applicant had mentioned about the square-footage and those sorts of items. The Commission should focus solely on the external impacts she had mentioned.

Mr. Gaber said that there was a section of the ordinance that talked about nursing homes, convalescent homes and assisted living facilities (Section 138.4.424). He asked if that applied to the facility. Ms. Kapelanski said that would not apply; the application was for an adult group home for up to 12 residents.

Ms. Morita asked how many trips in and out there would be with 12 residents versus with six. She asked how many family members visited on a given day and how many cars would be parked there every day.

Mr. Chhuda said that currently, they had one caregiver, and if the residents increased, there would be two. They would be parked at all times. They had one or two family members who came each day and more on holidays. He stated that not every family member came every day. Ms. Morita asked if there were twice as many residents if there would be twice as many cars. Mr. Chhuda said that they came and went, so there would only be two cars parked. Ms. Morita asked if the food was delivered, and Mr. Chhuda said that they cooked in house. Ms. Morita asked how they got the food to the house to cook it. Mr. Chhuda advised that they shopped for groceries once or twice a week. The caregivers shopped before coming to the house. Ms. Morita asked if there were any

other services that came to the home. Mr. Chhuda said that as needed, a doctor would come. Ms. Morita noted that her mother was in assisted living, and she knew that doctors came almost every day, and there were different doctors for different things. She asked if any of the residents were in hospice care. Mr. Chhuda said that they could be, but not all were. Currently, they did not have anyone in hospice. Ms. Morita asked how often the hospice nurse would come, and Mr. Chhuda said it would be as needed. Ms. Morita said that could be two or three times a day. Mr. Chhuda disagreed. He said it would be two or three times a week. They educated the staff and only came if absolutely necessary. Ms. Morita said that if they were doubling the residents, the trips could double. Mr. Chhuda conceded that they might come every other day. Ms. Morita asked if they had looked at putting in a circular driveway. If there were two cars in the driveway, two nurses and a couple of family members, she questioned how much room for parking there would be in the driveway. Mr. Chhuda said that they had room for six cars plus the garage. Ms. Morita asked if they would expect people to park on John R. Mr. Chhuda said that they would like to be able to expand the parking from six to ten. Ms. Morita asked if they were looking to change the parking configuration, and Mr. Chhuda replied that they would do it, if needed.

Ms. Morita asked Ms. Kapelanski how that would factor into the consideration if they wanted to make exterior modifications in order to accommodate six additional people. Ms. Kapelanski said that exterior modifications were not part of the application. If they were talking about putting in a parking lot, that would change things. It would be something Planning would have to review. If they were talking about adding a concrete pad or expanding the driveway that would be under the Building Dept.'s review. Ms. Morita said that they did not have enough information to know. Ms. Kapelanski asked the applicants if they knew what they wanted to do. Mr. Patel said that they would just like to add cement to increase the capacity from six to ten cars. There was some space on the side where they could add cement and room towards John R where they could add another two cars. Ms. Kapelanski said that would be under the purview of the Planning Commissioners and whether or not they felt comfortable about that. Ms. Morita said that she would also be concerned about drainage and the neighbors. If they were talking about putting cement pads all the way to the property line that would be a problem. If there was more impervious surface, that could be a problem for the neighboring property owners. She said that she would need to see a parking plan before she could consider the request, and she felt that they needed to come back with that. She asked how they would accommodate everyone if there was a Christmas party or a Mother's Day party. She

asked where all the cars would go, because she did not think parking was allowed on John R.

Mr. Kaltsounis said that he was a bit confused as to what they were talking about. He had heard three different references as to what type of facility it was. Mr. Chhuda stated that it was an adult foster care home. Mr. Kaltsounis asked if it was covered in the ordinance. Ms. Kapelanski said that an adult group home for six to 12 children was allowed under the ordinance with conditional use approval. Mr. Kaltsounis said that he used to own a day care center, and the kids were there during the day. He heard that the group home residents would be there at night. Mr. Chhuda agreed that they lived there. Ms. Kapelanski advised that a group home for disabled adults with six or few residents was a permitted use. The request was just to have additional residents. Mr. Chhuda said that the reason they were asking for 12 was because according to the State, there were classifications of one to six, seven to 12 and 13 to 20. They were asking to go to the seven to 12 block, but they would still have to work with the State. The State might tell them they could only have nine or ten. Mr. Kaltsounis said that the Commission recently saw a church facility in a residential home, and they proposed to turn the entire back yard into a parking lot. If the Commission allowed the subject request in R-4, they would have to allow them in other R-4 areas that might not be on a main road. Ms. Kapelanski stated that it was a State licensed residential facility. There were a couple of different requirements for those. It was a permitted use with six or fewer residents, and six to 12 required a conditional use. The ordinance did not require a certain number of parking spaces, but asking where people would park was an external impact that the Commissioners could consider. There was not a specific standard for the parking, but it could be a consideration as part of the conditional use. Mr. Kaltsounis listed off the different types of people who would be coming to the house. Mr. Chhuda said that he was comparing one of the larger facilities to theirs, but he maintained that it was not the same. They would only have up to 12 compared with other places that had 60 or 100, lots of caregivers, chefs, maintenance people, nurses and other ancillary people. Mr. Kaltsounis said that they did mention adding parking, which was not part of the submittal. If the Commission was considering the outside, the first thing he would ask was if there were six cars parked in the driveway and there was a situation with one of the residents, how they would get him out of the house. Other facilities in the City had driveways and awnings and other kinds of things to review, so he questioned whether they were ready.

Mr. Patel responded that for the parking, there was room for six, and it

could accommodate an ambulance. For the future, they could make a circular drive. It was a big lot, and they would not have to cut down any trees. Mr. Kaltsounis said that they should have come to the meeting with that plan. He was curious to hear from the neighbors.

Mr. Chhuda said that they currently had one neighbor on the south side, and he was okay with the plan. There were condos being built on the north side, and he was not sure if anyone had moved in. Mr. Kaltsounis said that he had to look at the proposal as if it could be next door to him. The Commission had to look at and consider that precedent.

Chairperson Brnabic opened the Public Hearing at 8:53 p.m.

Marilyn Lawrence, 972 Pine Trail Dr., Rochester Hills, MI 48307 Ms. Lawrence noted that she lived by John R and Avon. She stated that she was very much in favor of foster homes for adults. She felt that there was a need. However, she indicated that they had to fit into a neighborhood. She saw employees and doctors and nurses that came, and she saw the parking in the driveway. If they were going to double that, the parking would be an eyesore in a residential neighborhood. She did not find that to be something they would want. She questioned the number of bedrooms, which she learned the State reviewed, but looking at the outside, she did not think expanding was something that would fit the neighborhood because of the parking situation and how it would affect the neighbors with garbage and dumpsters. She felt that it would look more like an institution than a residence. The families that placed relatives in foster cares wanted them to be like a residence.

Mr. Hooper noted that there were several similar homes in the community, and he was familiar with a couple of them. They had up to six residents, and one had a single car driveway with expanded parking, and they had at least six cars during the day. The other, on a corner lot, had a circular driveway that exited on both roads. That driveway also had at least six cars. They had not come before the Commissioners for a conditional use, so he assumed that up to six people lived in each of those homes. For the subject home to function, at a minimum, they would need a circular drive for vehicles. They would need more screening of the vehicles and enough parking for 12 residents, plus caregivers and visitors. Based on what he saw, he felt that there was still work to be done. As presented, he stated that he would not be in favor. Additional thought process would have to be put into it, and improvements would have to be made.

Mr. Schultz stated that it was important to put into context where the home was and the context of the greater community. What they were proposing was bordering on a commercial facility in a residential neighborhood. The Commission dealt with some aggravation when a church was proposing a parking lot in the backyard of a home where neighbors' kids played. He said that there was a big difference between having six or eight adults to all of a sudden going to 14 potentially. It was a single-family home, not a structure specifically constructed to run an adult day care. If it was, it would likely have been in a commercially-zoned area. He understood the State law, but it was important for them to be a good neighbor. The Planning Commission was there just as much to protect their rights as they were to protect the rights of their neighbors who had some serious concerns. He was struggling with the impact it would cause from a number of standpoints. He realized that the facility currently existed as a group home, but it would be a wholesale change from what was originally intended. A single-family home generally had two parents and maybe three kids, not two parents and 12 kids. The impacts of that to the neighborhood would be substantial. The Commission had to balance the impact of the proposal and how it would affect the neighbors. He stated that he was struggling to approve a 12 person facility.

Mr. Chhuda said that they might not go up to 12; they might only go to eight or ten. However, they could only apply for the next block. He asked if they could be approved for just nine. Mr. Schultz said that it was not what had been requested. Even at that, nine plus two was 11, and it would still be a wholesale departure from a single-family residential home adjacent to other neighbors. He clarified that Mr. Chhuda did not live there. He said that there was a pride of ownership for someone who lived in a home, but it was really a commercial facility. Mr. Chhuda said that 100 residents would make it a commercial facility. He maintained that 12 or eight or nine was different. Mr. Schultz said that the easiest way for him to explain it was that if it happened next to his house, he would be upset, and he believed that the homeowners next to the applicant were upset with what was being proposed.

Mr. Schroeder stated that it was loose, and they did not have specifics and details. He asked how many shifts were run. Mr. Chhuda stated that there were three, with 24-hour staffing. Mr. Schroeder asked how many caregivers worked a shift. Mr. Chhuda said that there was one and occasionally two. Mr. Schroeder asked if the person on the shift was also the cook, which was confirmed. He asked if the State would agree with the City's requirements for a parking lot. Ms. Kapelanski said that the State would not have any jurisdiction over that. The only thing they needed

from the City was approval of the use. The applicant would have to show that the municipality had approved a conditional use for the facility. Mr. Schroeder did not think that parking in a driveway would cut it. He stated that they did not have enough information, and they needed more detail.

Mr. Kaltsounis said that when ordinances were created, a lot of smart people got together and came up with values of six. That was where a single-family home met its limit. The Commission was required to look at what would happen on the outside, regardless if there were seven or 12. They had to look at parking, buffering and emergency access. They also had to look at whether they would be setting a precedent by allowing more people, because they would have to allow it in other places. They had talked about putting in more parking, and that was not part of the application. He recommended a motion to deny to City Council, seconded by Mr. Dettloff.

Mr. Chhuda asked if they could come back with something more specific. They had not known what was needed, but now that they did, he asked if they could come back with more concrete plans. Mr. Kaltsounis said that he would leave it up to staff. He was not sure he wanted to see extra parking at a house. Mr. Chhuda reiterated that all the cars would not be there all the time. He agreed that on occasion, they would be. For the most part, he claimed that they were quiet and peaceful, and they never had complaints or concerns from the immediate neighbor who had even signed a letter to that effect.

Ms. Morita said that she supported Mr. Kaltsounis' motion. She noted that there were certain findings that the Commission had to make for a conditional use, one of which was that the proposed use had been designed to be compatible, harmonious and appropriate with the existing character of the general facility and adjacent land uses. She pointed out that the project as proposed had not been designed for parking, emergency access and extra trash in a manner that the Commission could understand. As proposed, she stated that the use would be incompatible and not harmonious and not appropriate with the surrounding uses. The proposed development also needed to be served by essential public facilities and services such as highways, streets, police and fire protection, drainage ways and refuse disposal. She did not think that the use as presented met the elements they needed to consider in order to grant a conditional use. They could not tell whether it would be detrimental, hazardous or unreasonably disturbing to the existing land uses, persons and properties or the public welfare, because they had not been given a good idea of how many people would be

coming in and out of the facility. They knew that it should at least double. There would be three shifts, and the workers would be increasing, so instead of one person coming three different times a day, there would be six people coming over three different times a day, not including relatives of residents, health care providers or other people required for the facility. She would expect that because there would be more residents that they would need more repairs, so there would be additional workers to do that. When there were that many people living in a residential structure, there would be issues. The way the site was currently configured, it would not accommodate emergency type situations. The last finding was that the proposed development did not create additional requirements at public cost for public facilities and services that would be detrimental to the economic welfare of the community. If there was parking added or gravel added, the Commission did not know how that would change the drainage and if it would flow towards the storm sewers or towards the neighboring properties. She said that she was not saying they could not present another plan at a later time. She was just saying that the subject plan was not something that she could approve. If the applicants wished, they could come back with a plan for ten people that explained the expected trip volume and how garbage would be handled. There had been other facilities where they had taken a traffic count over a period of time so they knew exactly how many people were coming in and out and how much it would go up based on an increase in residents and then determined the amount of parking needed. With 12 people and no change in the driveway, the answer for her would be no. They could come back with a request for ten people with an explanation as to traffic flow and how it would impact the surrounding neighborhoods and how they would get an ambulance up to the front door. If she was looking at putting a parent in a facility that was what she would be concerned about. She concluded that she could not approve the plan as presented.

Chairperson Brnabic closed the Public Hearing at 9:12 p.m., and she read the motion:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 19-017 (Varishy Senior Living) the Planning Commission **recommends** to City Council **denial** of the **Conditional Use** to allow an adult foster care facility for up to 12 residents, based on plans and application materials dated April 8, 2019, with the following findings.

Findings

1. The proposed use is consistent with the intent and purpose of the

Zoning Ordinance in general, and of Section 138-4.440 in particular.

2. *The proposed use has been designed to be compatible, harmonious and appropriate with the existing character of the general vicinity and adjacent uses of land.*
3. *The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.*
4. *The development is not detrimental, hazardous or unreasonably disturbing to existing land uses, persons, property or the public welfare.*
5. *The proposed development does not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.*

Mr. Gaber asked if they could give the applicant the opportunity to withdraw the application to consider what was said and come back with something more substantive in the future. He asked if that was a viable option. Ms. Roediger agreed that it was. The ordinance allowed an applicant to come back with a new plan, even if denied, as long as there were differences. Mr. Gaber asked the applicants if that was what they wished to do or if they wanted the Commission to vote on the motion.

Mr. Chhuda stated that they would like to withdraw and come back with more preparation, so there was no vote on the motion.

Chairperson Brnabic called for a break from 9:17 to 9:27 p.m.

Withdrawn

2019-0214

Public Hearing and request for Conditional Use Recommendation - City File No. 18-002 - to add a drive-through to a new 8,154 s.f. retail/restaurant outlet building at Hampton Plaza, located at the southeast corner of Rochester Rd. and Hamlin Rd., zoned B-3 Shopping Center Business with an FB-3 Flexible Business Overlay, Parcel No. 15-26-100-007, Kevin Biddison, Biddison Architecture + Design, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated May 17, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)