

Varishy Senior Living	
<b>REQUEST</b>	Conditional Use Recommendation
<b>APPLICANT</b>	Jinesh Chheda Varishy Properties 1527 John R. Rd. Rochester Hills, MI 48307
<b>LOCATION</b>	East side of John R Rd., south of School Rd.
<b>FILE NO.</b>	19-017
<b>PARCEL NO.</b>	15-24-301-081
<b>ZONING</b>	R-4, One Family Residential
<b>STAFF</b>	Kristen Kapelanski, AICP, Manager of Planning

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**Summary**

The proposal is to provide a group home for up to 12 adults at 1527 John R, south of School Rd. The applicant currently has a group home for six adults, and is planning to apply for a license from the State of Michigan for a Group Home for up to 12 adults. In-home group care operations for more than six adults may be permitted in the R-4 zoning district as an Adult Foster Care Group Home per *Section 138-4.300* of the Zoning Ordinance, subject to the standards for a Conditional Use listed in *Sections 138-2.300 – 138.2.303*. Final approval is by City Council following a recommendation from the Planning Commission, and this operation must then be licensed by



the State. The applicant spoke with an immediate neighbor, who signed a letter (attached) indicating no objection to the proposal. However, staff received several pieces of correspondence and a phone call expressing concerns about the home's capability and size for an additional six residents, which are included. The interior accommodations are not under the discretionary review of the Planning Commission but rather for the State Licensing department to determine. The Brampton Parc neighborhood to the north is in the construction phase, so the applicant was unable to speak to any homeowners there, but a future resident of that development stopped by to ask questions about potential noise impacts.

### **Specific Requirements of Section 138-4.440**

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The proposed adult group home must comply with the standards listed in Section 138-4.440, which are as follows:

1. *Licensing. In accordance with applicable State laws, all State licensed residential facilities shall be registered with or licensed by the State of Michigan and shall comply with applicable standards for such facilities.* The State of Michigan requires that the applicant submits applicable permits (Zoning Approval for Adult Group Homes) from the City with the application for licensing prior to receiving the license to operate a group home facility. The applicant will have to provide a copy of the approved license once approved by the State.
2. *Separation Requirements. New State licensed residential facilities with seven or more residents shall be located a minimum of 1,500 feet from any other State licensed residential facility with seven or more residents.* Per the applicant, there are no other residential facilities registered, licensed or on file with the State of Michigan that fall within these guidelines, and no conditional uses have been administered through staff within this distance.
3. *Compatibility with Neighborhood. Any State licensed residential facility and the property included therewith shall be maintained in a manner consistent with the visible characteristics of the neighborhood in which it is located.* According to the applicant, the proposed group home will be housed in an existing residence and maintained in accordance within the approved neighborhood guidelines.
4. *Group Child Day Care Homes. In addition to the preceding subsection, the following regulations shall apply to all group child care homes (with 6-12 children), as defined in the Ordinance.* N/A

### **General Requirements for Conditional Land Uses**

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Per Section 138-2.302 of the Zoning Ordinance, there are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional use.

1. *Will promote the intent and purpose of (the Ordinance).* Uses permitted on issuance of a conditional use permit in the R-4 District are intended to be compatible with the surrounding neighborhood and to not significantly affect existing noise and traffic levels. According to the applicant, the residents will not go outside except when being picked up by a friend or relative.
2. *Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.* Changes to the exterior, structure or outside features of the home or lot are not proposed.
3. *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.* The space is currently served adequately by all City services.

4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* The applicant states that there will not be activity in the yard, and it will be a quiet operation. The current residents are around the age of eighty, and future residents will be seniors. The Planning Commission should determine that there will be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, property or to the public welfare.
5. *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.* There will be no additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community.

If the Planning Commission feels that the proposed project is in accordance with the general requirements for a conditional use, below is a motion for consideration.

### **Motion to Recommend Approval of Conditional Use**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 19-017 (Varishy Senior Living) the Planning Commission **recommends** to City Council **approval** 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.

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Attachments: *Letter of Intent, dated April 8, 2019, Aerial Map; Letter from neighbor, dated March 1, 2019; Email dated May 10, 2019.*

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