

**City of Rochester Hills
 Department of Planning**

**STAFF REPORT TO THE PLANNING COMMISSION
 May 20, 2008**

Revised Site Plan Rochester American House	
APPLICANT	Fusco, Shaffer & Pappas, Inc. 30800 Northwestern Hwy., Suite 100 Farmington Hills, MI 48334
AGENT	James Pappas
LOCATION	East side of Adams Road and north of South Boulevard
PARCEL NO.	15-31-301-037
FILE NO.	99-007.4
ZONING	SP (Special Purpose) District
STAFF	Ed Anzek, AICP, Director
REQUESTS	Revised Conditional Land Use Recommendation Height Modification Revised Tree Removal Permit Revised Site Plan Recommendation

SUMMARY

The project involves the tenth building of the American House senior housing complex (refer to overall site on Sheet L100), located on the east side of Adams Road north of South Boulevard. The subject site was originally approved in 2003 for three one-story independent living units, which were not constructed. Due to market demand for more reliant housing care for the elderly, the applicants are now proposing one 80,529± square-foot senior congregate care building. The building will consist of two stories along Adams and three stories in back, or to the east, on approximately 3.4 acres. The plan proposes approximately 2.2 acres of private open space, including the addition of a pond where an emergent .1-acre wetland is located behind the building (not detention, but for aesthetics). There will be additional parking, landscaping and other site improvements.

Although certain pages of the plans say “Assisted Living,” this will be congregate care, which has slightly different criteria required per the Ordinance. A condition has been added to the Motion for the Amended Site Plan that requires this correction.

The applicants appeared before the Planning Commission in December 2007 to discuss the project. As you might recall, the applicants explained the level of care proposed and the demand for more dependent living provisions, and if necessary, they can further explain that both terms as they relate to State and Zoning Ordinance requirements at the meeting. The applicants have oriented the building to take advantage of the steep topography and to locate the three-story terrace level, which will not be seen from the road, but can be viewed from the existing American House buildings across the pond. The site will be accessed from Adams, and there will be a covered drop-off and a screened service yard to the back, tying in to the pedestrian access ways of the community. As mentioned, the applicants appeared before the Planning Commission in December 2007 to discuss the proposal, and the project was favorably received with several recommendations related to adding some additional architectural features on the three-story portion and making sure of the safety of the pond and pedestrian walkways. The last proposed phase of the project was approved by City Council in February 2003, and the Planning Commission Minutes are included. (Please note that the building numbering might have changed since 2003).

Specific actions requested for consideration by the Planning Commission include a Revised Conditional Land Use recommendation to City Council, granting of a Height Modification and Revised Tree Removal Permit, and Revised Site Plan recommendation to City Council.

Revised Conditional Land Use

In the SP districts, housing for the elderly is permitted per Section 138-933(9) of the Rochester Hills Zoning Ordinance, subject to Conditional Land Use Approval by the City Council following a recommendation from the Planning Commission.

Master Plan Consistency

The City’s 2007 Master Land Use Plan, as adopted by the Planning Commission on February 6, 2007, indicates that the subject site is planned for Flexible Business Use 1. State licensed residential facilities (all types) will be included in this district as permitted uses; however, the site is zoned Special Purpose currently, which permits housing for the elderly upon approval of a Conditional Land Use Permit. Studies done by previous applicants reveal that many communities are including continued care retirement operations with many levels of care, from independent living to convalescent care. The subject site is consistent with the Master Land Use Plan.

Specific Requirements for Housing for the Elderly (138-933[9])

1. *The purpose of allowing housing for the elderly, retirement homes, etc., as provided for herein is to provide for the development of integrated communities for a select group of the population, the elderly, whose special needs require the close physical proximity of accessory uses and support facilities. This section is further designed to encourage and permit construction of different types of living units when such construction is undertaken pursuant to an overall comprehensive plan for an entire parcel. This phase is the completion of the overall plan for the three American House Parcels. The proposed development includes a building for convalescent care, which is located north and west of the existing American House community, and will be a continuation of the various types of retirement living, from independent senior living to assisted living to convalescent care in the American House community. The subject site will have common Adams Road access to the entire American House community, which will provide additional accessory and support facilities.*
2. *Ancillary facilities, which shall be included in resident housing for the elderly, shall amount to 135 square feet per dwelling unit and shall include but not be limited to: laundry area, management office, manager's apartment, public toilets, mail room, trash room, storage room, etc. This requirement has been met. The entire development is required to provide 9,585 square feet of ancillary facilities and has provided 9,835 square feet.*
3. *Common facilities, which are incidental to and/or enhance any primary use shall be allowed and should amount to 35 square feet per dwelling unit. Such facilities shall include multipurpose recreational rooms with a kitchen and storage, and rooms for crafts, books, meetings, games, etc. Facilities may also include medical examination rooms, limited barbershops and beauty parlors. Said facilities shall cater primarily to residents of the site, with no exterior advertising or entrances. This requirement has been met. The entire development is required to provide 2,485 square feet of common facilities and has provided 7,489 square feet (according to the table on Sheet A001; Cover sheet shows 10,205, which is added to the motion as a Condition).*
4. *Accessory buildings and uses customarily associated with the above mentioned uses shall be permitted. The development is not proposing any accessory buildings; the uses associated with housing for the elderly, such as those a beauty salon, dining room, multi-purpose rooms with kitchen and fitness and activity room(s) are included in the floor plan.*
5. *There shall be compliance with the following requirements, notwithstanding anything to the contrary in this chapter: i. Convalescent and nursing homes shall not exceed a height of two stories unless waived as provided in footnote (d) of section 138-1111 of the schedule of regulations. **(Please note: Several years ago it was determined that a typo existed in the reference to footnote (d) of Section 138-1111. The correct reference is***

to footnote (i). This is the only footnote as part of the Schedule of Requirements 138-1111 that addresses height and the provisions to grant a waiver to the height standards.) Further, the standards for a waiver require the parcel to be a minimum of 5 acres under one ownership. This specific parcel has 3.8 acres but the entire complex is over 20.5 acres. Per Section 138-933 e.1.i, convalescent care homes are permitted to go higher than two stories if the Planning Commission's recommendation to do so is approved by City Council. The applicants are requesting a Modification to allow three stories on the side of the building facing east and a portion of the building that faces north, where the topography slopes 20 feet and the first story will be lower than the grade in front. The view will be two stories along Adams, and the three-story elevation will be mainly visible to the current residents of American House. The applicants have used the constraints of the site to design a functional building which they feel will meet the needs of the senior community. Requests for a Height Modification should be judged separately, and it is up to the Planning Commission to make a recommendation relative to the standards in each case, so Staff does not feel a precedent will be set in this instance. The criteria that must be met to approve a height increase includes that the each front, side, and rear yard setback shall be at least equal in depth to the height of the structure and that the increased height will not be incompatible with the surrounding and nearby topography, the zoning plan for the area and the health, safety and welfare of the City. It is Staff's opinion that the applicants have met the criteria for requesting the increased height. At the December 2007 meeting, the Commission appeared to agree that one of the three stories in back will be similar to a walkout basement level, and if they also agree it will not have a greater impact visually than two stories, and will not be seen from Adams Road, they can waive the requirement, and a motion for consideration is included;

ii. No building shall be closer than 50 feet to any property line. This requirement has been met – the closest point the building will be is 50 feet on the southern side, which faces another American House development;

iii. The site shall be developed so as to provide 800 square feet of land area for each bed provided in the convalescent home. There will be 71 beds and 1,839 square feet of land area per bed, so this requirement has been met;

iv. One parking space shall be provided for each two beds in the convalescent home. There are 71 beds, requiring 36 spaces, and 42 parking spaces are being provided.

General Requirements for Conditional Land Uses (138-1306[d])

1. *Will promote the intent and purpose of this ordinance.* The provision of housing for the elderly is consistent with the intent and purpose of the Zoning Ordinance in general, and of Section 138-933(9) in particular.
2. *Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.* The proposed phase of the Rochester American House community has been designed to be compatible, harmonious, and appropriate in appearance with the existing

character of the American House community, adjacent uses of land, and the natural environment. Buildings in this complex are under common ownership.

3. *Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.* The development is or can be adequately served by essential public facilities and services.
4. *Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.* The development is not detrimental, hazardous, or disturbing to existing land uses, persons, property, or the public welfare, as it is a continuation of the existing American House community.
5. *Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.* The development does not create additional requirements at public cost for public facilities and services.

Trees, Buffering and Landscaping

The Tree Conservation regulates the Site, and for this type of development, all trees removed must be replaced on a one-for-one basis. There are 76 regulated trees on site and seven are being preserved. The applicant is proposing to remove 69 trees and replace with 69.5 tree credits on site. There are conditions relating to the trees listed in the City's Landscape Architect's letter dated May 15, 2008 that must be addressed satisfactorily prior to Final Approval. Those are in the motion for consideration.

There are 42 parking spaces being provided, and 750 square feet of parking lot island planters and three trees are required for the spaces. The applicant is providing 1,409 square feet of planter island area and 3 three planter island trees.

A type C Buffer (10' wide and sufficient IVO plantings) is required along Adams Road. Both of these requirements have been met.

Revised Site Plan

In addition to Conditional Land Use Approval, Section 138-933(9) of the Rochester Hills Zoning Ordinance requires Site Plan Approval by City Council.

As previously noted, one of the notable changes to the previously approved site plan is the change to the building type. Architectural features will be complimentary to the remaining development. Staff feels that the design of the building follows the architectural upgrades the Commission desires, and the applicant has been asked to bring colored renderings the night of the meeting.

The stormwater will be collected by the storm sewer system and filtered by the basin before being discharged into the existing detention basin on the southeast end of the campus (Parcel C). The Engineering consultants have reviewed and approved the system to treat the stormwater. The comments listed in the last review letter from HRC have been included and addressed by the applicants (please refer to letter from Fusco, Shaffer & Pappas, Inc. dated March 24, 2008), and all other engineering requirements will be handled during Construction Plan review. Stormwater capacity for this building was designed and built with a previous phase.

The Road Commission for Oakland County's review letter of February 7, 2008 lists several recommendations regarding the Adams Road right-of-way. Please refer to reply from Fusco, Shaffer & Pappas, Inc. dated March 24, 2008, which shows corrections they made to the Plans.

The applicants state that traffic increase will be minimal, due to the use of the building. The Environmental Impact Statement asserts that most or all of the residents will not drive or work. Traffic will be from employees, visitors and several deliveries per week.

As part of the technical review for this project, the plans and supplemental documentation have been reviewed by all applicable City departments and consultants. The review comments are either included in this report or contained within the enclosed information.

Staff recommends approval of the following motions relative to City File No. 99-007.4 (Rochester American House).

THANK YOU

Reference: Final Site Plans dated received by the Planning Department May 8, 2008 (Cover Sheet and Site Development Sheets C100-C600, prepared by Giffels Webster Engineers, Inc.; Sheets L100, L101, L102 and L201, prepared by Fusco, Shaffer & Pappas, Inc.; Landscape and Irrigation Plans, Sheets L1 thru L6 and IR1 and IR2, prepared by Michael J. Dul & Associates, Inc.; Architectural Plans, Sheets A001, A100, A101, A102, A201, A202 and A501, prepared by Fusco, Shaffer & Pappas, Inc.; and Photometric Site Plan, Sheet ES101, prepared by Neil Adams, Inc. Engineers).

Attachments: Building Department memorandum dated 05/12/08; Fire Department memorandum dated 05/13/08; Parks and Forestry memo dated 05/13/08; Planning and Development Department memorandum dated 05/12/08; Letter from Fusco, Shaffer & Pappas, Inc. in response to HRC Letter, dated 02/14/08; Reply letter regarding RCOE comments of 02/07/08 from Fusco, Shaffer & Pappas, Inc. dated 03/24/08; Letter from Oakland County Drain Commissioner, dated 02/11/08; Letter from Oakland County Health Division, dated 02/01/08; Notices of Public Hearing (2) for 05/20/08; Environmental Impact Statement dated 01/18/08; Development Application dated 01/22/08; and Planning Commission Minutes (3) dated 12/18/07; 01/07/03; and 12/03/02.

Conditional Land Use Recommendation

MOTION by _____, seconded by _____, in the matter of City File No. 99-007.4 (Rochester American House), the Planning Commission **recommends** to City Council **approval** of the **revised Conditional Land Use**, based on plans dated received by the Planning Department on May 8, 2008, with the following findings.

Findings:

1. The development is for a select group of the population, the elderly, whose special needs require the close physical proximity of accessory uses and support facilities.
2. The project consists of a different type of living unit (convalescent care) constructed pursuant to an overall comprehensive plan for an entire parcel.
3. The development is located just north and west of, and will have common Adams Road access with, other existing American House facilities which provide other senior housing and care opportunities.
4. Accessory and support facilities are present in the building and are available to future residents of the subject site.
5. The proposed development is required to provide 9,585 square feet of ancillary facilities and has provided 9,835 square feet.
6. The proposed development is required to provide 2,485 square feet of common facilities and has provided 7,489 square feet.
7. The proposed building is two to three stories in height; three stories can be recommended for approval by the Planning Commission per Section 138-1111(i).
8. The proposed development is required to provide 800 square feet of land area for each bed and has provided 1,839 square feet.
9. 36 parking spaces are required and 42 are being proposed.
10. The provision of housing for the elderly is consistent with the intent and purpose of the Zoning Ordinance in general and of Section 138-933(9) in particular.
11. The development has been designed and will be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing 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.
12. The development is or can be adequately served by essential public facilities and services, and all utilities are available to the site.
13. The development is not detrimental, hazardous, or disturbing to existing land uses, persons, property, or the public welfare.
- 14.

14. The 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.

Height Modification

Motion by _____, seconded by _____, in the matter of City File No. 99-007.4 (American House of Rochester Hills), the Planning Commission **recommends** to City Council approval of a **Height Modification** to allow three stories on the rear portion of the building, based on plans dated received by the Planning and Development Department on April 22, 2008, with the following findings:

Findings:

1. The side and rear yard setbacks are at least equal in depth to the height of the proposed building.
2. The proposed roof slope and building will be consistent with other buildings on the entire development.
3. The increased height will not be incompatible with the surrounding and nearby topography, existing and reasonably expected development, the Master Plan for the area, and the health, safety and welfare of the City.

Tree Removal Permit

MOTION by _____, seconded by _____, in the matter of City File No. 99-007.4 (Rochester American House), the Planning Commission **grants a revised Tree Removal Permit**, based on plans dated received by the Planning Department on May 8, 2008, with the following findings and subject to the following conditions.

Findings:

1. The proposed removal and replacement of regulated trees on-site is in conformance with the Tree Conservation Ordinance.
2. Of the 76 regulated trees on the subject site, the applicant is proposing to replace 69 regulated trees with 69.5 replacement trees on-site.

Conditions:

1. Address conditions in City's Landscape Architect's letter dated May 15, 2008, prior to Final Approval by Staff.

Revised Site Plan

MOTION by _____, seconded by _____, in the matter of City File No. 99-007.4 (Rochester American House), the Planning Commission **recommends** to City Council **approval** of the **revised Site Plan**, based on plans dated received by the Planning Department on May 8, 2008, with the following findings and subject to the following conditions.

Findings:

1. The proposed phase is a continuation of the existing American House Community, which serves the population with several types of senior care living, from independent living to convalescent care.
2. The revised site plan and supporting documents demonstrate that all applicable requirements of the Rochester Hills Zoning Ordinance can be met, subject to the conditions noted below.
3. The location and design of the driveways and walkways, providing vehicular ingress to and egress from the site, have been designed to promote safety and convenience of both vehicular and pedestrian traffic, both within the site and on access and adjoining streets.
4. Parking areas have been designed to avoid common traffic problems and promote safety.
5. There is a satisfactory and harmonious relationship between the development on the site and the existing development of contiguous land and adjacent neighborhoods.
6. The proposed development does not have an unreasonably detrimental or an injurious effect upon the natural characteristics and features of the parcel being developed and the larger area of which the parcel is a part.

Conditions:

1. Approval by City Council of the revised Conditional Land Use.
2. Provision of a performance and maintenance guarantee in the amount of \$146,637.00, as adjusted if necessary by the City, to ensure the correct installation and maintenance of the proposed landscaping. Such guarantees to be provided by the applicant prior to issuance of a Land Improvement Permit.
3. Correct table on Sheet A001 regarding Terrace Level common area calculations, adding Chapel Activity square footage to total and revising Total Building Common Area Required, prior to Final Approval by Staff.

4. Appropriate approvals from the Road Commission for Oakland County for work in the Adams Road right-of-way must be obtained prior to issuance of a Land Improvement Permit.
5. Soil Erosion Permit from the Oakland County Drain Commission must be obtained for sedimentation control, prior to issuance of a Land Improvement Permit.
6. A Land Improvement Permit must be obtained prior to beginning any work on the site.
7. All references and notations stating "Assisted Living" shall be changed to "Congregate Care" on all sheets, prior to Final Approval by Staff.
8. Delete all Junipers and other shrubs shown on Sheet L3 within 5 feet of the asphalt sidewalk, prior to Final Approval by Staff.