



# Rochester Hills

## Minutes - Draft

### Planning Commission

1000 Rochester Hills Dr  
Rochester Hills, MI  
48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper*  
*Members: Gerard Dettloff, John Gaber, Nicholas O. Kaltsounis, Stephanie Morita,*  
*David A. Reece, C. Neall Schroeder, Ryan Schultz*

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Tuesday, November 19, 2019

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

Chairperson Deborah Brnabic called the Regular Meeting to order at 7:02 in the Auditorium.

## ROLL CALL

**Present** 9 - Deborah Brnabic, Gerard Dettloff, Greg Hooper, Nicholas Kaltsounis, Stephanie Morita, David Reece, C. Neall Schroeder, Ryan Schultz and John Gaber

Quorum present.

Also present: Sara Rodiger, Director, Planning & Economic Dev.  
Kristen Kapelanski Manager of Planning  
Jason Boughton, DPS/Engineering  
Maureen Gentry, Recording Secreatry

## APPROVAL OF MINUTES

[2019-0498](#) October 15, 2019 Regular Meeting

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

[2019-0499](#) October 28, 2019 Special Meeting

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

## COMMUNICATIONS

A) *Planning & Zoning News dated November 2019*

## PUBLIC COMMENT

*Chairperson Brnabic opened Public Comment at 7:05 p.m. Seeing no*

*one come forward, she closed Public Comment.*

## UNFINISHED BUSINESS

### 2018-0426

Request for Preliminary Planned Unit Development and Site Plan Recommendation - City File No. 18-022 - Redwood at Rochester Hills, 121 single-story, ranch style rental units with attached garages on 29.96 acres located near the southwest corner of Avon and Dequindre, zoned R-3 One Family Residential with a MR Mixed Residential Overlay, Parcel No. 15-13-476-005, Redwood USA, Applicant

*(Reference: Staff Report prepared by Kristen Kapelanski, dated November 14, 2019 and site plans and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Richard Batt, Redwood USA, 7510 East Pleasant Valley Rd., Independence, OH 44131 and Paul Furtaw, Bergmann, 7050 W. Saginaw Hwy., Suite 200, Lansing, MI 48917.*

*Ms. Kapelanski noted that the applicant had appeared before the Planning Commission one month ago. Since that time, they had made some changes to address the concerns raised. Colored renderings of the elevations and a colored landscape plan had been provided, and the elevations had been updated. There used to be a storm water basin behind several units, and there had been some concern expressed about how close the units were to the basins. The applicant had eliminated the basins that were in close proximity to the units, and they had instead provided mechanical pretreatment. They added two additional units, since they did not have to be confined by the size of the basins. She advised that a number of modifications were being requested, similar to what was requested at the October 15 meeting. Those included density, the perimeter rear yard setback, front porch design features (columns, etc.) and the percentage of exterior finishes. There had been a request previously for a modification for the percentage of windows and doors. Since the elevations had been modified, that request had been removed. They were closer, in terms of the exterior finishes, to meeting the Ordinance requirements, so that modification request was lessened. She recalled that the proposed public benefit was discussed at length. There was some ambiguity as to what sort of benefit would be the most appropriate for the area, between the PRV and the pathway improvements. The applicant was proposing to put \$100,000 towards one of those or towards other improvements identified by staff or the Road Commission. The applicant was providing an easement to allow for the relocation of the PRV if necessary. She said that all reviews had recommended approval, and she introduced Mr. Jason Boughton of*

*DPS/Engineering if anyone had engineering questions.*

*Ms. Roediger mentioned that it was Mr. Boughton's first Planning Commission meeting. She did not know if any Commissioners had ever met him, but he was behind the engineering reviews. A lot of times, Mr. Davis or Mr. Schneck came to the meetings, but Mr. Boughton was filling in.*

*Chairperson Brnabic asked Mr. Batt if he had anything to discuss. Mr. Batt said that when they were last there, there had been a handful of requests, some of which were depicted on the plans. There had been a request for them to meet with the neighbors, which he had done and explained what they were doing. Relative to Richard and Christine Stuhlsatz at 51170 Dequindre, they had requested that some landscaping be added on their property to block headlights coming out of the Redwood entryway, which he agreed to do. Relative to Dennis and Debbie Hayden at 51172 Dequindre, there was a little tougher request. They were concerned about the safety with the curve in the road in front of their house that people often ran off. They had asked him to help get a guardrail. He had contacted the Road Commission, but they had not gotten back with him. He believed that all the other items had been addressed.*

*Chairperson Brnabic called on the first speaker at 7:11 p.m.*

**Dennis Hayden, 51172 Dequindre Rd., Rochester Hills, MI 48307** *Mr. Hayden agreed that Mr. Batt had met with them, "true to his word." They talked about the guardrail, and Mr. Hayden's main concern was that in the eleven years that they had lived there, there had been seven incidents of people running off the road onto their property and three fatalities. Mr. Batt had agreed to try to work with the County to get a guardrail. Since the last meeting and from some of the concerns raised by the Commissioners, he had viewed another one of Redwood's developments at 26 Mile and Hayes. He remembered at the last meeting, that a variance was being requested for the aluminum siding allowed on the units. The roofline came into question. The other Redwood development was occupied, and the units were fully bricked up to the gutters. He wondered why Rochester Hills would not hold the proposed development to the same accountability as other townships when brick gave a better appearance, although he realized it was more costly.*

**Richard Stuhlsatz, 51170 Dequindre Rd., Shelby Township, MI 48315** *Mr. Stuhlsatz stated that his only concern was adding another 120 cars on*

*Dequindre. They lived right there, and it backed up at Avon all the way up the hill. He noted that at Avon and Dequindre, there was a river and a little bridge, and he did not know how a roundabout would fit there. He said that he was not an engineer, but he did not think a roundabout would physically fit. People went north and east, and they would ruin the Yates Cider Mill with two roundabouts at each end. He thought that the development was okay, but the traffic was a big concern in that area.*

*Chairperson Brnabic asked Mr. Batt if he had a response to Mr. Hayden's comment about the development on 26 Mile. Mr. Batt pointed out that it was a different neighborhood, a different municipality and a different level of density. It was a requirement of the township to be all brick, but that was something they were trying to avoid with the proposed development. He felt that it gave too much of a monolithic appearance. It was their opinion that a mixture of materials was much more attractive. There had been commentary at the last meeting about the monolithic appearance of the back of the units. He did not think it would do much to brick those. The other community had different economics, and other accommodations were made by Redwood because they wanted brick. He said that it was just a flat wall of brick, and he did not know that it would accomplish what the Commissioners had talked about the last time they met. Chairperson Brnabic indicated said that what was originally presented was way too sparse, and it needed the addition of stone and brick. Mr. Batt said that they made adjustments based on the comments.*

*Mr. Gaber asked Mr. Batt to take the Commissioners through what changes had been made to the plans from the last meeting. He knew that Ms. Kapelanski and Mr. Batt had mentioned some, but he asked Mr. Batt to go through each.*

*Mr. Batt first talked about the site plan. The last time, there had been two onsite detention ponds, and some of the Commissioners did not think that was a good idea having them so close to the patios, and they had been taken out. They had been there for water treatment, not for retention or detention, and the water would flow into the wetlands. They were replaced with a water treatment, which was like a cyclone that acted like a centrifuge. The particles would get cleared out mechanically. There were a couple of units added, because they no longer needed the space for the basins. Other than providing a colored drawing, he did not think that there were any other site plan changes. Regarding the elevations, he showed the Haydenwood, which would be along Dequindre. They were kind of two-sided units. Typically, their units had front garages and rear patios, but in that case, they almost had two elevations - a front elevation that*

would face towards Dequindre and a rear elevation with a garage. They had increased the amount of masonry, and they had increased the amount of upgraded shake siding. He explained that a majority of the buildings had steps because of the topography. There was a foot differential between units. They added upgraded shake siding to the side elevations as well. Their Forestwood unit had more pronounced steps, and they added shake siding and windows to the sides, and they added masonry and stone to the front elevations. They also added pergolas to every third unit on the rear elevation, and they added stone to the rear elevation. He showed the Willowood unit and the addition of brick and shake siding on the front.

Mr. Gaber thought that the elevations definitely looked improved over what they first saw, and he thanked him. He said that regarding the exterior features, the Ordinance required a maximum of 33% wood or vinyl siding, and the applicant had shown 78%. It did not seem that high to him looking at the elevations. Mr. Batt explained that some of the vinyl siding was regular, flat siding, and some was the vinyl shake siding. Ms. Kapelanski said that was correct; they were both types of vinyl siding.

Mr. Gaber said that he was curious about the improvements to the road. He read the Road Commission's letter and the traffic impact study. The TIS seemed to contradict the letter from the Road Commission, so he asked Mr. Batt to explain exactly what improvements would be made to the roadways at both entrances.

Mr. Batt advised that they were proposing a center turn lane on Dequindre. If people came to their neighborhood and wanted to turn left, they could do so from the center lane, which would allow traffic to keep moving around them. On Dequindre, there was a small street across from them, and it would allow those residents safer passage into their neighborhood by using the turn lane. There would be excel and decel tapers in and out of the development at both entrances, and the Avon entrance would be right in, right out. Mr. Gaber agreed that it would make sense, given the traffic congestion in the area. Mr. Batt added that there were more substantial plans by the Road Commission for Avon.

Mr. Gaber said that in terms of tree replacement, there were 45 regulated trees that would have to be replaced. He asked if they were planning to replace onsite or paying into the City's Tree Fund. He had noticed that they complied with the landscaping requirements, and he asked if the 45 trees would also be planted onsite. Mr. Batt maintained that they were very pro tree. They have had situations where there had been so many

*replacements that it was difficult to get them onsite, but in this situation, he felt that they should be able to do that.*

*Mr. Gaber considered that the density was being increased, but the site looked denser than it really was, because of the large open space areas and clustering the units together. The topography and site features required that. He said that he appreciated the improvements made, and he liked the development. With the changed elevations, it was an improvement, and they had addressed the concerns he had raised. He wondered about the \$100,000 payment. He read the condition in the motion, "Provide a public benefit in the amount of \$100,000 for engineering projects to be determined, prior to obtaining a Land Improvement Permit," and he indicated that it was pretty wide open. They had been talking about either extending the pathway offsite or dealing with the PRV, but the condition did not state that.*

*Mr. Batt said that there had been a lot of conversation over the issue. There had been some internal departmental talks about what the right benefit at the right time was, and the decision was proposed that they would leave the definition of the use of that somewhat open. There were a lot of things going on with the Road Commission and Avon, and the pathway that could go there. There was a lot of uncertainty about what the Road Commission was or was not going to do and what the City could or could not hold them responsible for. Their first intention was to pay for the pathway, but the City felt that there might be a better use for the money than improving the pathway, especially if it was going to be part of the Road Commission project. He said that he was okay with it being open, although he understood the want for specificity, but there were some balls in the air the departments were trying to balance that went against that.*

*Mr. Gaber said that his preference would be to put a prioritization on it. He would like to see the outside pathway connected in the corner as a first priority, if that could be done. His second priority would be the PRV and then for whatever purposes engineering needed the money if the first two were going to be covered by other funding. He asked if the condition could be structured that way.*

*Ms. Kapelanski said that would be fine. She said that the reason it was so ambiguous was because the City did not know if the Road Commission would construct the pathway, and they would not want to tag money if they were willing to do it as part of the road improvement projects. She did not think that prioritizing things would create any issues.*

*Mr. Schroeder had observed that the deceleration lanes were too short. Mr. Batt said that they would be finally engineered and approved by the Road Commission, and it was just a rendering. Mr. Schroeder requested that the engineering department aided the Road Commission in moving the project along. He received clarification that additional landscaping had been added behind the units backing to Dequindre and about the location of the maintenance building.*

*Chairperson Brnabic thanked Mr. Batt for meeting with the neighbors, for agreeing to additional landscaping to block headlights and for taking the time with Mr. Hayden and contacting the Road Commission regarding his concern about accidents and traffic. She hoped that there would be the possibility of getting a guardrail. She indicated that she might agree about the roundabouts, but she knew that it was out of the City's hands. They all agreed that traffic was horrible in that area. She also thanked the people who took the time and came to share their concerns, because the Commissioners did listen.*

*Mr. Kaltsounis remembered that the last meeting was sort of tough. What the applicants had presented was a lot better than before. He was happy they had talked with the residents and were on the same page, and happy they fixed the reservoir and a lot of other things. It had made it a much better development. He went over a revised condition seven: The Planning Commission's first and second preferences for use of the money would for the pathway and pressure valve. Ms. Kapelanski suggested including "as priority three, other such improvements that Engineering may deem necessary."*

*Hearing no further discussion, Mr. Kaltsounis moved the following, seconded by Mr. Reece:*

**MOTION** by Kaltsounis, seconded by Reece, in the matter of 18-022 (Redwood at Rochester Hills PUD), the Planning Commission **recommends that City Council approves the Preliminary PUD plans dated received November 6, 2019, with the following six (6) findings and subject to the following nine (9) conditions.**

**Findings**

- 1. The proposed PUD Concept Plan meets the criteria for use of the PUD option.*
- 2. The proposed PUD Concept Plan meets the submittal requirements for a PUD concept plan.*
- 3. The proposed development 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 is not expected to have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.*
  5. *The proposed development is consistent with the Master Land Use Plan to provide an alternate housing option and flexible uses.*
  6. *The density, minimum perimeter rear yard setbacks, porch square-footages, design features, and the exterior finishes percentage of wood or vinyl are modified as part of the PUD to allow flexibility and quality development.*

Conditions

1. *Approval shall only confer the right of the applicant to submit detailed site plans consistent with the layout and at a density not exceeding that shown on the PUD Concept plan.*
2. *The site plans, including but not limited to landscaping, engineering, tree removal and setback modification plans will meet all applicable City ordinances and requirements while remaining consistent with the PUD Concept layout plan.*
3. *The architectural quality of building plans submitted with the site plans and PUD Agreement in step 2 of the PUD process will be equal to or better than that approved with the PUD Concept plan.*
4. *Recommendation by the Planning Commission and approval by City Council of a PUD Agreement, as approved by the City Attorney.*
5. *Approval of a Wetland Use Permit, Tree Removal Permit and Steep Slope Permit at Final PUD review.*
6. *Provide landscape and irrigation bond in the amount in an amount to be determined at Final PUD, plus inspection fees, as adjusted as necessary, prior to issuance of a Land Improvement Permit.*
7. *Provide a public benefit in the amount of \$100,000, and the Planning Commission's preferences for use of the money shall be improving the pathway, installing the PRV and/or any other such improvements that staff chooses, prior to obtaining a land improvement permit.*
8. *Address applicable comments from City Staff memos, prior to Final PUD submittal.*

*Mr. Hooper asked if a ninth condition could be added about the landscaping for the front yard of Mr. Stuhlsatz at 51170 Dequindre in Shelby Township, which was added below. He commented that it had been a nice improvement with the change in elevations, and that he supported it.*

9. *Add landscaping for Mr. Stuhlsatz at 51170 Dequindre, Shelby Township to block headlights, prior to final approval by staff.*

*Ms. Deborah Hayden, 51172 Dequindre asked to speak, which Chairperson Brnabic allowed, stating that she had some questions for Mr. Batt. She noted that when he came to visit, he said that he would get back to them, and that he knew the gentleman with the Road Commission, but he had not gotten back with them. She understood that he made a phone call. She asked when he would be getting back to them.*

*Mr. Batt said that he sent the gentleman an email, and he would get back with them as soon as he heard from him. He explained that the person he knew might not be the decision maker, but he would answer at some point, and he would follow up with him until he got a definitive answer.*

*Chairperson Brnabic reminded that it was the Road Commission that would make that decision, and Mr. Batt was trying to help them with the process. Ms. Hayden said that Mr. Batt stated that he would help with the process. At the last meeting, there was a comment that the brick should be a little higher. She and her husband looked at the 26 Mile Rd. development, which she claimed looked lovely. She said that the landscaping also looked lovely. She asked what the difference was between Rochester Hills and Washington. Mr. Batt said that it was not necessarily the difference in the cities; it was the difference in the type of project. It was much denser in Washington. In his view, a mixture of materials looked better.*

*Mr. Reece brought up the elevations. He related that he was a Licensed Architect, and he indicated that he would much rather see what had been presented than a solid wall of brick. The elevations were broken up with different materials, and there was texture added to the fronts of the buildings. From a professional point of view, he believed that they were getting a better product than a solid brick wall. He realized that everyone was entitled to their own opinions, but he felt that the revised proposal was much, much better than the first time around. He added that the elevations that would face Dequindre were dressed up significantly, so they would not be looking at a flat wall of brick. The intent was to break up the elevations with different materials and different planes, and that had been accomplished.*

**A motion was made by Kaltsounis, seconded by Reece, that this matter be Recommended for Approval to the City Council Regular Meeting. The motion carried by the following vote:**

**Aye** 9 - Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder, Schultz and Gaber

*Chairperson Brnabic stated for the record that the motion had passed unanimously, and she congratulated the applicants. Ms. Roediger advised that the matter would go to City Council on December 2nd.*

## DISCUSSION

### 2019-0497

The Barns Senior Living, a 12-resident senior living facility proposed at 1841 Crooks Rd., south of Avon

*(Reference: Memo prepared by Kristen Kapelanski, dated February 16, 2018 and site condo plans and elevations had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant were Lijo Antony and Heather McKay, Walnut Creek Living, LLC, 49228 Walnut Creek Dr., Macomb, MI 48044.*

*Ms. Kapelanski noted that it was a discussion item, so the proposal had not been reviewed at the staff level. The applicants wanted to come forward and get the Commission's initial thoughts. They were proposing a 12-bed senior living facility, which would be a conditional use in the district. 1841 Crooks used to have a house on it, and it was demolished a little less than a year ago, because it fell into disrepair and could not be salvaged. The site was a designated historic district, so the barn had to stay. It was staff's understanding that the barn was salvageable and had been maintained structurally. The matter would also have to go before the Historic Districts Commission for consideration and approval as well.*

*Mr. Antony stated that he was a nurse by profession, and he was a Rochester Hills resident. Most of his other senior living facilities had six beds and were in the Macomb Township area. He had five facilities. He realized that senior living was popping up all over the place, from low to high end (\$10,000 per month), and a lot of families had asked him why he did not do something in Rochester Hills. He had driven by the subject location every day, and he had looked at the property for a long time and finally made a decision to call the realtor. He found that there were a lot of problems associated with it, but he did not give up. He decided to move forward, noting that there was also vacant property adjacent owned by the same owners, and he wished to purchase both properties. He would like to offer affordable level, senior living for 12 residents. He introduced his partner, Heather, who had a Masters in Social Work and*

*had been in the industry a long time.*

*Ms. McKay said that she had primarily worked in hospice. She had been to many nursing and senior living facilities, and she saw the need for a smaller, home like senior living community. She felt that the property was ideal for that, because it would be a peaceful environment and be more affordable, as opposed to a nursing facility that could be \$8-10,000 per month.*

*Mr. Antony said that he wanted to propose a yearly budget to maintain the barn and open it to the public. He had lived in Rochester Hills for about 12 years, and he did not even know about the barn until recently. He wanted to include it in the proposal and open it to school children also. The barn would be a location for the seniors to do some daytime activities.*

*Chairperson Brnabic asked if they were talking about assisted living or independent living. Mr. Antony said that it would be assisted living. People would not drive, and they would be supervised 24/7. They could do all levels of care, however. Chairperson Brnabic clarified that they would not be considered a nursing facility, to which Mr. Antony agreed. Chairperson Brnabic thought that the price points at \$8-10k seemed high. Her mom was in one, and she was not paying that much. She asked if there would be a lot of employees. Mr. Antony said that there should be three employees at all times and two at night. There would be a cook and someone to do maintenance and landscaping. Chairperson Brnabic asked if there would be someone else to do laundry, and Mr. Antony said that the employees would do the laundry.*

*Mr. Schultz noted that it was in an historic district, and he asked if the architecture on the proposed structure would have to meet a set of established criteria. Ms. Kapelanski said that they mainly relied on the City's historic consultant for that determination. The applicant would have to get a Certificate of Appropriateness, and the architecture would be reviewed by the HDC. In the past, they had generally looked for traditional architecture, but as long as it was not overly modern and it harmonized with the barn, it should be fine.*

*Mr. Gaber asked if it was only the subject parcel that was noncontiguous, which was confirmed. He asked if they were proposing a one-story structure. Mr. Antony agreed, and said that State licensure required one-story. Mr. Gaber asked if they had spoken with any of the neighbors. Mr. Antony said that it was on his agenda. Mr. Gaber said that it was*

*always something the Planning Commission liked to see, and he would appreciate it. He thought that the project had potential, given the site and the size. If the HDC approved it as being compatible with the barn, he could see the merit in the project.*

*Mr. Reece wondered if the kitchen would have to be a commercial grade or residential grade, based on the number of occupants. He would be concerned about that. He pointed out that there were similar facilities on Rochester Rd. by Hamlin. He had no objection to what Mr. Antony was proposing, and he felt that it was strongly needed. Preserving the barn and making it a viable structure was great. The facilities on Rochester put out a tremendous amount of trash. He would like to see something to take care of that, such as having a structure for the trash, because he assumed that there would be medical waste in addition to household waste. He suggested that it would be a good idea to take care of the trash well. Otherwise, he felt the challenge would be the HDC more than anyone else.*

*Mr. Antony responded that he believed that the kitchen would be residential grade. The State guidelines said that seven to twelve still fell under that. Mr. Reece said that a commercial grade would be significantly more expensive, and there would have to be extra fire protection. He noted the floor plan, and wondered if the laundry was adequately sized for 12 residents. He asked if there could be a couple residents in the larger bedrooms. Mr. Antony agreed, and said that there could be a husband and wife or two men, for example. Most were private bedrooms, however.*

*Mr. Antony said that regarding the trash issue, the homes on Rochester were for special needs people, and there was a lot more medical waste. They had a nurse on staff 24/7. His facilities were technically non-skilled, assisted living. They would eliminate the waste every day, and they would probably have to get a few more garbage cans in a designated location, which would be screened.*

*Mr. Dettloff referred to Mr. Schultz's comment about the HDC, and he asked Ms. Kapelanski if the Secretary of Interior guidelines would have to be followed for new construction. Ms. Kapelanski said that they would, and that was what the HDC considered when they reviewed projects. Mr. Dettloff said that as others had said, he agreed that it was a good use for the parcel, and there was a definite need for what they were proposing. He thanked them for bringing it forward.*

*Mr. Kaltsounis remarked that he would be the Negative Nancy of the bunch. He agreed that they would have to work through the HDC. One of his concerns was that he did not want the barn to go into disrepair. There was a certain amount of responsibility. It was a quiet area, and what they were proposing was really a business. There was nothing like it in the surrounding area. When he looked at whether it would be harmonious with the environment, it sort of threw that off. They would be sticking a business in the middle of a subdivision, even though it was off of Crooks. He said that he would wait to see how things evolved.*

*Mr. Antony said that his goal was to make the building as homelike as possible. Keeping up the appearance was the goal. He would like to have a park-like setting with benches so families could walk around. The proposed building would be about 4,600 s.f. The remaining property would be landscaped to look its best visually. Mr. Kaltsounis asked how many parking spots there would be. Mr. Antony said that he would have to talk with the engineer about what was required and what was provided, but they had enough room. He believed that the pathway in front of the road was not completed.*

*Ms. Kapelanski said that the City did have an easement from the property owner for that, and the new owner would be responsible for constructing the pathway. Regarding the parking, three spaces were required. She knew that when they had looked at similar facilities in the past, the Planning Commission had expressed some dismay that it was probably not enough with visitors coming. The applicant was proposing a little more, and they would have room to add more than six if the Planning Commission desired that as part of the conditional use. As far as the look of the house, there was the extra layer with the HDC. Part of the Secretary of Interior Standards looked at whether or not something fit in with the surrounding community and what would have been typical to have been constructed at the time, so it would have to have a residential character.*

*Mr. Kaltsounis knew that for a lot of developments, sidewalks were required all the way around. He helped out an 85-year old in a similar community, and there was a sidewalk all the way around, and people walked it all the time. He did not know if Mr. Antony's residents would need that or if the City required it, but they required it of businesses, and he would not want to have older people out in the back if there was a situation and they had to walk on uneven ground.*

*Mr. Antony said that the licensing board stated that they had to have two*

entrances. They also had to have a paved walkway towards the house. He had not seen it for both sides, but if it was required, they would do it. Mr. Kaltsounis wished him good luck.

Mr. Gaber stated that it would be designed for 12 residents, but he asked Mr. Antony if he would be amenable to conditioning the approval to prevent any type of future expansion. They had room, and he would be concerned that Mr. Antony could come back down the road and ask for an expansion.

Mr. Antony said that he was not interested in a bigger facility. He had a 40-bed in Mt. Clemens, and it was very tough to manage. There were staffing issues, and he made the biggest mistake going into a bigger building. He stated that he would never do that again. The maximum he would do was 12 residents. Mr. Gaber asked if he would be willing to restrict with that condition, and Mr. Antony agreed.

Ms. Morita asked if they expected to have trash pickup every day. Mr. Antony said that it would be weekly, regular residential trash pickup.

Mr. Hooper said that in regards to the barn, they said that it would be maintained, but he asked Mr. Antony if he had any thoughts about the use. Mr. Antony said that he walked into the barn, and it was very nice and spacious. They would paint and clean it. The current owner had a lot of personal stuff to be removed. The base of the barn was in bad shape, and there was no gas or electricity hooked up currently. He wanted to allow visitors. It would be open during business hours, and they would monitor who went in. He did not know what type of repairs would be needed on an annual basis, but they would designate a budget towards it. Mr. Hooper asked if it would just be a gathering place. Mr. Antony said that they could have activities within the building. If people wanted to have coffee there or have table activities, they could offer that. People with dementia might do better in that surrounding. Mr. Hooper asked if it would be used only in the summer, and Mr. Antony agreed, and he said that people would not go out in the winter. Mr. Hooper clarified that it would not be open to the public. Mr. Antony said that it would be up to the HDC as to what was allowed. Mr. Hooper said that as Mr. Reece mentioned about the homes on Rochester, there were easily five cars per house every day. If it was going to be a similar clientele, he was not sure where the workers would park. Mr. Antony maintained that it would not be a similar clientele. The others were traumatic brain injury homes, which meant they had different security and a nurse and a minimum of four caregivers and other professionals. He would not have that; there would

*be family visitors which might come daily or just on the weekends. A doctor would come once a month, and someone might come to do physical therapy. He could not see there being more than four cars at a time. Mr. Hooper pointed out that the Rochester homes were smaller. He was okay with the concept.*

*Chairperson Brnabic asked the monthly price point. Mr. Antony said that his private rates started at \$3,000 and maxed at \$4,000. Private rooms started at \$4,500 and maxed at \$6,000. There were people who needed more care, but they had a cap. Chairperson Brnabic asked what was considered full care for assisted living. Mr. Antony said that it involved helping people with feeding. Because he was a nurse, the State allowed him to take more critical patients. The price went up a little for tube feeding and oxygen monitoring. Incontinent people required more care. Chairperson Brnabic said that Mr. Antony had stated that there would be walkways and a couple of entrances, but she wondered if the plan was to have pathways around the entire facility. Mr. Antony said that the building would have walkways. There would be a ramp and steps in the back that went to a paved walkway that went to the front. There would be different walkways throughout the property to walk in the summertime. He was not sure if they would be paved or mulch.*

*Chairperson Brnabic summarized that it sounded positive to move forward. Mr. Antony had given his word that it would not go beyond 12 residents, which would be a condition as it moved forward. She thought that he had answered a lot of their questions, and she recommended that he should take note of their comments. She congratulated Mr. Antony on moving forward.*

## **ANY OTHER BUSINESS**

*Ms. Roediger noted that along with Chairperson Brnabic and Ms. Morita, there had been discussions about the length of meetings. They had been talking about ways to provide good customer service to applicants with a fair process while not overburdening staff. They had talked about how best to accommodate people's evenings and about potentially scheduling second meetings a month. The last iteration was to propose continuing having one meeting a month on the third Tuesday, but having a hold on the first Tuesday of the month for special meetings if deemed necessary. That way, they would not formally schedule and cancel second meetings. The last thing they would want was to have a lot of really short meetings, which would not be an efficient use of anyone's*

time. They discussed managing the amount of topics a little better. They were also looking at the By-Laws. Other communities she knew had policies that stated that no new business could be acted on after 10 p.m. The goal was to always not have a meeting go past 10 p.m. if possible. Staff would communicate with applicants and if given the choice, they could be on an agenda, but if it went past 10 p.m., their item might not be heard. They could then be given the option of being first on the next agenda. She noted that staff was in the beginning stages of planning the joint Planning Commission/City Council meeting. She had been waiting for the new Council people to become official.

Mr. Kaltsounis said that he appreciated the effort. He agreed that some meetings had long agendas, and after 10 p.m., people started losing that fresh attitude. He agreed about short meetings, and he joked that having half-hour meetings made him feel guilty.

Mr. Gaber disagreed. He did not think a time limit should be put on when they could hear new business. He did not think that was fair, and he maintained that they should plan agendas accordingly. If someone traveled from out of state and brought their professionals, it was not their fault if they were put on the end of an agenda or that the Commissioners took two hours to discuss something that should have taken 45 minutes. He felt that it would be a disservice to an applicant, and he had been in that position. He would definitely be against that.

Ms. Roediger said that she appreciated that. They could discuss with applicants the most appropriate place for them on an agenda. She suggested that they could also write the By-Laws to say that the Planning Commission reserved the right to not hear business after 10:00 p.m. If they chose to however, they could, depending on circumstances. Mr. Gaber stated that he disagreed with that position.

Mr. Kaltsounis commented that he agreed with Mr. Gaber disagreeing with him. He could see his point. Mr. Kaltsounis always told people that the Planning Commissioners had diverse backgrounds. As an engineer, he might see something different Mr. Gaber. He knew that Mr. Gaber had also been the applicant.

Chairperson Brnabic said that there should be careful consideration as to how many items were put on an agenda. She would also not want to have a meeting scheduled for one item, but she would not have an objection to two, because that could take a couple of hours. She felt that the key was limiting the agenda. She considered that if someone had to be told that a

*case would not be heard after 10 p.m., as potentially stated in the By-Laws, it was a flag to not schedule that item. They never knew how long something would take, but they could limit items on agendas and schedule things accordingly and with some leeway.*

*Mr. Morita said that as people knew, she worked with several communities all over the State. As a zoning attorney in another community, she had revised By-Laws for a lot of boards over that last 20 years. She thought that it was a good idea to have a time limit. It would protect staff and give staff the ability to tell someone that if they insisted on being late on an agenda, they should know that the board had the ability to decide not to hear cases after 10 p.m. They could be first on the next agenda as opposed to being number six on the first. They did not have that ability currently. If someone insisted on being placed on a particular agenda, they could end up with ten cases, and staff did not have the ability to strongly suggest that the board wanted to make a quality decision. If they were tired, they might choose not to hear that case. There could be a provision in the By-Laws that said that they would not hear a case after 10 p.m. absent a vote of two-thirds of the board deciding to continue. If there was a situation and it was 10 p.m. and there was one small item to talk about, they could always agree to stay past 10 p.m. She did not want to see long agendas with Ordinances and Master Plans and things they really needed to be thinking about at 10:30 p.m. She worked a full day before she came to the meeting, and by 10 p.m., she was exhausted. She always wanted to make the best decision she could on behalf of the community, and she knew she might not be much good after 10 p.m. The idea of freeing up the first Tuesday of the month was to help with the scheduling fiasco they got into when they tried to schedule a special meeting. Council members had other night meetings, and they picked their committee assignments based on when they were available, so finding another night where they could all meet was difficult. On October 28, they had a really important special meeting, and three Commissioners were not able to be there. She stated that it really needed to be avoided. If they formally scheduled two meetings a month and an applicant wanted, they could be scheduled on that second agenda. She would not want to hear only one case, either. If people penciled it in that it was the other night of the month where they might have a meeting, she thought that it would be a lot easier for people. She liked the idea, and Chairperson Brnabic hit it on the head when she raised the issue. Ms. Morita appreciated her looking out for the Planning Commission. It had just been a matter of finding a compromise between staff and the members. She asked them to just think about it. She would prefer to give staff another tool to be able to tell a developer that there was*

*a chance they could go home empty handed, because the matter might not be heard.*

*Mr. Schultz said that it would be establishing a game plan. If the applicant chose to gamble, it would be their choice. You would be giving them the opportunity to roll the dice. He was on the other side of the table all the time. If he flew across the country, and he was not told what the scenario might be, he would be furious if he had a lot of consultants charging him thousands. He said that he was on board 100%.*

*Mr. Gaber said that the way Ms. Morita made it sound was that an applicant had the choice to be on any agenda they wanted. That should be controlled by Ms. Roediger, and she could say yes or no. He did not think the risk was there, and he would not put in an artificial rule. Ms. Roediger could already exert control and set an agenda.*

*Ms. Morita said that she respectfully disagreed. There had been a lot of developers that had demanded to be on certain agendas and then on the following Council agenda. Mr. Gaber asked what gave them that right. He stated that they could not demand that. Ms. Morita said that it was a matter of customer service. Staff was friendly, but there had not been a history of telling anyone no. Mr. Gaber did not believe that was true.*

*Ms. Roediger said that from staff's perspective, their role was to facilitate development and vet it as thoroughly as possible through Planning, Engineering, Building and Fire and get it to the Planning Commission for review in as efficient a manner as they could. Time was money for developers, and every month they had to wait for another meeting added to their proformas. The first question staff got a lot was when the next meeting was and when they had to submit to make the next meeting. She said that she understood both sides. She felt that there could be a middle ground, perhaps something in the By-Laws that said that the Planning Commission reserved the right to not hear something after 10 p.m. That would give staff the flexibility to work with aggressive developers. If they chose to not take a risk, they could wait for the next meeting and be first on the agenda. Ms. Morita was saying that it would give staff a tool if needed. Ms. Roediger did not think that it had to be a hard, black and white thing, but she felt that it could prove helpful in circumstances. She would not expect the Commissioners to tell someone who had come from out of town that they could not be heard, and there could be some discretion.*

*Mr. Kaltsounis remarked that he agreed with Ms. Morita's disagreement of*

*Mr. Gaber's disagreement. There were a lot of points raised, and they had always left things up to staff to work things out. He thought that staff got the idea, and if they came up with something different, they could let the Commissioners know.*

*Chairperson Brnabic advised that everyone had wanted to go to back two meetings per month, but it sounded as if everyone was willing to work with the compromise and see how it worked out. If there were any problems, they could look at it, but hopefully, nothing would be problematic.*

*Ms. Roediger mentioned that the December meeting only had one item on the agenda. She had looked at the last three years of meetings to see how long they went, and the December meetings had historically been the longest. She had also done an average of all meeting times for the last three years, and the average ending time was 9:30 p.m.*

## **NEXT MEETING DATE**

Chairperson Brnabic reminded the Commissioners that the next Regular Meeting was scheduled for December 17, 2019.

## **ADJOURNMENT**

Hearing no further business to come before the Planning Commission and upon motion by Mr. Kaltsounis, seconded by Mr. Reece, Chairperson Brnabic adjourned the Regular Meeting at 8:28 p.m.

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Deborah Brnabic, Chairperson  
Rochester Hills Planning Commission

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Nicholas O. Kaltsounis, Secretary