

## NEW BUSINESS

**2024-0272** Public Hearing and Request for Conditional Use Recommendation - File No. PCU2024-0004 - to allow for a state licensed residential facility (7-12 residents) at Barns Senior Living, a senior living facility located at 1841 Crooks Rd., between Avon and Hamlin, zoned R-1 One Family Residential, Parcel No. 15-20-428-003, Lijo Anthony, Grace Properties Group, LLC, Applicant

*(Staff Report dated 5/21/24, Applicant's Letter dated 5/9/24, Survey, Development Application, Environmental Impact Statement, Public Comment, Public Hearing Notice and Planning Commission Minutes of 4/20/21 had been placed on file and by reference became a part of the record thereof.)*

*Present for the Applicant were Lijo Antony, Grace Properties Group LLC and Anthony Barracco, Anwill Construction.*

*Chairperson Brnabic introduced this item as a request for Conditional Use Recommendation to allow for a state licensed residential facility to house 7-12 residents at 1841 Crooks Road, between Avon and Hamlin, zoned R-1 One Family Residential. She invited the applicants to the presenters' table and asked for the staff report.*

*Mr. McLeod explained that this is a request for a Conditional Use to go to a State-licensed residential facility that would have seven to 12 residents within it. He noted that the site already operates as a State-licensed residential facility of one to six residents consistent with State Law. The one to six range is a permissible use and the City cannot look at that any differently than a single family residential home. However, State Law does go forward and say once they go above those six residents, the City can require conditional use; and in this case, the City's Ordinance follows that. This is considered to be a conditional use in R-1, which is why this item is before the Commission tonight for a Public Hearing and review. He stated that the Planning Commission will be making a recommendation to City Council relative to the Conditional Use once it feels appropriate.*

*He noted that there are two residences side-by-side and both are currently operating as State-licensed residential facilities of one to six people. He pointed out that only the 1841 site is proposed for the additional capacity. He displayed an aerial photo he noted will provide context in terms of how this fits into the surrounding area and how it abuts single family residential properties all around it. He mentioned that the sister building directly to the north is also under the jurisdiction of the applicant.*

*Mr. McLeod noted that in terms of seven to 12 residents, Staff has had general conversation with the applicant in terms of ensuring that the facility fits into the context of the area and is appropriate for the location in terms of operation and intensity. He mentioned that it is important to note that with this particular application there are no exterior modifications proposed and the building will remain as-is which includes the physical building and the outdoor space. He stated that he believes staff levels will increase and the applicant has indicated that they are around four employees for the facility and their application*

*materials state that this may increase to seven to eight persons if approved for the additional persons living there.*

*He noted that trash is currently handled via a cart system and this is proposed to continue. He mentioned that there have been some public concerns raised regarding enforcement. He noted that medical waste will be handled by a professional company.*

*He showed the overall site plan with a u-shaped horseshoe drive, and he pointed out that there is additional parking or driveway space in front of the barn as well as driveway space that goes from the horseshoe to the residence as well as a two-car garage. He showed the floor plan of the building pulled from the building permit file showing the configuration of the interior space, representing eight bedrooms. He noted that some of those bedrooms are standardized bedrooms at about 10 feet by 12 feet and others are double bedrooms of approximately 14 feet by 16 feet or 16 feet by 16 feet depending on the unit split for bathrooms, and some bedrooms have individual baths, while some have Jack-and-Jill setups.*

*He pointed out that the project was also subject to and originally approved by the Historic Districts Commission as a part of the initial review as the property is within a Historic District. He noted that one of the things they looked at was preservation of the barn. He explained that the applicant did provide a capital improvement plan or program for the restoration of the barn, and the HDC did say that this barn needed to be preserved. He added that the City's Historic Districts Ordinance requires that buildings be kept up to prevent demolition by neglect.*

*Mr. McLeod reviewed the standards for review of the conditional use request, noting that in consideration of the intent and purpose of the ordinance, the proposed use must be found to be compatible, harmonious and appropriate in appearance with the existing or planned character of the general area, will be served adequately by essential public services and facilities such as highways, streets, police and fire, will not be detrimental, hazardous or disturbing to existing or future neighboring land uses and will not create additional requirements at public costs for public facilities. He added that there are several other standards specific to State-licensed residential facilities, and staff found that those are generally appropriate.*

*Mr. Antony stated that he wished to read a prepared statement, where he noted that the Barns is a privately-owned family establishment in Rochester Hills. He stated that they take pride in their roots within Rochester Hills and are deeply integrated into the local community. He noted that he has been in business for almost a decade and has overseen the development of several senior facilities across Oakland and Macomb County; however, the Barns on Crooks holds a special place in his heart. He commented on his journey working with City Officials, the previous Planning Commission, and the Historic Districts Commission, noting that it was rewarding and challenging experience for him. He stated that the Barns Senior Living is a premier senior home for the elderly and disabled who need continuous care and support and his facility strives to provide consistently high customer satisfaction by rendering excellent service*

and quality care.

*He stated that the facility is currently operating with six residents and this request is to propose an increase in the capacity to 12 residents under the allowed section of land conditional use; and this approval will allow them to apply for licensing from the State of Michigan. He explained that the facility was built with all needed amenities to accommodate up to 12 residents, ensuring enough room for living and communal space; and he pointed out that the building also features an approved fire sprinkler system and central monitoring for additional safety along with secure doors. He mentioned that increasing the capacity will allow more seniors in the community to receive a high quality living situation they deserve. He noted that they already have multiple clients on the waiting list.*

*Mr. Antony noted that he presented this proposal to the Planning Commission in 2021 prior to commencing construction of the project. He stated that despite the Commission postponing the approval process, he encountered challenging and distressing responses from the neighborhood. He mentioned that he even faced intimidation at his personal residence where he resides with his young children. He described instances of people following him honking horns while he was at the property, and other forms of harassment was made either online or in person; and he commented that it made him realize the difficulties some individual have accepting change. He noted that in response to these challenges, he made the decision to revise his plans and construct the building in accordance with residential codes. He stated that while the building now aligns with residential regulations, he has ensured that it includes all necessary amenities to meet the requirements for a 12-person home under State and City guidelines allowing for the potential future use.*

*He stated that he would extend his sincere apology for any inconvenience that may have cost the City officials or Planning Department for allowing the previous meeting in 2021. He commented that aging is not a disease; it is a privilege. He requested consideration and approval of the proposal.*

*Chairperson Brnabic noted that she has received a number of speaker cards, and mentioned that the Department has received quite a few emails and phone calls. She explained that the Planning Commission has been furnished with all of those emails and they have been made aware that Staff have received about 15 phone calls from residents either requesting information about the conditional use or stating that they were against approval of the conditional use. She mentioned some of the concerns expressed, noting that they included an increase in traffic, and glare from lights projecting into neighboring homes. She asked for Mr. Antony's response as to the wattage that was being used.*

*Mr. Antony noted that a photo that was included in the packet was from the smaller house, 1823. He stated that all lighting used on both houses is residential lighting.*

*Mr. Barracco stated that both homes are residential homes, and commented that there is nothing on either the inside or outside that is different than any other residential house. He pointed out that there are no parking lot lights. He*

*commented that someone could say the same thing about any adjacent house reflecting lights.*

*Chairperson Brnabic commented that the facility is larger.*

*Mr. Barracco reiterated that it is a residential home and there is no limit of lights that can be put there and no code that says that they cannot have 50 lights or one light, and no time limit to when they can be turned on or off.*

*Mr. Antony pointed out that the bigger building, 1841, has enough space around it with setbacks, landscaping and trees. He added that even the smaller house has a buffer of big pines between the homes.*

*Chairperson Brnabic mentioned that other comments referenced that the use of the site was not compliant with the surrounding neighborhood and that the zoning was changed. She stressed that the zoning was not changed and it still remains R-1 One Family Residential; and this district allows for a State-licensed residential facility of one to six residents which is a State mandate. She added that the City's Ordinance includes this because it is a State mandate and the City follows that mandate. She pointed out that the State requires local approval for anything over six residents, and the City has a requirement for conditional use approval for seven to 12 residents. She mentioned that another complaint was that the garbage is overfilled in trash cans, and she asked where the trash was being kept and how residents are viewing it, noting that this could be troublesome if true.*

*Mr. Antony responded that garbage is placed at the end of the driveway just like every other house on Crooks. He mentioned that they work with GFL and they were kind enough to supply them with extra trash bins. He explained that some weeks they use three bins and some two. He noted that they may have to put out four bins on a windy rainy day to avoid having the lid open. He stated that they have no concerns nor have GFL noted any.*

*Chairperson Brnabic asked for confirmation that now that they have increased to possibly four cans there is no overfilling. Mr. Antony responded that was correct.*

*Chairperson Brnabic asked Mr. McLeod address a comment mentioning overcrowding at 1823 Crooks.*

*Mr. McLeod explained that Staff took a look at the State's reports published in regard to 1823 with allegations made that there was overcrowding or overworking of staff members. He noted that the report noted that everything was found to be in compliance with State Law and State requirements and there was no finding of overcrowding within the facility. He mentioned that Mr. Antony noted that he was going to work with the State in terms of staffing to ensure that hours were in compliance and would provide information to the State to clarify the situation. He noted that for 1823, the State found that there was no overcrowding at the facility.*

*Chairperson Brnabic stated that there were a number of emails that came in that*

supported the facility, mentioning a home-like environment for those that prefer a smaller facility for the aging population. She mentioned that one email was included from a nurse who worked in the emergency room with Mr. Antony and gave him high regards; and another was from a person that cleans the facility. She noted that she would read one email from Beth Groveland, who had personal experience with her father as a resident. She read that email, which stated that Ms. Groveland's father has been a resident for over six months and that his transformation is remarkable as he has improved and was dis-enrolled from hospice due to his progress. Ms. Groveland requested consideration of the increase to allow her mother to join him in the facility.

She opened the public hearing and noted that each speaker would have three minutes to speak, and all questions would be answered together after everyone had an opportunity to speak.

Christine Reschke, 37537 Millstone Trl, Lenox, expressed her gratitude to Mr. Antony noting that her father is a resident at the Barns. She explained that he is a Vietnam veteran who has developed congestive heart failure and dementia and was given five years to live in 2018. She noted that his care has been exceptional and he is still alive six years later because of the exceptional care he receives there.

Jennifer Hiller expressed her support for adding six residents. She commented that it is disheartening to see the hostility from the neighbors for the expansion plan, noting that the project has transformed empty vacant land with overgrown vegetation and weeds to an outstanding and aesthetic property. She commented that approving the request will benefit not only the seniors in the community, but will benefit the city as a whole.

Jacqueline Pawlak, 1861 Ludgate Ln., pointed out that at the April 20, 2021 meeting when this item came before the Planning Commission, it was tabled, and Mr. Antony subsequently withdrew his request. She noted an ad placed one year later on June 23, 2022 advertising the Barns noted it would be opening with six private rooms, and a second building with an additional 12 rooms would be added. She commented that it was Mr. Antony's plan all along to resubmit his original request, and asked for denial.

Karen Isopi, 1715 Christian Hills Drive, explained that she is a family medicine physician assistant, and has worked in assisted living facilities. She expressed concern that the facility could change over time to an adult behavioral facility as she has seen this happen as demographics change. She noted that as it was constructed for 12 without approval, the developer knew he would be asking for a variance. She expressed concern that both residences could be joined in the future to create a big facility, and asked for it to be denied.

Michael Isopi, 1715 Christian Hills Drive, stated that he would echo Karen Isopi that they are not opposed to assisted living. He commented that their issue is this is a R-1 residential community and they want to keep it that way, and he stressed that they chose Rochester Hills over other communities. He commented that this will have a spillover of traffic and the facility is on the crown of a hill. He stated that change affects a neighborhood permanently, and stated

that he and his wife are against the increase.

Thomas Yazbeck, 1707 Devonwood, stated that he supports the conditional use on the basis of property rights. He commented that by blocking all smaller senior facilities, the city will end up with big facilities that some are complaining about. He stated that this is a great transition for someone who wants to live in a ranch home. He noted that traffic will not be a concern as the residents will not be driving in and out. He pointed out that the structure is already built.

Gjon Perkaj stated that he works for a hospice company, and works with hospital discharge planners and has recommended the Barns, noting that these patients often improve. He mentioned a 96-year old resident whose husband lives nearby who can come see his wife every day.

Barbara Ramirez stated that she is a Rochester resident and is also a nurse. She stated that the buildings are beautiful and commented that she has been to a lot of assisted living facilities and has not seen anything blend into a neighborhood like that. She noted that this is a small business that pays taxes, and that it is important to have infrastructure to support the entire community's needs.

Michael Pelzer, 1845 Ludgate Ln., stated that he was nearly rear-ended a month ago coming up to the top of the hill as an Amazon Prime truck was turning into the facility. He mentioned there have been a number of delivery trucks, and on Tuesday there was a minimum of six trash cans outside, often with trash brimming over the top. He stated that compatibility with the neighborhood means six residents. He stated that he was against the request.

Kim Bailiff, 2101 Bretton Dr. S., stated she is directly impacted by this development. She commented that nobody is against a six-bed facility or two, which are totally legal. She stated that they want small facilities and this request will double the number of caregivers, visitors and deliveries. She commented that on a normal day it is impossible to get out of her sub and turn southbound as it is a blind hill in both directions, and traffic is already at a dead stop. She stated that the Christmas lights lit up her backyard, blinding her five houses down. She questioned why it is proposed to allow an exception to the zoning ordinance, and requested it be denied.

Richard Ciaramitaro, 1878 Ludgate Ln., stated that his house directly backs the facility. He commented that while he would commend Mr. Antony for the type of care he is giving to the residents he currently has, he feels that property values will be impacted by the facility. He mentioned that a wooden fence between his property and this property was torn down, and the back of the home is lit up every night shining directly into his house. He noted that there has been no work done to the barn yet. He requested denial.

Bryan Zook, 1771 Crooks Rd., stated that the zoning is R-1 residential, and moving to 12 people will open the door in general. He commented that there are vacant lots down the street and other undeveloped properties leading to other facilities that may be built. He noted that Ms. Bailiff made a lot of great statements, and he would ask for denial.

Brenda Savage, 1715 Northumberland, stated that she is an executive director of a senior living facility. She stated that she appreciates what is being offered, and is not against helping people with needs; however risk management has to be considered. She commented that the home was built to accommodate more people requiring a change in zoning to allow the conditional use, and pointed out that the barn was promised for work. She suggested the City work with Mr. Antony to help accomplish the goal of restoring the barn as promised. She requested denial of the conditional use.

Paul Daulton, 2706 Powderhorn Ridge Rd., stated that he knows Mr. Antony personally and feels confident that he is someone who not only cares about his properties but also cares about the safety of those surrounding him. He stated that Mr. Antony has been a huge advocate for safety in Shadow Woods Subdivision, and is a man who cares for the elderly. He stated that he works with senior adults and special needs families and there are families all around longing for safe, well-cared for facilities in areas like Rochester Hills. He requested approval.

John Lucas, 1865 Ludgate Ln., commented that if this request is approved, it might set a precedent that other homes in the area will extend their homes to have 12 residents. He stated that all of the problems with increased traffic will intensify, and this should all be considered when making a decision.

Amanda Clark, 10019 Shadyhill Ln., Grand Blanc, expressed her support of the Barns Senior Living. She commented that her grandparents stayed in a much larger facility, and would have loved for them to be in a facility like this. She stated that she supports the expansion.

Seeing no one else wishing to speak, Chairperson Brnabic closed the public hearing.

She asked Mr. Antony to address the condition of the barn, noting that in 2021 he stated that he would be willing to paint the outside of the barn at the same time that the facility was being built and that has not been done.

Mr. Antony responded that in 2021 when he was before the Commission for approval for a 12-bed facility, he commented that he could definitely offset the cost of the exterior; however, that did not go through. He added that he did not have a knowledge about the barn, and found that they could not do the painting because the barn is in bad shape and the roof is sagging. He stated that they will have to provide support internally so the roof does not collapse and restoration is a five-year plan that will cost almost a quarter million dollars. He mentioned that in 2024 and 2025 he would be adding new windows and support the roof that will stay in place. He brought a flash drive to display, which Mr. McLeod noted could not be put into the City's computer due to security reasons. Mr. Antony stated that he tried to email its contents to Ms. MacDonald, but the files were too large.

Chairperson Brnabic stated that Mr. Antony had informed the Commission that just painting the barn would not waterproof it, and at the time he said they would

*do both.*

*Mr. Antony responded that they did replace shingles in 2023 due to storm damage, but the boards are in bad shape. He mentioned that a roofing company was out and just for the roof itself not including boards was \$29,000.*

*Mr. Barracco stated that at this point they do not want to throw good money after bad, and they want to do things chronologically to first secure and support the roof and whole structure, then do the roof, and then paint. He commented that they are working through a process to get to that point.*

*Chairperson Brnabic requested that the applicant address the comment that they are operating two buildings, one with six and another with six they wish to increase to twelve.*

*Mr. Barracco responded that 1823 is a six-bedroom home that cannot be increased at all. He explained that 1841 was built with the idea that moving forward they would come before the Commission to ask that they move it up to 12 residents. He stressed that they are both residential homes and are not commercial. He explained that 1841 has all of the amenities as a six-bedroom, but was built with fire suppression, room sizes and everything in place to move to 12 residents. He noted that it has eight bedrooms.*

*Mr. Antony added that some are semi-shared bedrooms that residents can go in as a couple. He noted that they have an option for one of the front rooms to be converted to a bedroom by adding a closet, and the conference room could be converted into two individual private rooms.*

*Chairperson Brnabic asked if they planned on having two people share each of four bedrooms.*

*Mr. Antony responded that it would depend on the financial situation, and if a resident does not want to spend money for a private room, they have the option to do the semi-private.*

*Chairperson Brnabic referenced the other home with six bedrooms.*

*Mr. Antony responded that there are no shared rooms in the smaller home.*

*Chairperson Brnabic reiterated that there is no variance on the property and the zoning is not being changed. She asked whether there are six trash cans that go out.*

*Mr. Antony responded that staff members from both houses put the trash cans all on one side at 1841. He commented that people may not be looking at the recycle aspect of it, and stated that they have three recycle cans because they do have a lot of boxes for briefs and such. He commented that four cans will be the maximum used at 1841.*

*Chairperson Brnabic asked if Mr. Antony would need a dumpster after increasing the number of residents. She stated that she would request that the*



*trash never becomes unsightly.*

*Mr. Antony responded that he does not have room for a dumpster and will be okay with four trash cans. He stated that they have a reserved extra can available for use. He added that they have a company called Advowaste that takes the medical waste out and that waste does not go into the trash.*

*Ms. Neubauer stated that it gave her pause that several emails indicated that residents were scared to come to the meeting or put their names on emails because they had been threatened; and she commented that it gives her pause that Mr. Antony mentioned that he had been threatened. She commented that this does not represent Rochester Hills. She stated that there is probably a breakdown in communication and a lot of hostility. She added that someone made a comment about that this is great for the City or good for the taxes; and noted that when the City gets their tax money, it is put back into the city for the benefit of the residents. She mentioned that the City is in the middle of a Master Plan update and has been seeking feedback from the residents. She stated that one of the comments she has heard in the Master Plan is that while it is a great place to live, work and raise kids, it is not necessarily the best when it comes to elder care facilities.*

*She mentioned the speakers that were in favor of it, and emails received were both in support and against; and commented that there is a divide in the community that she hopes can be overcome. She stated that traffic on Crooks, Adams, and Walton is already tough. She commented that she is also a real estate agent and can say there is no evidence that property values are declining in Rochester Hills; and can in fact say that in the Master Plan research that Rochester Hills has become almost unaffordable for some people.*

*She expressed concern over the five-year plan for the barn, and stated that this was brought up three years ago. She suggested that there was a breach of trust and it is fair that this is being brought up now. She commented that she understands that it would cost almost \$350,000 to do the renovations; however, she does not think it is fair that there is a five-year plan when it was supposed to be initiated almost three years ago. She stated that she would hope that it can be either accelerated or put more focus on working with the Historic Districts Commission to get the renovation going. She suggested that she does not think it should take more than two years. She asked how many residents drive, and how many staff members drive, and how many visitors are there.*

*Mr. Antony responded that no residents drive, and most staff members drive. On a given shift there will be two staff in the daytime and one at night. He mentioned that there are rare daily visitors, and stated one that comes every day to see his wife. He added that there are some visitors that come after hours because they work; however, their visiting times are about 7 am to 8 p.m.*

*Ms. Neubauer asked how many cars are typically parked there.*

*Mr. Antony responded that it is typically three to five.*

*Ms. Neubauer asked if they have consulted a barn company.*

*Mr. Antony responded that CB Barn and Pole Company has come out. He explained that he intended to start the five-year plan in 2021 if he received approval for 12 residents, noting that it is a financial decision. He stated that he can definitely look into a two-year plan when he is allowed to add residents and will bring in more money. He commented that he did not want to commit that it will be done in two years, but can guarantee that the exterior, roof, windows and siding can be sealed properly in two years from the commencement of City Council approval.*

*Ms. Neubauer asked if a bond could be posted in order to ensure that things are done in a timely manner.*

*Mr. McLeod responded that typically we haven't for an actual structure, but typically the City requires a bond to ensure that landscape is installed per the plans..*

*Ms. Neubauer stated that she would like Staff to figure out how to ensure the work is done, noting that she does not want just to see a coat of paint slapped on it. She commented that she thinks that they are working with him in good faith and noted that there has been a little bit of a breach of trust because of the conversations of three years ago.*

*Mr. Antony responded that he completely understands. He suggested he can check with his legal counsel to see what the standard practice is in this kind of situation. He pointed out that for the building, they went through every single criteria dictated by the Building Department and DPS and nothing has fallen short.*

*Ms. Neubauer addressed comments regarding lighting, and suggested that it could be handled with additional buffering, or lights being placed on a timer. She suggested that some kind of negotiation between Mr. Antony and the neighbors could be done. She noted that a condition should be added about additional tree plantings to be worked out before this item gets to City Council, a time plan needs to be added of two years to get the barn done, and then a bond or something else put in place in order to ensure this is done in a timely manner. She addressed the issue about trash cans, asking for only so many for this address and walking the trash cans over to the next address so there is no issue.*

*Mr. Hetrick stated that his commentary is similar. He noted that the previous owners did not take care of the historical property and let it decay; and this cannot happen with the barn. He stated that the restoration must get done and if it gets done in two years, even better. He stressed that this is a part of the agreement for that historic district. He mentioned a comment regarding the type of care potentially changing to mental health care and asked if the demographics will ever materially change.*

*Mr. Antony responded that there are certain criteria when applying for the licensing that they opt for, and they chose Alzheimer's and dementia with no behavioral issues. He mentioned that they have an entire team of nurses*

*across all of his other buildings that do a thorough assessment as a part of the admission process. He explained that if someone displays stage four dementia that cannot be controlled even via medical help they will have to provide notice and they have another wing that works to move the resident to a different community. He noted that they cannot keep the mentally challenged and this is strictly senior living. He stated that their license does not allow the specific criteria for mentally challenged.*

*Mr. Hetrick stated that he has in-laws who have been in facilities although not in Michigan, and based on what people said, Mr. Antony is doing a superior job. He asked if six in one and twelve in the other is the most that they can do and Mr. Antony will not be returning to the Planning Commission later. Mr. Antony acknowledged the answer was no.*

*Mr. Struzik stated that most of his questions have been answered. He asked how long the average resident lives at one of these facilities.*

*Mr. Antony responded that in his 10-plus years of doing business he has had residents in hospice care live for two hours, some for two weeks, and some for five years. He stated that the standard average is about two to three years.*

*Mr. Struzik asked if residents interact and form bonds with each other, and if they leave the facility to walk on sidewalks or drive cars.*

*Mr. Antony responded that they become a big family. He added that their families bond as well, bringing things in for other residents. He noted that they do not accept residents that drive. He mentioned that he has a larger 40-bed assisted living in Mt. Clemens that he has occasionally accepted a husband or wife that drives; however, certain criteria must be met. He stated that family members must accompany residents on the sidewalks; however, his staff do not assist them outside of the building and they go to the patio with staff members.*

*Mr. Struzik stated that he would echo Ms. Neubauer's and Mr. Hetrick's concerns on the lack of progress on the barn and would concur with the need for a bond or other mechanism to ensure it gets done. He added that there is a huge community benefit to preserving the barn. He added that there is a six-bed facility in his neighborhood and has a good idea of the impact the facility has had on his neighborhood, which has been none. He stated that this facility provides an essential need for an aging population and will give options for residents to remain in the community and for others to have their parents nearby. He mentioned the comment made about seeing this facility as necessary infrastructure for a growing community, and he agreed with it.*

*Mr. Dettloff stated that he has the full faith and confidence in Mr. Antony, and suggested that there are resources available through the State Historic Preservation Office and the Federal government he would encourage Mr. Antony to seek.*

*Mr. Gallina stated he would echo his fellow commissioners and noted that he comes here with fresh eyes. He commented that it is clear that the facility does great work but there have been concerns along the way. He suggested that thoughts about the barn and the buffering for lighting need to work to make the neighbors happier. He added that the barn is concerning as it has been sitting there; and while it is a lot of money and a lot work, it is a historic site to be preserved.*

*Ms. Denstaedt stated that there are other avenues in working with the Historic Districts Commission and grants that may be available to help get to that two year goal. She asked how the live-in staffing works.*

*Mr. Antony responded that live-in staffing is a proposal that has worked like magic in his other buildings where he sometimes will offer a job and a place to stay for individuals who cannot afford an apartment. He noted that there is a corner room for some staff members who do not want to drive back and forth or those that cover the night time. He added that there are staff that come in for a three-day assignments, pack their bags, do their 12 hour shift, and take breaks in that room. He explained that the facility is designed to run with two staff members and the night person will stay until about 9 a.m. after morning peak hours where everyone needs to be dressed and after the busy breakfast time. He stated that they have three people in the morning until 9 a.m. and then the night shift starts at 5 p.m., again where three people are there. Daytime is easily handled by two people.*

*Ms. Denstaedt asked if they will be able to be fully staffed to meet the incoming tenants.*

*Mr. Antony responded that he has a workforce of 47 employees right now. He commented that good staffing is a challenge, but he has been blessed to lead a good team that spends a lot of time and effort in hiring and retention. He added that he is a hands-on guy, and if there is a staffing emergency, he will be there along with his community liaison. He noted that he has staff members that have worked for him for almost ten years.*

*Mr. Hooper stated that he went out and visited the site and sees no outdoor lights, and asked if it concerns were for lights coming from bedrooms. He asked why they do not pull the shades.*

*Mr. Antony responded that 1841 has about 200 foot setbacks and every bedroom has shades. He commented that their policy is to close the blinds in the bedrooms during night hours.*

*Mr. Barracco noted that the double French doors in the dining room and the front doors have been tinted with a 30 percent tint so the light coming out is minimal. He added that any residential home will have light coming out.*

*Mr. Antony added that this has never been brought to them, and he will personally look into it. He pointed out that they have installed 43 trees, and 37 are in the backyard, and all are two to three inch caliper maples and oaks. He added that as they grow they will buffer quite a bit.*

*Mr. Barracco referred to the windows on the south side of the building, and stated that the residents are usually sleeping probably by 8:30 to 9 p.m.*

*Mr. Hooper suggested getting pull shades or adding plantings that would be in direct line with those windows. He mentioned that the photo of 1823 did not show that any shades were pulled.*

*Mr. Antony reiterated that he would look into it.*

*Mr. Hooper addressed traffic concerns, and stated that the increase in caregivers and deliveries does not constitute a material change to what is already existing on Crooks Road in his opinion. He added that he did not think property values would be affected detrimentally. He noted that they face that concern with just about every development coming before the Planning Commission, and that is not the case especially for Rochester Hills. He addressed concerns of setting a precedent, and stated that if someone's home is large enough and the lot is big enough to make the improvements, they absolutely could apply to do something similar; and that is not a precedent but is something that anyone could do. He stated that the barn is a non-starter and suggested that he would have to make a financial surety a condition of the motion in the packet. He stated that he would add to the motion a condition that would guarantee that within two years the barn must be watertight from the date of Council approval and final work must be completed within five years of Council approval.*

*He commented that the demand for senior living is undeniable and will not solve itself, so there must be more supply in the marketplace.*

*Mr. Hooper made the motion in the packet adding a change to proposed Condition 3, that a financial surety be required relative to the barn restoration, as approved by Staff, within thirty days of the conditional use approval, and that the applicant is required within two years of City Council approval to make the barn structure watertight, and with five years of City Council approval to complete the final barn renovations, as approved by Staff. He added a fifth condition, that The applicant must reduce the light that emanates from the property and negatively affects neighbors by keeping window shades pulled and by adding plantings, as approved by Staff.*

*The motion was seconded by Ms. Neubauer.*

*Chairperson Brnabic stated that two people tonight brought up the lighting issue, and commented that she would like to see Mr. Antony speak with them as a neighbor, and then move into the recommendations or conditions that are placed to block the light.*

*Mr. Antony stated that there were multiple incidents and police reports filed against one neighbor by him. He explained that there was a time that he pulled out of the property, and he was brake-checked, the car in front of him stopped, the neighbor got out of the car and his wife came to his window threatening him. He stated that he would not talk to this neighbor. He stressed that he will address the lights on the property.*

*Chairperson Brnabic stated that it is absolutely horrible that this happened and there is no excuse for that, so she understands if he does not speak with that neighbor.*

*Mr. McLeod suggested a sixth condition be added, if approval was to be granted or recommended for approval, that one of the conditions that the site would be in compliance with all necessary building and code requirements or regulations. He stated that in speaking with the Building Department they want to ensure that the building is fully compliant to take on the 12 residents as well as making sure that the site is in full compliance with all of the other code regulations.*

*After calling for a roll call vote on the motion, Chairperson Brnabic announced that the motion passed unanimously. She asked when this item would move on for City Council consideration and final approval.*

*Mr. McLeod responded that the anticipated date would be Council's June 10th meeting.*

*Mr. Anthony thanked the Commission. He noted that he looked into grants; however, as this is not in a contiguous historic district, Federal Grants are not available. He commented that he has some good grant writers and they will see if they can get it through again.*

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

**Aye** 8 - Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Hetrick and Struzik

**Excused** 1 - Weaver

**Resolved**, in the matter of File No. PCU2024-0005 (The Barns), the Planning Commission recommends to City Council Approval of the Conditional Use to allow a State Licensed Residential Facility for 7-12 residents, based on documents received by the Planning Department on April 15, 2024 along with those comments and representations made as a part of the public hearing, with the following findings:

Findings

1. The proposed use will promote the intent and purpose of the Zoning Ordinance.
2. The existing building and proposed conditional use have been designed and is proposed to be operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the general vicinity, adjacent uses of land, and the capacity of public services and facilities affected by the

use.

3. The existing development and proposed use are served adequately by essential public facilities and services, such as a major roadway, police and fire protection, water and sewer, drainage ways, and refuse disposal.

4. The existing development and proposed use should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare as the facility already operates as a State Licensed Residential Facility for 1-6 persons and already has staffing onsite and as stated there no physical improvements/modifications planned to either the interior or exterior of the existing structure or site.

5. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

#### Conditions

1. City Council approval of the Conditional Use.

2. The Barns shall be registered with or licensed by the State of Michigan for no more than 12 persons, and shall comply with applicable standards for such facilities. Further, the applicant must provide the Planning department with documentation of the license within thirty (30) days, once it is approved by the State.

3. The applicant shall provide a financial surety, in the amount necessary to finalize all permits and inspections relative to the water service/fire hydrant installed as a part of the original structure construction, and a financial surety relative to the barn restoration, as approved by Staff, within thirty days of the conditional use approval. The Applicant is required within two years of City Council approval to make the barn structure watertight, and within five years of City Council approval to complete the final barn renovations, as approved by Staff.

4. If Staff determines that trash is not being adequately managed, the Applicant shall work with Staff to remedy the issue to eliminate any nuisance to the general public or abutting neighbors.

5. The applicant must reduce the light that emanates from the property and negatively affects neighbors by keeping window shades pulled and by adding plantings, as approved by Staff.

6. That the site be in compliance with all building and code requirements.