



Rochester Hills

Minutes

Zoning Board of Appeals

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Rochester Hills, MI
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Chairperson Ernest Colling, Jr., Vice Chairperson Gerard Verschueren
Members: J. Martin Brennan, Deborah Brnabic, Jim Duistermars,
Kenneth Koluch, Michael McGunn

Wednesday, March 9, 2011

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Colling called the Regular Meeting to order at 7:00 p.m. in the City Hall Auditorium.

ROLL CALL

Present 5 - Deborah Brnabic, Gerard Verschueren, J. Martin Brennan, Ernest Colling and Kenneth Koluch

Absent 2 - Jim Duistermars and Michael McGunn

Also Present: Ed Anzek, Director, Planning Department
Sandi DiSipio, Recording Secretary

APPROVAL OF MINUTES

2011-0112 February 9, 2011 Regular Meeting Minutes

A motion was made by Verschueren, seconded by Brnabic, that this matter be Approved as Presented. The motion carried by the following vote.

Aye 5 - Brnabic, Verschueren, Brennan, Colling and Koluch

Absent 2 - Duistermars and McGunn

COMMUNICATIONS

No communications were brought forward

PUBLIC COMMENT

No members of the audience came forward with any comments on non-agenda items.

NEW BUSINESS

2011-0108 PUBLIC HEARING - File No. 89-153.9

Location: 1101 W. University Drive, located on the south side of University Drive, east of Livernois Road, Parcel Identification Number 15-15-101-003, zoned SP, Special Purpose, and known as Crittenton Hospital Medical Center.

Request: A request for a variance of 95 feet from Section 138-5.100 (Schedule of Regulations) in conjunction with Section 138-4.415 (Hospitals) of the Code of Ordinances, which requires a cumulative side yard setback of 170 feet in the SP, Special Purpose zoning district. (Section 138-4.415 requires an additional 20 feet for each story over 2 to the required 50 feet of side yard setback.) The submitted application for a purposed 8-story addition to the existing structure indicates a side yard setback of 75 feet.

Applicant: Crittenton Hospital Medical Center
1101 W. University Dr.
Rochester Hills, MI 48307

Chairperson Colling read the request for the record, mentioned that a phone call was received from the father of the property owner at 339 N. Alice concerning the hospital's existing chilling towers being loud and requesting screening the new chillers, and then opened the floor to the applicant for an explanation of the request.

Mr. Monte Oberlee, Director of Facilities, Crittenton Hospital Medical Center, 1101 W. University Dr., Rochester Hills, MI, and Ms. Deb Axelrood, Harley Ellis Devereaux, 26913 Northwestern Hwy., Suite #200, Southfield, MI, the architect were present, came forward and identified themselves.

Mr. Oberlee indicated that Crittenton is in the process of developing a plan that will not increase the bed number, but increase the total room numbers. The reason for this is to create 90 private rooms. Because the bed number is not being increased, it means that many of the other rooms in the facility will become private rooms. The need for this is due to the changing nature of healthcare and some of the demands that are being put upon the hospital. We work in an industry where semi-private rooms can no longer be approved. What everyone is doing is looking to build private rooms. The reasons for this are that the Joint Commission won't approve semi-private rooms, and the State CON process no longer approves them. The hospital is being encouraged to convert to private rooms by HIPPA regulations for privacy and infection control. The changing nature of healthcare is to educate families, so that they can take care of the patients upon release from the hospital. There is a dynamic environment in healthcare and Crittenton needs to move forward and become part of what healthcare is going to be. As a business, the clinical outcome and patient satisfaction that are achieved are key to how hospitals are reimbursed from the federal Medicare/Medicaid side of the reimbursement program. Where private rooms are used, patient satisfaction is highest. In semi-private rooms, it is not the same. The addition will also be a benefit to the community in being better prepared for catastrophic emergencies.

Ms. Deb Axelrood pointed out that Mr. Oberlee covered the health, safety and welfare issues. This addition will benefit the community because evidence has shown that a private room is a great advantage to the patient. The requested 95 foot variance affects only the athletic field on the St. John Lutheran School

property. The actual residences are located well beyond the required 170 setback - at around 250 feet away. Crittenton's property is L-shaped in this location which is why only one property, and not residences, is impacted by the variance request. This is a unique circumstance for the property and the applicant. The configuration of the tower is designed to meet the Michigan Building Code and HIPPA regulations, and has to be designed to 2007 minimum standards for healthcare facilities in Michigan. There is not a lot of flexibility with the way the addition is designed.

Mr. Anzek presented the staff report. He pointed out that back in 1971, a 100 foot variance was granted for a 200 foot setback to the same side yard. That was to accommodate the original eight-story tower, although only six stories were built at that time, the additional two stories were added in the 90's. The subject came up as to the entitlement of those two stories and a great deal of research was done historically establishing that those approvals were granted in 1971 and did carry forward. The original 100 foot variance was pointed out by the applicant on the site plan. Mr. Anzek reported that he was invited by Crittenton's design committee to participate in their discussions to address site issues as they came up. It was established early on that the design they were driven to did encroach an additional 25 feet into the 100 foot side yard setback. It was pointed out at the time that this would be problematic, requiring either a redesign of the addition or a variance. Part of the problem with redesigning is that the patient rooms were designed by nurses to allow for the best layout of equipment and patient access, etc. Based on this layout, the building became a certain width. To make it any narrower would make it a detriment to a well-functioning healthcare facility. The applicant is asking for a 95 foot relief from the current 170 foot required setback. In speaking with the City Attorney, Mr. Anzek felt it would be very difficult to discuss a variance of 100 granted back in 1971 and how it would apply to today's standards, where today's setback requirement is 170 feet instead of 200 feet. Staff suggests that the ZBA deal with today's standards and dimensions when considering this request to make a complete and clear record for the future. Mr. Anzek then commented that hospital's design team has worked extensively on the location of the chillers. It is also their concern that the new chillers not be noisy or offensive to the neighborhood and will be contained within a masonry wall for sound protection. Although only six floors are proposed to be built at this time, Mr. Anzek explained it is in the City's and the applicant's best interest to deal with the eight-story issue today. It would be a grave injustice if a variance was granted based on a six-story tower with the applicant's intent to do structural integrity to take it to eight stories, and be denied of the additional variance at a future date.

Chairperson Colling opened the Public Hearing at 7:22 p.m.

Mr. Rudy Ziehl, 1078 Willow Grove Ct., Rochester Hills, MI, came forward and indicated he lives in the Hidden Hills Condominium Development on the south end of the Crittenton Campus. Even though this variance request does not affect his residence directly, he still urges the approval of the requested variance with conditions. The condition is that Crittenton would make a more extensive effort to create a vegetative buffer or other kind of buffer between the medical campus and the adjacent residential areas. Landscaping is a part of any construction project or architectural plan. It seems that there should have

been more landscaping included in this variance request to provide better protection to the surrounding residential areas in terms of visual affects and sound. He indicated that Crittenton is a good neighbor, and he does appreciate the benefits the community will receive from this addition. He has no objection to the variance in itself, but would like conditions added.

Mr. Garret Dennis, 331 N. Alice, Rochester, MI, came forward and stated that Crittenton is not a problem, they are a good neighbor. The problem is the noise that comes through from the hospital. It is hard to say how loud the new chillers will be, but there is noise from the cooling tower now. The hospital has come out to measure the decibels, but very little has been done to quiet the noise. The semi trucks which will now be coming in the back, and the new chillers are major concerns. There is only a small buffer proposed consisting of six foot evergreens. He asked that the hospital consider a larger buffer to deaden the sound and block the loading dock area.

Chairperson Colling closed the Public Hearing at 7:28 p.m. and asked if the types of requests made by the residents during the public hearing are handled by the Planning Commission. He believes it is not within the ZBA's purview to put these types of conditions on a variance. Mr. Anzek indicated this is correct. Chair Colling asked if this plan will be going back before the Planning Commission for approval. Mr. Anzek replied it will go back, both as a site plan approval as well as a revised conditional land use permit. Chairperson Colling indicated that the ZBA minutes will be provided to the Planning Commission for their information. The meeting was then turned over to the Board for discussion.

Chairperson Colling asked if there was enough clearance in the truck turn-around and what times of day deliveries would be made. Mr. Oberlee explained the hospital's receiving department is open from 7:30 a.m. until 4:00 p.m., but that is not to say a truck would never be there outside those hours, as that is not within the hospital's control. And while this is a redefinition of the receiving dock, it's not a new receiving dock. So the vehicles that come to this dock in the future are the same ones that come today. The amount of traffic will not significantly change with the addition.

Chair Colling then asked for clarification that the structure will be built to handle eight floors, but only the first six floors will be built at this time. Mr. Oberlee indicated only six floors are proposed to be built now except for the elevator tower which will be built at the eight story height. The reason for this is the existing east tower is an eight story structure, with the ICU department on the top floor. Currently, only one bank of four 40-year old elevators goes to the eighth floor. Another access off the highest part of the existing building with new elevators can be accomplished by this.

Chairperson Colling questioned if converting to all private rooms will cause an increase in cost to the patients. Mr. Oberlee explained that very few insurance companies pay based on whether the patient is in a private or semi-private room. The hospital gets paid for the diagnosis.

Mr. Brennan commended the applicant for a very good presentation and staff for

the thorough report. He indicated he has no questions and is prepared to approve the variance request. His main concern is that the Planning Commission will address the residents' concerns about noise and buffering.

Mr. Oberlee stated that there's probably a "hum" associated with the existing electric water-cooled chillers contained within the power house. The new building will have high efficiency electric chillers that are air cooled and will have as much noise suppression as can be purchased by the hospital. The chillers will be located in a recession within a berm, and a wall as high as feasible will be built around where they are exposed.

As far as the vegetation, Ms. Axelrood explained even though what is planned is six foot tall when planted, the plants will grow. Six foot high Arborvitae is specified for buffering the truck maneuvering area - these will grow to about a 20 foot height. Currently, there is a significant vegetative buffer, including pine and spruce trees, along the back. This buffer is scheduled to remain.

Mr. Oberlee thanked the neighbors for being present and showing their support. Mr. Oberlee commented he hears their concerns. Last year, Crittenton spent almost \$100,000 to rebuild the concrete wall along their driveway out to Livemois Road for sound abatement. Mr. Oberlee indicated he will work to put some money into the routine budget to add some vegetation along the back.

Chairperson Colling indicated he is supportive of granting the variance. As this plan must go back to the Planning Commission for approval, Chairperson Colling made the request that tonight's minutes be provided to them so they may address the concerns brought up by the residents at this meeting. Chairperson Colling commented that there has been a precedent for this in the past, and cited the two recent dealership variances for their additions. Although the circumstances are somewhat different, this is also a 50 year business within the community that really does serve the needs of the community. If more emergency capacity for the community can be realized as part of this process, then Mr. Colling supports the variance.

Ms. Brnabic indicated the applicant spoke of different sound packages for the proposed chillers and asked if an estimate can be given of the difference in noise levels. Mr. Oberlee indicated he doesn't know that answer today, but added this is also an issue to the Planning Commission. A base-line noise survey will be completed.

Mr. Koluch stated he didn't have any questions, only the same concerns as previously mentioned about the landscaping and reduction of noise. He believes the hospital will do their best to address all the concerns raised.

MOTION by Verschuere, seconded by Brnabic, in the matter of File No. 89-153.9, that the request for a variance of 95 feet from Section 138-5.100 of the Schedule of Regulations in conjunction with Section 138-4.415 (Hospitals) of the Rochester Hills Code of Ordinances to allow an addition to the existing building be **granted** for 1101 W. University Drive, Parcel No. 15-15-101-003, with the following findings and conditions:

Findings:

1. A practical difficulty has been demonstrated for the subject parcel based on changes that have occurred to the best management practices, licensing standards, and the community's desire to have the best medical care and treatment available within reason. Specifically, compliance with the strict letter of the restrictions governing setback requirements will unreasonably prevent the applicant from using the property for its permitted purpose and conformity with the setback restrictions are unnecessarily burdensome.
2. Granting the variance will preserve a substantial property right for the applicant as enjoyed by others, and thus substantial justice shall be done. The Board has determined, based on the documentation submitted by the applicant, that the setback variance is necessary in order to meet the Zoning Ordinance requirements.
3. The granting of the variance is based on the unique circumstances of the property as presented by the applicant and noted in Finding #1 above.
4. The problem is not self-created by the property owner.
5. The granting of this variance is not expected to impair an adequate supply of light and air to adjacent properties; unreasonably increase the congestion on public streets; increase the danger of fire or endanger the public safety; make the site inaccessible to fire department or other emergency vehicles or create any particular concern with the travelling public; or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City for all of the reasons stated above.

Conditions:

1. The granting of this variance is based on the site plan stamped as "received by the City of Rochester Hills Planning Department" dated February 17, 2011.
2. The addition shall conform to all applicable Codes and Ordinance Requirements, and all applicable permits shall be obtained from the Building Department.

A motion was made by Verschueren, seconded by Brnabic, that this matter be Granted. The motion carried by the following vote.

Aye 5 - Brnabic, Verschueren, Brennan, Colling and Koluch

Absent 2 - Duistermars and McGunn

Chairperson Colling thanked Crittenton for their service to the community.

ANY OTHER BUSINESS

No other business was brought before the Board.

NEXT MEETING DATE