



## Department of Planning and Economic Development

Staff Report to the Planning Commission

May 21, 2024

PCU2024-0004

### The Barns Conditional Use

<b>REQUEST</b>	Conditional Use Recommendation
<b>APPLICANT</b>	Grace Properties Group, LLC 3128 Walton Blvd. Rochester Hills MI, 48309
<b>LOCATION</b>	1841 Crooks Road, located on the east side of Crooks and north of Hamlin Rd.
<b>FILE NO.</b>	PCU2024-0004
<b>PARCEL NO.</b>	15-20-428-003
<b>ZONING</b>	R-1 One Family Residential
<b>STAFF</b>	Chris McLeod, AICP, Planning Manager

### Summary

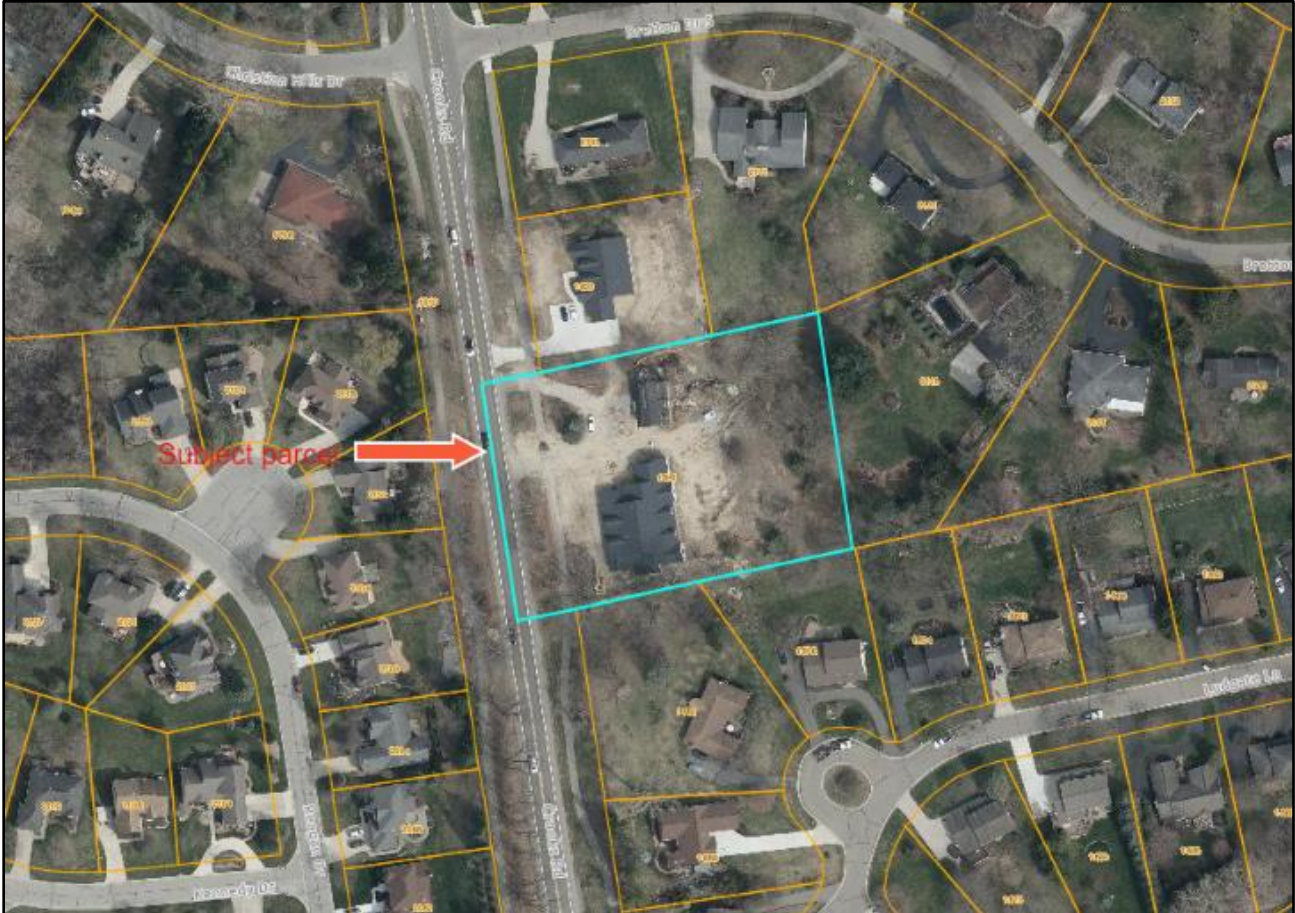
The applicant has filed for a Conditional Use Permit to allow for a State Licensed Residential Facility for 7-12 residents in the R-1 One Family Residential zoning district. The request is for The Barns Senior Living at 1841 Crooks Rd., located on the east side of Crooks and north of Hamlin Rd. Currently, the Barns Senior Living facility is a State Licensed Residential Facility permitted to have 1-6 residents. Once the Planning Commission makes a recommendation, the application will be forwarded to City Council for their review and final determination.

The facility is a single story (no basement) structure that has a total of eight (8) bedrooms along with potentially one (1) staff bedroom, based on the building permit file and plans associated with the file. In addition, the facility also has a dining room, living room, kitchen, game room, and study. Ancillary rooms include a mechanical room, laundry room, closet area and a common bathroom. The exterior plans of the building were approved by the Historic District Commission previously.

Based on the information provided by the applicant, the application is for a State Licensed Residential Facility for 7-12 residents, and is intended to provide general care, medication assistance, a salon, physical therapy and visiting physician services, amongst others. Care is provided by four (4) staff members currently and is anticipated to increase to up to seven (7) if the additional residents are approved via the conditional use request. This should be clarified whether this is total employees or employees at one time at the site. The staffing is provided in 12 hour shifts and based on the description it appears that staff may be "live in". The staff living arrangements should be clarified by the applicant.

Trash services, including household/food waste, are provided via trash carts and medical waste is removed on a weekly or as needed basis by a professional organization.

It should be noted that the applicant previously applied for a conditional use for a state licensed residential facility for 7-12 persons. The Planning Commission conducted a public hearing at their April 20, 2021 meeting. At that meeting, after a lengthy discussion, the Planning Commission postponed action on the conditional use approval. The application was never brought back before the Planning Commission (or City Council) and therefore a decision on the application was never made.



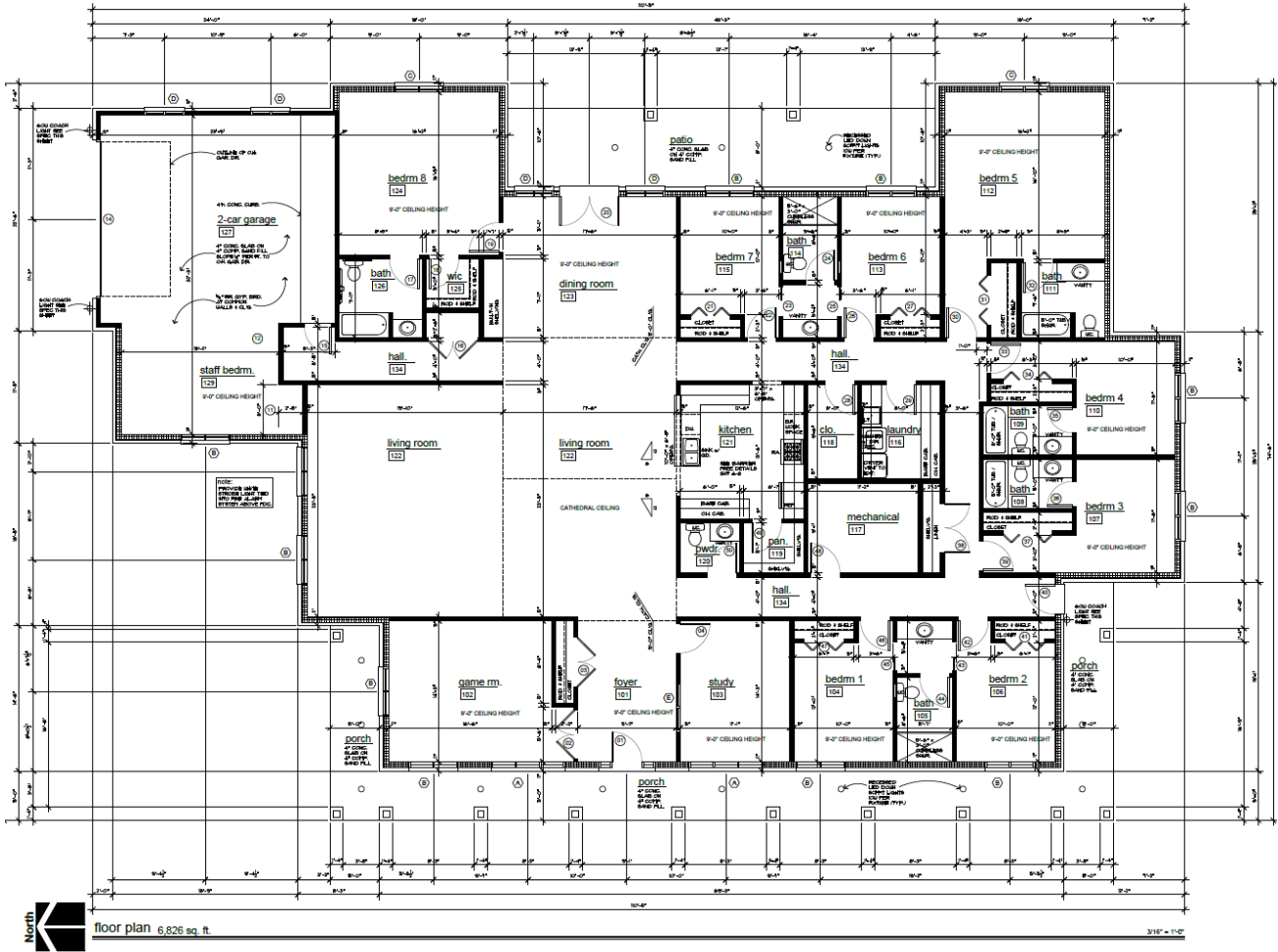
Further, the construction of the original residence at the subject location (and the residence on the adjoining property to the north owned by the same entity) was also subject to the City's Historic District Commission review. The design and appearance of the homes was approved by the HDC. As a part of the discussion regarding the property, the HDC discussed with the applicant the preservation and restoration of the barn that remains a part of the subject site. The proposal that was previously before the Planning Commission referenced the ability of residents of the two (2) buildings being able to utilize the barn as a common element/area. This same type of proposal (resident gatherings, a library, and cozy entertainment space) is also noted in the applicant's letter that was submitted for the current application.

The applicant has provided a five (5) year plan for the restoration of the barn. The plan provides a year-by-year plan to restore and improve the barn and totals \$275,000-\$350,000. Again, the preservation of the barn was a part of the original review and approval by the HDC. If approved, it may be appropriate for conditional use approval to require that a financial surety to be put into place that ensures that the barn restoration and improvements are completed as outlined.

Finally, in speaking with the City DPS (Engineering) Department, there remains a number of inspections and permit finalizations that need to occur relating to the water service and fire hydrant installation that occurred as a part of the original structure that was constructed. Those inspections and permit finalizations should be completed at this time.

# Floor Plan

From the building permit file.





	Zoning	Existing Land Use	Future Land Use
<b>Site</b>	<b>R-1 One Family Residential</b>	<b>Single Family Home – State Licensed Residential Facility</b>	<b>Residential 2</b>
<b>North</b>	R-1 One Family Residential	Single Family Home – State License Residential Facility	Residential 2
<b>South</b>	R-1 One Family Residential	Single Family Home	Residential 2
<b>East</b>	R-1 One Family Residential	Single Family Home	Residential 2
<b>West (across Crooks Road)</b>	R-2 One Family Residential	Single Family Home	Residential 3

### Specific Requirements for Conditional Uses

Criterion:	Staff Comment:
<p>1 <i>Licensing. In accordance with applicable state laws, all state licensed residential facilities shall be registered with or licensed by the State of Michigan, and shall comply with applicable standards for such facilities.</i></p>	<p>The licensing process requires local approval prior to a State license being granted. If approved, the condition should be added that the facility be licensed by the State and shall comply with all applicable standards for such facilities.</p>
<p>2 <i>Separation Requirements. New state licensed residential facilities with seven or more residents shall be located a minimum of 1,500 feet from any other state licensed residential facility with seven or more residents,</i></p>	<p>The subject site does not appear to be within 1,500 feet of any other State Licensed Residential Facility of seven (7) or more residents.</p>

	<i>as measured between the nearest points on the property lines of the lots in question. The Planning Commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or in the City overall.</i>	
3	<i>Compatibility with Neighborhood. Any state licensed residential facility and the property included therewith shall be maintained in a manner consistent with the visible characteristics of the neighborhood in which it is located.</i>	The existing residential structure was constructed with the intention of utilizing it as a State Licensed Residential Structure. The building is not being physically expanded to accommodate the requested increase in licensing. The concern with allowing additional residents within the facility would be the number of family members, caregivers and suppliers coming and going from the site, thereby potentially increasing the intensity of use. This was discussed to a certain degree during the previous application.

## General Requirements for Conditional Uses

Per Section 138-2.302 of the Zoning Ordinance, there are five (5) areas of consideration for the Planning Commission for the discretionary decision of a conditional use. Each of the criterion are listed below in italics, followed by staff comments on the proposed conditional use's compliance with each.

Criterion:	Staff Comment:
1 <i>Will promote the intent and purpose of (the Ordinance).</i>	The One Family Residential zoning districts allow for State Licensed Residential Facilities of 1-6 as a permissible use (consistent with State Statute) and allow State Licensed Residential Facilities of 7-12 as a conditional use approval.
2 <i>Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.</i>	<p>The existing residential structure was designed and constructed with the intention of utilizing it as a State Licensed Residential Facility. There are no planned improvements, modifications or expansions to the exterior of the existing structure.</p> <p>The concern that was raised previously in 2021 and will likely remain is that of traffic. Crooks is a major road, but is only two (2) lanes in this area and there are grade changes that may impact clear vision. Traffic generation for an assisted living facility, which this type of use would most likely resemble operationally, is very low - typically less than three (3) trips per bed per day (assuming that</p>

		residents would not likely be driving or own cars). Given a potential limit of twelve (12) beds, a total of 36 trips could be forecasted for the use. For reference, a single-family residence typically generates approximately 10 trips per day.
3	<i>Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.</i>	<p>The existing residential structure was constructed with the intention of utilizing it as a State Licensed Residential Facility and currently operates with up to six (6) residents.</p> <p>As noted above, traffic should be a consideration of the Planning Commission.</p> <p>Finally, trash removal has been noted in the applicant's letter. If approved, and trash becomes an issue, the applicant shall work to rectify the issue to eliminate any nuisance to general public or abutting neighbors.</p>
4	<i>Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.</i>	In regard to the proposed use, there should be no detrimental, hazardous or disturbing activity to the existing or future neighboring uses, persons, surrounding properties, or to the public welfare with the addition of up to 6 additional residents within the structure and the fact that no exterior modifications are being proposed at this time.
5	<i>Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.</i>	It does not appear that there will be any additional requirements at a public cost for public facilities and services that would be detrimental to the economic welfare of the community.

## Staff Recommendations

The conditional use was noticed for a public hearing. Staff has received numerous comments (approximately 15) from surrounding residents. Most of the comments have not been in favor of the request, stating concerns for overcrowding, traffic, and that the use is not compliant with the surrounding neighborhood. If the Planning Commission agrees that allowing a State Licensed Residential Facility of 7-12 persons will be harmonious and compatible with the surroundings, below are motions for approval for consideration. If the Commission determines the proposed conditional use for a State Licensed Residential Facility of 7-12 persons will not be harmonious, motions for denial have also been provided.

## Motion to Recommend Approval of a Conditional Use

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, 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 to provide for the barn restoration as outlined in the applicant's submittal, as approved by Staff within thirty days of the conditional use approval.
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 general public or abutting neighbors.

## Motion to Recommend Denial of a Conditional Use

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

### Findings

1. The proposed conditional use, particularly the number of residents, staff that operate the facility and anticipated associated traffic with such a use, based on its overall size and intensity are not 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, particularly given the proximity of the abutting residential homes.
2. The proposed additional residents, above and beyond those already permitted onsite, could have a negative impact on the surrounding residential properties by creating excessive noise and disturbances.
3. The existing Barns facility, in its current configuration/size, was permitted by right as a single family residential use pursuant to state statute for 1-6 persons and the fact that the building may have been constructed larger than necessary does not require the City to allow the approval of the conditional use for additional residents.

## Motion to Postpone the Conditional Use

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of File No. PCU2024-0005 (The Barns), the Planning Commission **postpones action** on the **Conditional Use** to allow a State Licensed Residential Facility for 7-12 residents, to allow the applicant to provide (list additional information required).

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