



Rochester Hills

Minutes

Planning Commission

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Chairperson Deborah Brnabic, Vice Chairperson Greg Hooper
Members: Susan Bowyer, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Marvie Neubauer, Scott Struzik and Ben Weaver
Youth Representative: Siddh Sheth

Tuesday, September 19, 2023

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the September 19, 2023 Planning Commission meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

Present 8 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Anthony Gallina, Greg Hooper, Marvie Neubauer, Scott Struzik and Ben Weaver
Absent 1 - Gerard Dettloff

Others Present:

Sara Roediger, Planning and Economic Development Director
Chris McLeod, Planning Manager
Keith Depp, Project Engineer
Jennifer MacDonald, Recording Secretary
Janelle Hays, Rochester Hills Government Youth Council Representative

Mr. Dettloff arrived at 7:02 p.m.

Chairperson Brnabic welcomed attendees to the September 19, 2023 Planning Commission meeting. She noted that if anyone would like to speak on an agenda item tonight or during Public Comment for non-agenda items to fill out a comment card, and hand that card to Ms. MacDonald. She noted that all comments and questions would be limited to three minutes per person, and all questions would be answered together after each speaker had the opportunity to speak on the same agenda item.

APPROVAL OF MINUTES

[2023-0436](#) Draft PC Minutes 08-15-23

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

Aye 8 - Bowyer, Brnabic, Denstaedt, Gallina, Hooper, Neubauer, Struzik and Weaver
Absent 1 - Dettloff

Mr. Dettloff entered at 7:02 p.m.

Present 9 - Susan M. Bowyer, Deborah Brnabic, Sheila Denstaedt, Gerard Dettloff, Anthony Gallina, Greg Hooper, Marvie Neubauer, Scott Struzik and Ben Weaver

COMMUNICATIONS

Chairperson Brnabic noted that the Commissioners received a distribution of the Draft Master Plan Update for the City of Troy along with an invitation to comment on the draft. The Road Commission for Oakland County Third Quarter 2023 Report was also distributed.

PUBLIC COMMENT

Seeing no speaker's cards and no one wishing to speak, Chairperson Brnabic closed public comment.

UNFINISHED BUSINESS**2023-0373**

Public Hearing and Request for Conditional Use Recommendation - File No. PCU2023-0007 - to operate a car wash within the CB Community Business District for the proposed construction of a new Clean Express Car Wash located at 10 E. Auburn Rd., on the south side of Auburn Rd., east of Rochester Rd., Parcel No. 15-35-100-003, zoned CB Community Business District with an FB Flex Business Overlay, Clean Express Auto Wash, LLC, c/o Mannik & Smith Group, Inc., Applicant

(Staff Report dated 9/19/23, Mannik Smith letter dated 8/28/23, Reviewed Plans, Draft Planning Commission Minutes 8/15/23, and Public Hearing Notice had been placed on file and by reference became a part of the record hereof.)

Chairperson Brnabic introduced this item and invited the applicant forward.

Present for the applicant was Craig Van Breman, Chief Development Officer for Express Wash Concepts, and Steven Hermiller, Engineer, Mannik Smith Group Civil Engineering.

Mr. McLeod presented Staff's report, noting that this item was before last month's meeting with a good amount of discussion regarding traffic patterns and circulation on the site. He explained that the site is near the southeast corner of Auburn and Rochester Roads and is zoned Community Business. He pointed out that the site plan and tree removal permit lies within the Planning Commission's purview in terms of approval or denial, while the conditional use is a recommendation to City Council. He reviewed surrounding uses, noting that at the immediate corner is the oil change facility, the future Bank of America lies to the west, Culver's to the east, and Meijer and the shopping center lies to the south. He mentioned that the applicant is proposing to connect to the parking lot immediately to the south. He noted that last month the building was proposed at the west side of the property and the Commission expressed concerns raised regarding traffic flow and criss-crossing traffic, stacking lanes,

and the cross-connection to Culver's and to Meijer. After much discussion the Commission's direction was to revise the pattern on site, and he noted that the applicants have done that, moving the building over to the east side and allowing the exiting traffic from the car wash to come straight out to the exit lane at Auburn.

He noted that the building is proposed at approximately 3,700 square feet, with 14 parking or vacuum spaces and a dedicated stacking lane that holds approximately 20 cars depending on how tightly they stack into two lanes. He pointed out that the cross traffic going east/west out of these two adjacent sites will be controlled by stop signs, so that people coming onto the site or exiting the site from the car wash will have the right of way. He mentioned that there were a couple of different comments remaining for site plan review as there had been a major change coming back before the Commission so quickly, including one raised by the Building Department regarding drainage on the east side of the property. He noted that the applicants have spoken with both the Building Department as well as Engineering regarding drainage, and he mentioned that the site in conjunction with the Culver's site will create a swale that will come to a point at the actual property line. He noted that the drainage will go southward into a stormwater facility. He stated that the City's Engineer feels confident that the system will work and it can all be hammered out in actual engineering drawings at a future date should this be approved.

He stated that in terms of a tree removal clarification, some of the site plan pages indicated that tree removal was for four trees, which would require four replacement trees. He commented that should the Commission decide to move this forward, in the suggested motion in the Staff Report, two should be changed to four. He pointed out that the Tree Removal Permit notice was correctly listing it at four trees. He pointed out that the applicant is seeking a modification to the perimeter landscape for the number of trees planted along Auburn Road. He noted that a plan received today indicates that they are more than willing to plant trees along the west property line in the open area amongst the existing trees being preserved, providing the trees on site in lieu of providing cash for them to be planted elsewhere.

He pointed out that the actual vacuum unit was moved to the back of the site, as there had been concerns raised initially regarding screening the area up front. He reviewed the revised landscape plan.

He mentioned the Staff Report reviewed the conditional use criteria that should be considered in finding for the positive for any recommendation to City Council.

Mr. Van Bremen commented that he thought the team has done a great job working with City staff to make sure they captured everything from a Planning Commission perspective.

Dr. Bowyer asked if Engineering had any problems with flipping the building.

Mr. McLeod noted that Keith Depp was in attendance from the Engineering team if there were any specific questions. He stated that everyone felt that the change in general was positive, as it alleviated a lot of the cross traffic entering

and exiting the site.

Dr. Bowyer asked if the entry pork chop would block people from being able to come into the car wash and make an immediate turn to go to Culver's.

Mr. McLeod responded that one of Planning's comments was that the island should be a little further exaggerated to help further channelize traffic. He stressed that people should not be making a left into the Culver's there, but Culver's traffic can come out and utilize it to turn right exiting the site.

Dr. Bowyer questioned whether the pork chop would be built up with a curb effect so that people cannot take that left, and not just be striping.

Mr. McLeod confirmed that this is the Planning comment that needed to be addressed.

Dr. Bowyer asked if there was any chance that the Culver's traffic would block up the intersection, in which case how would the cars coming off of the car wash lane be prevented from hitting cars waiting to get off the site.

Mr. Van Bremen responded that the system itself is very advanced with anti-collision in the system to ensure there are no collisions within the tunnel. He added that the sites are manned 100 percent of the time while operating with kill switches, and flow should always be managed by on-site staff.

Dr. Bowyer asked why Culver's did not have its own entrance on and off of Auburn Road.

Ms. Roediger responded that from an access management standpoint, fewer curb cuts on a road improve safety and circulation. As this site is in proximity to Rochester Road, they wanted to minimize the amount of curb cuts along the area, and it was actually a condition when Culver's was approved that they would not have a curb cut onto Auburn, recognizing that this is why there is cross access to the stone shop. She noted that Culver's owner called her today and sent an email that indicated that he definitely wanted to maintain that cross access from his property.

Dr. Bowyer asked for confirmation that nobody will be able to try to make a left turn and the pork chop will stop it.

Mr. McLeod responded that legally they will only be able to make a right.

Dr. Bowyer asked if there was a connection to the oil change facility, noting that there will be grass between the end of their asphalt and the asphalt for the Pennzoil drive.

Mr. McLeod responded that there will not be a physical connection there, as right now there is no legal easement to cross or traverse the property line. He noted that if there is asphalt, they would place a temporary curb to force a physical stop at that location until such time an easement is secured for both properties and a physical connection created when appropriate.

Dr. Bowyer commented that she thought it would be good if they had no cross connection. She asked about the markings into and out of the Meijer parking lot and noted that it should be clearly marked so people will not try to come in by bypassing the kiosks.

Mr. Van Bremen responded that one of the most important positions on the site is monitoring the kiosk, and their employees are supposed to be out there 100 percent of the time. He added that by design they are going to be managing who will come in and go out of that entry point.

Mr. Weaver commented that he liked the layout much better. He asked if the building were shifted to the south a bit if that would help alleviate the potential bottlenecks from Culver's.

Mr. Van Bremen responded that it would eliminate some stacking. He pointed out that if someone does stop at the end of the tunnel, the entire tunnel will stop and the automatic system will shut it down.

Mr. Weaver stated that he was in favor of adding trees along the west side of the property line rather than at Auburn Road. He noted that Auburn Road is very busy and he would hate to have any other visual impact while people are trying to pull in and out. He stated that he would advise not crowding the existing trees to put additional trees in. He noted that if there are potential drainage issues, the plants should be able to handle wet feet as even sprinklers will wet the area. He questioned the flow of vehicles when they finish vacuuming and asked if they could sneak into the kiosk line or would have to circle around.

Mr. Van Bremen responded that the vast majority of the customers wash first, so the most natural flow is to wash and then pull back in.

Mr. Struzik asked how many employees would be working during peak time.

Mr. Van Bremen responded it is always at least two, and during peak times of the day it would be three. He noted that sometimes on the weekend a fourth staff member is added. No employees will be hand-drying cars at the exit.

Mr. Struzik stated that he had a lot of concerns with the first plan and felt it was unworkable as to traffic flow. He commented that there was a lot going on more than just mirroring the plan and he likes this plan so much better. He stated that he likes the right-in and right-out at Auburn, and likes the denial of flow from Auburn into Culver's. He noted that he likes keeping the T-bone to nowhere on the west side of the property in the event that the oil change property is redeveloped, commenting that it could eliminate a curb cut on that site in the future. He stated that he likes the idea of planting trees on the west side of the property instead of Auburn Road, and likes that a stop sign will be at Culver's. He suggested that perhaps a sign that says "yield to car wash traffic" or "car wash traffic does not stop" so people understand that the car wash traffic gets to move first and it is not a two- or three-way stop.

Ms. Denstaedt expressed her appreciation for the applicant's due diligence in

hearing what the Commission said and transforming the renderings and plans. She stated that she has a bit of concern with the Meijer side and commented that she would echo Dr. Bowyer in stated that there needs to be signage and people there to prevent cut-ins.

Ms. Neubauer expressed her thanks for their coming back so quickly with plans. She asked if they were able to get in touch with anyone from the Historical Society.

Mr. Van Bremen responded that Dennis on his team was able to contact Tiffany Dziurman.

Ms. Neubauer stated that it is her understanding that the Parks and Building denials have been resolved and only the Planning issues remain with the additional trees and drainage resolution mentioned earlier. She asked if that would resolve those two issues.

Mr. McLeod responded that in terms of Parks, that was mainly a clarification on the number of trees being removed, and that was clarified as four. The main Building component was relative to drainage, and in speaking to both Building and Engineering, they seem satisfied. He stressed that obviously this needs to be seen on a plan eventually, which they will do.

Ms. Neubauer questioned the cross slope verification.

Mr. McLeod responded that this will be a part of their future engineering reviews.

Ms. Neubauer asked if the applicants would be okay with adding the condition to extend the pork chop boulevard in the entry.

Mr. Hermiller stated that he did not see any issues with that; however, he would voice the concern that the adjacent property owner stated that he wanted the traffic.

Ms. Roediger commented that the neighboring property owner did expect to have a cross-access with this property.

Ms. Neubauer stated that she understood, but it is a safety issue.

Mr. Hermiller stated that he was fine with whatever the Commission wanted.

Ms. Neubauer noted that Planning recommended it as a safety issue, and she would agree that it needs to be extended. She asked if the lane direction orientation in the vacuum area had been addressed.

Mr. Hermiller responded that there were arrows shown on the plan and more could be added if they felt they needed better lane directional arrows.

Ms. Neubauer stated that she thought that additional arrows and signage would be something they would want. She thanked the applicant for coming back so quickly and revising the plan.

Mr. Dettloff reiterated that the job the applicant did in such a short time needs to be commended. He thanked the applicant for investing in Rochester Hills and wished them much success.

Chairperson Brnabic stated that she is assuming the Departments are fine with working on drainage issues as it is one of the biggest complaints they hear.

Mr. Hermiller stated that they did address all the issues and met with several people to discuss engineering the drainage. He noted that they did discuss how there is a symmetrical channel that they are not handling only their water, but Culver's is actually draining onto this part of the property. He stated that they are establishing infrastructure that will capture the water that Culver's is not and taking care of both sides.

Chairperson Brnabic asked if the vacuum screening element has been taken care of.

Mr. Van Bremen responded that the vacuum was moved to the rear by the dumpster and screened.

Chairperson Brnabic asked that the EIS be revised to reflect the change in the projected timetable before it goes to City Council.

Mr. Hooper stated that he agreed with all comments this evening and appreciated the applicant working with the Planning Commission and staff on flipping the building.

He moved the motion in the packet to recommend the conditional use approval to City Council. Ms. Neubauer seconded the motion.

Chairperson Brnabic noted that a public hearing was required, opened the public hearing, stated that she had no speaker cards and no one in the audience asked to speak, and closed the public hearing. She called for a roll call vote on the motion. After the vote, she announced that the motion passed unanimously.

Mr. Hooper moved the motion in the packet to approve the site plan, and added the following three condition numbers 3, 4 and 5:

- 3. Increase the entranceway pork chop to the south as approved by Staff, to discourage left turns from Auburn Rd. to the Culver's parking lot.*
- 4. Additional signage to include a yield sign and directional arrows for directional onsite control as discussed and as approved by Staff.*
- 5. Update the Environmental Impact Statement as discussed prior to City Council consideration.*

The motion was seconded by Ms. Neubauer.

After a voice vote, Chairperson Brnabic announced that the motion passed unanimously.

Mr. Hooper moved the motion in the packet for the tree removal permit, noting the modification of finding number two that the applicant is proposing to remove

four regulated trees and provide the four replacement trees, and plant a total of 19 trees. Ms. Neubauer seconded the motion.

After calling for a voice vote, Chairperson Brnabic announced that the motion passed unanimously.

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 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of City File No. PCU2023-0007 (Clean Express Carwash), the Planning Commission recommends to City Council Approval of the Conditional Use to allow a car wash facility at 10 E. Auburn, on Parcel No. 70-15-35-100-0038, based on plans received by the Planning Department on August 29, 2023, with the following findings.

Findings

1. The use will promote the intent and purpose of the Zoning Ordinance.
2. The site has 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 proposal will have a positive impact on the community as a whole and the surrounding area by further offering additional car cleaning options along with additional job opportunities.
4. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The proposed development will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. 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 use shall remain consistent with the facts and information presented to the City as a part of the applicant's application and at the public hearing.
3. If, in the determination of City staff, the intensity of the operation changes or increases, in terms of traffic, queuing, noise, hours, lighting, odor, or other aspects that may cause adverse off-site impact, City staff may require and order the conditional use approval to be remanded to the Planning Commission and City Council as necessary for re-examination of the conditional use approval and conditions for possible revocation, modification or supplementation.

2023-0374

Request for Site Plan Approval - File No. PSP2022-0032 - to construct an approximately 3,677 sq. ft. car wash building with associated exterior cleaning stations for Clean Express Car Wash, located at 10 E. Auburn Rd., on the south side of Auburn Rd., east of Rochester Rd., zoned CB Community Business District with an FB Flex Business Overlay, Parcel No. 15-35-100-003, Clean Express Auto Wash, LLC, c/o Mannik & Smith Group, Inc., Applicant

See Legislative File 2023-0373 for discussion.

A motion was made by Hooper, seconded by Neubauer, that this matter be Approved. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of City File No. PSP2022-0032 (Clean Express Carwash), the Planning Commission approves the Site Plan, based on plans received by the Planning Department on August 29, 2023, with the following findings and subject to the following conditions.

Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the Zoning Ordinance, as well as other City Ordinances, standards, and requirements, can be met subject to the conditions noted below.
2. The proposed project will be accessed from E. Auburn Road but will also provide a cross connection with the abutting sites to the west (future), east and south, thereby promoting current and future safety and convenience of vehicular traffic both within the site and on adjoining streets.
3. Off-street parking areas have been designed to avoid common traffic problems and promote customer safety.
4. The proposed improvements should have a satisfactory and harmonious relationship with the development on-site as well as existing development in the adjacent vicinity.
5. The proposed development will not have an unreasonably detrimental or injurious effect upon the natural characteristics and features of the site or those of the surrounding area.
6. The requested landscaping modification request, to not plant the required parking lot perimeter trees, is acceptable based on the limited area for planting and that the applicant will plant the required trees along the west property line as shown on the revised plan (to be approved by staff), and as discussed at this meeting.

Conditions

1. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff including all comments noted on the site plans and staff reports contained within the Planning Commission packets.
2. Provide a landscaping bond in the amount of \$70,700 based on the cost estimate for landscaping and irrigation (as adjusted reflecting the updated landscaping plans and cost estimates), plus inspection fees, as further adjusted as necessary by staff, prior to temporary grade certification being issued by Engineering.

3. Increase the entranceway pork chop to the south as approved by Staff, to discourage left turns from Auburn Rd. to the Culver’s parking lot.
4. Additional signage must be installed, to include a yield sign and directional arrows for directional onsite control as discussed and as approved by Staff.
5. Update the Environmental Impact Statement as discussed prior to City Council consideration.

2023-0375

Request for Tree Removal Permit Approval - File No. PTP2023-0009 - to remove two (2) regulated trees and to provide two (2) replacement trees with a total of 21 trees to be provided for Clean Express Car Wash located at 10 E. Auburn Rd., on the south side of Auburn Rd., east of Rochester Rd., Parcel No. 15-35-100-003, zoned CB Community Business District with an FB Flex Business Overlay, Clean Express Auto Wash, LLC, c/o Mannik & Smith Group, Inc., Applicant

See Legislative File 2023-0373 for discussion.

A motion was made by Hooper, seconded by Neubauer, that this matter be Granted. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. PTP2023-0009 (Clean Express Carwash) the Planning Commission grants a Tree Removal Permit, based on plans received by the Planning Department on August 29, 2023, with the following findings and subject to the following conditions:

Findings

1. The proposed removal and replacement of regulated trees is in conformance with the City’s Tree Conservation Ordinance.
2. The applicant is proposing to remove 4 regulated trees, and provide 4 replacement trees, and plant an overall total of 19 trees (replacement plus required trees) onsite.

Conditions

1. Tree protective fencing, as reviewed and approved by the City staff, shall be installed prior to temporary grade being issued by Engineering.
2. No payment into the City’s Tree Fund is proposed at this time.
3. Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff including all comments noted on the site plans and staff reports contained within the Planning Commission packets, specifically the Parks and Natural Resources Department.

NEW BUSINESS

2023-0426

Public Hearing and Request for Conditional Use Recommendation for the Brunch Bar for alcoholic beverage sales for onsite consumption at 90 E. Tienken Rd., located on the south side of Tienken and east of Rochester Rd.,

Parcel 15-11-103-303, Thomas Christoff, TCA Group LLC, Applicant
(Staff report dated 9-6-23, Cover letter, Business Plan, Floor Plan, Site Plan, Application, Proof of Ownership and Public Hearing Notice had been placed on file and by reference became a part of the record hereof.)

Chairperson Brnabic introduced this item and invited the applicant forward.

Present for the applicant were Gregory Need, Adkison, Need, Allen, & Rentrop, PLLC, and Tom Christoff, Stacy Sathis, and Peter Christoff, TCA Group, LLC.

Mr. McLeod explained that this is a request for a conditional use recommendation for the sales and consumption of alcohol at 90 E. Tienken Rd., a former Big Boy restaurant. He noted that TCA Group, applicant, is looking to convert the location into a brunch bar. He reviewed the City Walk development, noting that it was approved as a Planned Unit Development, which does allow for eating and drinking establishments as a permissible use. He stated that upon reviewing the request with the City Attorney, it was felt best that this be brought forward to the Commission and ultimately to City Council as a part of the Conditional Use process to handle all of the consumption of alcohol premises in a similar manner.

He reviewed the existing dining room layout and noted that it would be finalized at a later date. He explained that the applicant is proposing more of a breakfast, brunch and early lunch menu, operating from 7 a.m. to 3 p.m., unlike what the Commission is used to seeing. He stated that indoor and outdoor seating is proposed, and noted that the previous restaurant had outdoor seating. He mentioned that the applicant's business plan indicated employment of 30 to 36 employees on the site overall. He noted the surrounding uses, and stated that there is industrial to the north, Neighborhood Business with Flex Business on the site itself, and one family residential to the east but that is blocked by CityWalk. He stated that he did not think that there was any noise or potential nuisance that would get through a multiple-story building and commented that this use is fairly well insulated in terms of the overall area. He noted that the Staff Report contained a review of the five specific standards the Commission would need to find for the positive in reviewing the use.

Mr. Need stated that they are excited to bring the brunch bar concept to Rochester Hills. He explained that this is the redevelopment of the Big Boy into an upscale brunch restaurant with a variety of specialty breakfast dishes and lunch options. He stated that the liquor service specializes in breakfast cocktails although there is a full bar as well. He mentioned that his clients have extensive experience in the restaurant business, with Tom and Stacy responsible for day-to-day operations having over 40 years of experience in all facets from food service and food preparation to staffing. He noted that they are requesting recommendation for the conditional use and have filed their application for transfer of an existing liquor license into the city with the City Clerk. He stated that they believe they have met all of the standards of the ordinance for a favorable recommendation.

Chairperson Brnabic stated that she can appreciate their collective experience in operating a restaurant and believes the food and surroundings will be very

nice. She expressed concern regarding bars serving alcohol at 7 a.m. in that vicinity, noting that North Hill Elementary is located in the subdivision behind the City Flat apartments directly to the south of City Walk plaza. She commented that school starts at 8:55 a.m. and the school can be reached by the first street after the plaza or off Rochester Road; and stated that there will be parents driving their kids to school, buses and students walking along with work traffic. She stated that it is probably safe to say that someone could come in and have more than one drink by 8:30 a.m., and like any other bar, some customers will come in just to consume alcohol and skip the food menu. She pointed out that the summary of operation states that the bar will be the focal point of the restaurant. She stated that to her knowledge they would be the first in the city to serve alcohol at 7 a.m. She mentioned there was another brunch restaurant across the street, RH Social, but they do not open until 11 a.m. She commented that she would not look forward to others joining in their competition across the city.

Mr. Dettloff stated that while this is a first and an up-and-coming concept, he would agree with Chairperson Brnabic's concerns about opening at 7 a.m. He asked if there was any consideration given to staying open later or adjusting hours.

Tom Christoff responded that the concept they want to operate in the city is that which has been presented. He explained that they currently operate a business in Woodhaven, Michigan, and at that location they open at 8 a.m. He stated that if that would make it better for the Commission's consideration, they would have no issues with that. He noted that this concept has been in place for about 2-1/2 years now. He stated that they used to operate for full breakfast, lunch and dinner, but moved into this concept going forward. He noted that they would be okay with operating from 8 a.m. to 3 p.m.

Mr. Dettloff questioned what type of crowd they would capture at 7 a.m., and stated that he would suggest they consider adjusting their hours a bit. He asked if the liquor license would be transferred in.

Mr. Need responded that it is a license that they would purchase and bring in from the outside.

Mr. Dettloff stated that this has been somewhat of a dead corner since COVID. He asked if there have been any issues with their other location in opening early.

Tom Christoff responded that they have been serving alcohol at the Woodhaven location since the early 90s, and explained that they used to operate from 6 a.m. until 10 p.m. He noted that they have not had a violation with regard to serving alcohol the entire time at that location.

Peter Christoff noted that the location in Woodhaven is less than a half-mile from the Ford Stamping plant and is right on I-75. He explained that the plant runs three shifts and they have people getting off from the plant at early hours of the morning, and they have never had an issue like that.

Ms. Roediger mentioned that the City did give one of its quota licenses to the Jagged Fork, which is a very similar concept. She noted that they open at 8 a.m. and are in the Village of Rochester Hills. She added that there is at least one in downtown Rochester where the Rochester Brunch House is open from 8 a.m. to 3 p.m. She noted that both of those locations have continuous lines out the door.

Mr. Dettloff stated that in his opinion he would ask that they consider 8 a.m. versus 7 a.m.

Tom Christoff stated that this is something they could change before they leave here this evening if it would make it more accommodating.

Chairperson Brnabic stated that she personally would like to see 9 a.m.

Ms. Neubauer asked the name of the Woodhaven restaurant.

Tom Christoff responded that it is Christoff's Restaurant.

Ms. Neubauer asked if Jagged Fork has a full open bar.

Ms. Roediger responded that they have mimosas and specialty drinks based on the season, along with spiked coffees.

Ms. Neubauer commented that she thinks that breakfast cocktails are different than having a full open bar at 7 or 8 a.m.

Tom Christoff responded that the majority would be specialty cocktails, and in describing it as a full bar, they just do not want to say they're limiting it to five drinks. He commented that the breakfast cocktails would consist of 10 to 12 different drinks, a couple of different beers and a couple of different wines. He stated that he does not know that he would compare it to an absolute full-scale bar, such as a Hamlin Pub.

Ms. Neubauer stated that she knows there are girly drinks that are served with breakfast, but the presentation stating full bar confuses her. She commented that while she does not think anyone will go at 7 a.m. and get drunk off of mimosas, but it would be an attractive place for someone who is desiring that kind of environment. She stated that those are early hours for a full bar close to a school. She commented that while she doesn't think that anyone would skip breakfast and go for a drink, at 7 a.m. someone may not be hungry for food.

Chairperson Brnabic commented that the alcohol content in a breakfast drink would not be any different than if someone came in and ordered any other drink like a rum and coke. She questioned the 12 drinks.

Tom Christoff responded that they have between 10 and 12 signature drinks.

Chairperson Brnabic asked if someone ordered a draft or bottle of beer or a rum and coke if they would be able to order one.

Tom Christoff responded yes that they could.

Mr. Gallina stated that he did not have a problem with the alcohol, but would definitely support starting at 8 a.m. He commented that while he does not partake in alcohol, there is another establishment he frequents for breakfast with clients. He stated that the concept is popular. He asked about the outdoor seating and questioned the loud noise if it fills up at 8 a.m.

Mr. Struzik stated that with alcohol, there are always concerns of responsible consumption, whether it is 7 a.m. or 1 a.m., and he commented that alcohol kills a lot of people in this state and in the country. He concurred with Chairperson Brnabic's concerns with the school being nearby, and stated that he would not want someone to start consuming at 7 a.m. and then perhaps hit Rochester Road under the influence. He concurred with pushing the opening to 8 a.m., they would never be able to alleviate all of the concerns, but it would help.

Dr. Bowyer commented that when she pulled up information on their current restaurant, it looked like they had five breakfast drinks with mimosas, and the price point was up there. She stated that she would not get drunk on their prices, and mentioned that it looked like there were variations of the mimosas.

Tom Christoff responded that there would not be 30 drinks and would be 10 to 12, more than the five currently served in the current location.

Dr. Bowyer pointed out that it looks like they only have Stella and Bud Light for beer choices.

Tom Christoff responded that the beer choices would be minimal.

Dr. Bowyer noted that there were only four wines to choose from. She commented that it looks like it is a breakfast place with a few specialty drinks. She noted that she doesn't see the difference between 7 a.m. and 8 a.m., and commented that if she were stopping to have breakfast before work, she would have it at 7 a.m. She noted that they have a really nice menu that looks to be a bit more upscale than Ram's Horn. She asked what time Hamlin Pub opens on weekdays, and noted a response that it was 11 a.m. She commented that it is a nice restaurant and looks forward to it.

Mr. Weaver stated that he would echo Dr. Bowyer and Mr. Struzik noting that there is a risk having a school nearby for an establishment selling alcohol; however, an upscale brunch house is not going to draw the type of clientele that would start pounding whiskey or beers at 7 a.m. He commented that he thought it would lean more toward a breakfast meeting, whether they have a beverage or not. He stated that his hunch is that they would sell more alcohol on the weekends. He commented that he does not see a reason to deny the request based on his conversation, and believes that it would be a very successful business there.

Mr. Hooper stated that he currently works in Flat Rock and did not realize Christoff's was their place. He commented that it is a busy place and a good restaurant, and the menu looks good. He stated that it will be a hit in Rochester

Hills, and looks to be more of an upscale brunch thing that is a current trend. He pointed out that in looking at the menu, the alcohol is a low-key item.

Tom Christoff stated that at their current location, there is not a sit-down bar. At this location, they will have one. He noted that at their current location, people will stop in after getting off their night shift; however, in his experience they have not come in and gotten drunk. He added that they are very hands-on operators and are not putting up a restaurant to leave for someone else to run. He stated that this probably has a lot to do with why they do not have any violations and they pride themselves on that going forward.

Mr. Hooper noted that they have an 8 a.m. time at Christoff's and asked for the applicants' confirmation that they would mimic that same time.

Tom Christoff responded that they would have no issues to change from 7 a.m. to 8 a.m.

Mr. Hooper stated that he supports the request.

Ms. Denstaedt asked if they knew their alcohol sales between 8 a.m. and 10 a.m.

Tom Christoff responded that he did not.

Ms. Denstaedt asked if it would be a bar or more of a place to sit down and have a quick breakfast.

Tom Christoff responded that there would be a person behind the bar, but they would also be making different kinds of coffees as well.

Ms. Neubauer asked if how similar the menu would be to Christoff's.

Tom Christoff responded that the food menu would be smaller but the drink menu would be larger. He commented that it has become difficult to maintain the execution of their current menu and they would never open another place with a menu of that size. He stressed that the menu would not be made smaller with the idea of selling more alcohol.

Ms. Neubauer stated that it would have been more helpful for her to make a decision if there was a menu provided for both drinks and food. She commented that she does not think that the alcohol focal point will drive the success of their business.

Ms. Sathis stated that she makes most of the drinks at Christoff's and noted that between 8 and 10 a.m. they probably serve between six and eight, and on the weekend it's obviously higher. She noted that typically after 11 a.m. they start serving more mimosas.

Ms. Neubauer asked if the alcohol hours could be adjusted.

Tom Christoff responded that this is something they would not be interested in

changing. He stressed that changing the opening hours from 7 and 8 a.m. would be acceptable; but they would not adjust the concept.

Ms. Neubauer stated that to her this means that this is really an alcohol-driven business.

Ms. Sathis asked if Ms. Neubauer had been to the Rochester Brunch House.

Ms. Neubauer responded yes.

Ms. Sathis pointed out that Rochester Brunch House has a bar right when first walking in their front door and they serve similar drinks; and she noted that this will be along the lines of that.

Ms. Neubauer stated that she would have to see a menu in writing to make that comparison. She stated that at this point she cannot see the apples-to-apples comparison and pointed out that their other restaurant does not have a bar manned by a bartender.

Chairperson Brnabic stated that while upscale is nice, status and income does not guide someone to not have one too many. She commented that a lot of people in upscale high status positions have an alcohol problem. She stated that she is not insinuating that anyone would come in there that has an alcohol problem, but to focus on it being upscale and saying that would not happen with that crowd, she does not believe that to be true.

Mr. Dettloff stated that he can see they used Atkinson Need, and in his opinion they are the best. He asked if liquor liability insurance premiums are impacted by serving early.

Tom Christoff responded that he does not know the answer to that, and commented that they have always paid the same premium and does not know if it incurs a higher cost. He stated that if they pay more, it is a minimal fee. He commented that he believes that on Sundays there is an added fee to the yearly license.

Mr. Dettloff asked what license they were purchasing and asked if it was an escrow license.

Tom Christoff responded that they were purchasing one from another business in Oakland County.

Mr. Dettloff stated that after hearing the discussion, he would support it because it would be brunch. He noted that based on the response to the Jagged Fork and the place in downtown Rochester being tremendously successful, and their great track record based on their current operations, he does not have a problem with it. He thanked them for at least considering to adjust the hours.

Mr. Struzik stated that once they have satisfied the requirement for the public hearing, he would like to make a motion.

Chairperson Brnabic opened the public hearing, and noted that she did not have any cards, nor anyone expressing a desire to speak. She then closed the public hearing.

Mr. Struzik made the motion in the packet, including an additional condition that alcohol will not be served before 8 a.m. The motion was seconded by Mr. Hooper.

After calling for a roll call vote, Chairperson Brnabic announced that the motion passed 7-2, with Chairperson Brnabic and Ms. Neubauer voting nay. She congratulated the applicants and noted that they would move forward to City Council for final approval of the conditional use. She reiterated that they have agreed to not serve alcohol before 8 a.m.

Tom Christoff confirmed that was correct and they would make that change.

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

Aye 7 - Bowyer, Denstaedt, Dettloff, Gallina, Hooper, Struzik and Weaver

Nay 2 - Brnabic and Neubauer

Resolved, in the matter of File No. PCU2023-0008 (The Bruch Bar), the Planning Commission recommends to City Council Approval of the Conditional Use to allow sales for on premises alcoholic beverage consumption associated with a restaurant use, based on documents received by the Planning Department on August 3, 2023 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 proposed restaurant use should have a positive impact on the community as a whole and the surrounding area by providing additional eating and gathering opportunities within the Neighborhood Business District and Citywalk Development.
4. The existing building and proposed use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, water and sewer, drainage ways, and refuse disposal.
5. The existing building and proposed use should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
6. 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. Alcohol will not be served before 8:00 a.m.

2023-0438

Public Hearing and Request for Conditional Use Approval for ArtLab J, a health, recreation and physical education facility to occupy space in the EC Employment Center zoning district at 1841 Northfield Dr., located north of Auburn Rd., and east of Crooks Rd., Parcel No. 15-28-352-005, ArtLab J, Joori Jung, Applicant (*Postponed*)

Mr. McLeod noted that the applicant was not able to place their conditional use signage out in front of their property, and this was discovered at the time that this item was noticed. He stated that this would have to be postponed. He stated that Staff would recommend that if anyone has come to speak at the public hearing that their information could be taken into account; however, they plan to bring this back before the Planning Commission at next month's meeting.

Chairperson Brnabic asked if anyone in attendance wished to speak, and saw no one. She stated that it would be advertised and placed on the next agenda. She asked for a motion to postpone.

Mr. Hooper moved to postpone, and it was seconded by Ms. Neubauer.

After a unanimous voice vote, Chairperson Brnabic noted that this item was postponed.

A motion was made by Hooper, seconded by Neubauer, that this matter be Postponed. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, in the matter of File No. PCU2023-0010 (ArtLab J), the Planning Commission postpones action on the proposed conditional use to allow the applicant ample time to install the required conditional use sign onsite and allow the application to be renoticed.

DISCUSSION

2023-0268

Presentation of the Adopted Preliminary Historic Districts Study Committee Report for the Winkler Mill Pond Historic District Boundary Change (*Staff Repot dated 9-19-23, Draft HDSC Minutes of 8/10/23, 6/01/23 and 3/9/23, McLeod memo to HDSC of 8/3/23, Kidorf Staff Reports of 8/1/23 and 3/1/23, Preliminary HDSC Report, Winkler Mill Pond Survey Report dated December 2022, Winkler Mill Map and Inventory from 2002, Included and Excluded Property Survey Sheets, Research Sources, and City Council Resolution 2023-0165 had been placed on file and by reference became a part of the record hereof.*)

Chairperson Brnabic introduced this item and asked if there was anyone in attendance from the historic district.

Mr. McLeod explained that the Winkler Mill Pond Historic District has been reviewed over the course of the last 20-odd years, and stated that there are a number of properties within the district itself that are considered to be non-contributing. He noted that going all the way back to 2002, the study indicates that the City should consider removing them. He explained that in 2019 the City started that process as a part of a consistent review of historic districts. The study has now been completed and has re-verified the fact that there are a number of properties that should come out of the Winkler Mill Pond Historic District to more accurately reflect the period of influence that the district is designed to protect. He reviewed the district's current configuration on the screen, and noted that the graphic showed the contributing and non-contributing buildings and properties. He reviewed a red line which is proposed to become the new historic district. He pointed out an area where the pond would stay in the historic district while the house was out. He noted that if a house were to be built, it would be able to be built without historic regulations; while a boathouse on the shoreline would be in the district as the pond itself is a part of that historic element. He noted that while this really simplifies what has been going on, the Historic Districts Study Committee has approved the preliminary re-survey study. The plan is distributed to the Planning Commission as required by State Law and also to the State Historic District Commission, who will take a review of the survey up on Thursday and respond back.

He mentioned that a public workshop was held for all of those people within the district itself, and both those who are proposed to stay in the district and those proposed to be removed were invited. He reported that several residents attended to provide their commentary and two were quite happy to be out of the district. One was going to propose to be out, and now wants to go back in; so they will be talking to the Historic Districts Study Committee about that request. He stated that this is scheduled to go to Public Hearing at the Study Committee on October 12; and once they feel it is appropriate, they will make a recommendation to City Council, who will make the final determination as to whether the District should be amended or not.

Chairperson Brnabic commented that she thought the history was really interesting and she would agree with the re-survey and redrawing the lines. She saw that no one else wished to speak, and asked for a motion.

Mr. McLeod noted that the motion would be that the Planning Commission has received and reviewed the preliminary report and either accepts the report as written or accepts it with any additions or corrections.

Mr. Hooper moved the motion in the packet to accept the report as written. Ms. Neubauer seconded the motion.

After a voice vote, Chairperson Brnabic noted that the motion passed unanimously.

A motion was made by Hooper, seconded by Neubauer, that this matter be Approved. The motion carried by the following vote:

Aye 9 - Bowyer, Brnabic, Denstaedt, Dettloff, Gallina, Hooper, Neubauer, Struzik and Weaver

Resolved, the Planning Commission has received and reviewed the adopted Preliminary Winkler Mill Pond Historic District Re-survey Committee Report and accepts the Preliminary Report as written.

2023-0439

Discussion Regarding Amendments to the City's Ordinance to Allow for the Keeping of Chickens

(Staff Report dated 9-19-23, Draft Amendment Chapter 138-4.438, City Map with Affected Parcels, and Planning Commission Minutes of 7-18-23 were placed on file and by reference became a part of the record hereof.)

Mr. McLeod noted that as it was discussed several months ago, the Zoning Board of Appeals has seen several different applications for the keeping of chickens on parcels that may be less than one acre in size, which is the current regulation. He noted that the current ordinance is fairly simple, and in speaking with Jodi Welch, Manager of Ordinance Services, there might be the need to provide some additional language even if not changing the size of the properties. He stated that two different discussions ultimately need to occur; one is for the potential language addition, and one whether the City wants to entertain a smaller lot size. He explained that City staff receive on average five to 10 inquiries per month for chickens; and in most instances they are told that their lot is not of sufficient size.

He stated that two applications have come forward, and one has never truly formalized. He noted that they took a look at the overall number of properties that may become eligible based on a simple calculation of lot size. He explained that right now the parcels of one acre or more total about 1,100, and he mentioned that there are some properties that would be excluded from this such as Oakland University's open space. He said the number of parcels also does not take into account any deed restrictions or subdivision regulations. He noted that if the lot size was reduced to a half-acre, that would potentially open it up to about 3,100-3,200 parcels, also not taking into account any subdivision or deed restrictions. He commented that it would be an impossible undertaking to go through every single subdivision's bylaws or deed restrictions; however, this rough calculation gives the Commission some context and shows where lot sizes of that nature generally occur within the city.

He reviewed the draft amendments, noting that Staff looked not only at the City's ordinance, but comparable community ordinances and best practices. He noted that even if lot size is not considered, the proposed amendments are still things that the Commission may want to look at. He stated that for parcels between one-half and one acre, it would be kept to a maximum of six chickens; and above one acre it would go to the current standard of 12. He noted that roosters are prohibited right now; by not technically being prohibited but by the fact that roosters are the loud ones and the ordinance does say that if a nuisance is created by excessive noise, Code has the right to go in and take the chickens away. The proposed amendments would specifically prohibit roosters, which is fairly standard in most ordinances. He pointed out that there would be no slaughtering at the property itself. Also, letter E states that

chickens would be kept within an enclosure which includes both a coop as well as a fenced-in area; as right now, someone could make the claim that chickens can run free on their property. He added that they are looking at some setbacks for the rear yard, 10 feet from the side yard, and 40 feet from any residential structure on adjacent property, which would try to eliminate some of those odor concerns. Letter G would prohibit ground feedings and mandate that sanitary conditions must be kept to try to get rid of the potential for rodents.

Chairperson Brnabic asked how it would be determined whether a chicken coop was designed, constructed and considered harmonious and appropriate with the general area it is located.

Mr. McLeod responded that the ordinance would ensure that it was built to the standards that the City expects in terms of a residential accessory structure, rather than be a makeshift structure. He used the example that a tin type or corrugated material would not be normal for a residential type accessory structure and Code would be the ones to review it and have the ability to deny it or request a modification of materials.

Chairperson Brnabic commented that it could be a matter of opinion and would question the way it is written.

Mr. McLeod stated that there is some subjectivity to it, and there are so many materials out there and different scenarios for different areas of the city.

Chairperson Brnabic noted that the ZBA saw two extreme opposite examples, with one design that was cute and amazing and the next person having wire and the bare minimum for the coop. She stated that she believed that there will be HOAs that decide to amend their bylaws to prohibit chickens.

Ms. Denstaedt asked if there was the ability to put provisions into draft on what materials could be used for the coops so there is consistency.

Mr. McLeod responded that at this point nothing is off the table. He commented that he is not sure what there is as far as best practice as far as materials; and he asked if the City were to go down this road, what would be the materials that they would be willing to accept.

Ms. Denstaedt stated that there would be a great variety of structures with some being really beautiful and some weird. She asked if there was a way to mention during fielding calls that they should check with their HOAs, as she knows that her HOA will not allow them.

Mr. McLeod suggested it might be more of an application requirement where they need to provide a sign-off from their HOA; however, he did not see why that would be something that could not be added to the process if they go down that road.

Ms. Neubauer asked what surrounding communities allow this.

Mr. McLeod responded Troy allows chickens, along with Auburn Hills. He

stated that this is similar to the Auburn Hills ordinance they looked at. He mentioned that he thought Shelby did as well.

Ms. Neubauer asked if the Commission could get copies of their ordinances regarding chickens so that the language could be compared.

Mr. McLeod responded that could be done.

Chairperson Brnabic noted Royal Oak and Ferndale were two cities mentioned.

Mr. McLeod stated that for the more urban locations, where urban farming is anticipated to be prominent, most of them allow it.

Ms. Neubauer asked if Bloomfield Hills allows it and suggested areas within a 20-30 minute drive.

Mr. McLeod responded that he doesn't think they looked out toward Bloomfield Hills, but they could definitely look at it.

Chairperson Brnabic asked if there was a comparison at this point for neighboring city ordinances in regard to keeping of chickens.

Mr. McLeod responded that they looked at a total of five or six different ordinances and a lot of them are based off of a model ordinance that was created a while back, with a lot of repetition. He noted that some communities start to not allow chickens by dictating great distances from any residence which effectively zones them out. He commented that he can provide the samples they looked at and perhaps expand a little bit to get additional samples.

Mr. Dettloff noted the language that they have to be kept in an enclosure and asked if that meant they had to be kept inside the coop all day or could go out within the enclosed area on the ground. He commented that he was surprised that there were that many calls per month.

Mr. McLeod responded that they could go out on the ground within the enclosure. He stated that they were actually quite surprised about the number of calls, but the Building Department has logged them, and they fluctuate between five to 10 calls a month.

Mr. Dettloff stated that this is just for pets or laying eggs because obviously the City would restrict the slaughtering of them.

Mr. McLeod responded that a lot of people see them as pets, many use it as a family bonding experience to show kids how people on the farms live, and there is the egg component as well. He explained that the Zoning Board of Appeals heard that these chickens ultimately become a part of the family like a dog would.

Mr. Dettloff stated that he has no problem with the language and asked what Staff was looking for from the Commission this evening.

Mr. McLeod responded that this was just discussion, and noted that if the Commissioners said that they were not interested, the conversation would be over. If the Commission wanted more information to look at or to keep the conversation going, eventually they would look for a determination whether they wanted to take it to a public hearing.

Dr. Bowyer stated that she has had chickens and raised them on a farm up in Imlay City and they had anywhere from 12 to 20 at a time. She noted that they got a lot of eggs but also had coyotes and foxes and something always killing them. She commented that she would want people to know that if they have chickens that foxes and coyotes would probably kill them and the City would not mount a campaign to go out and start culling coyotes. She commented that she can see having chickens as pets, but they get old and how would they tell them that they could not use that chicken for meat once they stop laying eggs.

Mr. McLeod responded that the ordinance would say that they cannot take care of the chicken on site and would have to take it somewhere else to be processed.

Dr. Bowyer stated that she can see them being set free on the property around the city. She commented that she sees all the drawbacks, and would want a coop not in proximity to the neighbor, and can see wherever the coop is located that coyotes and foxes would get at them. She stated that the neighborly thing to do is to have a coop with a huge distance setback to the neighbors. She commented that she thinks it should be five acres, but knows that people want the agricultural experience.

Mr. Struzik stated that he has an open mind going into this, and has a few friends that live in the city that want to have chickens. He commented that ultimately the HOAs will have the say in many locations. He asked if an ordinance could go into effect in a future date, perhaps a year from when Council adopts it to allow the HOAs time to make a rule change if needed and avoid any legal battles.

Mr. McLeod responded that he did not know if he would recommend a year, and thought that within reason, they could probably push the effective date out a little bit.

Chairperson Brnabic noted that one speaker's card was received.

Amanda Whybrew, 156 Shadywood Road, stated that she has over an acre and has 12 chickens. She pointed out that she sees a disconnect between proposed letters E and F and stated that the language says that the coop has to be an enclosure and the enclosure including the run and the coop cannot be more than 36 square feet. She stated that this is entirely not enough room and they would be inviting disease and would not be good for the general health of the chickens. She added that it would invite more vermin just by the general upkeep of the coop. She stated that she would put three chickens in that space. She noted that her coop is 8 by 10 feet, and is 80 square feet for 12 chickens. She stated that chickens get bored in the wintertime and start picking on each other. She mentioned that they do not lay eggs forever and when they get to a

certain point she has to cull them, and they are buried with cinder blocks on top. She stated that hawks are her biggest issue, and another is neighborhood dogs, along with feral cats and possum. She commented that coyotes run through but have never bothered them. She stated that she lets her chickens out and they listen better than her kids. She offered advice on how to make the coops designed in a way that things will not kill the chickens.

Chairperson Brnabic thanked Ms. Whybrew for relating her experience, noting that it was a good point that the square footage is too small.

Ms. Neubauer asked Ms. Whybrew if she could write an email to the Planning Department to provide this information in more detail - sharing her concerns and relating how it would be an effective ordinance for those on 0.5 acre. She commented that a lot of the schools have chicken programs and she thinks this has sparked a lot of interest in the community.

Ms. Whybrew stated that she also has a presentation that her fifth grader put together to give at school with basic information and would provide it to the Commission. She commented that this is important to her as any changes could affect her as well. She stated that she felt the requirements for different property sizes need to be separated as those on a half acre are dealing with different issues.

Mr. Weaver stated that he has zero experience with chickens, and is not opposed to chickens; but based on what he is learning he would ask what doors they are opening up if they allow this. He asked how many complaints they get per month regarding chickens.

Mr. McLeod responded that he would say there is a handful, but it is not a regular occurrence. He noted that typically someone will call and say that the chickens are a nuisance, usually noise. Code then inquires about it and it never gets to the point of an enforcement. He commented that there are a couple of repeat offenders according to Code Enforcement, but for the most part it is a one-and-done solved problem.

Mr. Weaver commented that based on what he is hearing, he tends to agree that one acre is probably a good size to limit it because if it is lowered to a half acre, the complaint number would go up. He added that they might want to set some minimum standards of what to accept so it is not a ramshackle structure. He stated that he does not want to rely on HOAs to govern.

Ms. Whybrew commented that the Building Department put out a packet of guidelines for them when they did their basement, and suggested that this could be extremely helpful.

Mr. Weaver asked if the City would be requiring or requesting permits for the number of chickens to make sure that someone wasn't keeping 20 on their acre parcel.

Mr. McLeod stated that this is something that could be done, as there are communities that do, with an annual inspection or an annual license. He noted

that this was discussed relative to parcel size and would discuss with Code Enforcement as to whether they felt this is something that could be handled administratively.

Mr. Weaver stated that he is not suggesting that every year a crew would have to go out and inspect, and pointed out that for dog licenses it is mostly an honor system. He commented that if there are complaints, that is where enforcement would come in.

Mr. McLeod stated that this is how one of the cases came to the Zoning Board of Appeals. He noted that the enforcement actions would still be in place. He asked if it was a matter of whether they want to go more complaint-driven or to take a different approach and get more involved to be more proactive on smaller parcels. He noted that it would be whatever the Commission feels is appropriate.

Mr. Weaver stated that he thinks an acre would be more appropriate than a half-acre, as this is too tight of a space.

Mr. Hooper stated that he would not support a half-acre and would not consider going less than one acre. He asked for clarification about the enclosure size and fenced area suggested. He mentioned the draft setbacks, noting that 40 feet from his neighbor seemed very close. He commented that if the Commission wants to walk down this path, it needs to be more stringent. He questioned whether this was a solution in search of a problem, noting that they are chasing five to ten inquiries a month for a community of 80,000 people. He suggested that this could be a solution that creates a huge problem.

Mr. McLeod responded that while this is not the norm, it is a trend that more and more communities want to do. He commented that with any change there is the potential for growing pains, and that is why this is being kept at the discussion level at this point. He noted that this has been discussed at least once or twice in the past, and suggested that the Commission at least consider some of the additional provisions to make sure that the ordinance and the way that chickens are kept in the community regardless of lot size is done in an acceptable manner.

Mr. Hooper stated that the size can be a separate conversation. He mentioned where he is currently working, a rooster on adjacent property can be heard a quarter-mile away. He added that slaughtering is possibly the wrong word to use, and suggested harvesting.

Chairperson Brnabic stated that ordinance or not, people are keeping chickens across the city. It came to the attention of the ZBA due to a complaint. She stated that she wanted it discussed and there to be a possible option.

Ms. Whybrew stated that she moved in Christmas of 2018 and brought her chickens from Kentucky. She commented that her neighbors were at first curious, and one neighbor comes over all of the time for eggs. She noted that neighbors on the other side have ducks. She mentioned that she did hatch a rooster this spring and she rehomed him. She pointed out that it costs money

to build a coop, and they need 11 hours of daytime to produce an egg every 26 hours. She noted that they lay for three to five years, but can live from seven to 10 years so people will get rid of them after they are not laying anymore. She stressed that if they are going to go forward with a half-acre there should be some good guidance.

Mr. Struzik thanked Ms. Whybrew for coming to be a part of the discussion. He mentioned that his daughter was friends with Ms. Whybrew's daughter and they know each other. He asked what contains the chickens in her yard.

Ms. Whybrew responded that it is an enclosed run and the coop built in it is off the ground to maximize ground space. She noted that they recently added an automatic door. She noted that they used four-by-fours and poultry netting in one area and move it around as they eat the greens. She mentioned that she has black chickens because hawks do not like crows and they look like crows from high up.

Mr. Struzik asked what positive benefits Ms. Whybrew gets from chicken ownership on her property.

Ms. Whybrew responded that eggs for one, and responsibility as they are a pet just like her dog and cat. She stated that they can recognize 100 faces, and they go out and play with them daily. She stated that she wanted her kids to have the experience and know where their food comes from, and it's an education.

Mr. Struzik stated that he agrees with some of the other concerns stated, and suggested that even if it is kept to an acre that they go ahead and make some other changes such as saying only hens, and adding some other restrictions and guidelines. He stressed that he did not want to do anything that would negatively impact responsible owners on larger lots, by making a rule that is targeted at a half acre and have it apply to 1.9 acres. He commented that he would like to further entertain discussion as there are definitely pros and cons.

Dr. Bowyer stated that being harmonious with the neighbors would be a big caveat. She noted that her chickens were free range and would go back in their coop at night. She stated that they know where their food and water is and stay in that area. She commented that a 36 square foot enclosure is animal cruelty for more than three chickens. She stated that if considering regulating what a coop looks like, then they should also start talking about dog houses. She concurred with Mr. Hooper saying she would agree with one acre or more. She noted that culling is a part of the experience.

Ms. Whybrew stated that laying hens are different than meat chickens. She explained that meat chickens only live for eight weeks, and laying hens are lean and you do not do anything with them after they die. She stressed that she has not had anything bother her chickens except for a possum that got in because the automatic door battery died.

Chairperson Brnabic asked if the Commissioners wanted to have another discussion or to just close to door. She asked for a straw poll of the

Commissioners. After polling the Commissioners, it was determined by a five-to-four poll that they would like to close the subject to remain with one acre.

Discussed

ANY OTHER BUSINESS

None.

NEXT MEETING DATE

- October 17, 2023

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Neubauer, seconded by Denstaedt, Chairperson Brnabic adjourned the Regular Meeting at 9:30 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Marvie Neubauer, Secretary