



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, October 17, 2023

7:00 PM

1000 Rochester Hills Drive

CALL TO ORDER

Chairperson Brnabic called the October 17, 2023 Planning Commission meeting to order at 7:00 p.m., Michigan Time.

ROLL CALL

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

Others Present:

Chris McLeod, Planning Manager
Jennifer MacDonald, Recording Secretary

Chairperson Brnabic welcomed attendees to the October 17, 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

[2023-0479](#) September 19, 2023 Meeting Minutes

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

COMMUNICATIONS

None.

PUBLIC COMMENT

None.

UNFINISHED BUSINESS

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

(Staff Reports dated 10-11-23 and 9-19-23, Applicant's letter, Floor plan (including updated), Parking site layout, Aerial photo, EIS, Application, Public comment received, Draft PC Minutes 9-19-23 and Public Hearing Notices for 10-17-23 and 9-19-23 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 Joori Jung, Artistic Director for ArtLab J, Adriel Rubin, Project Manager for the development, and Kris Pawlowski, Signature Associates, Real Estate Broker for the property.

Mr. McLeod stated that this item is for consideration of the recommendation for a conditional use for a health and recreational type facility within the EC Employment Center District. He noted that this is the first application seen under the revised ordinance that was changed this past summer which made health, recreation, sporting-type events and facilities within the Employment Center District as a conditional use. This was to provide an additional level of review in terms of making sure that the proposed use fits into the overall context of the area of the quasi-industrial district that the Employment Center is designed to be. He explained that the proposed use is east of Crooks, north of Auburn Road, on the south side of Northfield Drive. He described it as the middle "tendon" of the western building of the two that make up the complex.

He noted that the space is approximately 5,600 square feet based on Assessing records, and the total of both buildings is just over 67,000 square feet. There are approximately 140 parking spots on the site, counting all of the spaces between the two buildings, spaces on the south side/rear, and spaces behind each one of the buildings. He mentioned that it is a bit unique as these buildings were originally designed for industrial use or small shop space, and have front-facing loading and unloading zones. He noted that there are spots that are technically marked as no parking or are striped as parking spots. There is a mid line of parking provided and additional spaces that are technically "no parking", and when the site gets busy people park in those spaces because they are close to the users that they are intending to enter. EC zoning surrounds the site in every direction except to the south, which is single family residential with a mixed residential overlay.

He described the four existing uses onsite, noting that there are recreational-type uses along with some other small shop spaces. A gymnastics facility, music facility, and Moose Athletics are on the site, with

industrial users to the west, east and north across Northfield, and residential/place of worship to the south. He stated that the entire area has a future land use plan for Workplace corresponding with the EC Employment Center District, and the south is master planned for residential purposes. Commercial uses exist at the immediate corner of Crooks and Auburn.

He displayed the floor plan showing three rooms to be utilized for dance or instructional purposes, and commented that the proposed use is unique as it is a dance studio but also dives into art and STEM classes. The main room is about 2,500 square feet and there are smaller sized rooms for art and an empty space in the middle which the applicant stated would be a waiting area for parents or student. The schedule provided noted general hours Monday through Thursday from 4:00 p.m. to 8:30 p.m. or after school hours. Saturday would be all day, proposed at 9:00 a.m. to 4:00 p.m. He explained that the general idea presented was that anywhere between eight and 15 students per room with an anticipated maximum occupancy of approximately 30 students. There was no indication of any outdoor activity and all activities would take place within the building.

He noted the conditional use review standards for the Commission to consider.

Chairperson Brnabic noted that the Planning Commission received five emails regarding this request and all five shared similar concerns regarding congestion; limited parking due to the current activities occupying neighboring buildings such as the gymnastics facility, baseball training and a workout gym; and they felt that adding a dance studio will complicate the parking situation and add more congestion. She opened the public hearing and noted she had two speaker cards.

Brooke Taylor, 3180 Quail Ridge Circle, stated that her daughter is a gymnast at Gymnastic Training Center (GTC) and is there many hours a week, and commented that her primary concern is the hours of the dance studio being very similar to GTC's and also the baseball facility. She added that parking is very challenging and the same times would create additional concerns for the safety of the children and parent parking.

Bradley Limberg, 1167 Bembridge Drive, stated that he is a dance and gymnast dad as well, and wanted to also express concern regarding congestion in the parking lot. He noted that he had a photo he took earlier that he could email or text showing the limited parking and some of the parking spaces that are not supposed to be used because they are truck unloading areas that are always used. He stated that the issue is around 8:00 p.m. each night when the parking lot is full of parents parked there because they have small children doing gymnastics along with parents of older children driving through for pickup. He commented that children walk between the line of cars that are stopped waiting for their children to walk out at the same time other people are pulling through. He mentioned that there are parking spots on the other side of the building and he never sees them being used and suggested people consider parking on the other side for safety.

Chairperson Brnabic asked whether the applicants would consider using parking

on the other side of the building.

Ms. Jung responded noting her experience, as they have a studio in Detroit where they have only public parking spaces and street parking. She said that their classes are 30 minutes to a maximum of 60 minutes with younger kids coming in between 4-5 p.m. and older kids coming in between 5-6 p.m. She stated that parents are not staying for hours and they drop off and pick up. She suggested that they could plan with the building management to make sure that their business customers can use just their side or come in from the other side if safety will be the issue. She noted that this would be beneficial for both businesses as it would be a good plan for families with multiple activities. She stated that they are more than just a dance studio and would like to work together as often gymnastics students need ballet training or other dance classes. She added that the Korean community lives nearby and it provides an opportunity for them to offer K-pop dance or creative thinkers and movers dance classes.

Ms. Neubauer asked for an elaboration on the STEM offerings.

Ms. Jung responded that their new program targets ages 3-10 with a one-hour class of combined dance, arts, STEM and music together as a creative base. Each week focuses on different themes with an art craft and learning how to express that art and use their body to express themselves.

Ms. Neubauer stated that she thinks this is a great idea and is welcome in Rochester Hills because there are a lot of children who are interested in dance but are not necessarily at the competitive level. She expressed concern that the applicant states that they could have 30 kids maximum but they only have 16 parking spots. She noted that between the hours of four to five they have younger kids, and asked how young they would be.

Ms. Jung responded that it could start at 18 months, but those children usually come before 4 p.m. during the daytime such as with mommy-and-me classes starting at 11 a.m. She mentioned that at their Detroit location, they pick up kids from school and stay to do homework and sometimes read or take a class. She commented that she did not plan that yet for this location as she needed to research the schools around the location more before building a program. She noted that she also applied for Michigan Afterschool Program funding last week and would know about that later this year. Funding for the program could go toward a lower tuition fee and also help find a way to bring kids to the program.

Ms. Neubauer stated that while the applicant is saying that they do not think parents will stay, she also says that younger kids will be there between 4 and 5 p.m., with some kids as young as 18 months.

Ms. Jung responded that most of their classes start at 4:30 p.m., and parents may come a bit early as the business is open from 4-8:30 p.m.

Ms. Neubauer stated that the number of spots allotted now does not correlate with the possibility of the number of students or parents they might have. She commented that it has been mentioned that there was a possibility of parking in

the back or sharing parking which would solve a number of problems, but it is not secured now. She stated that she is familiar with the program Ms. Jung mentioned and commented that they do have transportation issues in Rochester area schools. She commented that while the possibility of parking in the back, sharing with neighbors, or parents leaving is great, but it is all hopes and dreams at this point and something more concrete is needed.

Ms. Jung suggested that she could come up with a schedule for only 16 families between 4:30-5 p.m.

Ms. Neubauer stated that she had spoken with staff and whatever was put into the application is what they are bound to and the application might have to be amended.

Mr. McLeod confirmed that was correct, unless the Planning Commission put that as a condition in terms if this was to move forward as a recommendation; but ultimately the application and EIS information should all be synonymous in terms of the numbers of what is actually being requested moving forward. He suggested that any motion could stipulate what the number would be.

Mr. Rubin explained that those programs are things that have worked at the Detroit location, and they have knowledge of the pickup of kids for after school programs.

Ms. Neubauer commented that the way Detroit gives out grants and funding for after school programs is completely different than Rochester Hills.

Mr. Rubin stated that this is why they are trying to research to get more information about how things work in the area to develop a program like that. He noted that the estimate of 15 to 30 kids would be for all of the time slots from 4 p.m. all the way to 8 p.m.

Ms. Neubauer stated that the way the application reads is that they will have a maximum capacity of 30 kids at any point in time. She stressed that this would have to be amended or set as a condition.

Chairperson Brnabic stated that at this point she would close the public hearing.

Mr. Hooper noted that this proposal might conflict with the parking needs for 1837 to the south and asked who that tenant was.

Mr. Pawlowski responded that it was the baseball people.

Mr. Hooper responded that the Commission has faced this in a couple of other existing developments, noting that Oak Ridge Plaza was developed with retail uses and uses have changed over time within the zoning to become restaurants, which dramatically increases the parking needs. He mentioned Meadowbrook Mall (now The Village of Rochester Hills), and stated that it was never envisioned to have that kind of restaurant usage and now you cannot get a parking spot. He noted that in industrial uses where athletic uses are now located, there may be very intensive use for an hour at a time and constant

traffic at shift change. He commented that this is the quandary that the Commission is in and it is a tough hurdle to get over. He stated that it is unfortunate for this applicant because they recently changed it to make it a conditional use under the zoning. He commented that he fully understands that Mr. Pawlowski is trying to rent out his space but the issue is that it will be tough to overcome a shift change of 30 people along with seven employees and competing businesses. He stated that he does not know how to overcome this other than to maintain the industrial uses and maybe have one athletic use within that complex. He likened it to jamming five more pounds into an eight-pound bag. He commented that he has nothing against a dance studio, but unfortunately they need a different location more conducive to their parking needs for the safety of the children and ingress and egress. He noted that they face this not just in this development but in others as well and he would be hard pressed to support this going forward.

Mr. Pawlowski stated that he hears that Ms. Jung is willing to work with the development the way it is right now. He noted that the woman and gentleman who spoke stated that there is currently a problem and it does not seem that it is policed by the organization that is over there now. He mentioned that he has taken his daughter to the gymnastic place when she was 3, 4 and 5 years old and she is now graduating and going to college, and he has not heard or seen any issues when he was there. He noted that he has been there early in the morning and during the afternoon and rarely sees cars parked in back of that facility. He stated that 140 parking spots for a 64,000 square foot building is a very heavy amount of parking for that type of building. He commented that what he is hearing is that more industrial use is wanted, and a distribution company would have trucks and vans coming in at the rate of five trucks per hours from 5 in the morning until 8 at night. He pointed out that this would result in worse congestion for the safety of children. He suggested something be worked out where A-frame signs go up at 5 p.m. along with a stop sign in the lot. He stated that going to a true industrial use would be more dangerous.

Mr. Hooper stated that it was developed as Regional Employment Center, and he understands that it was never developed as an athletic complex and now as a broker, it has been leased out to athletic uses and the complex has been changed. He pointed out it was designed with loading docks and facilities for an employment center or for an industrial warehousing use, and it cannot be said that it has flipped over to an athletic complex because it has been leased out to that use, and they feel safer tripling or quadrupling the amount of usage. He stated that it is the same thing with Oak Ridge Plaza and Meadowbrook Mall - developed as one use with parking set up and as time goes by it has been modified, the usage changed and intensified, swallowing up all the parking.

Ms. Jung stated that she does not want to bring safety issues to any other business or family and does not want to see any accidents. She suggested that the six spots in front could be labeled for drop-off only so nobody could park there for more than 10 or 15 minutes. If they need to stay they could use the backside parking and would have their own road to come in. She added that she could calculate how many students have signed up and if it is more than 16, they could check with the family as to who would park or just drop off. She stated that she could promise that they would not use more than their spots and

commented that this does not mean that 30 kids would be coming and going every hour. She noted that she would make sure every family understands how they will use their spaces.

Mr. Weaver stated that while it sounds like everyone is in favor of this type of facility, parking is the issue. He asked how well lit the parking lot is currently and wondered if adding a couple of lights both front and back may help with safety. He noted that 16 spaces were marked on the plan and asked how many parking spaces are used on the south side of the property.

A member of the audience requested a chance to answer this, and stated that the back is not used as it is not easily accessible and not well lit. She stated that they do not go in that way because the main office is on the front.

Mr. Weaver noted that it looks like the other businesses also have access points in the rear and asked if it would be possible to make it a one-way-in and the two drives on the outside be one-way-out. He stated that this would eliminate the cross traffic going in and out. He commented that as this is predominantly exercise facilities, he would question how many loading areas are used in the front and asked if they could be striped to add for or five spaces in front of the building and along the middle.

Mr. Pawlowski responded that the only other use is at 1855. He commented that people still park in those loading spaces.

Mr. Weaver commented that he would suggest that the seven employees be requested to park off the corner back.

Ms. Jung noted that the whole team does not come in every day and a mixed number would be three or four teachers, with some coming Saturday.

Mr. Weaver stated that he likes the idea of the business but shares concerns regarding parking. He noted that a central driveway being one way and then the two on the outside being one-way-out could alleviate a lot, along with the idea of drop off in the front and parking in the rear provided lighting is improved..

Mr. Pawlowski responded to the lighting question noting that there are wall packs in front of each of those units and a large area in between where two more could be fit. He added that they are old yellow lights and a bit dimmer and if they went to LED packs they could brighten up considerably. He noted that in the back wall packs could be added along the drive as well. He mentioned that he was not the owner of the building, but would be quite certain that they would be happy to put additional wall packs in an LED format.

Chairperson Brnabic noted that while Mr. Pawlowski is agreeing that it would be a good idea he does not have the authority to authorize it. She asked if he had the ability to contact the owner and stated that they would definitely want answers to those questions before moving forward.

Mr. Struzik stated that he would echo Ms. Neubauer's and Mr. Hooper's concerns and likes Mr. Weaver's idea of thinking outside of the box to try to

increase the number of parking spaces. He commented that he visited the site twice including today for about 20 to 25 minutes and noted that the parking spots that they are trying to add through creativity are already being used. He stated that in considering the idea that people will drive safe because of children, today he witnessed several instances of people not doing that. He added that another issue with having traffic enter at the middle and exit on the sides is that will result in people queuing up onto the road. In addition, it would require multiple people to change the way they do their business. He pointed out that the backs of those buildings are not designed to be a place for kids to queue up and exit to be picked up and those doors are emergency egress doors. He stated that people will not want to leave those doors open in the winter. He commented that the back is not designed for that as it is an industrial building. He stated that the most concerning to him is cars getting around queued cars, and kids with tunnel vision running to get to their car. He noted that the employees that already work there are not helping to resolve the issue by parking in the back. He stated that he is less optimistic that behavior will change. He commented that for shorter sessions, it is his experience that most parents will stay in the parking lot.

He expressed concern about the willingness from building management to ask existing tenants to modify their drop off and pickup procedures. He commented that it would be a much easier discussion if this were the first non-industrial recreational use for the property, and this is one of the reasons why he supported this type of use being conditional within the zoning. He stated that the building and parking lot is not designed for this use.

Mr. Pawlowski stated that he was able to get the owner on the phone and he said that he would be more than happy to look into it. He noted that the owner did not want to give him a yes or no over the phone and does not want to be on speaker phone to discuss it, but he would be more than happy to do a study to see what is required.

Ms. Densteadt stated that she noted that she has been there in the summer when Moose has its baseball programs and would echo Mr. Struzik that parents do not leave. She commented that drop-off and pickup time becomes even more congested. She stated that she loves the arts and loves what they are doing but has a big concern with parking. She noted that it was mentioned that children could be picked up from the schools and asked who would be doing that.

Ms. Jung responded that if they receive funding they will consider a pickup service from the school to their location. She mentioned that they are a non-profit and are looking forward to how they can work with those in need that can take advantage of their program. She commented that she thinks it is unfair that it is assumed that they might use more than 16 spaces and can promise that they will not. She stressed that she is very willing to work around other businesses. She commented that she can discuss with building management how they can make a better back area more useful instead of empty and dark.

Ms. Densteadt stated that all of their concerns center on safety and asked if it is known how many spots the other businesses are allotted. She commented that

she appreciates trying to tell parents what to do but asks what happens when they don't.

Ms. Jung stated that she is a business owner and a mom, and all of the individual families connect with her and she understands how many siblings they have, where they are living and their schedules. She stated that it is her experience with the Detroit community family that they are always listening and will follow their directions and guidelines because they will explain it and work with the other businesses and be flexible.

Ms. Densteadt asked when they would plan to open.

Ms. Jung responded that she thought it would be a few months to get through the rest of the process.

Mr. Pawlowski stated that it would open when it is all built out.

Ms. Densteadt asked if it was known how many parking spots the gymnastics place has.

Mr. Pawlowski responded that he would need to look at their lease to see if it specifies an amount, but they use a lot of spaces. He mentioned that his children attended Brookfield Academy and noted that they have a safe system for pickup and dropoff and children are not released until the car comes up.

Chairperson Brnabic noted that this is not a plan that is being enforced now, and until there is assurance that this is developed it remains a big question.

Dr. Bowyer stated that this is about the owners of the buildings and until they come back and say that they are putting in lights and fixing the parking lots and making the back entrances so that they can be used, she cannot be supportive as this is an industrial site. She commented that she does not see a route to approve this.

Mr. Dettloff stated that he would commend Ms. Jung because her commitment to make something work is off the charts and something that is not seen too often. He commented that he does not think that anyone on the Commission is against the business at all. He stated that clearly safety is the number one concern, and stated that there must be a meeting of the minds here and the building owner will have to step up to the plate and be willing to work with the applicant and the existing tenants so it becomes an environment that is safe for everyone. He asked if the building owner would be willing to come to a meeting to give some assurances. He asked if Ms. Jung will keep the Detroit location.

Ms. Jung responded that it is her company's mission and they would keep it to support the community and keep the door open to educate the children.

Chairperson Brnabic asked if there were other communities they were looking at expanding into.

Ms. Jung responded that they have been in Wayne County for the last 10 years

and it is time to grow into Oakland County for the next 10 years.

Mr. Gallina thanked the applicant for considering Rochester Hills and stated that he loves the idea of collaboration with other businesses. He commented that the current infrastructure is a little chaotic and hopefully they can get to the point where it is better for all businesses and hopefully that will include theirs. He noted that he is not willing to move forward tonight but hopes that they will come back and see a plan where they could be added to this building.

Ms. Neubauer stated that it appears that everyone has agreed that they would like to invite the applicant back to present again, and she would make a motion to postpone this item. She stressed that it cannot just be testimony from the owner saying he is willing to do things, but needs to be hard plans of where the lights are going to be, how the parking will be renewed, and other concrete things that they can hold to with respect to parking. She stated that things that were addressed were adding lights, re-stripping the parking lot, adding parking, signage, the possibility of configuring drop-in, drop-off along with designs regarding the collaboration with the neighbors and how many parking spaces that they require. She commented that what is between the applicant and the families has nothing to do with the Commission, and they would need things that are able to be enforced through code enforcement, which is why they would need very specific designs. She made the motion to postpone. It was supported by Mr. Dettloff.

Chairperson Brnabic asked if the applicants were clear on what Ms. Neubauer is requiring, and noted that there is no timeframe on this.

Mr. McLeod noted that depending on what comes back in terms of conditions or improvements it may require additional staff review at different levels beyond Planning including some Building and Traffic review. He stated that this will further dictate how quickly they make it back to the Commission.

Ms. Neubauer stated that what staff is saying is that a their next anticipated scheduled meeting with City Council will not happen and whatever is presented will have to be reviewed. She noted that it may take another month to get on an agenda, depending on the other departments and going into the holidays.

Mr. McLeod stated that because of Thanksgiving the meeting is one week ahead of when it is normally scheduled for, and while it will be expedited as quickly as they can, there will be some time needed for review.

The next two months' scheduled dates for the Planning Commission meetings were noted as November 14 and December 12.

Ms. Neubauer asked the applicants if they were okay with the motion to postpone, noting it gives them time to come back.

Chairperson Brnabic stated that if they took a vote right now, the chances for denial look pretty good, and the applicant would not be able to come back for a year. A motion to postpone would allow them to take the time they need. She asked Mr. McLeod if a motion to postpone would be better than tabling the item.

Mr. McLeod responded that it would be, and stated that it will be re-noticed anyway, with 300-foot notices going back out.

Chairperson Brnabic asked for a voice vote on the motion to postpone. She announced that it passed unanimously.

After the vote, Mr. Dettloff asked if there were any other spots open in the complex other than this one.

Mr. Pawlowski responded that the complex would be 100 percent occupied.

Mr. Struzik stressed that if they look to utilize the back, the building inside would have to be redesigned so there was an area at the back that was not simply a door at the back of the studio. He mentioned that the sign installed out front to alert residents said "Planned Unit Development", which is not what it should be as a "Conditional Use Proposed". He stated that the sign should be corrected to the right verbiage and the website link on the sign corrected to a working site.

Dr. Bowyer stated that the inside needed to be designed so that people can use the back door to get in and out, and commented that it would be nice if there was a little portico over it so someone outside can realize that this door is going to be used. She noted that if the gymnastics students had a lit up back parking lot they would use it.

Mr. Rubin stated that they understand and value their concerns, and wanted to add to the community and not create any distractions. He noted that they want to give back to the community as much as the community has given back to them. He stressed that he saw a big opportunity to be in a space where there are kids, and where there is a community that understands them.

A motion was made by Neubauer, seconded by Dettloff, 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 address Planning Commission comments and revise the plans to address adding lights, restriping the parking, signage, and consider revising the traffic flow of the site, correction of the required conditional use sign onsite and allow the application to be renoticed.

DISCUSSION

2023-0439

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

(McLeod memo dated 10-11-23, MSU Extension ordinance suggestions, Other chicken ordinances, news articles, draft PC Minutes from 9-19-23, McLeod memo 9-19-23, Draft amendments, City map with affected parcels and PC Minutes from 7-18-23 had been placed on file and by reference became a part of the record hereof.)

Mr. McLeod noted that previously it was discussed that the Commission did not want to change the property size requirements require for the keeping of chickens within the city. However there was potentially some interest to provide additional requirements to keep chickens on a site of one acre or more. He stated that at this point Staff has not redrafted any ordinance provisions, and are awaiting direction from the Commission; but at the previous meeting the Commissioners requested ordinances from adjacent communities or others that had similar ordinances in terms of regulation. In addition, there was one resident that spoke very intelligently in terms of her experiences in keeping chickens and she had some suggestions.

He stated that Staff received correspondence from that resident with her recommendations and it was forwarded on to the Commissioners. He noted that at this point Staff is looking for direction from the Commission in terms of where they want to go with the provisions.

Mr. McLeod noted that he spoke with the City's Code Enforcement today regarding chickens in the City. Ms. Welch's response was simply that the City has not had a huge issue with ordinance enforcement, and typically it is someone calling to ask if chickens are allowed to be kept at a particular property. The site's size is assessed and details are discussed. Ms. Welch noted that there are also complaints regarding noise generated, typically in response to roosters; but once that is brought to that person's attention, the rooster is usually re-homed or sent to a different location, eliminating the nuisance concern. He noted that Ms. Welch stated that concerns of odor or physical separation typically never come up. He asked the Commissioners whether they had any questions or any direction, to allow for the preparation of a final draft and potentially holding a public hearing, and subsequently moving forward to City Council.

Chairperson Brnabic noted the draft ordinance from the September meeting was provided, and stated that she would comment on what she agrees with. She stated that she agreed that the residence where the chickens will be kept is a single family detached structure, and noted that half acre parcels are not being considered anymore and it would be one acre or more and no more than 12 chickens at a time. She mentioned the slaughtering of chickens being prohibited at the property, and noted the discussion from the resident that came last time expressing concern about dealing with aging or sick chickens and whether that was in the same category. She suggested adding the words "meat" or "broiler" so it reads, "the slaughtering of meat or broiler chickens at the property is prohibited". She noted that this might take out the question of someone putting a laying hen to rest due to age or sickness. She pointed out that there was a question of the 36 square feet being too small for 12 chickens and she asked if there was a recalculation on that.

Mr. McLeod responded that it is a matter of the way it is worded. He stated that the original intention was that the coop itself would be 36 square feet allowing three square feet of inside space per chicken. He noted that other ordinances range anywhere from two to five square feet indoor space. He commented that it was not originally intended to include the outdoor space, and he thought that

they would probably leave it to however the resident wanted to handle the outdoor space.

Chairperson Brnabic stated that in looking through other ordinances and online, there is a variation with an average of three to five square feet per chicken; but she saw suggestions as high as eight to 10 square feet. She commented that her thought is because she has not heard any complaints perhaps the question of the coop size should be left to the owner, as to what they feel is adequate space for the chickens they have instead of trying to come up with a calculation which would be a maximum. She noted that she agrees with limiting the height to eight feet for a coop.

She stated that the next statement regarding the enclosure being designed, constructed and maintained to be harmonious and appropriate in appearance with the general area is a subjective statement, so unless there is a list of acceptable materials provided for consistency, she would rather see that sentence removed. She mentioned that Ms. Whybrew sent an email with some good suggestions including adding that the coop must be draft free and have proper ventilation, and headlamps or known flammables should be prohibited in the coop and run.

She stated that she did not have a problem with the guideline or regulation of being 10 feet from the property line, and commented that in reading other ordinances, five to 10 feet was pretty standard. She did not have a problem with 40 feet from a neighboring residence, noting that in looking at different cities or the MSU documentation, it was probably 20, 25 or 30 feet for most cities. She suggested for "G" deleting the first sentence as it is already included in E, and adding the second sentence. Also the reference to nearby hiding places for rats, mice, or other rodents or vermin be pushed up to E and then remove the first sentence because it is already in E.

Chairperson Brnabic stated that she does not have a problem leaving it at 12 chickens. She noticed that most cities allowed six, but a lot of the yards are smaller in those cities. She pointed out that nothing is suggested in the draft regarding a permit, and she commented that in her opinion she does not think that the City needs to start a permit process and would not want one unless there are problems that really stand out.

Dr. Bowyer stated that she would concur with Chairperson Brnabic, although when it comes to slaughtering, she would like to add the sentence about proper culling and disposal methods. She said that otherwise laying hens could live another five to seven years and people are then forced to keep the chicken or pay hundreds of dollars to have them euthanized. She concurred with the suggestion to eliminate the idea of elevating the coop 18 inches off of the ground, as it would be an invitation for animals to live under it. She stated that they had heat lamps in all of their coops and could not imagine having hens without having a heat lamp. She commented on the size of the enclosure noting that 36 square feet was okay for three or four birds, but not for 12 because of cannibalism as they are not being allowed to be free range. She noted that at night chickens want to go back in and roost and it is not hard to get them all back in the pen, so she does not see any reason not to let them roam. She

commented that if they got into the neighbor's property there should be an enforcement.

Chairperson Brnabic stated that she only recalls one ZBA case, that took place quite a few years ago, in regard to a nuisance complaint. Chickens were getting out of their run and going into others yards, back and front yards and there were concerns regarding bacteria.

Dr. Bowyer stated that she thought Ms. Whybrew's information was great and she was spot on with most of the information.

Mr. Struzik stated that he would echo what Chairperson Brnabic and Dr. Bowyer stated. He commented that he would like to see the limit to hens, including sanitary conditions language and the agricultural department practices language. He stated that culling needed to be allowed as it is a part of chicken ownership and you cannot have one without the other. He concurred with the idea of allowing roaming on the property, but they need to not be a nuisance to their neighbors. He agreed with regulating the height of the coop but not the maximum area, stating that he thinks this is something that folks can figure out on their own. He stated that because they are eliminating discussion of smaller lot sizes, with larger lots they are not going to have a lot of the issues that they were originally trying to design for.

Mr. Hooper stated that he would agree with the one acre, stripping the first sentence in "B" of the ordinance that allows less than one acre. He suggested language for "D" would be "the harvesting or culling is only allowed within the fence/coop area". He commented that right now it's not allowed at all per the ordinance and it obviously happens. He stated that he likes the Michigan State University bulletin and said that it is within their bailiwick as an agricultural college. He noted that they are recommending one square foot per bird and they are saying no more than six chickens for a single family home, and having a run that is no larger than 8 x 8 feet or 64 square feet. He commented that for discussion purposes he would ask what would be wrong with having six instead of 12 chickens, and for the total size of the enclosure that would be both the indoor and outdoor enclosure must not exceed 70 square feet in size, or 6 x 6 for the run and six square feet for the chickens, so that would be 70 square feet. He stated that he would agree with eliminating the 18 inches off the ground, and a limit of eight feet in height is fine. He commented that he liked Chairperson Brnabic's idea about combining "E" and "G" together. He noted that if the Commission is going to pursue this path, these are the suggested changes he would support. He stressed that he is not so sure that this is really a huge issue within the community, but if it is an ordinance and a revision is needed, so be it.

Mr. Weaver stated that he tends to agree with what everyone is saying and also tends to consider Ms. Whybrew as almost a special counsel on this, as he knows absolutely nothing about it and appreciates her input. He agreed with Mr. Hooper that if this is something that they feel is necessary, they are glad that they are going through it. He asked whether the Commissioners did not feel that they should put a size limit on the coop.

Chairperson Brnabic stated that even listening to Ms. Whybrew and looking at

different city ordinances, there are a wide range of suggestions. She commented that she thought the chicken owner would be trying to do what is best for their chickens as far as space; and unless they started seeing monster coops, it was her opinion to let them pick out the coop.

Mr. Weaver responded that he felt a range might be appropriate, perhaps something within three to six square feet per chicken rather than saying no bigger than 36 square feet or smaller than whatever. He suggested perhaps somewhere between four and six square foot per chicken. He noted that based on what Ms. Whybrew noted, three square feet could be tight and the chickens could be in an unhealthy condition. He commented that going that route in specifying a range could perhaps save a headache down the road. He stated that he was fine with the eight-foot height and not providing rodent houses underneath it. He suggested that perhaps it is worth the Commission's while to dictate or recommend materials for the look so that they do not start getting these jalopies show up that are unhealthy to the birds or become a public nuisance. He expressed concern that if there are not some guidelines included there might be headaches down the road in approving some but not others. He noted that he was not dictating specific materials, but would suggest what they would like to see.

Chairperson Brnabic asked whether the materials should be listed because the way it is stated is too subjective.

Mr. Weaver responded that he was fine in suggesting materials or even putting images of what an acceptable coop would look like, noting that this is done for buildings and he did not think it was out of line to do the same for something like this. He asked if the Commission thought that was overstepping. He commented that he did not want someone to decide they can get chickens and create an unhealthy living condition and an unsavory neighbor feeling. He asked if they are creating a solution that is looking for a problem.

Mr. McLeod noted that of the several cases that came forward, it drew Code Enforcement's attention to the fact that some of the proper ways you would expect to handle the situation were not written in the Ordinance. He commented that as long as everyone plays by the rules everything is fine; however, the problem is when someone does not play by the rules. He likened it to a pendulum effect with ordinances. He stated that he thinks there are probably things in this Ordinance that ultimately need to be there, and he did not think that most of it was going way overboard. He noted that he did not think it was improper for a community like Rochester Hills to say that chickens should stay on their site. He said that right now if they were to run free and cross the street there is nothing to stop them except by saying they are a nuisance. He suggested that if there are certain minimum requirements and expectations, they should be included. He stated that as far as coop guidelines they can either be described or shown in a picture. He suggested that one of the simple things would be to say that the chicken coop should be constructed with materials similar to the principal structure or must take design cues from the primary structure. He stated that he goes back to experiences in his past where you probably wish that they had some design guidelines.

Chairperson Brnabic asked whether there have been complaints from residents regarding the unsightliness of coops.

Mr. McLeod responded not that Ms. Welch has stated. He noted that the biggest complaint begins with a phone call asking if they are allowed to have chickens, and in most instances they are not. He commented that a secondary complaint is a noise issue related to a rooster, and the rooster gets re-homed and the problem goes away. He stated that he would like to think that Rochester Hills would be self-regulating and no one would put a chicken coop in that would not be up to expectations.

Dr. Bowyer stated that the perfect coop is just plywood and chicken wire because they peck at it. She noted that wolmanized wood would not be used and after a while the plywood will look weathered. She commented that as soon as the plywood rots, it will be replaced. She noted that electricity will be needed to keep the water from freezing.

Chairperson Brnabic stated that the Ordinance has been at an acre and 12 chickens for a number of years.

Discussed

ANY OTHER BUSINESS

2023-0478 MAP Annual Conference Update

Mr. McLeod stated that since the Commission's last meeting, he and several Commissioners attended the Michigan Association of Planning's Annual Conference, and asked if anyone wanted to share their experiences or anything they learned of particular note.

Mr. Dettloff stated that it was refreshing to be part of a community that understands the value of education and allows opportunities to attend things like this. He noted that the session he was most drawn to was entitled 13 Ways to Kill Your Community. He encouraged everyone to read the book of the same name, authored by Doug Griffiths. He thanked Staff for the opportunity to attend.

Mr. Struzik stated that the session he found really interesting was called The Trident Approach, reviewing some of the struggles that a community has gone through in problem solving various situations and what prong of City government should get involved in solving these problems.

Mr. McLeod stated that if Commissioners learn of anything they would like to attend, whether a webinar or in-person, they should contact him or Ms. MacDonald. He noted that the City has a budget line item for education.

NEXT MEETING DATE

- November 14, 2023

ADJOURNMENT

Hearing no further business to come before the Planning Commission and upon motion by Neubauer, seconded by Struzik, Chairperson Brnabic adjourned the Regular Meeting at 9:05 p.m.

*Deborah Brnabic, Chairperson
Rochester Hills Planning Commission*

Marvie Neubauer, Secretary