

2025-0569

Potential Ordinance Amendments

(Potential Ordinance Amendments for Discussion, Memo by McLeod and Roediger dated 12-4-25, Cat Cafe Business Proposal (for discussion purposes), Devon Yousif email of 10-27-25, and Draft PC Minutes (excerpt) from 10-21-25 had been placed on file and by reference became a part of the record hereof).

Mr. McLeod noted that many changes encompass housekeeping items. He stated some are basic typographical errors or corrections but the items for discussion included EV charging stations as a primary use. He noted that the approach they feel is most appropriate is to deal with them no differently than a gas station as they will look essentially the same. He commented that while there will be a convenience store/seating area, there will still be pumps and canopies.

Ms. Brnabic stated that she does view EVs differently than gas stations as there will be a draw on electricity and people sit there much longer. She stated that she does not feel comfortable with that right now.

Ms. Roediger stated that it is a conditional use in many of the districts and it is the wave of the future. She commented that they will see gasoline service stations and more of these EV charging stations. She suggested that any concerns could be addressed with conditions.

Ms. Brnabic responded that things may be taking a different turn because of the change in requirements by the current administration. She commented that there is no requirement that everyone have an electric car by 2035 and things are moving in a different direction.

Ms. Roediger stated that while it is not mandatory in terms of how people fuel their vehicles, there will probably be more hybrid stations where gas stations have started to install EV charging stations. She noted that fully EV charging stations are not out of the realm of what is coming as they already exist in other places and the City wants to be prepared for them.

Ms. Brnabic stated that while she understands that, she is just saying that combining them into one category under gas stations still raises concerns.

Ms. Roediger noted that if they are made conditional uses in every district, then conditions could be applied as to how to treat them differently. She stressed that this does not have to be solved today but it should be given some thought if there are conditions something specific to EVs that could be incorporated.

Mr. McLeod noted that there is time to deal with this. He commented that one project has been proposed as a discussion item. He stated that otherwise more information gathered about these uses will help determine the best way to approach them; and while they share a lot of similar features, there are differences. He commented that there is probably more screening with an EV station as travel time and duration of stay is different. He stressed that with a conditional use, it allows a closer view to see how each site operates

independently and how it fits into the context of the surrounding environment. He gave the example that for abutting residential or in a more visible location, it might require a lot more screening. He commented that it is food for thought as to whether it needs to be pulled out separate or if it should be treated the same.

Chairperson Hooper commented that the Meijer location is installing EV stations. He asked if every large big box retail environment is going to want to put in electric vehicle charging stations for parked cars as everyone has a big parking lot. He noted that it sounds like it's the wave of the future if Meijer is doing it for their parking lots.

Mr. McLeod stated that if there is a shopping center or big box user that is overparked, and a national brand wants to come in and use 10 spaces for EV charging, they are currently reviewed as an ancillary use, and he suggested that this may be something that they want to take a further dive into as well. He commented that it would not surprise him to say the Target shopping center might be a candidate, or Walmart, or wherever there is a main trunk line or property that is easily accessible from a main trunk line, and with a large parking lot that is underutilized.

Chairperson Hooper suggested that it probably should be in the parking standards. He stated that he could see Emagine Theater or the Village of Rochester Hills might want to add more electrical charging.

Mr. McLeod stated that there is a distinction, whether the parking is being provided for the actual patrons of the store or if the charging station is a destination.

Mr. Struzik commented that he did not think this was so much as forcing people to buy electric vehicles, but enabling the businesses to be ready. He stated that people are going to want this and businesses are going to want electric vehicles in their parking lots. He commented that it enables the City to set up its businesses for success.

Ms. Neubauer stated that she would agree that it is coming and that there should be a separate ordinance. She suggested that communications should be made with the Fire Department regarding extinguishing a fire and a study is needed about the amount of energy that it will pull because when storms happen lights go out in the neighborhoods. She commented that it is more important to have heat and air conditioning in homes rather than fueling stations and usage needs to be prioritized. She stated that she has had a number of conversations with Deputy Chief Echols, who expressed her concerns.

Mr. Weaver stated that he would agree with both sides that it falls into the category of a fueling station, but it perhaps needs to be separated as a subset. He noted that demand will determine whether it happens or not and he agrees that the City needs to be prepared as it is coming soon. He asked what other communities nearby have done.

Mr. McLeod responded that he is not sure that there is a fully EV station within the metro Detroit area. He stated that if it can be provided as an ancillary use, it

can be dealt with as a simple site plan or simple building permit; however, as a standalone or primary use this would be the first venture in the state.

Ms. Neubauer commented that one of the things that should be considered is that if only 10 percent of the community has EV cars, it does not make any sense. However if the greater demand gets here, it should be put into the ordinance. She stated that she does not want it to end up like the transit system where the city gives Oakland County a gigantic amount of money and less than one percent of the population uses it.

Mr. McLeod commented that people who live here will probably charge their vehicles at home; however, a location on a transit corridor is probably sought.

Ms. Neubauer stated that she would like to separate it from gas stations as there are different dangers and energy draws. She commented that to properly address it, the Fire Department should be brought in.

The consensus was that further research and discussed needs to be done.

Mr. McLeod continued that the next topic was relative to golf courses. He stated that Mr. Bylen approached Planning staff and noted that they wanted to work on an accessory building which currently sits 205 feet from the property line. He stated that he needs to modify the building because they want to go to EV vehicles, so he wants to bring all of his vehicles inside and provide a different configuration. He had asked if have to maintain a 200-foot setback for the building if they ensured that everything was screened and there is no outdoor noise. McLeod explained that this depends on the level of review that the modification prompts. He stated that in this instance, it would be a Planning Commission item and the Commission would make the determination whether the building can go closer and if the screen would be appropriate. He noted that Mr. Bylen's golf course is the only course that actually meets all of the setback requirements.

He continued with the topic of places of worship and community facilities, and noted that nonprofit organizations are not listed anywhere within the zoning ordinance. He stated that the ordinance is vague on where they are permitted. He commented that staff felt that in terms of nonprofit organizations, a community facility or nonprofit organization could be included within this section of the ordinance as long as they are located on a designated major roadway on the City's Master Thoroughfare Plan. He mentioned that one of the items that prompted this discussion was a place of worship at 730 East Auburn Road that is currently for sale. He commented that it is unlikely that it will be another place of worship, so the question becomes whether a nonprofit organization that does charitable work or includes a place for a small assembly would be permissible.

Seeing no comments on that item, Mr. McLeod moved on to discuss lot widths in the R-4 District. He noted that as of now, reductions of lot width are allowed down to 60 feet and 7,000 square feet based on the surrounding area. He stated that no one can define what the surrounding area consists of, and it appears that this has been different over the course of time. He commented that surveyors contend that the entire Brooklands have been considered as a

surrounding area over the past 30 years, while current reviewers are looking at whatever is on the same block. He stated that going from the direction of the Master Plan, and what staff has seen with development and the taste of the community, it is probably best to remove this consideration in its entirety, simply saying that lots must be 80 feet.

Ms. Brnabic stated that she would agree. She asked if this reduction had been permitted in any other zoning district.

Mr. McLeod responded that it was only in R-4, and has only really been for three different distinct areas of the city, the Brooklands being one area. He stressed that it just causes confusion and puts reviewers in a bad spot. He added that they have seen ZBA cases come forward for that reason, and he stated that this would clarify things.

He moved on to the subject of retaining walls, noting that the city has rolling hills and a lot of retaining walls are being utilized, some of them getting quite high. He commented that right now the City does not have a way to stop someone from installing a six or seven foot high wall almost right on the property line; and the thought is to create setbacks and to create a system where the retaining wall should be stepped back once it gets to a certain height, allowing for the massing to be controlled and providing for additional planting area. He suggested that three feet in height would be the threshold where a fence is required for falling, and that was a good place to start a step and create a planting area, and then stepping another three feet. He stated that they would work this out with Engineering.

Chairperson Hooper commented that this would have potentially wiped out the opportunity for Home Depot because they had their detention pond behind the wall and had to extend the wall for the pond.

Mr. McLeod commented that the pond has problems. He suggested there might be a way to build in a modification allowance, where in a particular instance it would create no harm. He pointed out that this was brought to light because they have issues with the retaining wall on the property line for a detention pond. He added that an industrial site could have a substantial retaining wall very close to a residential property line, and he suggested that this is trying to help minimize the impact on the surrounding properties.

He moved on to discuss performance bonds. He explained that maintenance bonds for landscaping yield problems when bonds expire. He stated that staff chase bonds all the time, and this proposed modification flips the responsibility and puts it in writing that the developer or applicant is required to maintain that bond.

Ms. Neubauer asked what the punishment would be if a developer did not maintain the bond.

Mr. McLeod stated that it would be an ordinance violation and they could be taken to District Court, fined or jailed. He noted that this would most likely never happen in theory.

He moved on to public road screening. He mentioned that the Cloverport property that was rezoned from industrial to residential, and noted that there has been a settlement on the court case to allow for a residential development. He explained that this change would require buffering between a public road placed close but not quite to a property line, and the thought is to maintain a buffering between a roadway which could cause noise or light pollution to the adjacent property owner. He stated that a Buffer C based on ordinance requirements should be provided in this instance. He likened it to protecting the outside world to any sort of development going on. He commented that staff was debating how significant the setback should be to provide some protection to the adjacent property owner.

He discussed parking lot landscaping, noting that right now no low level landscaping is required within parking islands and only one tree is required. He explained that this has led to giant mulch islands everywhere, and the idea is to provide some low level landscaping there. He added that right now there is no requirement to plant anything along the foundation of buildings, which leads to parking lots, sidewalks, and buildings with hard surfaces. He stated that the idea is to provide foundation plantings along half of the building and each facade, unless it is a rear facade where the loading area is to help break up and soften it a bit. He suggested that the idea is to get as much greenery and landscape as possible, and this is where the ordinance falls short.

The question was raised relative to snow removal in parking lots and if piled snow would damage the landscaping.

Mr. McLeod responded that developers and landscape architects are ultimately going to have to choose better plant materials for those situations. He mentioned that the developer of the RH Fuel Center at M-59 and Road stated that he would be spending thousands of dollars on landscape to have it dead the first year; and staff suggested that their landscape architect make better plant choices. It was noted that the Village of Rochester Hills installs low fencing to protect their plants from salt.

It was stated that parking lot designers should provide for longer runs and a snow load area.

He noted that data centers are now a hot topic, and mentioned that there are currently 57 data centers within the state of Michigan. He stated that if they came in today they would be looked at as general industrial uses, which would be a conditional use with setback and performance requirements.

Ms. Neubauer stated that certain members of City Council have concerns regarding data centers. She commented that she did not think that the city had the right land area available for a large data center.

Mr. McLeod concurred, noting that he went the MAP Conference recently and attended the sessions on data centers, and learned that they require much more acreage than the city has. He added that if there were to be some evolution of technology, the City would not want to write a whole separate

ordinance just for data centers. He explained that they thought the simplest way was to put it in as a part of general industrial as a conditional use. It is very limited as to where they could go and gives all of the control back to the City to do any type of conditions that would be appropriate.

Ms. Neubauer stated that while the city only has three percent of its land undeveloped, the question raised to her concerned any areas of redevelopment.

It was noted that those lands were not zoned industrial, so it would be very limited as to where they could go.

Mr. McLeod stated that their current interpretation is that it is a general industrial use and this modification would solidify it.

He moved on to discuss cat cafes. He noted that he met with the potential applicant who had assembled a business proposal that was included in tonight's meeting packet. He noted that the tenant spaces are technically separate, with coffee and cafe on one side and cat enjoyment on the other. He commented that one of the main concerns expressed was cross-contamination. He stated that he and Ms. Roediger were discussing that pet stores are generally regulated as a retail use; however, this could get into a larger discussion about kennels and boarding which he suggested could be worked on in the ordinance. He noted that at the last discussion, the Commission's reaction was mixed; however, he wanted to see if the Commission wanted staff to pursue this further.

Mr. Hetrick asked if the cats would be housed on site or would be going back to the shelter. He asked if someone would have to be there 24/7.

Mr. McLeod stated that they would be housed on site.

Ms. Roediger stated that people are not at pet stores or boarding places 24/7.

Mr. Hetrick stated that the proposal seemed like it covered a lot of the issues that had been discussed; however, he could not understand how the cats are taken care of when nobody is there.

Ms. Denstaedt stated that she sees a lot of good coming from these locations especially from the standpoint of cats that get adopted. She noted that her friend in Holland with such a business has an issue that they are running out of cats because they are getting adopted so quickly. She pointed out that these cats are obtained from nonprofits and are getting vetted with all of their shots prior to coming to the cafe. She stated that she has read through the business plan and is a proponent of these as they are coming.

Ms. Neubauer stated that as long as it is an Oakland County Health Department issue and is not a City of Rochester Hills issue, she does not care. She commented that the City does not need anything else to regulate that would bring added liability.

Mr. Struzik stated that he wants them and thinks it is a great opportunity. He commented that if people do not like cats, they do not have to go into the cafe.

He mentioned that cats are very self-sufficient, and he can leave his cat for three or four days by putting out a clean litter box and leaving out food and water. He pointed out that the old liquor store has been an eyesore on Auburn and he would love to see it redeveloped. He commented that he did not think this would be a nuisance to the surrounding neighbors, and the only issue he has seen regarding cats is around John R where there are a lot of outdoor cats where people are feeding them and not neutering them.

Mr. McLeod asked if the Planning Commission wanted to see this item as a conditional use or would rather it be permissible as long as conditions are met.

Mr. Hetrick responded he would like to see it as conditional. He asked if it would fit into a retail-type of zoning development, and commented that he did not think this was a Brooklands-specific type of thing.

Mr. McLeod responded that while the proposal was written for a location in the Brooklands, he thought that if it is allowed in the Brooklands it would probably be allowed in other retail districts as well. He added that there had been no conversations regarding whether alcohol sales would be allowed. He commented that staff would draft some cat cafe provisions to be presented to the Commission.

Ms. Brnabic questioned the sections regarding State-licensed residential facilities and wanted to know what was proposed there.

Mr. McLeod responded that the definition regarding these facilities was incorrect as it states that all of those are conditional uses. He explained that it is not correct because in State Law, some must be permitted by right. He stated that the proposed change will clarify and change language in the ordinance that contradicted State Law. He mentioned the Land Use Table, which they want to utilize as much as possible, should show what is conditional in which districts. He explained that they are taking this reference out of the definition and letting the Land Use Table remain as-is for this particular use. He noted that there was no change within the regulations, and it was only tightening up the language to avoid anything confusing or contradictory.

Discussed.