City Council of a PUD Agreement, as approved by the City Attorney, at Final PUD review.

7. Payment of $200 per unit ($3,200) into the City's Tree Fund, prior to issuance of a Land Improvement Permit.

8. Provide landscape and irrigation cost estimate with Final Plan submittal.

9. Address comments from applicable City Staff memos, prior to Final PUD submittal.

10. Engineering is requested to review the traffic patterns for possible conflict with the offset related to
Crestwyk Lane to Arcadian Dr. and how they line up, prior to Final PUD review.

Mr. Anzek stated that in response to one of the resident's concerns about the access, he felt that it was desirable to have connectivity for emergency responders. He thought that the primary users of the road would be the few residents on Gravel Ridge that might find it an easier path to John R. If they liked the rural feel, he suggested that a simple gate or knox box could be installed so that it did not become a through street except for emergency purposes. That would serve the residents of Gravel Ridge and Crestwyk Estates, and he recommended that it was something to consider as the process moved forward.

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

Aye 9 - Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder and Schultz

Chairperson Brnabic stated for the record that the motion had passed unanimously.

2017-0525 Public Hearing and Recommendation of an Ordinance to amend various sections of Chapter 138, Zoning of the Code of Ordinances of the City of Rochester Hills, and to prescribe a penalty for the violations thereof, and a review and discussion of Chapter 134, Signs, Planning Staff

(Reference: Memo prepared by Kristen Kapelanski, dated November 15, 2017 and draft Ordinance amendments had been placed on file and by reference became part of the record thereof.)

Present for the matter were Jill Bahm and Rod Arroyo of Giffels Webster,

1025 E. Maple Rd., Suite 100, Birmingham, MI 48009.

Ms. Roediger introduced Ms. Bahm and Mr. Arroyo, the consultants from Giffels Webster that the City had contracted to assist with the Master Plan, Ordinance amendments and various other items. There were a number of amendments proposed, which had been on a to-do list for a while. Many of them had been directed by the Zoning Board of Appeals (ZBA). Ms. Bahm and Mr. Arroyo had done research to see what neighboring communities were doing. They were the primary authors of the Sign Ordinance amendments, in conjunction with the City Attorney and the Building Dept., which enforced the Sign Ordinance for the City.

Ms. Kapelanski gave an overview of the proposed amendments. She stated that on-site signage had been proposed for Rezoning and Conditional Use requests. There would be a 4 x 6-foot sign posted on a property in accordance with the Public Hearing requirements. It would be very similar to how many communities in the area handled notifications, and it was an additional way to get the word out to residents. The second amendment was at the direction of the Planning Commission and City Council and dealt with places of worship but now also included libraries and museums, all which would be changed from permitted to conditional uses in single-family districts. They would be permitted on streets with right-of-way (ROW) widths of 120 feet or greater. Previously, they had been allowed on ROWs of 86 feet. Publicly-owned buildings and utility buildings were being removed from the Table of Permitted Uses. Municipal buildings and utilities were already listed, so it was redundant. The next amendment would allow an employee at a State licensed residential facility, such as a home daycare. The State required two caregivers for home daycares with seven to 12 children. The amendment would allow a daycare to have one employee from outside the home. Next were provisions for temporary outdoor display and sales of goods, commonly referred to as tent sales. Those sales would have to be related to the principal permitted use of the building, that is, if what was being sold in the tent was also sold in the building, it would be permitted. The owner of the property would also have to be the one conducting the sales. There were some time requirements included, and a sale could run for 14 days. At the behest of the ZBA, they proposed the elimination of the established building line. In order to meet the intent of that Ordinance without all of the complications, they included an average front setback. The average front setback provisions would maintain a consistent front setback in neighborhoods. There had been some confusion and conflicts between the drawing and the text that led to some issues. They included standard setbacks for corner lots in accordance with the current Schedule

of Regulations for residential districts. The sign regulations in the FB district were being eliminated and included instead in the Sign Ordinance so all districts were in one place. Again, at the behest of the ZBA, they included something to allow for a sliding scale for the permitted size of detached accessory structures. Currently, they were permitted to be 720 square feet of the ground floor area. The amendment would allow larger accessory structures on larger parcels. For example, with five acres or more, someone would be allowed to have up to 2,000 square feet. A new section was added regulating residential and non-residential fences. That was started as a way to ensure that large privacy fences were not put in a front yard of a residential home. There were some regulations limiting front yard fences to three feet in height. They also incorporated some of the fencing regulations that were previously included in the City Code in the Zoning Ordinance to keep everything in one place. They also eliminated some of the definitions related to types of fencing that were not addressed anywhere in the Zoning Ordinance or City Code. They eliminated references to proposed ROW, and it would just be referred to as ROW, which was at the recommendation of the City Attorney.

Regarding the Sign Ordinance, which was part of the City Code, Ms. Kapelanski noted that it was an opportunity for the Planning Commission to comment, but there would not be a motion made. The Sign Ordinance had been reorganized, and it had been made content neutral as a result of a recent Supreme Court case. The tone had been modified slightly to be a little more positive. As mentioned, the FB district had been incorporated in the standards. There were a couple of changes that had been made - some definitions had been changed; monument signs now had to be tied to a building; the allowances for wall signs were simplified; there were cross references for corner clearance; it reduced the amount of and clarified the standards for window signage; and electronic message signs were being allowed. She said that she would be happy to answer any questions.

Mr. Arroyo noted that he was a Partner with Giffels Webster. He and Ms. Bahm, a Principal Planner, were very pleased to be working with staff. He felt that Ms. Kapelanski had done an excellent job with an overview, and they were also there to answer any questions.

Chairperson Brnabic opened the Public Hearing at 7:40 p.m. Seeing no one come forward, she closed the Public Hearing.

Mr. Hooper said that he supported the restrictions requiring a greater

ROW width for places of worship. He asked what they had seen in other communities.

Mr. Arroyo advised that they found variety in terms of how it was treated. Some communities treated places of worship as principal permitted uses and others treated them as special land uses. Some were limited in size in certain districts and larger sizes were allowed in other districts. There was quite a bit of variation. He stated that the important thing was that they were treated the same as other public gathering places such as libraries and museums because of the Religious Land Use and Institutionalized Persons Act (a Federal law).

Mr. Hooper said that in the case that came before the Commissioners that drove the situation, the applicants were adding a parking lot in the rear and side yard setbacks of a residential home to allow a gathering place. If they restricted places of worship to streets of 120-feet ROW, he wondered what additional legal restrictions they could place on converting a residential home and and adding a parking lot.

Mr. Arroyo said that typically, when someone proposed to put an off-street parking lot into a residential district, there were more stringent screening requirements. The key was making sure the standards were there so if uses were introduced into residential districts, the buffering was there to minimize the impact on surrounding residential areas. Mr. Hooper agreed, but even with the buffering required of the previous applicant, he wondered if there were any other means, other than determining that something was harmonious and compatible. He wondered if that was even an avenue to fall behind. Mr. Arroyo said that religious uses were more of a protected land use in a number of ways as viewed by the courts because of First Amendment rights. It had to be addressed in a certain manner, and a community had to be consistent with other public gathering places. Mr. Hooper concluded that the advice was buffering to minimize the impact, but there was nothing to uphold a denial. Mr. Arroyo said that the City was also proposing that places of worship would be limited to roadways with 120 feet of ROW versus 86. That was a community character issue they could introduce that could have an impact on where they were sited. Mr. Hooper said that even on a 120-foot ROW, there were still residential homes that would not necessarily be on acreage parcels. He supported it, and he supported the further restrictions, he was just trying to look ahead at the negative impacts people would perceive by adding parking around an existing residential home in a subdivision.

Mr. Hooper said that he thought that having employees in a State licensed residential facility was a no brainer. It had been going on already. He questioned the amendment for outdoor sales and whether it would prohibit pretty much all of the tent sales in the community. For instance, he wondered whether the old K-Mart site where they sold vegetables would be ruled out.

Ms. Kapelanski responded that vegetables, pumpkins and Christmas trees would all be treated separately as part of the sale of produce and seasonal plant materials. They would still be permitted. The proposed amendment was for more retail type products, for example, a tee-shirt stand. Meijer might sell them in their store, and they could also have a tent outside of the store selling that product, and it would be permitted.

Mr. Hooper clarified that all the vegetable stands would not fall under the amendment and could occur year round. Ms. Kapelanski agreed that they would still be governed under the current provisions.

Mr. Hooper said that regarding detached accessory structures, he wondered if a resident would be limited now to a maximum 2,000 s.f. accessory structure if he or she had a five-acre parcel. Mr. Arroyo said it was for combined area, so that was correct. Mr. Hooper said that conceivably, if he had five acres and wanted to put up a pole barn to work on cars, it could exceed 2,000 s.f. He had friends that currently had that in other communities. Mr. Arroyo agreed that other communities did allow larger structures. It came down to what was right for Rochester Hills. There was a sliding scale which recognized that as parcels got larger, someone could have a larger structure. The accessory structure could not exceed the size of the principal structure. Mr. Hooper asked if it followed what other communities had done in limiting the size of accessory structures. Mr. Arroyo said that it was the same for communities similar to Rochester Hills. In more rural communities, larger structures were allowed.

Ms. Roediger added that the current Ordinance limited accessory structures to 720 s.f. regardless if someone had five acres or ¼ acre. It was their attempt to provide more area for larger parcels that kept up with standards in other communities. The request came from the ZBA. Mr. Hooper said that he had no problem with the smaller size, which was predominant in Rochester Hills, but there were a number of larger parcels that people bought to have accessory structures. He considered that they could deal with those situations as they arose.

Mr. Hooper asked if the City required a permit for a three-foot fence. Ms. Roediger advised that the City did not require permits for any fences. Mr. Hooper said that the amendment said that a permit "shall be required for the construction of any fence over three feet." Ms. Roediger said that language was in the draft from Giffels Webster but in the actual amendment that Ms. Kapelanski had included, the reference to permits was taken out.

Chairperson Brnabic said that she was happy with the proposed change for accessory structures. Lots had been limited to 720 s.f. as mentioned, and there was a problem at the ZBA. People might have had three or four lots that had been combined, and they had a garage but were not permitted to put up a shed. The Building Dept. saw a lot of requests, as did the ZBA. It was not fair, but that was how the Ordinance read. The ZBA recommended updating the Ordinance.

Mr. Kaltsounis noted that there were fireworks sales at Auburn and Adams. It used to be a gas station/restaurant. The proposed Ordinance stated that the owner or operator of the principal use would have to conduct sales. He asked how owner/operator was defined. He asked if it could be someone that rented property as owner. Ms. Kapelanski said that the operator would imply a lessee as well. For example, if Dunham's wanted to have a tent in front of its store and sell sporting goods, that would be permitted. Operator would imply a lessee of a building as long as the uses were related - the principal use in the building and the items being sold in the tent outdoors. Mr. Kaltsounis asked if fairs fell under the amendment. He noted that they sometimes sold food and other things. Ms. Kapelanski felt that would be governed by the special event provisions through the Building Dept.

Mr. Kaltsounis thought that along with places of worship, adding libraries and museum was a good move. There was a property before them that was almost a third party religious organization, but he did not get a good feel for it. The applicants purchased a house on Brewster and wanted to put a parking lot in the backyard. They were going to bring in 16 cars and have meetings at 5:30 a.m. People would be coming to the house at 5:30 a.m. with doors opening and closing and lights shining. There was a subdivision around the home. There might be different services throughout the week. It felt more like a company than a religious organization, and that was why there were many concerns. He was happy they were changing the ROW requirement to 120 feet, but there would still be houses against the road where it could happen. He was concerned about backyards being turned into parking lots. It was a new endeavor,

and they had to be careful. He felt it was a good first step, but as they went forward, he would like to see how it went. He believed that the applicant had four other houses throughout the area they were converting to religious meeting places, but they were not typical churches to him.

Mr. Anzek agreed with limiting brightness for electronic messaging, but he also felt they needed something for the duration of a message to avoid a strobe light effect. Mr. Arroyo said it was ten seconds. Mr. Anzek thought that putting up signs for Rezonings and Conditional Uses was a great idea. He asked who would make the signs. Ms. Bahm said it was usually the applicant's responsibility. Mr. Anzek asked if they would need a permit from the City. He did not think that they should be getting into the permitting business. They would have to hire three more people to enforce. He did feel that there needed to be standards as to size and type of font. He asked if someone would be allowed two signs on corner lots.

Ms. Roediger referred to page three of the amendments, which showed the specs for signs. She thought they needed to talk about whether it should be the applicant's or the City's responsibility. They considered people with daycares who might not have the wherewithal to create their own signs. The City could produce a couple of standard signs and at the cost of the applicant, they could install them. Mr. Anzek recalled that the City used to do it by policy using sandwich boards about 15 years ago. All the signs were stolen, and they were expensive. He thought that it was a good idea to notify people of potential changes. Regarding fences, he thought that eight feet was too high. He thought six should be the highest. Some of the lots were small, and many of the neighborhoods had deeds and restrictions that prohibited fencing. He wondered if there should be some language advising people to check with their Association. Mr. Arroyo agreed that there could be provisions that made it difficult, and people had to be aware. Mr. Anzek said that a majority of deeds and restrictions prohibited fencing, and he would not want people to think that because the City permitted it that they were allowed to do it. Ms. Bahm suggested that it might be included as part of the frequently asked questions, and it could say that people were advised to check with their Homeowner's Association. Mr. Anzek knew that with permitting, there would be surveys involved and other things, and the City should not take responsibility for what should be a homeowner's responsibility. Mr. Arroyo observed that it said eight feet for residential and non-residential, and he knew that other communities allowed six feet in residential districts and eight in other districts.

Mr. Anzek brought up elimination of the reference of proposed ROW. He

asked from where setbacks would be measured. Mr. Arroyo said that it would be from the existing ROW. Mr. Anzek wondered if they should re-establish setbacks to be from the center line of the road. Mr. Arroyo agreed that was another option, and some communities were doing that. Mr. Anzek thought that they could end up with buildings a little too far forward, so it was something to look into. He knew it was an issue with Rochester Rd. Years ago, MDOT had wanted to widen, and there were buildings staggered all over the place. He understood the reason for adding it, and he supported it, but he thought it would be better to measure from the centerline of the road. Mr. Arroyo agreed that would be a way of getting a more consistent setback.

Mr. Schroeder stated that they should deal with proposed ROW. They should not deal with what existed. They would create a lot of problems and costs. Mr. Arroyo said that he agreed with that in theory, however, there were some case law issues related to it. There had been challenges, and that was why some communities were instead considering measuring from the centerline. He had been told by many city attorneys that if they tried to enforce a setback from a proposed ROW, it would not hold up well in a challenge. Mr. Schroeder said he had been very successful doing it over many years.

Mr. Schroeder also thought they should have something in the Ordinance about checking with an HOA, because subdivisions had their own rules, and the City did not enforce those rules. The City's permit would not override a Homeowner's Association's rules. Mr. Arroyo said that what was typically very helpful was that a lot of times, a community would have a handout about fences, for example, and it was a great opportunity to make people aware that they should check with their subdivision association. Ms. Bahm added that there might be other scenarios where a Homeowner's Association's deed restrictions might apply beyond fences. If they put something in for fences, she wondered if they should also put it in other places in the Ordinance. Mr. Schroeder felt that it should be for everything. Ms. Bahm thought that it could be handled administratively rather than be incorporated into the Zoning Ordinance.

Mr. Schroeder noted that since 1967 with the Plat Act, every lot had a public/private easement in the rear for Edison, gas, phone or cable. He felt that setbacks should be measured from the easement and not from the property line. There were private access roads on lots where there were easements. He mentioned corner clearances and front lot line easements for utilities as well. Detroit Edison did not record their easements. They cleared most of them in the City, but there still could be

outstanding easements that were not recorded. Mr. Arroyo said that it was also a good practice to make sure that easements were shown on any plans reviewed.

Ms. Morita noticed that an electronic sign could change every ten seconds, and she indicated that was six times a minute. She thought that was too frequent and asked the consultants if they disagreed. Mr. Arroyo said that it was a community character issue. He had seen many communities go with a 30-second standard, and he liked that better. Ms. Morita said that she would be more comfortable with a 30-second standard. She felt that with ten seconds, they might as well just have a flashing sign. If someone's house was near it, the people would know it was there.

Regarding allowing a daycare worker to have someone come in from outside the home, she said that she could not support that. The City did not allow employees for any other type of home occupation business. She did not know how they could tell another home occupation that he or she could not have an employee when it was allowed for daycares. Just because the State allowed a daycare center to go into a residence did not mean that the City also had to permit them to have employees in that residence. It would be no different than the State saying that someone could have an oil well in a backyard. That did not mean the City would have to accommodate oil wells in residential areas. She understood that people had home daycares, but there was a reason they did not allow employees to come to a residence in the middle of a subdivision creating a situation where there could be 12 kids being dropped off in the morning, because there was now an employee. It was about being kind and respectful to a neighbor. There would be a situation where residents would park there, there would have to be a parking space for an employee and space for drop off and pick up. She commented that living next door to that would not be fun. If the daycare was not in a subdivision and was more on a main thoroughfare, she felt that would be more acceptable, but she could not support having an employee come to the middle of a subdivision when they did not allow it for any other occupation. She did not know how that could be defended if someone wanted a secretary for a home occupation. She remarked that it would never fly, so she did not know why they would allow it for a daycare use.

Ms. Morita brought up temporary sales language, and she thought that there could be an issue with a vacant parcel. The parcel Mr. Kaltsounis mentioned at Auburn and Adams did not have a building on it. There was no primary use to be able to have an accessory use. The Ordinance did

not address what would happen with a vacant parcel. If a fireworks guy wanted to rent a vacant parcel, the Ordinance could be interpreted that the main use of that vacant parcel was now firework sales. She suggested that the language should be looked at and something should be added to the effect that temporary outdoor sales events must be accessory to an existing, improved parcel's principal use. That would make sure that there was an operating business on a parcel.

Ms. Morita said that she would also like to see permits required for temporary outdoor sales. She was not sure how staff would be able to keep track of who was operating for 14 days if people did not have to get a permit. If no permits were issued, staff would not even know to go out and check to see if something was operating when it should not be. In the event that there was a different operator from the principal, and there was an issue with the property and the City had to look at cost recovery, they would know who to contact.

Ms. Morita had seen in other communities that when there were temporary outdoor sales, there were limits on the size of the tents. She did not see that in the Ordinance. They also put limits on the colors of the tents and required the color to be similar to the building. There could be signage issues with the tents, because they might have a lot of signage on them. All of those things needed to be addressed with temporary outdoor sales so the City was not seeing massive tents with lots of signage and inflatables. The display should not look like a circus. She would like them to look at adding provisions for that.

Ms. Roediger said that in terms of permits, the City would require a permit the same as with a special event, so the Building Dept. would still handle it like they did for carnivals and seasonal sales. She agreed that they could add language about accessory to a principal use and some standard language for size and color. Mr. Arroyo said that a vacant parcel would not have a principal use so an accessory use would not be allowed there. Ms. Morita felt that it needed to be clarified. She could make the argument that the principal use was what a property was being rented for. Mr. Arroyo said that they could add a line to clarify that a vacant lot shall not be considered a principal use.

Ms. Roediger said that in terms of the State licensed residential facilities, the reason they added the requirement to allow for one employee was to align with the State regulations for in-home State licensed facilities. That made it a little different than an office use for home occupations. She thought that the City was required to allow State licensed residential

facilities in residential districts as Conditional Uses. If they did that, knowing that the State required two caregivers, there would be Ordinances that were conflicting, and they would be violating State law.

Ms. Morita did not think they would be. It required two caregivers, it did not require a City to allow employees. There could be two residents in a home as the caregivers. The State law did not require the City to allow employees in that type of use, and it did not require the City to put itself in a position where it could get challenged by other home occupations if they allowed employees in only one instance.

Mr. Kaltsounis said the Ordinance read, "except as required as part of State licensed residential facilities." Language would be added to read one employee for six children/residents; two for up to 12.

Mr. Anzek said that he respectfully disagreed with Mr. Schroeder about setbacks being measured from easements. He thought that could be a takings. If there was a utility easement and a house burned down, it would have to be built back ten feet more because of the easement. It had always been his experience that setbacks were measured from property lines. Mr. Schroeder asked if he thought it was all right to put a shed on top of an easement. Mr. Anzek said that there might be the risk of it being demolished if the owner of the easement needed to get to it. The City did permit temporary structures on easements. It allowed the planting of trees with the understanding that if the trees got ripped out in an emergency, the City would not replace them.

Mr. Anzek said Ms. Morita suggested that perhaps the extra daycare employee was restricted to daycares on right-of-ways of 120 feet because they had lost their residential character. Ms. Morita said that it would be more acceptable, but she felt that it should be reviewed by the City Attorney. Her concern was how they would allow an employee for one in-home use and deny it for everyone else. If people wanted an employee, and it was allowed for one use, they could question why they could not have one. She did not think employees should be coming to residences for any reason whatsoever. Mr. Anzek asked about a home nurse. Ms. Morita maintained that it did not fall under a home occupation.

Chairperson Brnabic asked how many home occupations within the City were State regulated. Ms. Morita did not know, but she said that it did not matter. If someone was a CPA, he or she was State regulated. An attorney working from home still answered to the State Bar. If someone

was required to have an employee, they would have to do business somewhere else, not out of a house, because it was disruptive to the neighbors. Chairperson Brnabic said that it was a legal question. She did not know how many of the Commissioners were concerned. She understood Ms. Morita's point, but she said that she was not concerned with one person coming in to a home for a State regulated childcare business. Ms. Morita said that it was that one person and the six additional kids. Chairperson Brnabic considered that the neighbors could be using that daycare, and it could be very convenient.

Chairperson Brnabic agreed with the concerns about the religious organizations meeting. Each Commissioner at the last meeting was aware that a place of worship in a residential district was allowed by Ordinance, but they were concerned. The situation was very unique in that it was a home in a subdivision. She did not think anyone would want that occurring next to them or to see a parking lot next door. It was very concerning to think of 40 people showing up at 5:30 a.m. on a Sunday morning with noise, car doors and lights. She said that she would appreciate it if that was looked into further.

Mr. Hooper said that regarding measuring setbacks, he agreed with Mr. Anzek that it needed to be from the property line. If they measured from the easement at his home and something happened, he would not be able to put his house back up. He had a private utility easement in the backyard that swallowed up more than half of his setback. It would rule out the use of his backyard, so he agreed that it had to be measured from the property line.

Mr. Hooper said that there were good points about childcare facilities. He had been on the Commission 20 years, and they probably had seven approved, and clearly, every one of them had an employee. He would hope they did, because they all had between eight and 12 children. A resident could not take care of that many alone. Whether it was overlooked in the past or not, people clearly had assistance in taking care of children. He agreed that Mr. Staran needed to review it to make sure they were not opening any other avenues, and maybe the language could be strengthened. The way it was stated under the required conditions read, "Does not employ paid assistants or employees other than those living at the premises, except as required as part of a State licensed residential facility." If that needed to be strengthened to make sure it was strictly for licensed daycares, he felt that it should be. He pointed out that on Rochester Rd. there were a couple of home care facilities that he could guarantee had employees 24 hours a day. He recalled that it never

came before the Planning Commission.

Mr. Hooper observed from the comments that the Ordinances would be revised and brought back to the Commissioners. He noted that there were a lot of suggestions and potential language changes.

Mr. Kaltsounis referred to the discussion about Detroit Meeting Rooms. It did not sound like a religious organization. He would like to know more about the law with regards to what a church should have other than a 501.c.3.

***MOTION** by Kaltsounis, seconded by Reece, the Rochester Hills Planning Commission hereby **postpones** the request for Recommendation of proposed Ordinance amendments to Chapter 138, Zoning and Chapter 134, Signs to allow staff to make revisions as discussed before bringing it back before the Commission.*

Mr. Anzek said that he wanted the Commissioners to give Mr. Arroyo and Ms. Bahm clear direction. He was not sure they were unanimous on everything. He asked if they wanted to see six or eight-foot fences on residential lots. He felt that six was plenty, and Mr. Hooper agreed with six for residential and eight for non-residential.

Ms. Bahm went over the amendments. She believed that everyone was fine with the Rezoning signs, and that applicants were responsible to make them. For places of worship, there might be some additional research down the road. They would do more research for home occupations and talk to the City Attorney. She did not hear any objections to the average front setback or area, bulk and development requirements. Signs in the FB district would be moved to the Sign Ordinance.

Ms. Roediger noted that the Zoning Ordinance was separate from the Sign Ordinance. She asked if the Commissioners were comfortable taking the Sign Ordinance forward to Council or if they wanted to see it again, and it was determined that it would also be brought back.

Ms. Bahm said that regarding accessory structures, some of the issues were clarified and agreed upon. They would make the modification for fence height. The question about the ROW line was resolved. Temporary outdoor displays would have a provision added to clarify that they could not be erected on a vacant lot, and they would add language about size, color and signage.

Ms. Morita added that they had discussed the timing for changing the display on electronic signs from ten seconds to 30.

Mr. Dettloff said that regarding temporary outdoor sales, there was a little plaza near his home that sold fireworks in the summer. There was not a primary business in the plaza that sold fireworks. He understood that it would no longer be allowed, which was confirmed. Ms. Morita commented that if they started selling fireworks inside the bowling alley, they could sell them outside.

Mr. Schroeder said that he did not want to belabor the point, but he stated that the City would be giving people permits to build a structure on top of a water main or sewer easement. Ms. Morita said that it was the owner's responsibility to know where the easements were. It was not the City's responsibility to make sure they were building in the appropriate place as long as they were not within the required setbacks. It was the property owner's responsibility to make sure that they were not doing something unwise.

Mr. Arroyo said that the only other issue he remembered related to the setbacks and whether or not they should explore measuring from the centerline of the road versus from the existing ROW. Mr. Anzek asked what Mr. Staran said and if they got into detail.

Ms. Roediger said that there was discussion about the current Ordinance and the potential for legal challenges. A first step was to clean it up to make sure they were not in violation. Since then, she and Mr. Arroyo had talked about doing a centerline approach. If the Planning Commission wanted, they would look into it. They did not talk about that with Mr. Staran. Mr. Anzek said that he would like that looked at, because he thought there might be problems using existing rather than proposed.

Mr. Hooper asked if decks, such as gazebos, were not considered accessory structures. Ms. Roediger said that they would count for total square footage of accessory structure. Mr. Hooper said that he could guarantee that there were gazebos on easements in the City, which he agreed was the homeowner's responsibility.

Voice Vote:

Ayes: Anzek, Brnabic, Dettloff, Hooper, Kaltsounis, Morita, Reece, Schroeder, Schultz

Nays: None
Absent: None ***MOTION CARRIED***

Chairperson Brnabic stated for the record that the motion had passed unanimously.

OLD BUSINESS

2017-0064 Request for Revised Site Plan Approval (Building Materials) - City File No. 16-018 - Cedar Valley Apartments, a proposed two-story apartment complex totaling 99 units on 5.57 acres located east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB 2 Flexible Business Overlay, Parcel Nos. 15-23-15-020 and -022, Bret Russell, Michigan Income Fund, LLC, Applicant

(Reference: Staff Report prepared by Kristen Kapelanski, dated November 15, 2017 and revised elevations had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Mark Schovers, Designhaus Architecture, 301 Walnut Blvd., Rochester, MI 48307.

Mr. Schovers stated that they were proposing to eliminate the corrugated metal and swap out the composite stained wood siding with a painted cement board siding. They felt that eliminating the metal and going to higher end materials would present a softer, more residential feel compared with the more industrial feel of the corrugated metal.

Ms. Kapelanski noted that the project was previously approved on September 19, 2017. They were proposing a couple of changes including eliminating the balconies. In addition, the metal panels and the stained composite siding percentage had been reduced and replaced with painted lap siding. One of the reasons staff felt it should be brought back to the Planning Commission was that the overall look and feel of the building, although the massing remained the same, had changed from a more rustic looking building to something that looked a little more industrial with white painted lap siding. Staff wanted to make sure that the Planning Commission was okay with the material changes as the applicant looked to move forward

Mr. Reece asked what drove the changes and if it was cost. Mr. Schovers said that it would actually cost more money to eliminate the metal panel. He showed a photo of the original color, and said that they thought it was too yellow-ish. They wanted to use a darker mahogany or walnut color. The applicants thought that the corrugated metal panel did not lend itself