

4. *Approval of all required permits and approvals from outside agencies.*
5. *Address all applicable comments from other City departments and outside agency review letters, prior to final approval by staff.*
6. *Submittal of By-Laws and Master Deed for the condominium association along with submittal of Final Preliminary Site Condo Plans.*
7. *Provide modified plans showing the center left turn lane at the northern entrance, along with Final Site Condo Plan submittal.*
8. *Add trees/shrubs along the eastern property line of the adjacent subdivision(s) to discourage cut-through traffic to Hamlin Ct., along with Final Site Condo Plan submittal.*

*Mr. Kaltsounis said that he understood the rules. When he pulled up an aerial for the site, he saw a lot of parks around it. He had one in his sub and he used it, and kids sometimes used it to play soccer. He stated that Mr. Windingland's inflexibility was disappointing. He did not know if Mr. Windingland had the capacity to make a decision about a park or not. Mr. Windingland said that he did.*

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

**Aye** 6 - Anzek, Brnabic, Dettloff, Hooper, Morita and Schroeder

**Nay** 3 - Kaltsounis, Reece and Schultz

*Chairperson Brnabic stated for the record that the motion had passed six to three. Mr. Schroeder commented that the people in the proposed sub would not want cut-through traffic either, and they would do what they could to prevent it.*

**2018-0171**

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 of amendments to the City Code and Sign Ordinance

*(Reference: Memo prepared by Kristen Kapelanski, dated May 11, 2018 and Zoning Ordinance and Code of Ordinance Amendments had been placed on file and by reference became a part of the record thereof).*

*Ms. Kapelanski went over the changes identified in her memo. Nomenclature had been adjusted for Conditional Land Use and PUD. There were some instances in the Ordinance where a Conditional Use was referred to as Conditional Land Use, so the word Land was deleted. The term Preliminary PUD Concept Plan had been changed to*

*Preliminary PUD Plan. The terms PUD Agreement and PUD Contract would be consistently referred to as PUD Agreement. The Site Plan Approval and Conditional Use standards were updated to incorporate discretionary standards. Personal services, such as salons and tailoring had been added as a permitted uses in the O-1 district. The size requirements for outdoor play areas for daycare centers had been modified to refer to the State of Michigan standards. The floor area for nursing homes, convalescent homes and assisted living facilities had been clarified to note that the requirement only applied to assisted living facilities. There were provisions added for the temporary outdoor display and sales of goods and tent sales. General provisions pertaining to temporary sales and roadside stands had been consolidated to one area of the Ordinance. Standards for roadside stands and Christmas tree sales generally remained unchanged. Tent sales that had been added had to be accessory to a principal use and were only permitted in the B districts. Time limits for sales had been proposed as well. Tent size, height and color limitations were included. Home occupation references had been removed from State Licensed Residential facilities in accordance with State law. Hotels had been changed to a Conditional Use in the FB-3 district. Accessory structures had been amended to address implementation and enforcement concerns. The definition of an attached accessory structure had been clarified. Required setbacks for detached accessory structures had been split into properties less than or equal to or more than two acres. The fence provisions had been removed from the City Code. In the last amendments, they were moved to the Zoning Ordinance but not removed from the Code of Ordinances. The Sign Ordinance had been amended to address some implementation concerns of the Building Dept. They were now requiring an inspection for all signage; the brightness measuring for illuminated signs had been adjusted; the maximum sign area had been added for commercial, industrial and freeway service signs; and the maximum size of gas station canopy signage had been added. She advised that the fence provisions in the City Code and the Sign Ordinance amendments would go to City Council for approval, and the Planning Commission did not need to make a recommendation for those items - they were provided for informational purposes and discussion. Staff was asking for a recommendation of approval for the Zoning Ordinance amendments.*

*Ms. Morita said that for roadside stands, Christmas trees, temporary outdoor sales and goods, the way she read, it would prevent a non-accessory sale of fireworks at, for example, a bowling alley. Ms. Kapelanski said that was correct, but if fireworks were sold inside of a business, they could also be sold outside. Ms. Morita asked if they would*

still have to meet all the Fire Marshall Code requirements inside in order for it to be accessory outside. Ms. Kapelanski said that was correct. Ms. Morita said that for State Licensed Residential facilities, she recalled that there was an issue within the last year when a woman came in for a daycare for 12 kids that would have an employee, but it was not allowed under the City's Home Occupation. She remembered going back and forth with the City Attorney regarding whether or not the City could make a condition that there would be no outside employees. She thought that his opinion was that it was o.k. to add that condition, because there was no requirement in State law which would pre-empt the City's Ordinances as it pertained to daycare facilities. The proposed amendment would completely avoid the application of the Home Occupation regulations. She asked if she had recalled it correctly. Ms. Kapelanski explained that the amendment came about as part of the daycare application. She said that she could get Ms. Morita the documentation on the final decision of the City Attorney, but she believed it said that the City should delete the provision not allowing outside employees, because it would not be in accordance with State law. Ms. Morita said that decision would be important to go to City Council as a part of their consideration. She asked Mr. Hooper if it came to Council at one point. Mr. Hooper remembered that it did go, and he recalled that Mr. Staran did make that recommendation. Ms. Kapalenski said that she would include that information for Council.

Chairperson Brnabic opened the Public Hearing at 7:52 p.m. Seeing no one come forward, she closed the Public Hearing.

**MOTION** by Kaltsounis, seconded by Schroeder, the Rochester Hills Planning Commission hereby recommends to City Council approval of an ordinance to amend Sections 138-2.101, 138-2.200, 138-2.203, 138-2.302, 138-4.300, 138-4.400, 138-4.423, 138-4.424, 138-4.426, 138-4.436, 138-4.439, 138-4.440, 138-5.202, 138-6.303, 138-7.105, 138-7.107, 138-8.200, 138-9.205 and 138-11.302 and Chapter 1 Article 10 of Chapter 138, Zoning, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to clarify language related to discretionary decisions, to allow personal service businesses in the O-1 District, to clarify requirements related to state licensed residential facilities, to conform to state regulations for outdoor play areas at child care centers, to clarify regulations related to floor area requirements for assisted living and convalescent/nursing facilities, to add regulations for the temporary outdoor display and sale of goods, to adjust the nomenclature of items in the Planned Unit Development process, to change hotels from a permitted to a conditional use in the FB-3 Overlay

*District, to clarify regulations for accessory structures, and to ensure consistency across various ordinance sections; to repeal conflicting or inconsistent ordinances, and prescribe a penalty for violations.*

*Mr. Hooper mentioned the section on fences where barbed wire could not be installed on fences except above a six-foot fence in a non-residential area and enclosing a storage area. He wished to see barb wire eliminated completely. Mr. Anzek reminded that there were other things besides barb wire that were just as bad, so he suggested adding eliminating "barb wire and similar types" of material. Ms. Kapelanski said that it was a typo, and it would be struck from the Ordinance. She would confirm that it was not generally permitted, and it would go to Council as a separate amendment.*

**A motion was made by Kaltsounis, seconded by Schroeder, 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.*

**2017-0064**

Request for Revised Site Plan Approval - City File No. 16-018 - Cedar Valley Apartments, a proposed two-story apartment complex totaling 99 units on approximately six acres located east of Rochester Rd., north of Eddington Blvd., zoned R-4 One Family Residential with an FB 2 Flexible Business Overlay, Parcel No. 15-23-15-025, Bret Russell, Michigan Income Fund, LLC, Applicant

**A motion was made by Kaltsounis, seconded by Morita, that this matter be Postponed. The motion carried by the following vote:**

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

**2018-0193**

Request for a Tree Removal Permit - City File No. 89-121.4 - for the removal and replacement of 13 regulated trees associated with the renovation of Rochester Hills Plaza, located on Walton, between Livernois and Rochdale, Zoned B-3 Shopping Center Business with an FB-2 Flexible Business Overlay, Parcel No. 15-09-476-033, Stucky Vitale Architects, Applicant

**A motion was made by Kaltsounis, seconded by Reece, that this matter be Granted. The motion carried by the following vote:**