

**City of South Lyon
Planning Commission Meeting
March 13, 2008**

Chairman Weipert called the meeting to order at 7:03 p.m.
All present recited the Pledge of Allegiance to the Flag

PRESENT: Commissioners Culbertson, Leimbach, Weipert, Mosier, Bradley, Kurtzweil, and Lanam.
Commissioners Subotich and Tartaglia were excused.

Also present were Ben Tallerico (Planning Consultant), Kristen Cunningham, Director of Community and Economic Development

APPROVAL OF AGENDA:

Cunningham suggested the order of agenda items be flipped so that new business goes first.

Motion by Bradley, supported by Lanam

To approve the Agenda for March 13, 2008 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

Motion by Culbertson, supported by Kurtzweil

To approve of the Minutes for January 10, 2008 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

Leann Tolinski, the owner of Gallery Café at 101 South Lafayette, South Lyon asked to address the Planning Commission. She reported that local business owners have met and they would like to request a meeting with the Planning Commission to discuss the temporary sign ordinance. She provided documentation of neighboring community ordinances. The business owners would like to be able to use sandwich boards on a more regular basis because it would have an impact on bringing business into the stores.

Weipert asked if the signs are allowed now. Tolinski stated the cost is \$20 to have a sign permit for 30 days but then she must wait 60 days before she can apply for another permit. It takes a lot of planning to figure out when to use the signs. She asked the Commission to look at language and see if the South Lyon ordinance could be changed. Weipert noted the city of Milford's ordinance was well worded and she feels they are targeted to foot traffic. She feels the signs are kitschy and she would support a change in the ordinance. She added the signs would help show what stores in town offer.

Mosier stated the Commissioners have been working on the sign ordinance on and off for the past four years and this is the first business owner to come in and discuss it. He added that was a great thing.

Bradley asked how wide the sidewalks were. Cunningham answered approximately eight-feet. Culbertson asked if anyone knew the background on the temporary sign ordinance. Cunningham replied she did not know but she would find out. Council member Glenn Kivell, 235 W. Lake stated it was to keep it to one-third of the year but he was not certain if it had to be thirty-days in a row. Cunningham noted that was how it was enforced.

Weipert asked if the punishment could be a stepped-up process with civil infractions moving to misdemeanor, etc. Cunningham stated mixing them was not a good idea. It should be one or the other but she would double check with the city's attorney.

Weipert reviewed Commissioner Tartaglia's comments that he sent to her. He would like to add that during construction on commercial buildings windows should be covered or blacked out. Weipert also spoke to Commissioner Subotich; however, he had no feedback on this topic.

Discussion – Building Matrix

Tallerico took the original and made revisions based on the feedback he received.

There was a general discussion regarding window shapes.

Lanam asked if points should be given for hard landscaping i.e. rocks, slate, pavers, etc. Leimbach noted this document provides the ability to really work with the developer.

Bradley questioned the points assigned for building materials. Tallerico noted that was an error. They discussed how to correct it and decided to sort the sections so the highest value was first.

Lanam asked if the city had a HVAC screen on the roof of the city offices. Cunningham replied she did not think so. Tallerico stated he felt it should be added to the ordinances. Lanam stated he felt they should also require the trash screening to match the no-maintenance building materials. This led to a general discussion regarding chain-link fencing and landscaping.

Kurtzweil asked if there was anything in the ordinances that required maintenance. Cunningham noted that was moving into peeling paint issues. Kurtzweil asked if they could have a review or something. Tallerico stated it would have to be part of the approval. Leimbach noted they had the teeth but need to make sure to follow through. Mosier noted that was enforcement.

There was a general discussion regarding snow shoveling and keeping the sidewalks clear in the winter.

Weipert asked if there could be a point matrix for landscaping. Lanam stated he would hate to give points for something that could die. Cunningham noted there was a one-year guarantee; if something dies it must be replaced and then there was another one-year guarantee. Kurtzweil agreed that points for vegetation were a good idea. Culbertson stated he was against the vegetation but in favor of adding hard landscaping.

Tallerico reviewed what the Commissioners wanted added in to the matrix and there was a general discussion regarding hard landscaping and general landscaping.

Leimbach asked if lighting should be added to the matrix. Bradley noted it was already covered in the ordinance. The Commission decided to review that ordinance and tighten the lighting requirements.

Kurtzweil asked if they would want to add in values for environmentally green standards. This led to a discussion regarding environmentally friendly lighting and other ways to support green standards.

Weipert asked how they would determine what bright colors were. Tallerico stated it would be a negotiation with the building.

Tallerico asked if the signs were allowed in the five-foot walkway. Tolinski stated she keeps hers on the patio because it was not allowed in the walkway. She added in Northville the business put them closer to the curb like where the brick pavers are in South Lyon. The Commissioners agreed to add this topic to a future agenda and review the ordinance.

NEW BUSINESS

Discussion – Blight/Property Maintenance

Tallerico provided a revised draft as well as comments from neighboring communities. Weipert asked if Ypsilanti beefed up their code by using the International Property Code. Tallerico replied yes, however, that only applies to new buildings. The problem was enforcement. The International Code does allow more options and it could be tweaked to fit the community's needs. Weipert asked if there would still be a need for a blight ordinance. Tallerico stated it would be for around the building, litter, etc.

Kivell commented it was suggested it was to be used for commercial. Tallerico replied that was correct. In the past he has recommended communities go around and give feedback like "nice job with the awning" or "you need to clean this up" and not have a Gestapo mentality toward enforcement. Kivell noted that is usually how it was handled in South Lyon, that Joe Veltri was very good at that.

Weipert asked if many places have a blight court. Tallerico replied that would be up to the Commission to decide what was needed. He did not think the problem in South Lyon was that severe.

Kurtzweil stated she has been in favor of a blight ordinance all along. The tougher it is written the better for her. She believes there must be a city somewhere that has a blight ordinance that works. Tallerico stated it comes down to enforcement. Kurtzweil stated the blight ordinances she has researched have procedures that address due process within the ordinances. Kivell stated the shortcomings were in the appeal portion and that was where the cases were dragged out. Kurtzweil stated there was a new appeal process that was faster so if the due process was addressed ahead of time and if the ordinances were well written the appeal process would not be that bad. Kivell noted the city had one issue that lasted seven years. Kurtzweil noted she had not reviewed that case and stated they must look at the big picture and maybe the issue should be addressed to the government officials to gain support for statutes. Council member Dick Selden, 62401 Raleigh stated the ordinances had not been revised since the state made changes in 2006. Mosier commented he feels proper enforcement was the real issue. Selden suggested contacting the Michigan Municipal League for their help. Weipert stated rules and ordinances could be created but without enforcement it would be pointless. The question should be how far was City Council willing to take it to make sure there would be enforcement. Selden noted he feels Council was willing to make certain it would be enforced.

Tallerico suggested looking at the language of the ordinance now and address enforcement another way. Since it could be a legal issue he suggested getting feedback from the city's attorney. Lanam stated if the ordinance addresses the different levels of punishment it could take away the likelihood of Gestapo tactics down the road. Tallerico agreed and commented if the process is well documented than you would always have a case.

Weipert stated in section 3A they had discussed unlicensed vehicles could be out for only 45 days if a residential property and 60 days if commercial. Lanam asked if that would apply to any commercial or was it specific to a business that deals with cars and car repair. Tallerico stated he would work on that point.

Weipert asked if the timeframe to board up windows would need to be added in. Tallerico replied yes or at least referenced.

Weipert noted that Commissioner Subotich wanted to know how something like the Winchester House could be avoided. Tallerico asked what would be the chance of something like that happening.

Discussion – Ordinances

Sign Illumination

Weipert reported that City Council sent back questions on intermittent signs and whether those types of signs would be allowed. If yes, then what would the timing requirements be for the changing messages. Council also asked if there was any research to help determine if they would be a driving hazard. Council member Ron Morelli, 179 Eagle Crest stated he brought this issue up at the Council meeting. He believes they are of value but they need to be regulated. He described some good and bad examples. In his opinion it would be best if there was only one message then has a clean change to the next message, no scrolling, and not one letter at a time. Most messages are up for eight seconds and then jumps to the next message. The size of the sign would also need to be appropriate.

Tallerico stated there was not a lot of research dealing with digital signs, but what was published report the signs were not a significant hazard. The issue of size and change could be added. Bradley noted Walgreen's has been using these types of signs. Morelli stated Wixom has a great one and as technology grows they would become more popular. Culbertson felt it was overkill to control the timing. Cunningham asked if this was something they would want to see on the downtown historical buildings. Kivell noted everything has the potential for good and bad. Weipert asked if Ms. Cunningham was suggesting to keep it out of the downtown through the DDA. Cunningham stated those type of signs did not, necessarily, have a place in a pedestrian area. Tallerico agreed and asked if the DDA wanted a more historical look to the downtown. Cunningham stated they were aiming for quaintness, in her opinion. There was a general discussion regarding signs in the downtown.

Tallerico stated he would rework the document to add-in intermittent signs. There was a general discussion regarding the difference between animated, intermittent, and flashing signs.

Culbertson asked if they should invite the Chamber of Commerce and the DDA to review the ordinance. Leimbach suggested a workshop with business owners. Mosier stated that had been tried in the past and no one ever attends. Weipert noted it was a good idea to listen to business owners but signs were not the only reason business is bad. The economy is just tough. Tallerico agreed and stated he had never seen a sign that made or broke a business. He reminded the Commissioners that there was a public hearing on this issue and no one attended. Culbertson stated they should at least extend the offer. Kurtzweil agreed with Weipert and noted she hoped the Council members would not cave to the mentality that a sign was going to fix the business owners problems. Weipert stated they have received input from the Chamber and the DDA and their feedback should be considered but not necessarily followed.

Tallerico stated if portions of the sign ordinance needed to be reviewed then time should be made, Veltri should be present and the ordinances could be reviewed step-by-step. Cunningham agreed it should be discussed one issue at a time instead of opening up the whole sign Ordinance otherwise the meeting would be an unruly mess. Kurtzweil suggested advertising the meeting in the Chamber newsletter. Cunningham reiterated discussing it all at once would not be conducive to receiving valuable feedback and input.

Pole/Pylon/Projecting Signs

Weipert reported another suggestion from Council was to have pictures and/or definitions. Cunningham read an email from the city's attorney.

Leimbach asked how many billboards were in the city. Cunningham replied two. Tallerico asked if was

NEW BUSINESS

Master

Parks and Recreation Mater Plan Review

Weipert – Do we need to approve this? Cunningham – No you do not. You just need to review it and know that it is going forward and these are the projects they are looking at doing. You don't have a whole lot of input on it between Council and Parks and Recreation anyway.

Weipert – Some of this is really what we do. Asking people to continue to link their developments to the rails to trails and encouraging community parks. Tallerico – If you did a full update of the Master Plan it could be referenced. Cunningham – It is mostly just so you are aware that these are the three (3) sections that they updated and those are the changes that they wanted to make. They are having their public hearing in May. Culbertson – I have a general comment just as a citizen. There is a lot of coverage about different cities and parks putting in senior trails with exercise. I see nothing in the five (5) year plan. I would suggest they at least give it some consideration. Cunningham – We talked about that for McHattie Park. I encourage you to come to the public hearing meeting too. Weipert – Do we need to do anything to formally approve it? Cunningham – No, I just wanted you to be aware of it and if you have any comments you can come to the public hearing and get on the record. (May 7, 2008).

STAFF REPORTS

Blight Ordinance in two (2) weeks. Public hearing for the re-zoning for 40 acres at the end of Mill Street. They are asking to rezone the IRO to RM-1 with conditions. Look for a mailed packet.

ADJOURNMENT

Motion by Culbertson, supported by Bradley

To adjourn the meeting at 9:25 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY

Pamela L Weipert
Pam Weipert, Chairperson

Marianne Jamison
Marianne Jamison, Recording Secretary

Keith Bradley, Secretary