

**City of South Lyon  
Planning Commission Meeting  
December 13, 2007**

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

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

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

**APPROVAL OF AGENDA:**

**Motion by Bradley, supported by Mosier  
To approve the Agenda for December 13, 2007.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES:**

**Motion by Mosier, supported by Lanam  
To approve of the Minutes for November 8, 2007 as amended.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**PUBLIC COMMENT**

No public comment.

**OLD BUSINESS**

Final Site Plan Review – Advance Auto Parts PC #02-07  
Keith Teltow, Julian Wargo, and Steve Leed were present to answer questions.

Tallerico reviewed his comments and stated the notations regarding the two wall signs should be correct because one of the signs will be a ground sign. The lighting notes also need to be corrected. There were some issues with the landscaping; two shade trees need to be moved, three Norway Spruces do not meet height requirement, there needs to be a spread of small shrubs, the Sweet Gums need to be moved.

Leed stated the corrections were not a problem and they were on the corrected plans in front of the Planning Commissioners.

Tallerico stated there were no issues with the loading area and the trash area. The lighting needs to be corrected and the landscaping has been addressed.

Weipert asked to see the materials board. Teltow provided the materials

Weipert asked if they received the comments from Hubbell, Roth and Clark. Wargo reviewed the comments and stated everything has been corrected. Lanam asked if the storm retention in relation to the

trees was corrected. Wargo replied yes.

Weipert noted the Department of Public Works and the Police Department were both satisfied. Lanam asked if there would be a difference in the colors of one brick to another. Teltow replied they will be 4x6” bricks so there will be distinction from one brick to another.

Lanam asked for confirmation regarding the number of trees to be placed in the tree bank. Tallerico stated it was noted on the plans. Steve Leed confirmed 32 trees will go into the bank.

**Motion by Lanam supported by Bradley**

**To approve Final Site Plan Review – Advance Auto Parts – PC#02-07 contingent on 32 trees be placed in the city’s tree bank and the comments from Hubbell, Roth and Clark are corrected.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

Kurtzweil stated Mr. Teltow handed her a letter that reviewed the plans to follow through on the beautification suggestions. Kurtzweil commended the applicants for listening and following up.

**Discussion – Blight/Property Maintenance**

Weipert stated there was a discussion on this topic at the last City Council meeting. It seemed as though there were several Council member’s interested in seeing this go forward.

Cunningham stated everyone received a copy of the information she received that reviewed steps that cities are taking and she included copies of the codes from Grand Rapids, Novi, and Ypsilanti as well as the current code for South Lyon. She wanted everyone to see what other steps they could take. There are two commercial buildings that are an issue and the question is how best to handle them. She reminded everyone of the city attorney’s comments that beauty is in the eye of the beholder and whatever they come up with must be defensible. She noted the property owners of the buildings in question will take the city to the end of the road.

Subotich stated that what he likes about Ypsilanti’s is that it addressed the issue from a public safety standpoint. Cunningham noted Grand Rapids and Novi also address the problem with a dangerous building code. The Commissioners need to decide if that is how they would like to address it in South Lyon.

Kurtzweil stated it did not make a difference to her if there are two or five buildings that are problems. The city should not wait until there are ten before dealing with it. She would rather address it now while it is a smaller problem. Cunningham stated she just wanted to remind everyone of Attorney Lee’s comments. Kurtzweil stated some of the blight properties are in sub-division and it is very difficult to get the bank to do anything. She is looking for an ordinance that requires lenders of foreclosed properties to post who is responsible for property maintenance. Subotich noted they would most likely post a property maintenance company. Kurtzweil stated that will be fine.

Cunningham asked how to define those properties. Kurtzweil replied if it is vacant. Subotich noted to be careful of snow birds or long-term vacationers and not trap those people or people with multiple homes. Weipert stated there was a definition on page five of the handout. Cunningham noted another qualifier could be when there are no longer city services attached. Tallerico stated they do need to be proactive and it will be a lot of work for someone. He reminded the Commissioners to be careful of people who are suffering because of the economy, i.e. someone who has a home for sale but it is being maintained. Cunningham noted the city does not have neighborhoods of blight so she does not believe it would be a

problem for the building department. She thinks it could be manageable because there are only a handful of properties. Subotich stated he thinks being proactive is important.

Council member Glen Kivell, 235 West Lake, South Lyon, MI

Kivell suggested a number on the city's website as a hotline for citizen's to call if they see a problem with a vacant building. He noted Troy was looking at people who were foreclosed upon to make sure the banks removed their belongings as litter within a certain timeline.

Subotich agreed that is an issue. Tartaglia stated a vacancy is not enough there needs to be another trigger. There could be many other reasons for a home to be vacant. Subotich agreed and suggested police could be notified if there is a planned vacancy and place a contact number on file in case of a problem. Kivell suggested they could use a fee structure similar to the noxious weeds fees.

There was a general conversation regarding banks and their responsibilities.

Subotich noted management companies may want to stay off the bank's radar because they will want to keep their contracts. Kurtzweil stated that is not always the case and described her experience with an home in her neighborhood.

Tartaglia asked if there is a way for the city to add the lender as part of the tax record.

Council member Patti Maida, 411 Second Street, South Lyon, Maida stated that would really be fishing.

Cunningham noted she will check on it. Weipert asked how notice is given. Cunningham replied by registered letter. Subotich asked if they could require the lenders to notify the city. Maida asked how they will notify all the lenders. Cunningham asked how it will be enforced. Kurtzweil suggested when someone sees the eviction/foreclosure notice the city could send a letter to the bank regarding the code. Kurtzweil noted she counted ten homes that appear to be vacant in Trotter's Pointe. Lanam stated even the snowbirds should be required to notify someone at the city of contact information in case of emergency. Cunningham asked how you would enforce that. She noted she does not think the city wants to get that involved in people's lives. Subotich stated the shut off of city services should be the trigger. Cunningham noted it could be through the water shut off. Kivell stated people could shut off the water on their property. Cunningham stated if it is the city side then the city will have a trigger for a potential problem. The water department knows which homes do not have service and it could be an indication of a problem. She also noted she thinks commercial and residential should be addressed differently. Tallerico agreed they could do separate. Maida stated residential would allow for different problems.

Kurtzweil stated Ypsilanti had some issues with vagrants and that will be another other layer to the issue because it becomes a safety issue. Subotich noted also for infestations. Lanam commented if someone calls about a vacancy and there is someone not registered through the state at that address then it is vacant. Maida asked how you will make people aware. Subotich replied once there is a decision on what to recommend to Council there will be a public hearing.

Tallerico stated he will call Ypsilanti and find out how they implement and enforce their code. Kivell suggested he also find out how complicated it will be to administer. Weipert asked if the situation is different because they inspect vacant buildings. Subotich noted it will also need to be scaled to South Lyon's size. Weipert suggested getting an estimate on the number of hours per house. Subotich added the fee structure as well. There was a general discussion regarding liens.

Tallerico reviewed what he needs to look at to start writing a draft and noted there needs to be an idea of

how long the process will take so the city can be prepared to manage the new code. Lanam noted that is why a hotline would be helpful. Maida agreed that the website is a great idea.

Cunningham stated she and Tallerico would have something for the January meeting. Kivell noted a process of how to formulate all of this is in the booklet the Commissioners have because there are different vehicles to meet different goals. The process needs to be worked backward.

Maida asked if there are specific areas to focus on. Tallerico stated he will take a broad view to start and then present different options.

Weipert noted City Council is very concerned about this issue also and she will report back to them what the Planning Commission is doing. Maida noted they are creating a plan.

Weipert stated the need to keep communication open so what the Planning Commission decides can be easy for Council to move forward with. Maida noted the Michigan Municipal League has different seminars throughout the year including some regarding blight. She will let the Commissioners know when they come up in case anyone is interested. Kivell asked if Cunningham talked to Brighton and how they resolved a problem with a building owner that South Lyon could not. Cunningham replied no, the city had done the best that it could with the existing ordinance. Kivell noted that was his point. Tallerico stated he would look into it.

Weipert noted at the next meeting they will also look at the point matrix. Tallerico stated he did not receive any feedback. Cunningham noted it will be discussed at the January meeting. Tallerico asked again for feedback from the Commissioners. After some discussion everyone agreed to move this item to February and they will bring their feedback to Tallerico in January.

#### **NEW BUSINESS**

Public Hearing/Discussion – Chapter 102, Section 102-131 – Materials Board

Weipert opened the public hearing at 8:07pm.

There was no one from the public who wished to speak.

Weipert closed the public hearing at 8:08.

**Motion by Bradley supported by Lanam**

**To recommend approval to City Council for Ordinance Amendment – Chapter 102, Section 102-131 – Materials Board**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

Kivell asked if this amendment was to require a sample of building materials with site plan reviews. Weipert replied correct. Subotich noted the Planning Commission has also asked and applicants have always complied. Weipert noted the amendment will enforce this and require it for all site plan reviews so they can cover all bases.

Public Hearing/Discussion – Chapter 70, Section 70-2 Definitions and Chapter 70, Section 70-7 Removal of Pole, Pylon, and Projecting Signs

Weipert opened the public hearing at 8:10pm.

Kivell asked if projecting signs are like the RCA signs because he wouldn't be able to support it if it comes to Council. Weipert noted that there is something different, the city does allow for hanging signs.

Kivell stated they thought the idea was to get everyone to do something similar to each other for a similar look. Weipert stated they are allowed to do what they want. Kivell noted he does not want to preclude someone who has the same vision.

Weipert closed the public hearing at 8:15pm. Tallerico read the definitions of projecting signs vs. swinging signs. Maida asked if projecting means lighted. Weipert noted it does specify lighted signage as well.

Tallerico stated projected signs were added by the Commissioners at the last meeting. Subotich noted it does not exclude hanging signs and it does not include signage on awnings. Cunningham noted the city does consider printing on an awning a sign. Weipert asked if they were saving the swinging signs. Cunningham replied yes.

**Motion by Bradley supported by Lanam**

**To recommend approval to City Council for Ordinance Amendment – Chapter 70, Section 70-2 Definitions and Chapter 70, Section 70-7 Removal of Pole, Pylon, and Projecting Signs**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

Public Hearing/Discussion – Chapter 70, Section 70-2 Definitions – Front Façade.

Weipert opened the public hearing at 8:21pm.  
There was no one from the public who wished to speak.  
Weipert closed the public hearing at 8:22pm.

**Motion by Bradley supported by Lanam**

**To recommend approval to City Council for Ordinance Amendment – Chapter 70, Section 70-2 Definitions – Front Façade.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

Public Hearing/Discussion – Chapter 70, Section 70-4 General Provisions of the Sign Ordinance and limits of illumination as it relates to Signs.

Weipert opened the public hearing at 8:23pm.  
There was no one from the public who wished to speak.  
Weipert closed the public hearing at 8:24pm.

**Motion by Bradley supported by Lanam**

**To recommend approval to City Council for Ordinance Amendment – Chapter 70, Section 70-4 General Provisions of the Sign Ordinance and limits of illumination as it relates to Signs.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**STAFF REPORTS**

Cunningham stated the first meeting in January will be the blight discussion. She noted work has begun on the cell tower and the Bistro and Bella Luna are for sale but not the theater.

**ADJOURNMENT**

**Motion by Lanam supported by Subotich**

To adjourn the meeting at 8:30 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY

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Pam Weipert, Chairperson



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Keith Bradley, Secretary

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Jennifer Knapp, Recording Secretary

