

**City of South Lyon
Planning Commission Meeting**

November 12, 2009

Chairman Weipert called the meeting to order at 7:05 p.m.

All present recited the Pledge of Allegiance to the Flag

PRESENT: Commissioners Kurtzweil, Mosier, Weipert, Leimbach, Chubb, Culbertson, and Bradley. Commissioner Culbertson was excused. Commissioner Subotich was present but late.

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

APPROVAL OF AGENDA:

Motion by Mosier, supported by Leimbach

To approve the Agenda for November 12, 2009 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

Motion by Bradley, supported by Lanam

To approve the Minutes for October 22, 2009 as amended.

VOTE

MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

Proposed Changes to Sec. 102-203 Uses permitted submit to special conditions

Tallerico incorporated the changes from the last meeting. Weipert suggested making the property not less than four acres. The Commissioners agreed.

Tallerico noted a previous request to hold the public hearing on the first meeting in December. Delaney replied it had been submitted.

Blight – A) Registry

Delaney incorporated the changes from the last meeting as requested. Weipert questioned the section regarding boarding up windows and asked if it would be acceptable since it would be only temporary. Bradley replied he thought so. Leimbach stated it would need to look kept up.

There was a general discussion regarding the definition section. Delaney noted the city's attorney would format the document so it matched other ordinances.

Mosier noted the document looked good.

Kurtzweil asked if the taxes in arrears should be reduced from one-hundred twenty days to ninety. Bradley agreed with at least six months but less than one year. Lanam stated just because taxes were not paid means the building had been abandoned. Kurtzweil noted it would have to meet the other criteria as well. Leimbach agreed if it were vacant why not make it ninety days. Weipert asked how long it would have to be vacant. Tallerico replied vacant was described as not used or occupied for thirty days plus another criteria. There was a general discussion and decision to change the taxes to be in arrears for ninety days and not one-hundred twenty.

Kurtzweil asked if the taxes would have to be in arrears to the city or the county. Weipert stated it should not matter. There was a general discussion regarding taxes and the process for delinquency. Kurtzweil suggested stating ninety days in arrears or defaulted to the county.

Kurtzweil noted some of the language was inconsistent, such as a discrepancy regarding fees and affidavits being notarized. Delaney noted she would confirm those details.

Weipert stated they should resolve the issue regarding how long the taxes may be in arrears. Mosier asked if the city's attorney could determine. Bradley noted they would say yay or nay to what they put down. He would like to see ninety days or turned over to the country.

Leimbach stated they did a good job of taking care of the landscaping but asked what about the condition of the building. Weipert replied that had been addressed under investigation in the re-occupancy section. There was a general conversation regarding general maintenance. Leimbach asked who would be responsible for a home that had not been well-maintained. Tallerico answered whoever owned the building. Kurtzweil stated the city had the same options as a homeowners association. An ordinance like this would give the city a mechanism. She suggested allowing the city a way to claim attorney fees under a legal suit as well.

There was a general discussion regarding current foreclosure trends.

Kurtzweil noted a new concept where Flint was under the process of rezoning their entire city.

Leimbach asked if there would be anything they could do to prevent people from walking away and leaving the home in disrepair. Bradley suggested addressing the upkeep of the building. Subotich noted this had been structured well but was concerned it was not a big enough net to catch someone who is just out of town for an extended period of time.

Weipert asked if the taxes took care of that concern. Lanam noted if the taxes were in arrears they were in arrears. The Commissioners agreed to change the taxes should be arrears for ninety days.

Weipert noted some typographical corrections.

Delaney reviewed the changes and stated she would bring a revised draft to the next meeting for another look.

Blight – B) Grass Height

Delaney noted the change in grass height would be put to City Council along with a review of the fee schedule. This would be done before spring.

By-Laws Update

Weipert noted they received a long version and a short version. Tallerico stated the long version may not be necessary. He would be comfortable with the short version as long as the Commissioners and the city's attorney approved. The short version would meet the state requirements.

There was review between the long and short versions. Tallerico stated a hybrid would also be acceptable. There was a general discussion regarding the wording of the by-laws by each section. Changes were suggested for the Officers and Duties section and the Duties of Commissioners.

Bradley stated he would have no problem just adopting the long version and noted it would be easier. Subotich stated the Public Act 33 covers the city overall and this document would just outline it. Kurtzweil noted the by-laws also address how to identify and what to do with a conflict of interest. Weipert asked if a reference to the city charter regarding a conflict of interest could be added. Tallerico agreed.

Weipert asked if Commissioner Bradley would have a potential conflict because of his seat on the Zoning Board of Appeals (ZBA). Tallerico replied only if the applicant had been denied by Planning Commission before going before the ZBA. He noted they could remove this section. The Commissioners agreed to remove section five.

Tallerico asked if the Commissioner were comfortable with the order of business. Weipert replied she liked how they have been doing it. Tallerico suggested moving tabled items under adjournment so they would be held but not necessarily discussed.

Weipert noted she like the section regarding public participation. Kurtzweil asked if the packets could be emailed. There was a general discussion regarding the distribution of

packets.

There were general discussions regarding the keeping of minutes and records with no changes; hearings with no changes; articles eleven and twelve both with no changes, article thirteen should be removed entirely; and no changes to article fourteen.

Delaney stated she would make revisions and bring back for another review.

NEW BUSINESS

Changes to Section 102-442 Building Façade Design

Tallerico reviewed the changes made to the ordinance. Weipert asked how one measured twenty-five percent of the façade. A general discussion followed. Leimbach noted he liked the way the ordinance had been written. Bradley agreed. The Commissioners agreed to leave that section as written.

Tallerico noted he added in the use of recycle materials but wanted to be sure he put it in the proper place. Chubb noted he thought of new green products and not re-used products. Tallerico stated he could make it and/or to clarify.

Tallerico stated regarding number seven that he had not been certain the blanket statement in the best interest of the Commission. Leimbach stated it would not have to be a requirement but more of a statement of purpose. The intent would be to make the applicant know there would be an expectation for more than the minimum required. Tallerico stated it might be difficult to defend. There was a general discussion regarding wording.

Tallerico stated he gave the Commissioners the Wyandot ordinance but that would a lot of work to do a design review which comes with a large manual. Weipert agreed it would add a whole level bureaucracy.

Annual Retreat

Delaney stated she hoped the Commissioners could meet with the Downtown Development Authority (DDA) in January. Weipert suggested meeting bi-annually with City Council or at least sending them a note asking if there were things they would like the Planning Commission to consider. Lanam suggested asking them with the submission of the annual report. Leimbach noted he would like to meet with the DDA before Council. All agreed.

TABLED ITEMS

Wind Energy Ordinance
Item to remain tabled.

STAFF REPORTS

Delaney stated the Special Use Public Hearing had been published. There had been interest on the Bella Luna building.

Weipert noted they submitted the annual report, the changes to the landscape ordinance had been submitted to Council for the second reading and she spoke with the city's attorney regarding a contract zoning project.

Kurtzweil noted the city manager had a question regarding the fees for the landscape ordinance. David Murphy stated he wondered about redundancy and complaints from developers for having to pay twice. Kurtzweil noted it would serve as a check and balance to have the landscape plans inspected. Murphy noted they should be cognizant of developers' costs for some things and only wondered if there were another option. There was a general discussion regarding landscape inspections and fees.

ADJOURNMENT

Motion by Bradley supported by Lanam

To adjourn the meeting at 10:01 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY

Pam Weipert, Chairperson

Jennifer Knapp, Recording Secretary

Keith Bradley, Secretary