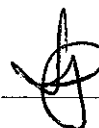


**City of South Lyon
Planning Commission
Regular Meeting Minutes
December 10, 2020**

Approved: 

The meeting was called to order by Chairman, Scott Lanam at 7:00 p.m.

Roll Call: Scott Lanam, Chair
Steve Mosier, Commissioner
Erin Kopkowski, Commissioner
Tyler Finnegan, Commissioner
Wayne Chubb, Commissioner

Absent: Jason Rose, Commissioner
Michael Joseph, Commissioner

Also in attendance: Kelly McIntyre – CIB Planning
Lisa Hamemeh – City Attorney
Judy Pieper – Deputy Clerk

**Motion to excuse Commissioner Rose and Commissioner Joseph
Motion by Mosier, Second by Chubb**

Voice Vote: Ayes: Unanimous
Nays: None

Motion Approved

Motion to approve Agenda

Motion by Mosier, Second by Kopkowski

Voice Vote: Ayes: Unanimous

Nays: None

Motion Approved

Commissioner Joseph joins the meeting at 7:13 p.m.

Motion to approve Minutes as amended – 11/12/2020

Motion by Mosier, Second by Joseph

Voice Vote: Ayes: Unanimous

Nays: None

Motion Approved

Public Comments (Non-Agenda Items):

New Business:

Old Business

- a. **REZ#20-01: TABLED: Vacant Property, Parcel #21-30-126-003. The applicant is proposing to conditionally rezone a 34.32-acre parcel on the east side of Dixboro Road, south of Ten Mile, from I-1, Light Industrial, to R-3, Single Family Residential and develop the property using the Open Space Preservation Option.**

TABLE extended to January 14th, 2021

Motion to table REZ#2001 to January 14, 2021
Motion by Mosier, Second by Kopkowski

Voice Vote: Ayes: Unanimous
Nays: None

Motion Approved

b. Mural Ordinance

Director of Planning, Kelly McIntyre, states that the Mural Ordinance has been brought back to the Commission to have a discussion and when we are ready to go forward with it, we will have to do a Public Hearing.

She states that currently, murals are regulated through our Sign Ordinance and they may not exceed 12 square feet. There is an interest from the South Lyon community to incorporate murals into the downtown area and as it stands, the ordinance's allowance of 12 square feet is not reasonable.

McIntyre states that last Fall, the City Manager directed her to draft ordinance language, which she did, and she presented to the Planning Commission last November. At that time, the Commission decided that they wanted to discuss this further, at another meeting.

In February of 2020, the Planning Commission wanted to take Murals out of the ordinance and have them reviewed submitted through a program.

McIntyre states that while working with the City Attorney, it became clear that they would need to create a new commission or body and they would have to come up with the criteria to review. She states that there was a very large concern regarding the subjectivity of Murals being reviewed by a committee or a board, as opposed to them being in the ordinance and there being very specific criteria to be met.

McIntyre states that they also are required to be content neutral, what one person feels is an attractive mural may not be what another finds attractive.

She states that they would like to have this to continue to be in the Sign Ordinance and the discussion this evening will be about the language.

The intent would be that the ordinance serves as a framework for the requirements and regulations. So that it is clear to members of the community and they can stay in compliance.

The ordinance will help differentiate the standards between murals and signs.

McIntyre states that what they propose is that if an applicant is interested in adding a mural to the side of their building, they would first make application to the City. The City Admin Zoning Administrator, or the Building Official or whoever the City Manager would designate to review this would make a determination to whether the mural is a mural or whether it is a sign, or whether it is a mural with a limited reference.

McIntyre states that there are 2 types of murals.

The Art Mural, which is a one of a kind image, design, or representation that does not contain a promotional or commercial advertising message, that is painted or applied to the exterior surface of a structure and this does not contain changeable or movable elements or changeable illumination, including flashing or sequential lighting, or any other elements. An Art Mural does not contain a commercial message.

A Limited Reference Art Mural is a design or representation which contains limited references to a product, whether it be a brand or image.

McIntyre explains that the application would come to the city and a determination of whether it is an Art Mural, a Limited Reference Art Mural or a Sign would be made. If it is a sign, it will go through a typical sign process through the Building Department and Planning.

Commissioner Finnegan references signs that he has seen in different cities that look like giant post cards with the name of the city or town on them and questions McIntyre to what category does this fall under.

McIntyre states that she would consider that to be a Limited Reference Art because it does reference the city, but the verbiage can only be 20% of the Mural.

McIntyre states that they also have provided an appeal process. In the event a Zoning Administrator Building Official deemed the Mural to be a sign or Limited Art Reference and the applicant does not agree, then the individual can go to the Zoning Board of Appeals as they would typically with any other sign.

McIntyre states that they have also included a section on the responsibilities of maintenance, repair and removal of the Mural. McIntyre again states that this needs to stay in the Sign Ordinance, if we have this in a program, it becomes too subjective and this opens the City up to a lot of legal issues.

Commissioner Mosier questions the size and how it is determined. He also questions if there will be a timeline on how long the Mural can stay up.

McIntyre states that there is no timeline, but if it begins to look shabby it will need to be restored or removed. She adds that they do have criteria on how it should be maintained.

Chair Lanam questions the 20% and if it is 20% of the Wall or 20% of the Mural. McIntyre states that this will definitely need to be clarified.

Chair Lanam goes on to discuss the difference between Art and how it can be interpreted differently.

Lanam adds that we need to add additional information on cost of removal, who is responsible and how we recover that from the owner – via liens, etc.

Commissioner Joseph adds, if a company goes out of business, how do we pay for that.

Joseph states that he does like the idea, but he does have some questions. He goes on to confirm with McIntyre that these would be limited to certain locations. McIntyre states that they are currently allowing them in all districts except residential. She goes on to say that the Commission can go on to set the limits and be very specific to where they would limit these Murals to.

Joseph goes on to say that there are only a few locations in the Downtown that really would be able to add a Mural. What would keep a company from saying that they would like the outside front of their building done in all artwork. McIntyre states that again the Commission can set the limits.

The discussion of extending the Central Business District in the new Zoning Ordinance is discussed and again, McIntyre states that the Commission can set up street boundaries as to where Murals are permitted.

Commissioner Joseph asks if any other towns have Mural Ordinances. McIntyre states that this is definitely the topic of discussion and other communities are struggling on how to write up an ordinance.

Commissioner Joseph questions McIntyre about the ordinance and what it says. McIntyre states that the way she understands it is that if it is not explicitly stated, it is not permitted.

The discussion continues regarding not covering windows, respecting the architecture of the building and whether or not the Mural needs to be bordered.

Commissioner Kopkowski states that she is in favor of Murals, but she feels that there can be a lot of trouble with this. She states that a lot of the wording is and vague it leaves a lot to be challenged. Kopkowski questions if political stuff can be put up and McIntyre states that it can, and this would fall under freedom of speech.

Kopkowski questions who would be reviewing the applications.

McIntyre states that it would be herself or the Building Official.

Kopkowski questions if perhaps they can do some type of permit to help keep up with maintenance or keeping up with change of ownership. This would help keep on top of it.

McIntyre states that the City Attorneys have reviewed this and are comfortable with the language.

Commissioner Chubb questions why only paint, why no other medium? He also states that he is struggling with possibly having worn pieces around town years from now.

Chair Lanam references the Artcraft Building and how hard it was to remove the paint from the bricks and how it made the bricks brittle. Removal is definitely not easy.

Lanam adds that this would be opening the door to Political and Personal statements.

Commissioner Finnegan questions what the goal is of the city and having Murals. Do we want them, do we want to discourage them? We need the language to guide them down the path of what the City wants them to be or if you are not able to do that, then there needs to be guidelines down or best practices. (How to prepare the building, what type of paint to use, etc.)

McIntyre states that the city does want Murals and she does like the idea of writing down best practices.

Commissioner Kopkowski questions the sign at the Corner Social.

McIntyre states that the sign did not have the City's permission.

Chair Lanam states that if we are doing this because of one request, we have to be careful as this will open the door to everybody.

Commissioner Tyler questions freedom of speech and if there is a way to legally make suggestions to avoid this. McIntyre states that this would then be getting into evaluating the contents or message. We would need to talk to the attorney's about this.

Commissioner Kopkowski states that maybe this is just not right for us.

Commissioner Joseph states that he knows the owner that wants to do this and he knows that she would do a beautiful job, but once we open this up, it's like Pandora's Box. If it is done right and we can control it, it would be a wonderful thing for the downtown.

McIntyre states that the property owner has to give permission and allow this to be on their building.

Lanam confirms with McIntyre if they can pick the buildings that can be done. McIntyre states that they could and added that they would need to talk with the Attorney's.

McIntyre advises the Commission that they would have to have a public hearing before they can make a recommendation to Council.

Commissioner Kopkowski states that the City of Ann Arbor has a Public Art Ordinance. She states that it says that funding for public art may come from private donations of cash or collateral and crowd funding for specific objects. She goes on to say that this may be something to look at and adds that it says that this is something the State of Michigan has recognized, and it references the importance of promoting art in government places and facilities. Kopkowski also references Kerrytown in Ann Arbor and art pieces she has seen there.

McIntyre states that she will have to look at this more closely.

Chair Lanam references some of the alley's in downtown Detroit and how there is Art and graffiti and how he is not sure how they stay in control of that.

Commissioner Finnegan goes on to say that if we look at this from a bookend perspective, we discussed a graffiti example from Detroit to Bloomfield Hills, where anything stuck in a yard or painted anywhere has to be black and gold. He states that we really need to think about what we want, so that we can write the rules accordingly and lead by

example. We considered some valid concerns, but we should think about what we really want it to be.

Consultant Report –

McIntyre advise the Commission that Holly Hills will be on the next Agenda for the 1/14/2021 Planning Commission Meeting. She references the email that she sent to the Commission regarding the Market Study and how they can get a jump start on reviewing this prior to the next meeting. She states that the applicant did make a few changes to the Site Plan, adding in some paths and removing a lot or two. This was given to us on the Tuesday before the packet went out (packet goes out on Thursday) and she needs to look at it a little more closely. She adds that engineering also needed to be able to look at it. Also, they have added elevations that can be reviewed.

McIntyre states that she has not heard back from Mr. Schwegler regarding the windows on the RCA building. She adds that she spoke with the Building Department and they do not know why the work on BP has stopped.

Commissioner Mosier asks if McIntyre has any information on the sale of Draft Street and she said she cannot confirm anything on this at this time.

Staff Report –

Chair Lanam questions McIntyre about up and coming training/seminar opportunities for the Commission and what is available for them. She states that there is some individual training that can be done, not sure how any of this has been effected by Covid. Lanam states that when he first started with the Planning Commission, it was encouraged to sign up for trainings. He has been requesting information (even prior to Covid) and has not heard anything.

McIntyre states that she will discuss this with the City Manager and see what they are budgeted for what is available to the Commission.

Adjournment:

Motion to Adjourn – 8:33 p.m.

Motion by Mosier, Second by Kopkowski

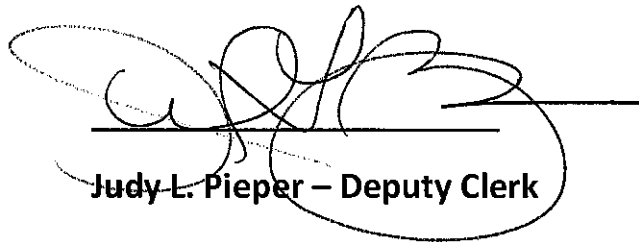
Voice Vote: Ayes: Unanimous

Nays: None

Motion Approved

Meeting Adjourned

Respectfully submitted,



Judy L. Pieper – Deputy Clerk