

**City of South Lyon  
Planning Commission Meeting**

July 10, 2008

Chairman Weipert called the meeting to order at 7:00 p.m.

All present recited the Pledge of Allegiance to the Flag

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

Also present were Ben Tallerico (Planning Consultant), Joe Veltri, Building and Zoning Official

Mr. Veltri introduced the Planning Commissioners to the new city manager, David Murphy.

**APPROVAL OF AGENDA:**

Bradley asked to remove the Landscape Ordinance/Matrix Discussion because Ms. Kurtzweil and Mr. Leimbach were not present.

**Motion by Bradley, supported by Culbertson**

**To approve the Agenda for July 10, 2008 as amended.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**APPROVAL OF MINUTES:**

**Motion by Culbertson, supported by Lanam**

**To approve of the Minutes for June 12, 2008.**

**VOTE**

**MOTION CARRIED UNANIMOUSLY**

**PUBLIC COMMENT**

There was no public comment.

**OLD BUSINESS**

TLC House – One Year Review

Weipert noted there was a letter from the police chief stating there were no calls made to or from the address in the past year. There is also a letter from the building department

stating there were no code violations. Veltri noted they are operating within the conditions and rules. They did add an egress window but only to give more room to the residents already there.

Weipert stated since there were no other comments or question the Planning Commission would see them next July.

#### Anti-Blight Ordinance – Public Hearing

Weipert declared the public hearing open at 7:08pm.

There was no comment from the public.

Weipert closed the public hearing at 7:09pm.

Weipert noted the city attorney made a couple of minor changes.

Lanam stated on page five it notes a 3x5 sign but it should read 3x5 card. Culbertson noted a few other typos.

Lanam also stated on page five it should be vacant and not currently on the market. Tallerico stated that had been discussed but he asked for clarification on the definition of “on the market”. Lanam suggested requiring a listing with a MLS number. Veltri noted he had difficulty with items A, B, and C because if there were to be a fine it would not allow for enough time. Some damaged properties have problems with insurance companies and fighting over claims. It might be difficult to enforce.

There was a general discussion regarding the current ordinance and enforcement.

Weipert reiterated the corrections were changing 3x5 sign to 3x5 card and noted they would need to decide on the window covering between paper and paint. Veltri stated there was one building in town that currently has plywood in the window and the building is secure. Weipert noted they also would want the building to look nice. Veltri agreed.

Veltri had a question regarding the consequence of having the punishment a misdemeanor. Currently he would write a municipal civil infraction <sup>which</sup> ~~which~~ has been good because it would keep the matter local. With a misdemeanor the issue could go all the way to the Supreme Court. Tallerico stated the Commissioners were concerned that issues should be handled fast enough and he recommended the use of such strong consequence and language. Veltri stated the fine and imprisonment risk would be the same with a municipal civil infraction but if contested the matter would not go past Pontiac. Weipert stated she would be reluctant to change because it had been discussed at length to discourage banks and absentee landlords from neglecting properties. Mosier added they wanted it to have teeth. Weipert stated members of the Commission felt very strongly it be a misdemeanor and, initially, they wanted it to graduate to a felony. The Commissioners also looked at the Michigan Municipal League’s information and recommendations. Mosier suggested having the city’s attorney come to discuss the issue

with the Commission. Veltri stated the court process could be very long and there were many ways property owners could play the game and drag out the process. Weipert noted there would be good and bad property owners; the people on the line were the ones they were hoping to target. Veltri stated they would be surprised how many people pay attention to the tickets. Weipert stated Ms. Kurtzweil had been concerned with the number of foreclosures and banks turning care over to property management companies that would not follow up.

Lanam stated on item 4B, he thought it would be good to offer an extension if there were extenuating circumstances and asked if the building department could have that level of discretion. Tartaglia asked Mr. Veltri how big the problem has been. Veltri answered it had grown in the past few years but not every house would have a sign in the yard and the bank would not always switch the title quickly. Veltri explained the current process and noted the yards were being maintained. Weipert stated if the property were being marketed they would not have to do anything. Lanam stated he would like to give the building department the authority to extend the timeline. Tallerico stated they should be very careful about having it too open and recommended they check with the city's attorney. Veltri agreed and noted they should be careful about giving the city too much latitude.

Weipert asked if empty houses were always listed. Veltri replied not necessarily because there could be a redemption period during which time the homeowner could have a chance to reclaim the home. That process could prevent the bank from listing the property. Tallerico suggested speaking with the city's attorney regarding the questions on enforcement, discretion of the building department, and the issue of the misdemeanor. Veltri stated he would speak with the city's attorney first and see if he could get the answers without him coming to a meeting.

Veltri suggested the Commission be careful because they could write the ordinance so tight that it could not be enforced.

#### HVAC Screening – Public Hearing

Weipert declared the public hearing open at 7:47pm.

There was no comment from the public.

Weipert closed the public hearing at 7:48pm.

Weipert asked for comments, questions or suggestions from the Planning Commissioners. Tallerico stated this had been a relatively easy ordinance and it would only strengthen what the city already had been doing.

#### **Motion by Culbertson supported by Bradley**

**To recommended the HVAC Screening Ordinance to Council for approval and adoption.**



VOTE

MOTION CARRIED UNANIMOUSLY

Design Matrix – Discussion

Weipert suggested walking through the scoring samples.

Veltri questioned the green roof category. Tallerico provided the background on previous conversations regarding the green certifications and they would be including those in the matrix. There was a general discussion regarding the process and problems with receiving certification.

Weipert began walking through the scoring for Express Care Oil Change. Tallerico asked how they would want to handle the bays and should they be treated as windows or doors in this case. Culbertson noted the bay doors had windows as well. Tallerico noted they also lucked out because the roof had dormers; he asked what would have happened had they not had dormers. If counting doors as windows they would be at 40% so they would earn twenty-five points for the front façade. Culbertson added they would also earn points for the back. Weipert asked about colored glass versus a fake window. Tallerico thought a fake window would be better than a blank wall so it would be good. Tallerico asked if they would want to give so many points for the back. Culbertson suggested changing it to the front façade only. Tallerico did not think it would be good to exclude the sides. Veltri added it would also depend on the orientation of the building on the lot. Tartaglia added the back would be important if there were parking in the back.

Tartaglia suggested taking a step back and ranking the importance of each of the six categories. Veltri stated they could not achieve the maximum <sup>once</sup> without earning the minimum. There was a general discussion regarding the process ~~one~~ the Design Matrix were to be implemented and how it would work within the planning process.

Veltri stated no matter what the Design Matrix would look like in the end it would become ordinance and the Planning Commission would have to look at it as part of the process just like memos from the planners, the building department, etc. Culbertson noted they had been successful in getting developers to do what they have wanted and this would tell them ahead of time what the expectation would be. Tallerico added if they did not meet the minimum the applicant could still come before the Commission. Veltri agreed this would be good because it would be for redevelopment also.

There was a general discussion regarding the windows and point scoring for windows and the façade. Tallerico stated he would reword the definition of windows.

Lanam asked if they could allow for exceptions. Tallerico stated there would always be a situation where someone may lose points but they could make them up in other areas and that would be the point of the Matrix. Some developers would struggle with different areas.

Tallerico asked for clarification on the point calculation for McDonald's windows and

façade. Bradley noted they had no architectural features. Culbertson suggested that would be a good place to add in the dormers. Lanam noted dormers were part of the roof.

Lanam suggested taking out the application method of materials because it would be inherit in the building materials. The Commissioners agreed.

Weipert asked what they should do regarding the dormers. Lanam suggested leaving the dormers and gable roof as they were adding points could be given for a gable. Tartaglia stated he liked the term roof elements and suggested making the points the same for gables or dormers. Lanam suggested a category for gable roofs then have a sub-category for other design elements such as dormers or a reverse gable.

There was a discussion regarding the hard landscaping. The Commissioners agreed to take hard landscaping out of the Design Matrix and keep it with the Landscape Matrix.

Weipert asked if the accent striping would be their banner or a sign. Veltri replied their sign. Lanam stated had the sign been half the size then the blue went around that would be a banner.

Express Care scored one-hundred points on the Design Matrix.

The Commission reviewed McDonald's and walked through the scoring for the Design Matrix on that building. There was a general discussion trying to decide what would be considered bright colors.

McDonald's scored seventy points.

Culbertson noted he liked the barrel roof on the building. Lanam agreed but noted it would be a problem had it been 100% barrel roof. Weipert noted she considered it an element in this case. Culbertson stated they would have scored higher had they not been nicked twice for the color. Lanam stated it should one or the other for the color but not both.

The Commission reviewed Alexander Center next. There was a discussion regarding EFIS and the points for it. How much EFIS would be too much? Tallerico stated he would re-work the EFIS points into three categories.

Veltri stated the point system still needed a lot of work. Culbertson noted this was the first time to really walk-through the scoring process. Veltri stated they were getting to deep into each issue.

Alexander Center scored fifty-six points.

Tallerico stated he would make changes and bring in Taco Bell and the Medical Center for another run through.

### NEW BUSINESS

There was no new business.

### STAFF REPORTS

Veltri stated Gateway was complete, Taco Bell was on hold, there were some possible new tenants for downtown and work on Lexington Condominiums had been stopped.

Weipert asked if there had been any progress on the contract zoning. Veltri had received no news or updates.

Veltri stated Carriage Trace had completed a property swap so eventually they would come before the Commission but nothing yet.

Lanam asked if they could take a look at the ordinance that allowed for redeveloped properties to bypass the Planning Commission. Veltri stated if the ordinance were to be re-written they should be careful not to cross any state laws.

Veltri recommended not meeting until September because he had a lot to get done for them and it would allow everyone a break. Should any applications come in, he would schedule a meeting. The Commissioners agreed to hold off on meetings until August 28, 2008 unless business came forward.

Bradley reported on the last ZBA meeting.

Tallerico handed out a sheet of highlights regarding the new planning act. He would review it in detail during the August meeting.


### ADJOURNMENT

**Motion by Culbertson supported by Lanam**

**To adjourn the meeting at 10:07 p.m.**

### VOTE

### MOTION CARRIED UNANIMOUSLY

  
Pam Weipert, Chairperson



  
Jennifer Knapp, Recording Secretary

Keith Bradley, Secretary