

**City of South Lyon
Planning Commission Meeting**

September 25, 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, Kurtzweil, Culbertson, Subotich Tartaglia, and Lanam. Commissioners Bradley and Leimbach were excused.

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

APPROVAL OF AGENDA:

Motion by Mosier, supported by Lanam

To approve the Agenda for September 25, 2008.

VOTE

MOTION CARRIED UNANIMOUSLY

APPROVAL OF MINUTES:

Motion by Lanam, supported by Culbertson

To approve the Minutes for September 11, 2008 as amended.

Motion by Mosier, supported by Culbertson

To approve the Minutes for August 28, 2008 as amended.

PUBLIC COMMENT

There was no public comment.

OLD BUSINESS

Sidewalk Signs – Discussion

Veltri provided a copy of the ordinance, a map of downtown showing the lot-lines, and a memo from the city's attorney stating his position. Weipert asked if they decide to allow sidewalk signs then they would have to allow political signs. Veltri replied yes and other

types as well; it would be difficult to dictate what would be allowed. He explained ^{one} once when type is allowed then the door has been opened.

Culbertson asked what Mr. Veltri did now with sidewalk signs. Veltri replied he picked them up and threw them away. There was a general discussion regarding what signs in town currently have permits. Veltri stated anything between the sidewalk and the building would not be in the road right-of-way. Signs in the road right-of-way, ~~unless for sale or lease signs, or if they have received a thirty day~~ permit were currently not permitted.

Tallerico stated the topic under discussion should center on the memo from the city's attorney. He noted the city attorney strongly stated his position and asked if the Commissioner's would like to move ahead. Subotich stated he liked the idea of the signs but suggested they consider the advice. Weipert asked how other cities handle the issue. Subotich noted South Lyon's right-of-way in the downtown was not large and other cities might have a different situation. Tallerico stated other cities may have received different legal advice or they have not been challenged on the matter but this was the advice of South Lyon's city attorney and it should be considered. Culbertson noted he has been against this since the beginning. Mosier suggested following the advice of the city's attorney. Kurtzweil noted there was no case law cited or reason for the decision. She would like to know what information the city's attorney relied on in order to make the decision. She also noted she would not worry about a lawsuit; she was not afraid of that.

Subotich asked if the matter could be tabled. Kurtzweil would like to know the arguments and cases the city's attorney relied on as well as which circuit court those cases were in and then compare this ordinance to ordinances from other towns. She also suggested the city's attorney speak with other communities' legal departments.

Mosier asked if they could state no political signs. Tallerico replied he was not certain.

Leann Tolinski, the owner of Gallery Café at 101 South Lafayette
Ms. Tolinski stated she hoped the Commissioners were going to do the research before making a final decision. She had been researching this type of marketing and had discovered it would have a positive impact. She has customers come into her own business asking for something on her sign. She noted it has been a struggle in town and a lot of the business owners feel the city was not doing enough to help them get through these times. She did not want to see this ordinance die right now.

Culbertson clarified that was only against this ordinance because it would only affect the downtown and he wanted it through-out the city. Tallerico clarified that Mr. Culbertson only wanted the ordinance in the business districts and not in the neighborhoods. Culbertson agreed.

Weipert stated they have had this discussion and the majority of the Planning Commission wanted the ordinance to try in the downtown at first and then expand if it went well. Veltri asked if in the shopping center they would be in front of the store or by

the street. Weipert replied by the store. She would like to have more information from the city's attorney. The other question she asked was how Royal Oak and Milford were able to do it; why was South Lyon different? Veltri noted the big question would be how wide their right-of-way was. Tallerico stated there were many different ways to have sidewalk signs. He recommended following the advice of the city's attorney or at least asking for more information.

Public Hearing – Definitions: Dwelling Unit Density
Chairman Weipert declared the public hearing open at 7:40pm
There was no comment from the public
Chairman Weipert called the public hearing closed at 7:41pm

Weipert asked if any of the Commissioners had any questions or comments.

Motion by Lanam, support by Mosier

To recommend to City Council approval of the Dwelling Unit Density Definition, support by Mosier

VOTE

MOTION CARRIED UNANIMOUSLY

Design Matrix – Façade Ordinance Discussion

Veltri stated he and Mr. Tallerico put together a revised worksheet and updated the copy of the language based on points from the Design Matrix and tried to incorporate the items that were of importance to the Planning Commission. He asked for opinions as he reviewed the changes in the documents. There were general discussions regarding the set-up of the grid, the percentage of windows, maintenance-free materials, branding versus signage, architectural features, colors, and predominate sides of buildings.

Tartaglia asked with housing development by-laws were able to regulate building design. Veltri replied they were by association.

Tallerico reviewed the recommended changes to make sure he had everything. Lanam asked if he could work on some of it as well and email Mr. Tallerico. Tallerico agreed.

Tallerico noted they were not sure what to put for the minimum percentage of glass. Veltri suggested the minimum would be a percentage of the maximum. After some general discussion, Tallerico and Veltri stated they would take another look at some plans and try to determine a number.

Lanam asked if they could specify that EIFS could not have ground contact. Tallerico agreed and suggested they state no EIFS below four-feet with the exception of industrial.

STAFF REPORTS

Veltri stated he had contact with a developer and they would soon see plans for phase five of Carriage Trace. He noted the property had come into the city.

Veltri provided updates on Arby's the paint store, the theater, the Bistro and Taco Bell.

Veltri noted there would be no reason to meet in two weeks and everyone should tentatively plan on a meeting for October 23rd. Culbertson noted he would be out of town for the month of October.


ADJOURNMENT

Motion by Culbertson supported by Kurtzweil

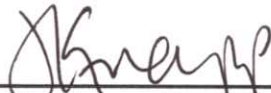
To adjourn the meeting at 8:34 p.m.

VOTE

MOTION CARRIED UNANIMOUSLY



Pam Weipert, Chairperson



Jennifer Knapp, Recording Secretary



Keith Bradley, Secretary