



City of Plymouth
Planning Commission Meeting Minutes
201 S. Main Street Plymouth, MI 48170
Wednesday, January 9, 2019, 7:00 PM

1. ROLL CALL

Vice-Chairperson Sisolak called the meeting to order at 7:00 P.M.
The Board said the Pledge of Allegiance.

PRESENT: Shannon Adams, Joseph Hawthorne, Tim Joy, Jennifer Kehoe, Chuck Myslinski; arrived at 7:25 pm,
Adam Offerman, Hollie Saraswat, Scott Silvers and Karen Sisolak

Also present was Community Development Director, John Buzuvis, Planning Consultant, Sally Elmiger and City
Commission Liaison, Nick Moroz.

2. CITIZEN COMMENTS

None.

3. APPROVAL OF MINUTES

a) Comm. Joy, supported by Comm. Kehoe, made a motion to approve the regular meeting minutes from
December 12, 2018.

MOTION CARRIED WITH ABSTENTIONS BY COMM. HAWTHORNE & ADAMS.

4. APPROVAL OF AGENDA

Comm. Kehoe, supported by Comm. Offerman, made a motion to approve the agenda, as presented.

MOTION CARRIED UNANIMOUSLY

5. WELCOME NEW COMMISSION MEMBERS

Comm. Shannon and Comm. Hawthorne gave a brief introduction of themselves, and Comm. Hawthorne also
explained he was a former board member on the Historic District Commission.

6. COMMISSIONER COMMENTS

Comm. Sisolak spoke about updating their future goals and would like the board to think and be ready to
discuss 2019 goals at the February meeting.

7. ELECTION OF OFFICERS:

ELECTION OF CHAIRPERSON

John Buzuvis asked for nominations for Chairperson

Comm. Kehoe nominated Comm. Sisolak as Chairperson.

John Buzuvis asked for any other nominations. There being no other nominations, the nominations
were closed and there was a unanimous vote of approval for Comm. Sisolak as Chairperson.

MOTION CARRIED UNANIMOUSLY.

SISOLAK ELECTED AS CHAIR.

ELECTION OF VICE-CHAIRPERSON

Chair Sisolak asked for nominations for Vice-Chair

Comm. Saraswat nominated Comm. Kehoe as Vice-Chair.

Chair Sisolak asked for any other nominations. There being no other nominations the nominations were closed and there was a unanimous vote of approval for Comm. Kehoe as Vice-Chair.

MOTION CARRIED UNANIMOUSLY.

KEHOE ELECTED AS VICE-CHAIR.

8. NEW BUSINESS

None.

9. OLD BUSINESS

a) Sign Ordinance Review-Current Ordinance Analysis for Compliance with 2015 Supreme Court Ruling

Ms. Elmiger, Planner discussed the proposed first draft of the sign modifications to be consistent with the supreme court ruling that states sign ordinances cannot regulate content. Ms. Elmiger explained how this modification will work. Ms. Elmiger explained when a sign is defined by its purpose such as garage sale, election sign, etc., this is regulating the content. We need to eliminate all content references to it and the result will be signs that are regulated by the type of sign they are, such as: a wall sign, a free standing sign, a projecting sign, rather than what the sign says. If you have to read it, to regulate it, this is what will not be allowed. The current sign ordinance is not organized, with old language dating back 40 years, and most of it will need to be rewritten. The basics such as: size, number, setbacks, etc. will remain the same. Ms. Elmiger went over the sections of the Ordinance for the proposed changes.

Board Discussion

Comm. Silvers asked about art vs. commercial signage, and Ms. Elmiger responded that art is difficult to define "if it is art" and just as hard to regulate.

John Buzuvis described an applicant that applied to the Zoning Board of Appeals for a variance, to determine if it was art or not. Ms. Elmiger felt this would be the appropriate board to interpret the ordinance if the signage is questionable. Comm. Joy suggested adding a definition for art vs. signage. Comm. Silvers felt the definition would give the ZBA a starting point from which to evaluate. Mr. Buzuvis spoke about an example where a previous restaurant named the "Drooling Moose", located in Plymouth had a moose painted on the side of the building, and Mr. Buzuvis felt it was hard to tell whether it was in fact art or an advertisement for the business. Ms. Elmiger stated the new ordinance regulations would only come into play when an applicant wanted to make a change to the sign, but not a face change.

Comm. Myslinski asked about general maintenance to an existing sign and Mr. Buzuvis explained that would be covered under the non-conforming section of the ordinance. If your changing a non-conforming item, this would be anything that has been destroyed or damaged, it must comply by the current Ordinance standard. For signage, the size, material and the install is what is reviewed and not what the sign actually says.

Comm. Kehoe asked about discussion of LED and sign lighting changes to the lighting portion or to the Ordinance and Ms. Elmiger responded the language for changeable electronics is allowed to change no more than 8 times a day and this portion will need to be revised with the details made clearer.

Comm. Adams discussed trucks that are parked on commercial lots with signage on both sides of the truck. Mr. Buzuvis explained that provided the vehicle is used to conduct regular business, is in good repair and not abandoned it is allowed.

Comm. Joy asked Ms. Elmiger which Community in her opinion has done a good job with updating their sign Ordinance and Ms. Elmiger responded she has studied Farmington Hill's Sign Ordinance and they have provisions that she would like to emulate. Comm. Joy asked Mr. Buzuvis what the majority of sign issues are in the City and Mr. Buzuvis responded election signage that is oversized, hanging banners or election names painted on plywood boards along with garage sale signs, but for rent/lease signs and also contractor signage placed within the road's public right-of-way are the two most common types of sign violations. Mr. Buzuvis explained when signage is placed within the boulevard the City removes it and places the sign in the front yard area, if the signage returns to the boulevard strip then the City will remove the signage. Mr. Buzuvis also explained the administration spends a significant amount of time explaining to people what the definitions are, specifically as many of the definitions in the general sign ordinance conflict with those in the AARC sign ordinance sections.

Chair Sisolak confirmed that the number of signs would be discussed in section 78-225, required conditions, of the Sign Ordinance.

Citizen Comments

Ellen Elliott, 404 Irvin, asked if sandwich board signage was allowed, she felt they were not, but sees them all over town. Mr. Buzuvis explained the Ordinance officer does spend a significant amount of time enforcing and fining them every week. Comm. Myslinski suggested permitting the sandwich boards along with the sidewalk cafes.

Vicki Nicol, 337 Joy, spoke about 340 Joy street that has a large number of signs located in their front yard for a long time. Ms. Nicol was concerned that the new rules would not apply to the existing (sometimes up to 28) signs now located in their front yard. Ms. Nicol stated she has over 100 signatures that were presented to the City Commission at the 5/7/2018 meeting. This petition was not official but does demonstrate a valid concern of the neighbors.

Ms. Nicol reminded and asked the board to address the following:

1. Separate and recognize legal holiday displays.
2. Limit the number of signs displayed on residential private property.
3. Limit the size of the signage.

Board Discussion

Comm. Kehoe asked Ms. Elmiger about existing residential signage and Ms. Elmiger explained it is difficult to address. Ms. Elmiger stated if a sign comes down or any change has been made, the new sign ordinance would come into play, but if a new message is placed upon an existing sign this may be allowed.

There was discussion on large amounts of (12 x 18 inch) signs on a residential property being permitted and Mr. Buzuvis stated there is currently no preclusion in the residential portion of the Ordinance for this.

Comm. Adams asked if it would fall under temporary signage and Mr. Buzuvis responded that there is no definitive time period listed within the Ordinance. Comm. Silvers asked if previous Supreme Court rulings could be used and Mr. Buzuvis stated there were supreme court decisions from the mid-2000s that dealt with the treatment of freedom of speech, along with 1st amendment issues, political and religious speech was being protected above all others, and case law precedent requires a communities ordinances to further legitimate governmental purpose, and must allow people the opportunity to reasonably express their freedom of speech whether its religious or political.

City Commission Liaison, Nick Moroz, explained the steps taken when the new Ordinance portions go before the City Commission then on to the City Attorney for his review as well.

Comm. Silvers suggested sending acceptable parameters of enforcement that are restrictive which would then be reviewed by the City Attorney.

Ms. Elmiger stated that people have typical expectations of residential districts, & as long as the sign revisions are reasonable, and allow for freedom of speech, legal challenges are less likely.

Citizen Comments

Karen Ochman, 768 Fairground, lives near the Joy Street signs, she spoke about a previous billboard that was almost as large as the home and had a demon drawn on it. Ms. Ochman would like the board to consider the size of signage as well. Ms. Ochman also spoke about some of the signs being removed, but then the metal stakes were left in the ground with a sock placed over the top of them, she felt these stakes are a safety concern and she asked would this be what is considered temporary. She suggested using the parking enforcement officer's ticket revenue to pay the salary for the extra enforcement of signage in commercial and residential areas of the City. Ms. Ochman asked if the citizen comments would be included in the Ordinance changes and Mr. Buzuvis responded that the comments would be noted and the board would ultimately decide on the changes made to the sign ordinance, from there it then goes before the City Commission for their review which may also have additional comments. Chair Sisolak explained the ordinance changes take time to make the right decisions with making the City better & moving forward in a way that protects the safety of citizens along with all the Planning Commission is deemed to do and also making the changes easier to enforce. Comm. Silvers stated the Joy street concerns will have ultimately made the ordinance better.

Comm. Myslinski invited Ms. Nicol to continue to attend the meetings and stated her comments will be considered.

Joe Elliott, 404 Irvin, suggested changing signage from permanent to temporary with an expiration date, in residential areas and felt when dealing with being grandfathered in; the board should set a date for the Ordinance change to be implemented, for signs to be removed.

Chair Sisolak, asked what would protect other residential permanent sign owners (ex: subdivision signage & home occupations) and Ms. Elmiger responded existing non-conformities in the Ordinance applies to all zoning districts, which states the sign can continue until it is removed, or damaged beyond repair.

Jim Burrows, 1014 Dewey, asked the board to apply more clarity on sign bases and their definition.

Board Discussion

Comm. Joy asked why we allow non-conforming signage and Ms. Elmiger answered because in zoning the "sign portion" is located in the Zoning Ordinance, if you were to remove signs out of the ordinance and place it into general law instead, then you can change it. Mr. Buzuvis stated general law ordinances do not require the Planning Commission's review on it, the City Commission creates and adopts these.

Comm. Myslinski stated that the non-conforming Ordinance is not necessarily a bad thing. The change in ordinance allows what exists to remain within reason and not expect everyone to conform to a new sign Ordinance that is based to help us move forward.

Comm. Silvers felt finding the loopholes will be a challenge when we start changing the Ordinance.

Chair Sisolak asked when a joint meeting would take place and City Commission Liaison, Nick Moroz answered that the Planning Commission should complete the revisions first before presenting the draft to the City Commission, but if anything needs to go to them in the meantime he would be happy to do so. Comm. Moroz is a great Liaison and stated he would be happy to work through Chair Sisolak with specific questions to expedite the process.

Ms. Elmiger stated her goal is to make this section logically organized & readable with simplified language. The first draft of portions of the sign ordinance is expected next month.

10. REPORTS AND CORRESPONDENCE

Comm. Myslinski was concerned about the sale of the Wayne County Hines Park Phoenix & Wilcox Mill properties. These properties are currently zoned R-1, Single Family Residential and Comm. Myslinski spoke about previous Master Plan discussions regarding maintaining open space and the possible park rezonings to prevent the development of those open spaces. The Future Land Use map within the Master Plan shows these properties designated as parkland. Comm. Myslinski stated the County will sell the park properties to be developed, and the developer will not use the land as a park. Comm. Myslinski would like to continue to abide by the Master Plan's future land use of these properties.

Comm. Kehoe asked Ms. Elmiger about the process of rezoning these properties and Ms. Elmiger stated that the purchaser could build according to its current zoning which is R-1, without changing the zoning. To maintain it as a park, a public entity would need to purchase the properties; such as: the City, a land conservancy, or public agency, or a generous City resident could also buy it. Comm. Kehoe asked to change the zoning would this only be done by the future owner and Ms. Elmiger responded No, the city could initiate the rezoning also. Ms. Elmiger explained there would be a public hearing held, then the City Commission would review and approve it.

Chair Sisolak read to the board the guidelines of the Planning Commissioners.

Ms. Elmiger stated the City can initiate the rezoning & read the criteria for rezoning property to the board members and stated the Planning Commission can make this recommendation, but the City Commission ultimately makes the decision.

Comm. Myslinski spoke specifically to the City Commission Liaison, Nick Moroz, he hopes the City will initiate the rezoning on behalf of himself, his neighbors and residents who will see more park land lost in what he feels is Wayne County's attempt to plug a hole financially.

Comm. Kehoe stated it's our City's vision that it remains park land

Comm. Silvers suggested the board read about the City of Novi's attempt at getting out of a lawsuit by selling off a 430 acre park to a developer. The Novi Citizens formed a group and sued the City, the group won by using a 1909 Home rule act of not selling park land unless it's surplus or given a vote to the people.

Comm. Kehoe spoke about transitional properties that were intended to be rezoned within the Master Plan and suggested the board take another look at them to be proactive.

11. ADJOURNMENT

Hearing no further business, a motion was made by Comm. Silvers, supported by Comm. Offerman to adjourn the meeting at 8:47 PM.

MOTION APPROVED UNANIMOUSLY