CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES – 12/05/01

The regular meeting of the Ludington Planning Commission was held on December 5, 2001 . The meeting was held at the Ludington Municipal Building, 400 S. Harrison St., Ludington, MI and was called to order at 7:00 p.m. by Tom Coleman, Chairperson.

ROLL CALL: The roll call showed the following results:

Present: Commissioners: Tom Coleman, Kaye Holman, Ron Sarto, Joyce Usiak , Jerry Ponko, Clay Olmstead, and Robert Garrett.
Absent: Jack Ereon(excused) and Paul Peterson

Also Present: Building Inspector John Healy, City Attorney Roger Anderson, City Planner Larry Nix and Recording Secretary Carol Ann Foote.

AGENDA APPROVAL:

Chairman Coleman asked that Planned Development be added to the agenda under unfinished business. Commissioner Sarto made a motion to approve the agenda, with the addition, seconded by Kaye Holman. Motion carried unanimously.

PUBLIC COMMENTS & COMMUNICATIONS:

None
Closed Public Comments

MINUTES:

Commissioner Garrett made a motion to approve the minutes of November 5, 2001 with the correction of a typo on page 3 (change way to want) and a typo on page 4 (change is to be), seconded by Commissioner Olmstead. Motion carried unanimously.

PUBLIC HEARINGS:

To consider a request from Roger and Robin Chlebana for a special land use in order to place a 6 ft. fence on the property line of a corner lot at the following described property:
QUEVILLON'S ADDITION LOT 10 BLOCK 11, also known as 801 New William

Roger Chlebana, 801 New William, told the Commission that he wanted to put up a privacy fence on his property line. He said that they intended on opening a daycare. He also has a car to store and a boat. He wanted his kids to have a nice size yard.

Mike Didur, 803 New William, said that he did not have a problem with a privacy fence next to him except where the alley comes out at Quevillon. He feels that there would be a visibility and safety issue there. On the other side there is a three-foot hedge and he has a feeling there would be a problem with traffic. Numerous neighbors use that alley to get to their property. If there could be some kind of

compromise with that corner so he could still have his fence twenty- five feet up into the side street with maybe a corner there so that visibility would be opened up.

Frances Boehnlein, 804 St. Catherine, said that she would like to support what Mr. Didur said. The main issue is about safety and if you would have visibility on the road for pedestrians, bicyclists and if you where going to hit a car. I would agree with a compromise if a corner would be put in there so the visibility would still be available.

Edith Harrison, 808 St. Catherine, stated that with the bushes and the fence, you would be in the street before you could see cars coming.

The recording secretary reported that there were 30 notices sent, with three responses in opposition.

Closed public hearing.

Commissioner Sarto reported that the Special Land Use Committee met and they too are very concerned with the safety issue. You have to pull up right at the corner, and could not see if there are people on the sidewalk, riding bicycles, walking etc. and with ingress and egress in and out of that alley. Being very much concerned with a six-foot privacy fence we recommend that it not be allowed to happen.

Chairman Coleman stated that he shared the same safety concerns. The special land use section 900.2.6 requires that the SLU not be granted if it would be detrimental to or endanger the public health, safety or general welfare.

Commissioner Sarto made a motion to deny the request for a special land use in order to construct a six-foot fence on the property line of a corner lot, seconded by Commissioner Holman. Motion carried unanimously.

To consider a proposed text change to the Ludington Zoning Ordinance 23-00, Article 400.17, WM1 and WM2 (Waterfront Maritime).

Chairman Coleman explained that because of the way the original text was worded, the property along Loomis Street would have an extreme problem being developed. What we are recommending is to change item number seven which is Building Bulk and Separation to fit both Waterfront Maritime1 & 2. The text would read: *Building Length: The maximum length of a building shall not exceed one hundred and thirty (130) feet.*

Close Public Hearing.

Chairman Coleman stated that it did work on both S. Rath and Loomis and would recommend, as an Adhoc Committee, to send the text on to City Council.

Chairman Coleman made a motion to send the proposed text changes to Ludington Zoning Ordinance 23-00, Article 400.17, WM1 and WM2 (Waterfront Maritime) to City Council, seconded by Commissioner Holman. Motion carried unanimously.

UNFINISHED BUSINESS:

To consider a request from House of Flavors for a special land for the outdoor service of food and beverage service in the Central Business District at the following described property:
L-498 ORIGINAL PLAT LOT 8, AND PART OF LOTS 9 & 10, BLOCK 29DESCRIBED AS COM AT SE CORNER OF LOT 10, BLOCK 29 FOR THE POINT OF BEGINNING, TH S 89 DEG 54 MIN 39 SEC W ALONG N'LY ROW LINE OF LUDINGTON AVE 180.09 FEET, TH N 00 DEG 01 MIN 58 SEC W ALG W LINE OF LOT 8, 150.14 FT TO NW COR OF LOT 8, TH N 89 DEG 58 MIN 11 SEC E ALG N LINE OF LOTS 8 & 9, 86.80 FEET, TH S 00 DEG 12 MIN 50 SEC E 40.35 FEET, TH S 89 DEG 47 MIN 10 SEC W 160.00 FEET,TH S 00 DEG 12 MIN 50 SEC E 37.40 FEET,TH S 28 DEG 50 MIN 26 SEC W 6.18 FEET,TH S 00 DEG 12 MIN 50 SEC E 4.60 FEET, TH S 47 DEG 11 MIN 20 SEC E 4.10 FEET,TH S 00 DEG 12 MIN 50 SEC E 1.00 FOOT,TH N 89 DEG 47 MIN 10 SEC E 24.80 FEET,TH S 00 DEG 12 MIN 50 SEC E 11.30 FEET, TH N 89 DEG 47 MIN 10 SEC E 21.80 FEET,TH S 00 DEG 12 MIN 50 SEC E 9.90 FEET,TH N 89 DEG 47 MIN 10 SEC E 26.50 FEET,TH N 00 DEG 12 MIN 50 SEC E 9.00 FEET, TH N 89 DEG 47 MIN 10 SEC E 21.50 FEET TO W ROW OF WILLIAM ST, TH S 46.50 FEET ALONG W ROW LINE OF WILLIAM ST TO P.O.B, also known as 402 W. Ludington Ave.

Commissioner Usiak made a motion to take the House of Flavors issue off the table, seconded by Commissioner Sarto. Motion carried unanimously.

Bob Neal, House of Flavors, told the Commission that this proposal was to serve ice cream outside. At the last meeting he was asked to describe exactly what he would be doing. He submitted his proposal in writing to the Commission.

Commissioner Garrett stated that he thought the idea was great. He wanted to know how traffic in the parking lot would be handled. Mr. Neal told him that he was trying to eliminate the line waiting to get inside. There would be less people waiting to be served. He could not imagine a line to the parking lot. Commissioner Garrett said that it was a concern. Would there be someone out there? Mr. Neal said that he could imagine it being an issue. Commissioner Olmstead said that the line would need to head east. Mr. Neal said that there would not be a line of any substance. Commissioner Usiak commented that she visualized the line going east. In the summer the whole section is congested. It couldn’t get any more congested.

The recording secretary reported that 25 notices were sent with no response.

Commissioner Sarto reported that the Special Land Use Committee had met and felt that this was a positive thing. The only concern was what if there is overflow in the parking lot. Attorney Anderson said that there could be conditions put on the Special Land Use for a trial period. If other conditions were needed, another public hearing could be held.

Commissioner Sarto made a motion to approve the Special Land Use for outdoor service of food and beverage in the Central Business District with the contingency that it not become a safety concern or traffic concern to the immediate area, seconded by Commissioner Olmstead. Motion carried unanimously.

To consider rezoning the following described property from W (Waterfront) to WM2 (Waterfront Maritime 2) ORIGINAL PLAT LOTS 6,7,8,9 & 10 BLOCK 47.
ORIGINAL PLAT LOT 7,8,9,10,11 &12 BLOCK 48.
ORIGINAL PLAT LOTS 9, 10, 11 & 12, BLOCK 49

Commissioner Holman made a motion to take the rezoning issue off the table, seconded by Commissioner Ponko. Motion carried unanimously.

Commissioner Sarto made a motion to send the proposed rezoning of the following properties from W (Waterfront) to WM2 (Waterfront Maritime 2) to City Council: ORIGINAL PLAT LOTS 6,7,8,9 & 10 BLOCK 47, ORIGINAL PLAT LOT 7,8,9,10,11 &12 BLOCK 48, ORIGINAL PLAT LOTS 9, 10, 11 & 12, BLOCK 49 , seconded by Commissioner Usiak. Motion carried unanimously.

Planned Development:

Chairman Coleman introduced the City Planner, Larry Nix. Mr. Nix stated that they took the outline that was presented at the last meeting and "put a little more meat on the bones". They are working on a more extensive intent, discussing proper procedures of how it actually works, and what has to be submitted. We also put more in the review criteria. These are probably the most important elements of this. Mr. Anderson and I are discussing proper procedure of how this works. We are trying to keep the process as streamline as possible under the guidelines of the law. This is a working document. None of this is cast in stone. There is a lot of room for movement. Mr. Nix went through each of the sections of the Planned Development draft. He explained the different modifications that had been made to the draft. He asked the Commission if they felt they were heading in the right direction.

Chairman Coleman stated that they had thought a lot about it. He feels pretty sure it is a good way to go. This is a different area and they need a different approach. It is a tough area. There will be flexibility yet they will develop standards so they will have some guidelines.

Larry Nix told the Commission that the way this is drafted, it would be a development opportunity anywhere in the city. It is not restricted just to the waterfront property. There could be multiple zoning districts within a PD.

Commissioner Ponko said that one thing that is being looked at, to avoid the fear of a PD in a residential area, is to have a two-acre land minimum.

Commissioner Garrett wanted to know how you would exclude residential. Commissioner Ponko said that the two-acre minimum would do that. That would be a whole City block and there would not be many places you could purchase a whole City block. Larry Nix said that they could put a declaration right in it that says that it would be applicable in only non-residential areas. Commissioner Garrett said that he would like to see that.

Commissioner Sarto asked if a PD would be added as that or would it have to be rezoned a PD. Mr. Nix said that he was working with Roger Anderson on that. He is having him look at the legal aspects of it.

Bob Manglitz, 6671 Audubon, Holland, MI, commented that when this was first talked about, he was excited about it because he thought the zoning down there would be Planned Development. It seems like you just could not let that happen. You had to have performance standards. The performance standards become the zoning. Mr. Nix stated that this could happen in any place. But you are going to come up with performance standards, square footage, and height restrictions. To me it is going to be a transparent vehicle for you people to come back and say we want a walkway around the waterfront. If you are going to do a Planned Development, why don't you do a Planned Development? Your standards are going to be your zone. I don't know what you will call it. I thought we were going to be able to come to the Planning Commission and say, "We have got this idea." And we would not have someone saying "Whoa", that is bigger than the footprint or that is bigger than the recommendation we have in there. I guess I am really disappointed. I really thought that you were going to have planned development zoning and you would not be saying you are exceeding this and exceeding that, but we might ok it as long as you give us our water walk or gaps. Mr. Manglitz asked clarification on the section of outdoor storage, did that include unattached garages. He also wanted to know about the section on Performance Guarantees. He stated that performance bonds were not cheap and not easy to get.

Larry Nix stated that the PD was going to be a balance between developers and property owners wanting no regulations at all. This PD would give the City an idea of some standards that the developers would have to meet. Walkways and separation has not even been a subject at the sub committee level. We have been concentrating more on the flexibility that this provides us. If we wanted a public walk, we would make that a standard. I don't think it is an agenda item.

Bob Manglitz suggested that if Mr. Nix did not receive the Ludington newspaper, maybe he should. A City Council member has come out in the paper to support a water walkway around Copeyon Park. Also the editor had an article saying he thought they were a great idea. This is not something paranoia has dreamed up, this is real.

John Steinbach, 115 S. James, stated that you had to worry about the CBD, too. Height restrictions and stuff. You need to make sure that downtown stays strong with a view of that water.

Linus Thalman, Ludington Boat Club, stated that the walkway keeps popping up all the time. I thought it was dead. We, the membership, of the Ludington Boat Club strongly oppose it. We oppose any kind of walkway across our property because of the liability that will be involved, so consider that.

Chairman Coleman said that they had considered it and it was not one of the things they were going to do. They would leave that up to the City Commission.

NEW BUISNESS:

SITE PLAN REVIEW:

Harbor Front Plaza Office:
Commissioner Holman reported that a site plan review was held on November 7, 2001 for the Harbor Front Plaza Office Building. The site plan was approved unanimously.

COMMENTS AND COMMUNICATIONS:

Commissioner Garret reported that there would be a public input session on the Comprehensive Plan on Thursday, December 6 and Thursday, December 13. Surveys were being sent out.

Chairman Coleman announced that the January, 2002 meeting needed to be rescheduled due to the New Year holiday. It was unanimously agreed to hold the meeting on Monday, January 7, 2002 at 7:00 p.m.

Chairman Coleman told the Commissioners that Commissioner Sarto would not be serving another term on the Planning Commission. He thanked Commissioner Sarto for a job well done for the last four years.

ADJOURNMENT:

Motion was made by Commissioner Holman to adjourn the meeting at 8:15 p.m., seconded by Commissioner Usiak. Motion carried unanimously.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

_____
Tom Coleman, Chairperson