CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES – 11/05/01

The regular meeting of the Ludington Planning Commission was held on November 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, Paul Peterson, Joyce Usiak , Jerry Ponko, Jack Ereon, and Robert Garrett.
Absent: Ron Sarto (excused) and Clay Olmstead (excused)

Also Present: Building Inspector John Healy and Recording Secretary Carol Ann Foote.

At this time, Chairman Coleman introduced the City Planner, Larry Nix.

AGENDA APPROVAL:

Chairman Coleman asked that Public Comments and Communications be made after the presentation by Larry Nix on the new waterfront proposal. He also explained that there was a procedural problem with the text changes on WM1 and WM2. There would need to be a public hearing set for the December meeting for the text changes before the rezoning of the properties.

Commissioner Ereon made a motion to approve the agenda, with changes, seconded by Commissioner Holman. Motion carried unanimously.

PUBLIC COMMENTS & COMMUNICATIONS:
None
Closed Public Comments

MINUTES:
Commissioner Ponko made a motion to approve the minutes of October 2, 2001, seconded by Commissioner Usiak. Motion carried unanimously.

PUBLIC HEARINGS:

UNFINISHED BUSINESS:

a) 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 Ereon made a motion to take the House of Flavors issue off the table, seconded by Commissioner Peterson.

Commissioner Usiak reported that the Special Land Use Committee had met on the issue. They would like Bob Neal to put into writing, exactly what he was going to do. Other than that, the Committee was for it. Commissioner Ereon wanted to know who was going to enforce the line of people in the parking lot. Commissioner Garrett said that he would also like to see exactly what he was proposing in writing. Commissioner Coleman made the suggestion to table the issue.

Commissioner Peterson made a motion to table the issue until the December meeting, seconded by Commissioner Garrett. Motion carried unanimously.

b) 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

This issue was not taken from the table at this time.

c) Proposed text change to Waterfront Maritime 2.

Chairman Coleman explained the proposed text change. He stated that the original text did not read properly. He said that Maritime 1 and 2 text had been changed and approved through City Council. The rezoning of property to Maritime 1 had been approved, Maritime 2 had been tabled. Now they were considering text changes to Maritime 2. A public hearing would be required, so that would be done in December. He asked for discussion on the text change.

Commissioner Garrett asked if there would be room for creativity. Chairman Coleman said that he felt there would be some flexibility.

Commissioner Ponko asked Chairman Coleman to clarify, to the public, the distance between buildings, where it was and where it is now. Chairman Coleman said that originally there was a minimum of forty feet between buildings. On the Bonser property, it would not work. By taking that away, we are basically back to the 10 ft. setback. Commissioner Usiak asked Commissioner Coleman to go through some examples for the public.

Commissioner Holman made a motion to set a public hearing for the December meeting, seconded by Commissioner Peterson. Motion carried unanimously.

NEW BUISNESS:

Planned Development Proposal:

Chairman Coleman explained that this was a different approach to zoning as seen in the City of Ludington. The properties south of the new marina on S. Rath Ave. around to Copeyon Park are usually unplatted and fairly extensive in size ranging from two acres to thirteen plus. We have searched for a good middle ground, and our planner, Larry Nix has suggested looking at a different approach. He then introduced Mr. Nix.

Mr. Nix said that he had worked on a lot of the waterfront areas and the most difficult remained the property on the south side of the downtown area. He said that he attended a public hearing last December and the property owners basically said to leave them alone and let them do what they want to do. That is contrary to zoning, but at the same time we have to appreciate what the property owners want to do. They want to make money, and there is nothing wrong with making money. At the same time we need to balance that with good development in this community. He then explained the zoning technique called a performance based zoning plan. He said that he was presenting this idea because it is new, innovative and different. The sub committee wanted to get feedback from the Planning Commission and the public before that went further with the idea. He said that they had a concept, an idea, they are looking for direction. Mr. Nix went through the outline of the Planned Development. He explained the Planned Development suggested 14-step process.

Commissioner Peterson wanted to know what could be changed after City Council approved such a plan. Mr. Nix said that general standards might allow a five percent change in the general floor area. I couldn't move any closer to the property lines; setbacks would have to be the same. The use can't change. Usually we define minor/major changes.

Commissioner Garrett wanted to know if the first one that builds, would that be the theme. Mr. Nix said that most of the property owners that he talked to wanted to do something residential in nature. Commissioner Garrett asked if the Commission could set the theme. Mr. Nix said that there would be a lot of individual ideas. I am not sure we would way want to do this.

Commissioner Peterson asked about the section on artificial lighting. Mr. Nix explained lighting, such as parking lot lighting, would be a more muted lighting, not obnoxious lighting.

Ed Thompson, 510 E Lake St., wanted to know what kind of time frame would you be looking at when going through the fourteen-step process for a planned development. Mr. Nix said that there were only two extra steps from a normal site plan submission and rezoning request. Commissioner Ponko asked if he thought it would be about 1-3 months without snags. Mr. Nix said that in his opinion, that would not be uncommon. Mr. Thompson suggested a fictitious plan to test drive to see how it works.

Ron Robinson, WKLA Radio, if someone came along and built a five-story building (trendsetter), would a four-story building a year later already is be to code? Mr. Nix stated that every piece of property would be treated on its on merit given the same set of standards being presented.

John Steinbach, Springlake, MI, wanted to know what other communities were using this plan. Mr. Nix stated that South Haven used it. It is also used in inland communities. It is a flexibility of zoning. Mr. Steinbech also stated that as zoning boards change, ideas change. You are going to have completely different ideas and go in completely different directions as these parcels develop. Mr. Nix told him that there would be a continuity of people from one term to the next. As people rotate in and rotate out, there is always a veteran(s) sitting on the Planning Commission. Is it perfect? I am not proposing it as perfect.

Bob Manglitz 6671 Audubon, Holland MI, stated that as he is listening, it sounds good. In reading it, it sounds good until you get to the bottom of the first page, *a PD shall meet the following performance standards:* Why do you have standards if you have a PUD? I call it PUD, you call it PD. You have standards, you have variances and that puts us back to what we were talking about. Mr. Nix that this was to provide a guideline, not standards, but guidelines. How would what you are proposing to do fit in the area? Another suggestion is no rules. How does it fit? I will assume you would not want standards. Mr. Manglitz stated that if you are going to have the standards and you talk about distance between buildings, to me that is view corridors, and if you are going to have a PUD, you have to sell the Planning Commission on everything anyway. You would be asking for a variance on practically everything. I think once you have a standard, that's going to become the zoning. To me this is more restrictive than what we have had in the past.

Mr. Nix said that he tried to give a lot of different variations. It could work either way, and I have no preference to which way it goes. Mr. Nix said that from what he hears from the property owner's is lets move to the next step. Mr. Manglitz said that he did like it until he got to the bottom of page one.

Gregg Prafke, Grand Rapids, MI, in regards to the site line; the concern is what property line are you going to use to define the site line. On a long narrow piece of property, if a developer wanted to put a six-foot tower, you have restricted them from doing that. Not much more than a two story could go on some, because of the site line. Mr. Nix explained the site line concept and said that quite a tall building could go there.

Steve Abrahamson, Ludington, asked about the architectural break. Would that break be the construction? Mr. Nix explained that the break would be windows, shutters, anything to keep it interesting.

Jack Harper, 931 Maple St., wanted to know if by taking each project by itself, how could the first project builders to come in be assured that someone else to come in would not devalue their property. Mr. Nix said that one assurance is this group would not let that happen, the second is the people already there would step forward. Mr. Nix said that with no use restrictions, this could be possible. But at the same time, with the City officials, elected or appointed, would they let that happen?

Commissioner Peterson wanted to know if the Planning Commission would dictate the use of the land and who sets the theme? Mr. Nix said that the applicants would set the use and the theme.
Cal Prins, Holland, MI, told the Commission that he had three Planned Developments in Holland. He said that PUD's are about all you can get in Holland anymore. As far as timing, the fastest is about 8 ½

months. The devil is in the detail, so be careful about how many details you put in ahead of time. It has worked real well for us.

Dean Anderson, 1012 N. Robert, I think that it would be wrong to have a standard. I would prefer a range. Overall, I would say it seems to me a plan for the waterfront would be like in the City. It would create orderly development. I think the whole concept is good, but let look at ranges to make the job easier.

Chairman Coleman stated that the Waterfront Master Plan has a deep-water port, which to me is the marina, the car ferry is a deep-water port, and Abrahamson has a deep-water port. It encourages the continuance of a deep-water port. Mr. Manglitz said that they hoped that it would continue as a deep-water port.

The Commission was in agreement that the Ad Hoc committee should continue to pursue this.

Due to conflict with Mr. Nix's schedule, the Board agreed to change the December meeting to Wednesday, December 5, 2001. Motion was made by Commissioner Ereon to change the meeting date to Wednesday, December 5, 2001, seconded by Commissioner Holman. Motion carried unanimously.

SITE PLAN REVIEW:

None

COMMENTS AND COMMUNICATIONS:

Commissioner Garrett told the Commission that they were working on redoing the land use plan. MSU was contracted to do the update. Public hearings were set for December 5 and December 6, 2001.

ADJOURNMENT:

Motion was made by Commissioner Ponko to adjourn the meeting at 8:35 p.m., seconded by Commissioner Holman. Motion carried unanimously.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

_____
Tom Coleman, Chairperson