CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES – 10/02/01

The regular meeting of the Ludington Planning Commission was held on October 2, 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 and Jerry Ponko.
Absent: Ron Sarto (excused), Robert Garrett (excused), Clay Olmstead and Jack Ereon (excused)

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

AGENDA APPROVAL:

Commissioner Peterson made a motion to approve the agenda with the addition of the November meeting date change and a waterfront adhoc committee report under old business, seconded by Commissioner Holman. Motion carried unanimously.

Commissioner Olmstead arrived at 7:05 p.m.

PUBLIC COMMENTS & COMMUNICATIONS:

Ron Robinson, 301 ½ N. Delia, stated that this committee approved, unanimously, to send to City Council the waterfront maritime zoning proposal. At that Council meeting, Paul Peterson voted against it. He said that he was not trying to single out Paul Peterson. At the Council meeting a Councilman said that other committee member had contacted him to send it back to the Planning Commission. There doesn't seem to be any new information concerning this proposal. Why in the midnight hour, with no new information, did people change their minds? Paul Peterson told Mr. Robinson that if he was at the last City Council meeting, he explained it to him. Mr. Robinson asked him to talk about it a little more. Commissioner Peterson said that he would prefer not to. Mr. Robinson said that there were other members that were not coming forward to admit they were having second thoughts. I think the Committee should be held accountable and not hide behind whatever they are hiding behind. I don't think there is anything shady, but people think there is something up and nobody is explaining why people changed their mind. Commissioner Peterson told him that, for himself, he explained at the last City Council meeting. Commissioner Olmstead said that the public comment portion of the meeting is an opportunity for the public to come in and express their concerns. The Commission does not have to sit here and justify any further. That is not the purpose of this function. I was one of those people who was at the meeting and voted in favor of it, but was not comfortable with it. But there were meeting with give and take to reach a consensus on some property that was further down, so I voted in favor of it. I'm still not comfortable with it and I'm happy to bring it back here. I think it is an indication that this committee is very dedicated to coming up with the best plan we can. I think it's great that government would say, "Hey, let's take another look at this". That's my motivation. It has nothing to do with any developer, or I don't know what you are suggesting. Mr. Robinson said that he was not insinuating anything, but a lot of people had been speculating when no one is explaining. Commissioner Peterson wanted to know who was speculating. Mr. Robinson said that several people called the radio station. Commissioner Olmstead said to tell the people that are concerned to come to the public

meetings, because he has not heard many opinions from many people. If they are concerned tell them to come down here that is why we are here. Mr. Robinson said that he was not trying to headhunt, but as a committee they needed to be held accountable. Chairman Coleman stated that in good faith the Commissioners acted, some did have thoughts after. That is certainly appropriate. The issue has gone to City Council and passed with a split vote. That is what we are looking at now, what we are dealing with.

Bob Manglitz, 6671 Audubon, Holland, MI, addressed Chairman Coleman by stating that he had been to as many meetings as Chairman Coleman had. My opinion is not varied. I am very much opposed to the way the zoning went down, especially on Loomis St. I thought there should have been 45 ft. height and did not think there should be gaps or view corridors. I am concerned about the number of empty buildings downtown. I am concerned about downtown. I am concerned that the build up on US 10 will draw even more from downtown. We can't pick or choose whom the storeowners or retailers are. I think that West Shore Bank is one of the most important assets down there. West Shore's corporate office is going to put sixty people down there that will shop, go to John's bakery, will go to some of the other restaurants down there, hopefully. I would ask this Planning Commission, if there were any doubts, as to the passing of that, I would ask them to make an amendment to change the zoning that they sent to City Council. Mr. Manglitz told Chairman Coleman, that he felt they shared the same dedication to the Waterfront. They just had different opinions.

Bob Neal, 6011 Birchwood, said that he would like to second what Bob Manglitz said. He stated that he was not well versed in zoning, but he does operate a business downtown and it is pretty scary. They are losing another downtown merchant this week. There are going to be more empty buildings. I think the only way we are going to help the downtown is to have more people downtown. You have to have density to do that. Seems to me, the thing that this government, Planning Commission, has to do is to find a way to develop this wonderful asset we have, get some tax base, some people and customers when we are really devoid of these things except for seven weeks during the summer. Any place you can put another family that is going to spend money in this community is going to be good for the community.

Closed Public Comments

MINUTES:
Commissioner Peterson made a motion to approve the minutes of September 4, 2001, as written, seconded by Commissioner Olmstead. Motion carried unanimously.

PUBLIC HEARINGS:

a) To consider a request from Joseph Lenius for a special land use in order to create a parking lot in a residential district at the following described property: UNPLATTED COM. AT A POINT 297 FT N & 297 FT E OF THE SW CORNER OF SEC 10, T18N, R18W, TH W 93 FT 11 INCHES, TH N 214 1/2 FT, TH W 63 1/2 FT, TH N 60 FT, TH E 157 FT, TH S TO P.O.B.; BEING A PART OF THE SW 1/4 OF SW 1/4 OF SEC 10, T18N, R18W. ALSO UNPLATTED COM AT A PT 31 RDS N OF COMMON COR SEC 9, 10, 15 & 16 T 18N R18W TH N 60 FT TH E 140 FT TH S 60 FT TH W 140 FT TO POB. ALSO COM AT A PT 18 RDS N OF COMMON COR SEC 9, 10, 15 & 16 T18N R18W TH E 203FT 1 IN, TH N 214 1/2 FT TH W 203FT 1 IN TH S

214 1/2 FT TO POB, BEING PART OF SW 1/4 OF SW 1/4 SEC 10 T18N R18W. ALSO UNPLATTED COM AT PT 571.5 FT N OF THE COMMON COR SEC 9, 10, 15 & 16 T18N R18W TH N 60 FT TH E 297 FT TH S 60 FT TH W 297 FT TO POB. SUBJ TO EASEMENTS OF RECORD, also known as 612 N Lakeshore Drive.

Joe Lenius, 612 N. Lakeshore Drive, told the Commissioners that he operated a small motel, Nader's. He would like to expand the vacant residential lot to the north into a parking lot. I propose to use the existing drive. I will shrub and brush the front. The neighbor to the north doesn't want shrubs, but I would prefer to put shrubs there. Mary Lou Frank has a row of pines about 175 ft. back. To access her property behind the pines she uses my property to take a trailer in or something like that. I would like to put shrubs in up to that point. That would still give her access and create a divider. I think I meet all the other requirements. Laman Asphalt will put it in. As far as height of the shrubs, I am sure Mr. Healy will make sure that is done right. I am asking for a special land use, not to have rezoned.

Close Public Hearing

The recording secretary reported that there were twenty-one notices sent with two replies. The Chairman read the two responses, both in favor. Mary Lou Frank asked that the access to her property remain.

Commissioner Usiak reported that the Special Land Use Committee had met and was in favor of the special land use.

Chairman Coleman asked Inspector Healy if there was any problem with the vegetative barrier or strip if it did not go all the way to the back. Inspector Healy told the Commission that screening was a requirement. Maybe you would want to require a fence or that type of a screening. I don't know, from the legal point, if you could make a condition later. For example if the property were transferred, you would have to put that screening in place. Chairman Coleman asked if there were any requirements on the spacing. Mr. Healy replied yes. Commissioner Holman wanted to know if it had to be all the same thing, could it be bushes and fence. Mr. Healy said that it did not have to be the same.

Commissioner Ponko made a motion to grant the special land use with the condition that there be a gated fence at the northeast corner of the property. Motion carried unanimously.

b) To consider a request from Thomas L. Anderson for a special land use for an expansion of a nonconforming structure in order to construct an addition at the following described property: QUEVILLON'S ADDITION LOT 4 BLOCK 5, also known as 905 St. Catherine St.

Tom Anderson, 905 St. Catherine, told the Commission that he was asking for an addition to his house. He is on a corner lot and when it was built, the setbacks were different than they are now. In order to accommodate a larger kitchen and dining area, I will need to extend the wall 5 ft. This is an area of approximately sixty square feet of a 720 square foot addition. This is less than 10 percent of the floor plan.

Chairman Coleman asked if he would be taking the west wall and extending it five feet to the south. It would not go any further to the alley. Mr. Anderson told him that was correct.

Closed Public Hearing

The recording secretary reported that thirty-six notices were sent with no reply.

Commissioner Usiak reported that the Special Land Use Committee was in favor of the special land use.

Commissioner Ponko made a motion to grant a special land use in order to expand a non-conforming structure, seconded by Commissioner Peterson. Motion carried unanimously.

c) To consider rezoning the following described property from W (Waterfront) to WM1 (Waterfront Maritime 1):
ORIGINAL PLAT LOT 3,4,5,6,7,& 8 BLOCK 42.
ORIGINAL PLAT W 1/2 OF LOT 3 & E 1/2 OF LOT 4 BLOCK 59.
ORIGINAL PLAT LOT 5 & W 1/2 OF LOT 4 BLOCK 59.
ORIGINAL PLAT LOTS 6 & 7, BLOCK 59.
ORIGINAL PLAT W 1/2 OF LOT 8 BLOCK 59.
ORIGINAL PLAT LOTS 4,5,6,7 BLOCK 72.
ORIGINAL PLAT W 45 FT OF LOT 3 BLOCK 74.
ORIGINAL PLAT E 50 FT OF LOT 4 BLOCK 74.
ORIGINAL PLAT LOT 5 & W 10 FT OF LOT 4 BLOCK 74.
ORIGINAL PLAT LOTS 6,7,8 BLOCK 74.

There was no public comment and no discussion from the Commissioners.

Commissioner Holman made a motion to send to City Council the request to rezone the following properties from W (Waterfront) to M1 (Waterfront Maritime 1), seconded by Commissioner Peterson.
ORIGINAL PLAT LOT 3,4,5,6,7,& 8 BLOCK 42.
ORIGINAL PLAT W 1/2 OF LOT 3 & E 1/2 OF LOT 4 BLOCK 59.
ORIGINAL PLAT LOT 5 & W 1/2 OF LOT 4 BLOCK 59.
ORIGINAL PLAT LOTS 6 & 7, BLOCK 59.
ORIGINAL PLAT W 1/2 OF LOT 8 BLOCK 59.
ORIGINAL PLAT LOTS 4,5,6,7 BLOCK 72.
ORIGINAL PLAT W 45 FT OF LOT 3 BLOCK 74.
ORIGINAL PLAT E 50 FT OF LOT 4 BLOCK 74.
ORIGINAL PLAT LOT 5 & W 10 FT OF LOT 4 BLOCK 74.
Motion carried unanimously.

d) 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

Jack Bonser, 1520 Betty Ave, told the Commission that he owned all but two lots on block 48. The new rules would have an adverse effect on his property. Under the current zoning, lots 7, 9, 11 and 12 could be developed into upscale residential properties overlooking the City Marina. Under the current proposal, it limits lots 7 & 9 to parking lots. The proposal will have a value reversal on my lots. I currently have an offer, but the prospective buyer will not proceed without the Loomis street lots. I would ask you to reconsider the rezoning of that particular property.

Chairman Coleman asked Mr. Bonser why the only use on lots 7 and 9 would be parking lots. Mr. Bonser said that they were bought years ago for parking. With the new zoning, there is very little chance of any sizeable building being put on these lots.

Closed Public Hearing

Commissioner Peterson asked Mr. Bonser what in particular did the potential developer find difficult about the ordinance.

Jim McLachlan, Century 21-Bayshore Real Estate, said that he represented the property for sale. A prospective buyer made an offer on the property in August. He explained the lot sizes and that with the proposed zoning; you would have no room for development. The only real property to be developed would be lot 11 & 12. The potential buyer wants the Ludington Avenue side and the Loomis side to make a financial return on their investment. As I see it, by doing the math you can eliminate 7 and 9 as anything other than a parking lot. That is our concern. The option is that lots 8 and 10 could be purchased. But I don't see that happening overnight. Commissioner Peterson asked if there was any concern about the properties on Ludington Ave. Mr. McLachlan said that those lots are still commercial. A year ago 7, 9, 11 and 12 could have been sold.

Commissioner Olmstead asked what kind of ordinance change would they like to see, for example, in lot 9. Mr. McLachlan said that they would like to see the ability to use the present zoning. Commissioner Peterson wanted to know if the developer wanted both sides of the alley. Mr. McLachlan said that they did. They want the whole package. He also said that what he knows is there is a plan to take the existing building on the commercial side and develop it into a retail outlet.

Chairman Coleman made a recommendation to send the rezoning back to committee to restudy. Commissioner Peterson made a motion to table the rezoning until the November meeting, seconded by Joyce Usiak. Motion carried unanimously.

<u>UNFINISHED BUSINESS</u>:

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 Peterson made a motion to un-table the House of Flavors request, seconded by Kaye Holman. Motion carried unanimously.

Bob Neal, House of Flavors, showed the Commission pictures of his proposed outdoor service area**.** H would like to use the southwest corner of the building to install a cabinet and sink where scoop ice cream would be served. There would be an awning that would extend over the city sidewalk by one foot. John Healy told the Commissioners the awning issue would have to go through City Council. He said that he had presented the issue to the Building and License Committee and they were taking it under consideration. Mr. Neal said that the outdoor service would start on June 20 and go through Labor Day.

The Commissioners discussed the proposal and had questions in regards to the measurements from the curb to the building. Mr. Neal had not taken those measurements. There were concerns with congestion on the sidewalk, bicyclers and overspill of people in the parking lot. Chairman Coleman felt that there was not enough information. He would like to see a better sketch with measurements.

Commissioner Holman made a motion to table the request, seconded by Commissioner Olmstead. Motion carried unanimously.

November Planning Commission Meeting:

Chairman Coleman told the Commissioners that he felt that the November meeting should be changed from Tuesday, November 6 to Monday, November 5 due to the election on the 6th and he would also like Larry Nix to attend. Mr. Nix could not attend the meeting on Tuesday.

Commissioner Holman mad a motion to change the meeting to Monday, November 5, 2001, seconded by Commissioner Peterson. Motion carried unanimously.

<u>NEW BUISNESS:</u>
None

<u>SITE PLAN REVIEW:</u>
Ludington Woods, 502 N. Sherman
Commissioner Ponko reported to the Commission that a Site Plan Review was held on September 21, 2001 for Ludington Woods, a new proposed assisted living facility at 502 N. Sherman St. The site plan was unanimously approved.

COMMENTS AND COMMUNICATIONS:

Chairman Coleman stated that he had recently received phone calls requesting that if any paths are built that they should be wide enough for bikes, wheelchairs and walkers.

ADJOURNMENT:

A motion was made by Commissioner Holman to adjourn the meeting at 8:18p.m. seconded by Commissioner Usiak. Motion carried unanimously.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

_____
Tom Coleman, Chairperson