CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES – 03/04/02

The regular meeting of the Ludington Planning Commission was held on March 4, 2002. 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, Robert Garrett, Joe Moloney, Dave Weston, Joyce Usiak, Randy Haight and Mike Nekola
Absent: Clay Olmstead

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

AGENDA APPROVAL:
Commissioner Holman made a motion to approve the agenda seconded by Commissioner Moloney. Motion carried unanimously.

PUBLIC COMMENTS & COMMUNICATIONS:
None

MINUTES:
Commissioner Holman made a motion to approve the minutes of February 18, seconded by Commissioner Weston. Motion carried unanimously.

PUBLIC HEARINGS:
To consider text changes to the City of Ludington Zoning Ordinance #23-00 in order to add Article 500.18, Adult Businesses.

Attorney Anderson explained the constitutional issues with adult entertainment establishments. The first amendment does not allow prohibiting such establishments; therefore an ordinance could limit their location so that they would not have a significant impact on children.

Commissioner Holman showed the Commission a map the indicated areas of the City that contained the schools, daycares, residences, churches, parks, etc., and pointed out the distances from each area that an adult business could be located. She explained that with the distance limitations, the industrial park would be the only location that an adult business could go.

Ralph Wheaton, WKLA Radio, wanted to know, if one adult entertainment establishment could only be 1,000 ft from another, how many could possibly be placed in the industrial park? Commissioner Holman said two at the very most, and that was “iffy”.

Gayle Lyons, Hallmark, 409 W Ludington Ave., asked if this would apply to tattoo parlors also. Commissioner Holman told her that tattoo parlors were not considered adult entertainment. Chairman Coleman said that the definitions described, did not include tattoo parlors.

Close Public Hearing

Commissioner Holman told the committee that the text committee had worked very hard on this ordinance and felt very comfortable with it.

Commissioner Holman made a motion to approve the proposed text to add Article 500.18, Adult Businesses, to the Ludington Zoning Ordinance #23-00 and to send the proposal to City Council for approval, seconded by Commissioner Nekola. Motion carried unanimously.

UNFINISHED BUSINESS:
Comprehensive Plan:

Commissioner Garrett reported that 33.3% of the surveys that were sent had come back. They are expecting to get back at least 40%. He said that Dave Peterson had talked to the City of Ludington Department heads to get comments as well as the hospital. Everything is going along as expected. The census data should be back in April or the first of May.

NEW BUISNESS:
None

SITE PLAN REVIEW:
None

COMMENTS AND COMMUNICATIONS:

1. Chairman Coleman reminded the Commission of the Zoning Board of Appeals training session to be held on March 12, 2002.
2. Chairman Coleman announced that the Lake Michigan Federation would present a program on March 20, 2002 entitled *Preserving Community Character for Future Generations.*
3. A copy of proposed Traffic Control Order #55-A was given to the Commissioners for comment. Commissioner Weston explained that Police Chief Barnett put this order together in order to control truck parking around the House of Flavors. When this is approved, signs will be put up in the area. Commissioners Moloney and Nekola agreed that the order looked good.
4. Commissioner Nekola commented to the Commission that in looking at the Zoning Ordinance, sections C2, CBD, etc., that he did not see tattoo parlors listed as permitted principal uses. He asked if tattoo parlors should be listed under these sections. Attorney Anderson explained that tattoo parlors were interpreted as personal services like barbershops and beauty parlors. He stated that they could not prohibit a lawful use and that there was a danger in being overly restrictive in interpretation. Commissioner Nekola asked if they could be taken out of one district and put into another. Attorney Anderson said that the Planning Commission could do that. Commissioner Nekola suggested to Chairman Coleman that they take a look at this issue in the future.

ADJOURNMENT:
Motion was made by Commissioner Weston adjourn the meeting at 7:30 p.m., seconded by Commissioner Holman. Motion carried unanimously.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Tom Coleman, Chairperson