CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES – 09/04/02

The regular meeting of the Ludington Planning Commission was held on September 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, Robert Garrett, Randy Haight, Joyce Usiak, Mike Nekola, Dave Weston, Kaye Holman, and Clay Olmstead

Absent: Joe Moloney (excused)

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

AGENDA APPROVAL:
Chairman Coleman made a motion to accept the agenda with the addition of "Owner Restricted Open Space Preservation". Motion carried unanimously.

PUBLIC COMMENTS & COMMUNICATIONS:
None

MINUTES:
Commissioner Usiak made a motion to approve the minutes of the August 5, 2002 meeting, seconded by Commissioner Holman. Motion carried unanimously.

PUBLIC HEARINGS:
None

UNFINISHED BUSINESS:

Comprehensive Plan:

Commissioner Garrett reported that the committee met with Larry Nix, Planner, approximately ten days ago. Until they receive a proposal to draw the information together, they are nowhere. Commissioner Nekola asked why this particular company was being used. Commissioner Garrett said that Mr. Nix had worked with them on the zoning and in his opinion knew Ludington the best.

Fences:

Chairman Coleman presented draft number five of the new fence ordinance. Commissioner Holman stated that they were finally getting there. She said that the committee had traveled the City looking at the different fences. She went on to explain the different sections of the draft and the different types of fencing that would be allowed. She said that they would ask that fences be maintained and repaired. The committee decided that the BOCA codes would continue to regulate fences around swimming pools and hot tubs.

Commissioner Garrett told the Commission that he was concerned that there would not be a clear view. He said that safety was the issue.

Commissioner Olmstead questioned three different types of structures that he had in his yard, a dog pen, a decorative barrier and a screen on his deck. Chairman Coleman explained each one and stated that the new ordinance still would not answer all of the questions. Commissioner Nekola stated that the only way to answer all the questions is to allow all of them or nothing. Commissioner Olmstead asked if they should regulate the outside look of a fence. Chairman Coleman said that they could not legislate aesthetics. Commissioner Nekola made the recommendation to bring the fence text to public hearing at the October meeting.

Sidewalk Displays:

Chairman Coleman told the Commissioners that the Downtown Task Force had identified the Planning Commission's involvement in several items. One was atmosphere, and the Planning Commission was to take a look at outdoor cafes. This is a step in that direction. It covers a little more, because we also found that we have some outdoor sales in the downtown area that are technically illegal. MDOT owns the right of way, up to the bricks, so there are certain restrictions other than the vehicle code. We will also be working with the architecture and signage, as far as the Downtown Task Force.

Commissioner Holman explained the measurements from the curb to the building that the merchants could use. She explained that the center would need to be kept open for pedestrians. Some people are talking about putting something in the back, to the alley. They would also need to put up a protective area.

Chairman Coleman asked Commission to think about the possibilities. This is a shove, or encouragement, to get going in that direction. He also explained that adding words to the City of Ludington's annual operations permit could permit activities in the State of Michigan right of way. He would like to bring this to public hearing in October.

Commissioner Garrett wanted to know what they would do with signboards in the vision clearance. Chairman Coleman said that he felt that they did belong in that area, but if they had to regulate them, they would.

Commissioner Nekola wanted to know why they would not keep these uses as special land uses so there would be some control. If they are violating under a special land use, we can deal with it. Now it would be a permitted principal use. Commissioner Holman said that the problem was not the table and chairs, the problem is selling things. Commissioner Nekola said add it to the special land uses. Chairman Coleman said that they were trying to do something for the preservation of downtown. If you go to Pentwater, you will find stuff all over the sidewalk. What is happening right now does not appear to be a problem. Commissioner Olmstead said that he sees this as an encouragement. Commissioner Nekola stated that he did not disagree with that, but if they don't adhere to this, what will be done. Chairman Coleman said that it would be a violation of the ordinance. Commissioner Nekola said that there are chairs and tables and are technically in violation. We are going to open it up more. Attorney Anderson stated that they had taken the position that if there were tables and chairs for the public to sit on, we did not object. If tables and chairs were put out for patrons of the business, they could not do that.

Commissioner Nekola wanted to know about the deck ordinance and the amplified music. Chairman Coleman said that lets handle that as it occurs.

Chairman Coleman asked that the text be taken to public hearing at the October meeting.

NEW BUSINESS:

Owner Restricted Open Space:
Attorney Anderson addressed the Commission and explained that the State of Michigan has changed a law that now requires any area with three or less units per acre with sewer and water you have to allow the developer the option of clustering his development. There is only one section of Ludington with that much density to allow this and that is the R1A district, West of Lakeshore Dr. He presented the Commission with language that he had drafted for Hamlin Township. He went on to explain the draft and the percentage of area that was required. Chairman Coleman asked Attorney Anderson to draft the text and present to the Commission at the October meeting.

SITE PLAN REVIEW REPORT:
None

COMMENTS AND COMMUNICATIONS:
Commissioner Nekola wanted to know if the City had a representative attend the Mason County Planning Commission with the House of Flavors. Chairman Coleman said that he did not know about the meeting until it was over. Commissioner Holman stated that the Planning Commission should have been notified of this. She commented that this was what they had been talking about, the governments in the county not working together.

ADJOURNMENT:
Chairman Coleman made a motion that the meeting be adjourned at 8:05 p.m. Motion carried unanimously.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Tom Coleman, Chairperson