CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES – 08/05/02

The regular meeting of the Ludington Planning Commission was held on August 5, 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, Joe Moloney, Mike Nekola, Dave Weston and Kaye Holman,

Absent: Clay Olmstead

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

AGENDA APPROVAL:
A motion was made by Commissioner Holman to approve the agenda, with the additions of sidewalk displays and new fence text under new business, seconded by Commissioner Usiak. Motion carried unanimously.

PUBLIC COMMENTS & COMMUNICATIONS:
None

MINUTES:
Commissioner Garrett made a motion to approve the minutes of July 1, 2002 seconded by Commissioner Moloney. Motion carried unanimously.

PUBLIC HEARINGS:
To consider a special land use request from Lasley Management, LLC for an expansion of a non-conformity in order to keep a garage for auto body shop use and create off-street parking at the following described property: ADDITION NO. 3 W 44 FT OF LOT 10 & E 1/2 OF LOT 11 BLOCK 132 EXCEPT S 54 FT OF E 1/2 OF LOT 11 and ADDITION NO. 3 N 86 FT OF W 1/2 OF LOT 11 & N 86 FT OF LOT 12 BLOCK 132 AND THE S .5 FT OF N 86.5 FT LOT 12 AND THE S .5 FT OF N 86.5 FT OF W 1/2 LOT 11, BLK 132. ALSO EASEMENTS OF RECORD, also known as 706 E Foster and 401 S Washington.

Dean Lasley, 5569 S Lakeshore Drive, told the Commission that he was requesting to demo the house on the property and leave the existing garage for overflow. He would like to consider the auto body shop as the principal structure. Mr. Lasley presented pictures of the property to the Commission.

Closed public hearing.

The recording secretary reported that seventy notices were sent with two responses in favor.

Commissioner Garrett asked if the existing garage was about a 14 X 18. Mr. Lasley said that it was somewhere near that.

Commissioner Nekola reported that the committee met and it was their recommendation to grant the special land use with stipulations. There would be no new structures on the property, the east side would be screened, and extra parking would be for daily use of customers and employees. There would be no parking of vehicles to be taken apart. Chairman Coleman said that the parking lot would have to be hard surfaced. Mr. Lasley asked if screening meant fencing. Commissioner Nekola said that there were several options that could be used. Chairman Coleman told Mr. Lasley that it would be nice if he would work with the neighbors on the screening.

Mr. Lasley asked if this meant that he could never come back and ask to add on. Commissioner Nekola explained that with this special land use, he would not be able to expand on to that property. Mr. Lasley asked if he could apply again later if he wanted to expand. Chairman Coleman told him that he could after one year.

Commissioner Moloney asked Mr. Lasley if cars would be able to exit out of the alley. Mr. Lasley said that they could.

Commissioner Usiak asked Mr. Lasley what his anticipation of the parking lot was. Mr. Lasley said employee parking and customer parking. Commissioner Weston asked if there would be any junk cars left in the parking lot or would they keep them moving. Mr. Lasley said that they would not change their operation. The cars to be repaired would be kept moving. Mr. Garrett wanted to know what the maximum length one car would be parked. Mr. Lasley said that he had loaners that may sit for ten days. Mr. Lasley said that he could not imagine more than two weeks.

Commissioner Nekola made a motion to grant the special land use to expand a non-conformity in order to keep a garage for auto body shop use and create off-street parking with the following stipulations:

a. There will be no expansion of the existing structure on the residential property.
b. The east side of the property will be screened.
c. The extra parking would be for customers, employees, loaner vehicles and staged vehicles. Staged vehicles will not be parked on this property longer than two weeks.
d. The existing garage would stay.

The motion was seconded by Commissioner Usiak. Motion carried unanimously.

UNFINISHED BUSINESS:

To consider a special land use request from Laurie A. Bowden for a home occupation in order to conduct business as a Certified Massage Therapist at the following described property: RESSEGUIE'S SECOND ADDITION N 1/2 OF LOTS 8, 9 & 10 BLOCK 12, also known as 602 E. Resseguie St.

Commissioner Nekola made a motion to un-table the issue, seconded by Commissioner Holman. Motion carried unanimously.

Commissioner Nekola told the Commission that he talked to Attorney Anderson regarding home occupations. He said that when a home occupation was approved that it attaches to the property, not the occupant. If another occupant would apply for the same type of occupation, it would stay, but it would only be for what the Commission had approved

Commissioner Garrett wanted to know how long the applicant had to put the home occupation into place. Commissioner Nekola told him one year.

Commissioner Nekola made a motion to grant the special land use for a home occupation in order to conduct business as a Certified Massage Therapist with the following conditions:

a. The owner of the property would sign the application for the special land use.
b. The business would operate six days a week, Monday through Saturday.
c. Only one consumer at a time with no overlap.
d. No appointments would be set after six p.m.
e. Consumers would park in the driveway.

The motion was seconded by Joyce Usiak.

Commissioner Garrett suggested that a starting time be put in the motion.

Commissioner Usiak withdrew her support of the motion. Comissioner Nekola withdrew his motion.

Commissioner Nekola made a motion to grant the special land use for a home occupation in order to conduct business as a Certified Massage Therapist with the following conditions:

a. The owner of the property would sign the application for the special land use.
b. The business would operate six days a week, Monday through Saturday.
c. Only one consumer at a time with no overlap.
d. The hours of operation will be from 9:00 a.m. – 7:00 p.m. with the last appointment at 6:00 p.m.
e. Consumers would park in the driveway.

The motion was seconded by Commissioner Usiak. Motion carried unanimously.

Comprehensive Plan:

Commissioner Garrett reported that Mr. Peterson with Michigan State was sick and no longer able to work on the project. He said that the project was 90% done. His recommendation was to work with Larry Nix on the text. He said that he was ready to get it done. Chairman Coleman asked that Commissioner Garrett and Commissioner Weston set a meeting with City Manger, Jim Miller, to discuss the finances for the project.

Fences:

Chairman Coleman reported that the committee had been working on new text for the fence ordinance. They are into the third draft. The first two were taken from other ordinances and our own. They are trying to cover as many types of fencing as possible. They are trying to have flexibility. They were also working on safety fences. They hope to bring something to the September meeting.

NEW BUSINESS:

Sidewalk displays:

Gerry Genter, 804 Diana St., addressed the Commission. He said that he would like to see the zoning change in order for the merchant to put merchandise on display on the sidewalk. He said that he felt that it would increase business. He said that he did not think it would get out of hand, and it would not block the sidewalk. He would like to see the section of the ordinance that required enclosures to be eliminated. Chairman Coleman told Mr. Genter that there was a temporary permit that would allow that. He also said that with the benches and tree planter some percentage would have to be retained for pedestrians. Mr. Genter said that he would put his goods against the building. Commissioner Holman asked if there would be tables. Mr. Genter said that in his case it would be larger items that people would not stumble over. Chairman Coleman asked what the other merchants thought. Mr. Genter told him that he had not talked to the others, but did notice there were items on the sidewalks downtown. Chairman Coleman asked the text committee to take a look at the ordinance.

SITE PLAN REVIEW REPORT:
None

COMMENTS AND COMMUNICATIONS:
Commissioner Usiak told the Commission that Ludington Woods would be having a ribbon cutting on Friday.

Commissioner Nekola reported that he attended the House of Flavors ice cream social. He said that Jeff Hackert spoke to the small gathering about a future exit plan. He also told neighbors if they had any complaints to please call him. There will be another gathering in September.

ADJOURNMENT:
Motion was made by Chairman Holman to adjourn the meeting at 7:50 p.m., seconded by Commissioner Usiak. Motion carried unanimously.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Tom Coleman, Chairperson