CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES 06/07/04

A meeting of the Ludington Planning Commission was held on June 7, 2004. 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: Tom Coleman, Robert Garrett, Joe Moloney, Kaye Holman, Mike Nekola, Joyce Usiak, Val Gorzynski, Clay Olmstead and Gary Castonia.

Absent:

Also Present: John Healy, Building Inspector, City Manager, John Shay and Recording Secretary, Carol Ann Foote.

AGENDA APPROVAL:
Chairman Coleman added Fee Parking in Residential Zones to New Business and a Special Land Use for Lakewinds Centre (Fivco, LLC) under Site Plan Review. Commissioner Gorzynski made a motion to approve the agenda, with additions, seconded by Commissioner Holman. Motion carried unanimously.

PUBLIC COMMENTS:
None
Close Public Comment

APPROVAL OF MINUTES:
Commissioner Holman made a motion to approve the minutes of May 3, 2004 seconded by Commissioner Usiak. Motion carried unanimously.

PUBLIC HEARINGS:
To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Article 800.7, Section 800.7:1, Signs in R1A, R1B, and R2A.

No Public Comments

Close public hearing.

Chairman Coleman explained that a couple of issues had come up about signs in residential zones, so the text committee decided to take a look at it. The committee recommended that the square inches needed to be adjusted from 144 square inches to 324 square inches per lot. They also recommended downsized signs for permitted nonresidential use to 9 square feet. The non-illuminated nameplate sign was also recommended to be changed from 72 to 324 square inches.

Commissioner Gorzynski commented that he did not see a problem with the changes if the signs were non-illuminated.

Commissioner Gorzynski made a motion to forward the proposed text changes to Section 800.7:1, Signs in R1A, R1B and R2A to City Council for approval, seconded by Commissioner Holman. Motion carried, eight in favor, one opposed.

To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Article 600.3, Nonconforming Structures.

No public comments.

Close public hearing.

Chairman Coleman stated that there are numerous lots in the City that are small and non-conforming. The committee looked at this and would like to give the owners an opportunity to improve their residents or business without undue burden of a special land use and other oversight.

Commissioner Gorzynski stated that he felt that any additions should be on their own property, not the neighbors. For example if there was an encroachment. Chairman Coleman said that the ordinance stated that it would have to be a lawful structure. If a structure is not on your property, it is not lawful.

Commissioner Olmstead made a motion to forward the proposed text changes to Article 600.3, Nonconforming Structures, to the City Council for approval, seconded by Commissioner Castonia. Motion carried unanimously.

UNFINISHED BUSINESS:
To consider text changes to Article 1000a.4, Planned Unit Waterfront Development, Design Requirements, Number of Dwelling Units Permitted

Chairman Coleman stated that there was discussion to change the dwelling density units per acre in Planned Unit Waterfront Developments so there would be some consistency from zone to zone. Looking at the entire 1000a Section, there was quite a bit of flexibility included in a planned development. The committee is recommending that the number of units per acre be changed from 17 to 30.

Commissioner Nekola made a motion to remove the issue from the table, seconded by Commissioner Olmstead. Motion carried unanimously.

Commissioner Olmstead made a motion to forward the proposed text changes to Article 1000a.4, Planned Unit Waterfront Development, to City Council for approval, seconded by Commissioner Holman. Motion carried unanimously.

COMPREHENSIVE PLAN:
Chairman Coleman explained the progress that had been made with regards to the Ludington Avenue Terminus. The landscaper should be contacting the City soon. Commissioner Moloney asked if they should clarify "road diets". The Ludington Daily News printed a story that made it sound like the number one priority. Chairman Coleman stated that "road diets" were on the bottom of a low priority list. Some areas to be considered may be the west end of Ludington Ave. towards the Lake (additional boulevard), alleys as pedestrian ways and waterfront city streets.

CARTIER PARK:
Chairman Coleman said that it looked like the recycled asphalt piles were getting smaller and being used for base on the trail. Commissioner Olmstead reported that a path had been bulldozed around the perimeter, and there is a big pile of woodchips.

PERE POINTE DEVELOPMENT:
Commissioner Holman reported that Pere Pointe Development had lost part, if not all, of their financing. Everything is on hold for now. City Manager, John Shay, told the Commissioners that the developers were trying to find new partners, or possibly sell the property.

TIMBERWORKS, LLC:
City Manager, John Shay, said that the brown field plan would be submitted in a couple of weeks. At that time, they would be meeting with the County.

NEW BUSINESS:
Fee Parking in Residential Districts:
Commissioner Holman told the Commissioners that the City Council had asked the Planning Commission to take a look at fee parking in residential areas, specifically for Gus Macker and other events. There had been a complaint from a property owner about damage to property. She stated that the text committee met and reviewed a proposed ordinance presented by the City Council Building and Licenses subcommittee for an amendment to Section 1200.5:1, stating that each vehicle parked in violation of the Ordinance would constitute a separate offense. The text committee was not happy with this change. She said that she had just received a letter from City Attorney, Roger Anderson, stating that the tickets would go to the property owner, not each individual vehicle. Commissioner Holman said that she would recommend discussing the issue at this meeting. There would not be anything they could do for Gus Macker, but there were other events that happen. She stated that if the property owner would be getting the ticket, a fifty or hundred dollar fine, it would be a waste of time. Commissioner Moloney said that he understood that it would be the number of cars.

City Manager, John Shay, told the Commission that the proposed ordinance would ticket the property owner. The fine would be based on the number of vehicles parked. The Building and Licenses Committee heard a complaint from a property owner in regards to damage to his property because his neighbor allowed parking during Gus Macker. The Committee asked that an ordinance be drafted to strengthen the enforcement of fee parking in residential districts. There will be another meeting on June 8 of the Building and Licenses Committee. The Planning Commission chair has been invited and anyone else can attend. It is a public meeting.

Commissioner Nekola said that the specific property owner is not the problem. It is a tenant. This is just one complaint. We invite the Macker here to our community. Ninety-nine percent of the people on Lakeshore Drive and general impact area are fine. It was just this one that did not own the property. I think this would open "Pandora's Box".

Commissioner Gorzynski said that there were four residential lots. This has been going on for the past few years. I have had property damage on my property. It used to not be so bad, but now people are parking on every square inch of the lot and blocking the alley. People are driving over the sidewalks. Commissioner Nekola commented that if people are blocking driveways and parking in alleys, they should be ticketed and towed. Commissioner Gorzynski said that he looks at this as commercial parking. If we could enforce what is in place, that would be fine.

Chairman Coleman asked why they were suggesting doing with this in the Zoning Ordinance. It should be in City Code. If there is parking in the alley, they should be ticketed and towed. There are other safety issues that are not being enforced, such as parking between the street and the sidewalk. Once you get into this, you don't know how deep you are going to go. He would recommend sending the issue back to the City Council sub-committee.

Commissioner Olmstead said that he did not feel like they should get into this. It is already in the ordinance that parking in these areas is prohibited. We can address it or not. If the City Police want to enforce it, they can. I think that we can do things other than that. I think it is our responsibility as the advisor to the City Commission to take a position and let them know what we think about it. I think we should either support it or leave it like it has been. Commissioner Holman said that her concern was, they are trying to bring people into town by making it a "Cool City". We are inviting them into town and saying, "Welcome to Ludington, here is your ticket." Commissioner Nekola said that the Ordinance was there. It is up to the City Council, how much they want to enforce it.

Commissioner Moloney read a list of alternatives that the text committee had prepared for consideration.

Chairman Coleman said that he did not think this was a planning or zoning issue. He recommended that the send this issue back to the City Council sub-committee for further discussion. The Commission agreed.

SITE PLAN REVIEW REPORT:
Commissioner Holman reported on a revised site plan for Fivco, Inc., Lakewind Centre that was held on May 10, 2004 for a proposed cooling tower. The site plan was approved.

Special Land Use:
Chairman Coleman told the Commissioners that the contractor was ready to go with Phase II of the Fivco project. One thing that was overlooked was the residential use on the second floor which, in the Central Business District, requires a special land use. Chairman Coleman would like to take the position to let the building department issue the foundation permit and follow up with a special land use at the next meeting. The use of residential downtown has been encouraged. He said that he would like the Commissioners to confer with that. The Commission agreed.

COMMENTS AND COMMUNICATIONS:
None

ADJOURNMENT:
A motion was made by Commissioner Moloney, seconded by Commissioner Holman to adjourn the meeting at 8:05 p.m. Motion carried unanimously.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

_____
Tom Coleman, Chairperson