CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES 02/06/06

A meeting of the Ludington Planning Commission was held on February 6, 2006. 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: Robert Garrett, Tom Coleman, Clay Olmstead, Joyce Usiak, Kaye Holman, Joe Moloney, Jerry Ponko, Alan Neushwander, and Bill Loforte

Absent:

Also Present: Recording Secretary, Carol Ann Foote, City Attorney, Roger Anderson and City Manager, John Shay

AGENDA APPROVAL:
Chairman Coleman moved to amend the order of the agenda. Motion carried unanimously.

APPROVAL OF MINUTES:
Commissioner Olmstead made a motion to approve the minutes of January 5, 2006, as written, seconded by Commissioner Holman. Motion carried unanimously.

PUBLIC HEARINGS:
Chairman Coleman addressed the audience regarding the rules of procedure. He asked that all cell phones be turned off and to refrain from demonstrations opposing or approving public comments. He stated that there was a speaker sign-in sheet and there would be a five-minute limit for each speaker. The initiators of the rezoning or special land use would be allowed additional time to speak on the proposals.

To consider a request from Fifth Third Bank to rezone the following described property from R2A (General Single Family Residential) to LC (Limited Commercial): ALSO UNPLATTED BEG 183 FT N & 33 FT E OF SW CORNER OF W 1/2 OF SW 1/4 OF SE 1/4 OF NW 1/4 OF SEC 14 T18N R18W, TH E 120 FT, N 64 FT, TH W 120 FEET, TH S 64 FEET TO P.O.B. ALSO UNPLATTED THE S 50 FT OF A PARCEL OF LAND DESC AS COM 247 FT N & 33 FT E OF SW CORNER OF W 1/2 OF SW 1/4 OF SE 1/4 OF NW 1/4, SEC 14 T18N R18W, THENCE E 120 FT, TH N 100 FT, W 120 FT, TH S 100 FT TO P.O.B. ALSO UNPLATTED COM 33 FT E & 133 FT N OF THE 1/8 POST AT SW COR OF W 1/2 OF SW 1/4 OF SE 1/4 OF NW 1/4, SEC 14, T18N, R18W, TH N 50 FT, E 120 FT, S 50 FT, W 120 FT TO BEG., also known as 907 E. Ludington Ave.

Ken Neigh, architect for Fifth Third Bank, explained to the Commission that the rezoning of the three residential parcels would allow a 4,000 square feet building with two means of ingress and egress. The building would be brick with columns and colonial elements. It would have a warm residential type of atmosphere. The site would be extremely limited if the additional parcels were not rezoned. They had reviewed the prospect of developing the back of the property in order to gain access to the back. He said that he thought it would be difficult for the medical facility or county to allow them to cut through their property.

Scott Sitler, 202 N. Gaylord, has concerns with the safety in that area. He stated that the without a light, the corner was terrible. He said that he also had sensitivity to the neighbors having a commercial business there.

Chuck Hagerman, 204 N. Park, said that he owns the property at 904 E. Ludington Ave. With a high volume business, like a bank, it will be very difficult for anyone to turn on to Ludington Ave. Having to make a left turn off Staffon St. is impossible. That is a very bad corner.

Don Beeker, 812 Diana St., said that he has lived there for twenty-six years and the amount of traffic has picked up since all the developments like the mental health building, FIA, etc. He stated that he has talked to the Department of Transportation engineer, the sheriff and to Chief Barnett. They all agreed that that was the worst corner in Ludington and possibly in Mason County. He said that his wife had an accident, some time ago, trying to make a left turn off Staffon St. Since that time, there have been many accidents there.

Gary Berk, 909 E. Ludington Ave., said that he was opposed to the rezoning. There was no attempt for anyone to contact him for his input. The additional traffic would have a negative impact. Mr. Berk referred to the Ludington Comprehensive Plan regarding access control on Ludington Ave. He said that this facility would have a higher impact on the goals of the City if it remained in the Central Business District.

Dick Lorenz, 203 N. Staffon St., said that he has lived there for fourteen years and the traffic has gotten worse. He stated that the Ludington school buses used Staffon St. at all time during the day. He felt that locating a bank in this area was ridiculous.

Alan Nichols, 707 Dexter St., stated that he was opposed to the proposal for different reasons. He said between the strip malls being located east of Ludington and local businesses downtown this is a buffer in between. A business at this location would destroy the residential buffer between the two. He feel that they should move further out of Ludington or stay downtown.

Close public hearing.

Commissioner Moloney asked what the intent of the relocation was. Dan Boomstra, Fifth Third Bank, stated that they were looking to consolidate the two branches at a site between the two to better service both markets. Ken Neigh said that he was sympathetic to the downtown area, but this property was already commercial. Think about what could go in there. Commissioner Garrett stated that he felt that it was a very difficult place for ingress and egress.

Chairman Coleman stated that this area was identified as a most problematic intersection. A committee studying access control would like to eliminate as many new drives as possible in the high traffic areas. He asked that the zoning be rechecked on the site option #2. He reported that a meeting was scheduled with the County to talk about the traffic volume and the left turns. He would like the bank representatives to meet with the City, County, hospital officials and state officials. Commissioner Moloney stated that it was a difficult situation. He hates to see another empty building downtown. The hospital is going to keep growing and that the area was not ready to transition to commercial.

Commissioner Garrett reported that the zoning committee met and would like to see a meeting with MDOT and the access management committee. They would like to table the issue at this time.

Commissioner Garrett made a motion to table Fifth Third Bank's rezoning request until the March Planning Commission meeting, seconded by Commissioner Olmstead. Motion carried, eight in favor, one opposed.

PUBLIC COMMENTS:
City Manager, John Shay read a statement on the House of Flavors' ammonia leak that occurred on January 27, 2006. This leak resulted in the evacuation of residents from the neighborhood surrounding the facility. The City of Ludington takes the incident very seriously and shares the community's concerns about how the leak affects the public's health, safety, and welfare. A committee has been formed to determine the cause of the ammonia leak and determine what steps House of Flavors must take to prevent such a leak from occurring again. (A copy of this statement is on file with the official minutes.)

Bob Neal, House of Flavors, publicly thanked all the agencies that responded to the accident. He stated that he was very pleased that there were no injuries and apologized for the inconvenience. He applauded the City for their efforts. He reported a lose of one million gallons of ice cream production. They hope to be back in full production by late Wednesday. Mr. Neal read a letter from Michigan Mechanical Systems, Inc. explaining the exact cause of the ammonia leak. (A copy of this letter is on file with the official minutes.)

John Riedl, 202 N. Robert St., said that the existing building on Robert St. was a very large building. He suggested putting a larger freezer in that building and taking more of the dry storage out. He stated that obviously, the House of Flavors was not going to move and there would be some sort of compromise. He stated that House of Flavors always gets anything they want.

Scott Sitler, 202 N. Gaylord, stated that more and more trucks were parked on Lewis St. in front of the band shell. He also said that the ammonia was a big concern. He applauded the City for following up on this. He asked what the effect would be if all the ammonia leaked out. He felt that it was fortunate nobody was injured.

Kathy Lindbloom, 203 N. Robert St., said that the trucks seem to be secondary at this point. The neighbor, Mrs. Dillner, had to call in the leak. Who in the plant was calling 911? There needs to be another plan besides Mrs. Dillner. She wanted to know if the employees had a way of calling in.

Barb Sitler, 202 N. Gaylord, was concerned that this was not the first ammonia leak. She applauded the City for their support. She said that they should anticipate the problems that could arrive. She told the Commissioners that the trucks continue to park in front of the band shell. On February 4, 2006, she witnessed on parked one block west of the band shell. She talked with Chief Barnett about the parking issue, and he was not aware that it was illegal. She asked if this is what they wanted for the downtown.

Marion Riedl, 202 N. Robert, addressed daytime trucking violations between January 7, 2006 and January 23, 2006. The posted signs along the 100 block of North Robert St. state: *No Stopping, Standing or Parking of tractor-trailer trucks with three or more axles.* Mrs. Riedl read a list of days and times that there had been trucks there and had ignored the signs in place. She said that all of these violations were prior to the ammonia leak. The trucks stay parked from twenty-six to fifty-seven minutes, one staying an hour and fifty minutes. They leave the engine running and if it is a refrigerator truck, the reefer is left running. This will only become worse, especially when the warmer air hits and we have ozone days.

Close public comments.

UNFINISHED BUSINESS:
Comprehensive Plan:
Commissioner Moloney reported that there had been progress made on a rental registration ordinance. The committee should have a draft to present in March.

Chairman Coleman said that there had been some activity on the West Ludington Ave. beach/waterfront project. There will be a meeting to discuss issues. A recommendation for the parks citizen committee had been forwarded to City Council in November. He also reported the access management program on Ludington Ave. was being discussed and the issue of the Coast Guard Station was ongoing.

Bryant Woods, LLC: (Signage)
No report

House of Flavors:
Chairman Coleman explained that one of the conditions from the January meeting was a monthly report from House of Flavors outlining the progress made toward meeting the 2002 special land use.

Bob Neal, House of Flavors, presented the Commissioners with an equipment layout for the Robert St. building. He said that the company had been focusing on the trucks coming in at night, and will need to address the daytime trucking problems as well. He said that the plant will build some freezer capacity in the east building, but said the business is still trying to pursue the idea of 24 hour trucking, which he said does help the rest of the community by spreading the truck traffic out over 24 hours, rather than all trucking being done during the day.

Text Changes: M1 and M2:
Kaye Holman reported that the City Council referred the M1 and M2 text changes back to the Planning Commission. She explained that the committee had put some of the permitted principal uses into to special land uses. They are making some changes and will sent it back to Council.

Chairman Coleman said that they did not change much of the language, but moved many items to special land uses. For example, fireworks plants, slaughterhouses, etc. may not be appropriate in the city anymore. This section of the ordinance appears to be forty years old and needs updating.

NEW BUSINESS:
Proposed Text Changes: Temporary Signs:
Chairman Coleman told the Commissioners that the committee was proposing changes to temporary signs not requiring permits and adding community or special event signs to temporary signs requiring a permit. Any signs that are placed on private property will require written permission from the property owner or tenant. A public hearing will be set for the March meeting.

SITE PLAN REVIEW REPORT:
House of Flavors Two site plan reviews were held for the House of Flavors on January 20 and January 23, 2006 as a result of the January 5 Planning Commission meeting. The review was for a proposed ammonia condenser and transformer. The January 23 plan was approved with the following conditions:

1. A legal description for the alley easements will be provided to the City Manager based on thirty-six inches wide with the length to be determined for the transformer and that shown on the survey for the condenser.
2. No noise or odors be generated that exceed the Ludington Zoning Ordinance #23-00 provisions, applicable state or federal laws, rules and regulations.
3. Special safety emphasis shall be placed on the construction, operation and maintenance of the ammonia condenser and related piping.
4. Special Land Use is for the transformer and condenser locations only and will be limited to the areas outlined by dimensions on the surveyor's certificate, as discussed.
5. Protective devices shall be placed and positioned to prevent damage by trucks, cars or other equipment at each unit.
6. Approved ladder and cage will be reworked in order to prevent vandalism.

COMMENTS AND COMMUNICATIONS:
Chairman Coleman discussed possible training sessions for the Planning Commission members. He is looking into a joint venture with the Planning Commission and the City Council with Williams and Works as the presenter.

Commissioner Holman thanked the public for their input. She commended Don Beeker and Gary Berk for their research on the Ludington Ave./ Staffon St. issue.

ADJOURNMENT:
The meeting was adjourned at 8:15 p.m.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Tom Coleman, Chairman