CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES 04/10/06

A meeting of the Ludington Planning Commission was held on April 10, 2006. The meeting was held at the Ludington Municipal Building, 400 S. Harrison St., Ludington, MI and was called to order at 6:00 p.m. by Tom Coleman, Chairperson.

ROLL CALL: The roll call showed the following results:
Present: Robert Garrett, Tom Coleman, Joyce Usiak (6:10), Kaye Holman, Joe Moloney, Jerry Ponko, Alan Neushwander, and Bill Loforte

Absent: Clay Olmstead

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

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

PUBLIC COMMENTS:
Scott Sitler, 202 N. Gaylord, spoke about the House of Flavors trucking issue. He pointed out that the issue was denied twice at the March 6 meeting by tie votes then tabled until the May 1 meeting. . He stated that he was frustrated with the action and all that had gone on through the years. If it had passed, would it be tabled again until May? It does not make any sense to him. He said that the House of Flavors would agree to restrictions placed on them, but they are absolutely unenforceable. Mr. Sitler feels that purchasing the homes in the neighborhood was not a good thing. It shows that they are infringing on the neighborhood and this is their way of eliminating those that they are intruding on. If they have to buy the neighborhood out, suggest to me that they are not good neighbors, or maybe they will have more property for future expansion. Whit Gallager noted improvements that were made by tearing down the Dain house. The house was both a visual and sound buffer for us and the fence that was put up is not a neighborly fence, it is pretty ugly. He also said that there would be no more trucks parked on the street waiting to unload. This is not true. He said that he strongly feels that the House of Flavors needs to sacrifice, for once, not the neighborhood.

Barb Sitler, 202 N. Gaylord, reported a tanker truck was staged on Court St. on March 11. It was there for ten minutes and she called the non-emergency number given to her by Mark Barnett. After ten more minutes, an officer arrived. Forty-five minutes later, the same truck was parked diagonally on the Dain property. The truck was not unloading. I agree that the parking of trucks has not stopped.

Jeremiah Peffer, 616 E. Dowland St., spoke on behalf of the Mason County Landlords Association. He stated that the landlords were not opposing the rental ordinance issue because they have anything to hide. The cost is the main concern. The landlords have the same standards as other property owners and pay a higher tax rate. Door to door inspections will be a huge expense to the City. He said that the landlords would be happy to work with the Planning Commission to come up with an achievable plan.

Mary Simmon, 4353 S. Pere Marquette Hwy., explained to the Commission that rental properties pay non-homestead tax rates which cuts into the operating capital. In the last two years, she has sold four properties, two that are homesteaded single family homes. Selling rental properties as single family homes would make a big dent in the school tax collected. She said that it was her understanding that the implementation of a rental ordinance would help get a grant for the downtown business district. Ludington is not Manistee. The wage base will not support an inspection program. The downtown needs help, but getting a grant is not going to solve the problem. To get a grant at the expense of the landlords is not right.

Jamie Conant, 605 6th St., Ludington Renter's Association, said that she is one of a growing number of renters that are tired of being treated like second class citizens just because they do not own homes for financial or other reasons. We are against the cost and privacy issues involved in rental inspections. We know who to call if our landlord does not respond to problems and we are not so stupid that we can't figure out if our home is safe or not. Under the fourth amendment, renters have the same rights as homeowners. We do not have to approve the search of our home.

Deb Mannikko, 156 Nelson Rd, spoke against a rental ordinance. She said that the City already has a property maintenance ordinance that is enforced on a complaint basis only. An inspection program would be a huge cost

to the City. Manistee's program is helped by the casino. It there any real evidence that an inspection program is needed. She said that she would like to see the current ordinance enforced for all properties.

Tom Tyron, 305 E. Ludington Ave., spoke about the liability the City would have with a rental ordinance. Also, the extra cost would be passed on to the tenants. He did not see the need for an ordinance. He said that the landlords were good at what they did and were up to code. He said that there were some bad units and that was not always the landlords fault. He said that it was just more bureaucracy and he is against it.

Bruce Sonnenburg, 610 W. Ludington Ave., stated that he was for and against the ordinance. If you do not have inspections, how would you control the properties? Renters should have a clean place to rent. Landlords should not be exempt from taking care of their buildings. Some landlords just collect the rent and run.

James Zeman, 5909 W. US 10, asked what recourse a landlord has when a tenant turns the unit into a sty. Do you wait until they turn you in, or do you clean up after their "cat box"? There are tenants that are filthy.

Lorie Borman, 308 N. William, stated that on inspection program would be an invasion of privacy and would be upset if it happened.

APPROVAL OF MINUTES:
Commissioner Holman made a motion to approve the minutes of March 6, 2006, seconded by Commissioner Neushwander. Motion carried unanimously.

PUBLIC HEARINGS:
To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Article 400.6, C-1 Old Town Business District.

Chairman Coleman explained the permitted principal uses in the C-1 district. He said that there had been inquires regarding retail uses in that district. He stated that retail was more of an omission in that district.

Open Public Hearing

Close Public Hearing

Commissioner Moloney made a motion to forward to City Council for approval, text changes to Article 400.6, C-1 Old Town Business District,

To consider proposed text changes to the Ludington Zoning Ordinance #23-00, to allow bed and breakfast establishments in some R2A areas along key street segments and to establish special land use standards for them in the R3A, R2A, LC, CBD, MC, M-R, W, WM1, and WM2, WCB districts.

Open Public Hearing

Sally Reed, 201 S. Washington, stated that she acknowledged the efforts of the Commission. She said that she had housed the artist that worked on the murals and offered her home to any dignitaries that the City might have visit. She appreciated the time and effort that went into the Commissions decision.

Tom Tyron, 305 E. Ludington Ave, was in support of the text changes. He said that it was the logical thing to do.

Close Public Hearing

Commissioner Holman reported that the committee has spent a lot of time on this issue, not just for Sally Reed, but for Ludington. She read the proposed changes that would allow bed and breakfast facilities from Lakeshore Dr. to Staffon and on Washington Ave. from Ludington Ave. to Foster St. Chairman Coleman stated that they had compiled information from other cities the size of Ludington and the planner had also helped.

Commissioner Holman made a motion to forward to City Council for approval, text changes to the Ludington Zoning Ordinance #23-00, to allow bed and breakfast establishments in some R2A areas along key street segments and to
establish special land use standards for them in the R3A, R2A, LC, CBD, MC, M-R, W, WM1, and WM2, WCB districts, seconded by Commissioner Neushwander. Motion carried unanimously.

UNFINISHED BUSINESS:
Temporary Signs:
No report

Comprehensive Plan:
Chairman Coleman read the Comprehensive Plan action plan relating to the Neighborhood Association Pilot Program.

Bryant Woods, LLC: (Signage)
No report

House of Flavors:

Commissioner Ponko made a motion to reconsider the motion made by Commissioner Olmstead and seconded by Commissioner Garrett to table the House of Flavor's special land use request until May 1, seconded by Commissioner Holman.

Chairman Coleman stated that there was a neighborhood meeting the following week. Commissioner Ponko said that his motion would stand. Chairman Coleman asked for a roll call vote. Commissioner Usiak said that she did not understand what was being done and did not want to vote until she did.

Commissioner Ponko explained that the original request was tabled until May. This motion was to reconsider that tabling and reconsider the request tonight. The procedure was spelled out in a letter received from the City Attorney.

A roll call vote showed the following results:
Coleman, Garrett, Moloney – No
Loforte – Abstained
Holman, Neushwander, Ponko, Usiak: Yes
Motion Carried.

Commissioner Ponko made a motion to remove the special land use request from the table, seconded by Commissioner Holman. A roll call vote showed the following results:
Coleman, Garrett, Moloney – No
Loforte – Abstained
Holman, Neushwander, Ponko, Usiak: Yes
Motion Carried

Chairman Coleman opened the issue for discussion. He stated that the neighbors were meeting that night and that the House of Flavors would meet with the Planning Commission sub-committee on the 13th. Commissioner Ponko said that the original vote had been scheduled for vote in April. It then came up for vote in March. This action is no different. Chairman Coleman said that in March, he did not realize until the day before that there was language in the ordinance that stated a 100 day action period. He stated that he did not pick and choose what ordinances to enforce. He said that one thing that happened at the March meeting was that after discussion of the 100 day period, it was the opinion of the City Attorney that with the concurrence of the other party, the 100 days could be extended.

Commissioner Ponko made a motion to amend the restrictions placed on the 2002 special land use by allowing trucking between the hours of 9 p.m. and 7 a.m. at the Robert St. truck bay only. All other restrictions from the 2002 and numbers 1, 2 and 4 from the January 2006 special land use, as follows, will remain in effect, seconded by Commissioner Holman.

1. That ingress and egress shall be on Robert St., Ludington Ave. and P.M. Highway only.
2. That House of Flavors take action within applicable law to: eliminate casting of truck headlight beams onto occupied neighboring residential structures, provide that back up alarms shall not be active, provide reflection tape (conspicuity tape) be placed on trailers and trucks, to install roll up trailer doors, and install improved mufflers.
3. The number of liquid tankers received between the hours of 9:00 p.m. and 7:00 a.m. will not exceed three in any one week.
4. A truck log will be maintained by the House of Flavors and made ready to the City of Ludington, upon reasonable request, on all truck movement on and off the premises.
5. There will be no other inbound or outbound trucks permitted to the premises between the hours of 9:00 p.m. and 7:00 a.m. The truck traffic, inbound or outbound, does not include any intra-facility transfer vehicles used by the House of Flavors to move its goods from one part of the plant to another part of the plant located in Blocks 28 and 29 of the Original Plat in the City of Ludington.

Commissioner Garrett stated that there was a process set to allow discussion for something more reasonable, instead of being sandbagged. All of a sudden the process is not good enough. Voting before the meeting of the neighbors and the sub-committee is wrong. Everyone here knew there was a process. The people that are sharing their input are not here. He stated that he liked to do things in the daylight, not the dark. Commissioner Ponko stated that he had spent countless hours on this and does not think there will be any new light shed. Commissioner Moloney stated that he hoped that this was not motivated by one commissioner being absent. Commissioner Usiak stated that there were four or five qualifiers that needed to be met before further discussion. Chairman Coleman said that he did not know the status of that. Commissioner Neushwander asked what would happen after the vote. Attorney Anderson explained the process after the vote. If the vote was yes, there would be unlimited trucking. If the vote was to deny, another request could be brought up.

A roll call vote showed the following results:
Coleman, Garrett, Holman, Moloney, Neushwander, Usiak – No
Ponko – Yes
Loforte – Abstained
Motion denied

Commissioner Neushwander made a motion to refer the special land use request back to the sub-committee for further discussion, seconded by Commissioner Holman.

A roll call vote showed the following results:
Coleman, Garrett, Holman, Moloney, Neushwander, Usiak – Yes
Ponko – No
Loforte – Abstained
Motion carried

<u>Text Changes: M1 and M2:</u>
No Report

<u>NEW BUSINESS:</u>
<u>Rental Registration:</u>

Commissioner Moloney spoke about the process used to adopt proposed text for a Rental Registration Ordinance. He stated that he perceived the landlords as very hard-working people. The Commission has no intentions to “stick it to you”. He referred to the Comprehensive Plan and explained that it was used to guide them in achieving their goals. He said that the City of Manistee had received grant money and used several tools to obtain it. Commissioner Usiak said that they were very impress with what Manistee had accomplished. They took a tour around the lake and were shown affordably housing. Commissioner Ponko asked the number of rentals in the City. Commissioner Moloney stated that there were over 1,000. Commissioner Neushwander wanted to know the cost of the inspections and Commissioner Moloney told him that cost was not set. Chairman Coleman suggested that the issue of rental registration be returned to the sub-committee for further study.

SITE PLAN REVIEW REPORT:
Chairman Coleman reported a site plan review was held on March 9, 2006 for a proposed addition to Memorial Medical Center. The plan was for a 450 square feet addition and renovation to approximately 2,800 square feet. The addition will house new MRI equipment. The plan was unanimously approved.

COMMENTS AND COMMUNICATIONS:
Chairman Coleman announced a training session would be held for both Planning Commission and City Council on April 24.

Commissioner Moloney asked that one more member be appointed to the rental registration sub-committee. Chairman Coleman appointed Commissioner Loforte.

Commissioner Garrett announced that the History Channel would be airing a segment on Michigan and Ludington would be one of the cities presented.

ADJOURNMENT:
The meeting was adjourned at 7:35 p.m.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Tom Coleman, Chairman