CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES 05/01/06

A meeting of the Ludington Planning Commission was held on May 1, 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, Joyce Usiak, Kaye Holman, Joe Moloney, Jerry Ponko, Alan Neushwander, Clay Olmstead, and Bill Loforte

Absent:

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

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

PUBLIC COMMENTS:
Whit Gallager, House of Flavors, spoke about the meeting that was held on April 10 with the neighbors of House of Flavors. In that meeting, Marion Riedel submitted a list of concerns regarding the trucking issue. Mr. Gallager said that House of Flavors was serious about addressing these concerns and has offered solutions. Some of the solutions discussed were signals on the garage, a strobe light that would go off if the door was open too long, a guard house, camera and intercom. Since the meeting, House of Flavors purchased two new roll up door trailers. They will be arriving in Grand Rapids soon. They have also purchased quiet running Thermo King Reefer units. City tractors with smaller engines have also been tested and purchased. A decibel meter was placed in Marion Riedel's home while the new tractor was pulled out of the bay. The decibel reading was 50-52. The red/green signals have been installed on the garage and the plan to install the camera and intercom when the office is complete. Mr. Gallager stated that with these changes, most of the neighbors' concerns could be alleviated.

John Shay, City Manager, read a letter that was submitted by Marion Riedl. In this letter, Mrs. Riedl stated that she met with Bob Neal and Pat Calder to test the decibel readings from a new quite tractor made by Kenworth. The decibel reading was 50-52 where the House of Flavor's tractor (*The Beast*) read 77 decibels. Pat Calder and Bob Neal also measured the noise from a House of Flavor's refrigeration unit running in the bay, with the door closed. This reading was 65.

APPROVAL OF MINUTES:
Commissioner Moloney made a motion to approve the minutes of April 10, 2006, seconded by Commissioner Usiak. Motion carried unanimously.

PUBLIC HEARINGS:
None

UNFINISHED BUSINESS:
Temporary Signs:
No report

Comprehensive Plan:
No Report

Bryant Woods, LLC: (Signage)
Chairman Coleman stated that a model unit was being contructed.
House of Flavors:
Chairman Coleman talked about decibel levels. He read from decibel charts and compared different decibel levels. He explained low noise levels were 55-65, medium noise was 65-75 and high noise was 75-85.

Commissioner Olmstead reported that the Ad Hoc Committee met to review all of the information. The committee studied the neighbor's comments and concerns. He stated that the committee felt that House of Flavors was trying to address the concerns. He said that with operational delays, they could not meet the May 1 deadline for the temporary suspension of the 2002 SLU regulations.

Commissioner Olmstead made a motion that the January 5, 2006 temporary suspension of the 2002 Special Land Use regulations and conditions at the Robert Street loading ramp be extended to July 1, 2006 due to construction and other operational delays, seconded by Commissioner Holman.

Commissioner Loforte abstained from voting due to conflict of interest.

Motion carried unanimously.

Commissioner Olmstead made the following motion, seconded by Commissioner Usiak:

That the 2002 Special Land Use Regulations and Conditions heretofore established be continued except as follows:

1. That no noise or odors be generated that exceed the Ludington Zoning Ordinance provisions, applicable state or federal laws, rules and regulations.
2. That House of Flavors delivery trucking shall operate in the Central Business District in accordance with the 2002 Special Land Use Regulations and Conditions except at the Robert Street loading ramp where twenty-four (24) hour trucking will be allowed but for no more than eight (8) round trip sets between the hours of 11:00 p.m. and 7:00 a.m. A trip set is defined as an empty truck in and a loaded one out at approximately the same time.
3. That ingress and egress shall be on Robert Street, Ludington Avenue and PM Highway only.
4. That House of Flavors owned delivery vehicles shall not have a decibel level higher than 55 decibels when detected from neighboring lot lines from House of Flavors properties as required by Section 44.9:6(6) of the Ludington Zoning Ordinance.
5. That House of Flavors take action within applicable law to eliminate casting of truck headlight beams onto occupied neighboring structures, provide back up alarms not be active, and provide reflection tape (conspicuity tape) on trailers and trucks. House of Flavors, as it has already done or intends to do, will provide two new trucks and trailers with refrigeration units having the appropriate technology to comply with the decibel level above.

Chairman Coleman explained the definition of a trip set as an empty truck in the bay and a loaded truck out. There will be one driver involved that will be unloading at Fruit Packers while the empty truck is being loaded. When the driver gets back to the bay, there will be no delay. Commissioner Ponko commented that eight sets was the maximum amount and would likely be less. Commissioner Holman thanked the Commissioners for all of their efforts.

Commissioner Loforte abstained from voting due to conflict of interest.

Motion carried unanimously.

Text Changes: M1 and M2:
No Report

Rental Registration:
Commissioner Moloney reported that John Shay, Commissioner Usiak and himself, would meet with the Landlord's Association on Tuesday, May 2.

NEW BUSINESS:
None

SITE PLAN REVIEW REPORT:
None

COMMENTS AND COMMUNICATIONS:
Chairman Coleman thanked the Commissioners and City staff for all of their work and efforts in resolving the House of Flavor's issue.

ADJOURNMENT:
The meeting was adjourned at 7:30 p.m.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Tom Coleman, Chairman