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CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES 02/06/07

A meeting of the Ludington Planning Commission was held on February 6, 2007. 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 Clay Olmstead, Vice-Chairperson.

ROLL CALL: The roll call showed the following results:
Present: Kaye Holman, Clay Olmstead, Joe Moloney, Chris Gamble, and Mike Nekola. Bill Loforte

Absent: Alan Neushwander, Robert Garrett (excused) and Chris Pontz (excused)

Also Present: Recording Secretary, Carol Ann Foote and City Attorney, Roger Anderson.

AGENDA APPROVAL:
Election of officers was moved from unfinished business to after agenda approval.
Commissioner Nekola made a motion to approve the agenda, as amended, seconded by Commissioner Holman. Motion carried unanimously.

ELECTION OF OFFICERS:
Commissioner Nekola made a motion to nominate Commissioner Olmstead for chairperson, seconded by Commissioner Holman. Nominations were closed and the motion carried unanimously.

Commissioner Holman made a motion to nominate Commissioner Nekola for vice-chairperson, seconded by Commissioner Moloney. Nominations were closed and the motion carried unanimously.

Chairman Olmstead appointed the following sub-committees:
Text: Holman, chairperson, Moloney and Neushwander
Special Land Use: Nekola, chairperson, Bob Garrett and Chris Pontz
Zoning: Olmstead, chairperson, Loforte and Gamble

PUBLIC COMMENTS:
No public comments
Close Public Comments

APPROVAL OF MINUTES:
Commissioner Holman made a motion to approve the minutes of the January 9, 2007 meeting, seconded by Commissioner Moloney. Motion carried unanimously.

PUBLIC HEARINGS:
No public hearings
Close Public Hearing

UNFINISHED BUSINESS:

Final Development Plan-106 Laura St., LLC:
Doug Kloostra, BCI Construction, spoke on behalf of the development. He stated that he was excited about the project. There had been contact with the DEQ and things were moving forward. He hopes that everything goes good.

Chairperson Olmstead explained that the Planning Commission forwarded the approval of the Preliminary Planned Development to the City Council in January. The City Council unanimously approved the plan in their meeting of January 22, 2007 subject to the following conditions:

1. The developer shall comply with the parking requirements, as outlined in its letter to the City dated January 16, 2007.
2. The developer shall provide easements to the City of Ludington for all required infrastructure, including the existing storm sewer along the west property line and the waterfront walkway.

Chairman Olmstead read a letter from Mark Harmsen, 106 Laura St., LLC, stating that construction on the project would not begin until an arrangement had been made for joint or shared parking pursuant to Article 700.5 of the Zoning

Ordinance. A letter was read from Williams and Works confirming that, as the engineer/surveyor of record for the development, they will work with the City to prepare and record easement documents for public utility and/or facility purposes within the project.

Commissioner Loforte stated that he did not attend the January meeting and had questions concerning the project. He asked about the public walk and bike path. He also wanted to know if the fish cleaning station was for the public and asked if the public would be able to fish from the docks. Mr. Kloostra explained that both the walkway and fish cleaning station were for public use. There would also be public restrooms. He pointed out the area where the public could also fish and docks for charter boats.

Commissioner Moloney asked about the options for the retaining wall. Mr. Kloostra explained that they had two options, concrete or pre-cast. Commissioner Moloney wanted to know about the footings and soil conditions. Mr. Kloostra said that they would be engineered and designed properly. He said that Reith Reily would have their aggregate on one side that would lower their piles. Commissioner Holman had concerns about the aggregate leaning on the wall. Commissioner Nekola commented that it would be designed for that. Chairman Olmstead said that the aggregate would be there, no matter what. The idea of the wall was to help hide the pile by reducing the height of the pile.

Commissioner Holman asked about the cupola dimensions. Chairman Olmstead said that the plan was showing sixty-eight feet to the bottom of the spire. From grade to the top of the cupola measured eighty-six feet. Mr. Kloostra said that the design intent was a gambrel roof style that met fifty-six feet to the mean of the roof. They asked for an allowance for architectural elements.

Commissioner Holman made a motion to approve the Final Development Plan for 106 Laura St., LLC with the following conditions, seconded by Commissioner Nekola:

1. The developer shall comply with the parking requirements, as outlined in its letter to the City dated January 16, 2007.
2. The developer shall provide easements to the City of Ludington for all required infrastructure, including the existing storm sewer along the west property line and the waterfront walkway.

Motion carried unanimously.

Public Hearing:
To consider a request from Hal Hazard and Judy Emlaw, 1965 W. Conrad Rd., Ludington, MI. for a text change to the Ludington Zoning Ordinance #23-00 to allow personal service establishments in the M-R (Motel-Resort) District in order to establish a full service salon/day spa at the following described property: UNPLATTED A PARCEL COM. AT A POINT ON N LINE OF BLOCK 52, ORIG. PLAT, LOCATED 62.6 FT W OF NE CORNER OF LOT 4, BLOCK 52, TH W ON N SIDE OF BLOCK 52 A DISTANCE OF 72.3 FEET, TH S ALONG E SIDE OF S'LY EXTENSION OF LAKESHORE DR A DISTANCE OF 140 FEET, TH E 72.55 FT, TH NORTH 140 FEET TO THE POINT OF BEGINNING, also known as 809 W. Ludington Ave.

David Miller, Mason County Growth Alliance, said that his purpose with the Growth Alliance was to attract business and to help businesses that are already here. He stated that he appreciated the opportunity to address the Planning Commission and would like to congratulate them on the good work on the new condo projects. He said that he talked to Mr. Hazard about his proposed project and feels that it is important to the community to offer more opportunity, as we see more condos, to the people coming to visit or move here. He said that the money that Mr. Hazard is willing to invest would be very beneficial to the community.

Jeanne Gibson, property owner of 809 W. Ludington Ave., said that her and her partners feel that it is important to keep the property with local ownership. She feels that it would be a good project for the community.

Close Public Hearing

Chairman Olmstead asked if there were any conflicts of interest.

Commissioner Gamble said that he owned the property adjacent to the property being discussed. He stated that he felt he would approach his responsibility as a Planning Commissioner in a very professional way. His only concerns would be the issues that the text committee has already addressed regarding the zoning as a whole (M-R District). Unless the City Attorney feels that I should withdraw, I do not feel that I have a conflict of interest. Chairman Olmstead stated that Mrs. Gamble submitted a letter to the Commission that was not in favor of the project. Commissioner Gamble said that parking was the issue. There was nothing against the business. City Attorney Anderson said that the City's Conflict of Interest

ordinance accepts this type of situation because we are a small community. The ordinance deals with financial conflicts of interest. He stated that he talked to Commissioner Gamble prior to the meeting and does not feel that this is a conflict.

Doug Shoup, 707 E. Ludington Ave., addressed the Commissioners. He said that Jeanne Gibson did think that Commissioner Gamble had a financial interest. Apparently, Commissioner Gamble attempted to buy the property within the last year. The Commission may want to re-consider him acting on this issue. Jeanne Gibson said that whether Commissioner Gamble was for or against the project, she feel that there is a conflict.

Commissioner Nekola said that they were looking at text for the whole zone, not just this property. Chairman Olmstead stated that in a small community it is hard to avoid the appearance of an impropriety because we know everyone. He said that he does not feel that there is a conflict with this issue. This is a city-wide issue, not just for Hal Hazzard and Judy Emlaw's project.

Chairman Olmstead read correspondence received from Sharon Snyder regarding the parking issue. Ms. Snyder said that if the parking issue could be resolved, the sale of the property would be a win-win situation, not only for the buyers and sellers, but for the neighborhood and the city.

Chairman Olmstead explained that the proposal was for personal services to be allowed in the M-R district. At this time, there is nothing in the ordinance that would allow that type of use.

Commissioner Holman reported that the text committee did meet and is proposing language to define personal service establishments. She read the proposed changes to Articles 200.2, 400.5, 400.8, 400.12, and 900.2.

Chairman Olmstead stated that this was a good example of how one request can really create complications and you cannot really act on a request for a specific piece of property without considering the entire ordinance. It is also a good example of how zoning districts are constantly changing. Chairman Olmstead went through each section of the ordinance that was proposed to be changed. He explained what would be changed and the reason for it.

Commissioner Gamble asked why small retail business was being removed from Limited Commercial permitted uses. Attorney Anderson explained that the language was put in the ordinance in 1984. It was basically for retail uses that were serving the principal use, such as a coffee shop. In reality, the use never came up. The ordinance has been misunderstood and it has caused a lot of misunderstanding. Commissioner Gamble asked why self service was being removed from the CBD. Chairman Olmstead explained that machines would be there whether they are self serve or not.

A public hearing will be set in March for the proposed text changes to the ordinance.

Hal Hazzard spoke to the Commission. He said that these people want to sell this property. The situation was they want to be in by May. This keeps getting put off. The application was made out some time in October and the last meeting was cancelled. My feeling is that you have had two months to sort through this. Is there something that could be done like spot zoning for this property. Commissioner Olmstead told Mr. Hazzard that what has happened is a request that the Commission cannot grant without changing the ordinance and you cannot change the ordinance without going through the proper steps. We were not cancelled last month. We had three new members coming in last month. Mr. Hazzard asked if a variance could be granted to just that property. Commissioner Olmstead said that it would be spot zoning and that was a not done. He said that all they can do is recommend the changes to City Council. If the changes are approved, Mr. Hazzard would need to apply for a special land use.

The recording secretary said that the public hearing for the text changes could be noticed for the March meeting. If approved, it would be sent to City Council for two readings. If the City Council approved them, the effective date would be twenty days later. The special land use hearing could be scheduled for April. Commissioner Nekola stated that the special land use hearing would be the time to have all other issues taken care of, such as the parking.

<u>Membrane Covered Structures:</u>
Commissioner Holman reported that the text committee met on proposed changes to Article 500.17, Membrane Covered Structures. She read the proposed change: No structure consisting of a frame covered by a membrane, including but not limited to ~~canvas or plastic may be erected or used for purposes of storage~~ *plastic, canvas, sheet or corrugated metal, may be erected except for temporary purposes as part of a temporary use approved per section 500.14:2, except for the purposes of this article, the time limit is up to five (5) days with a limit of three (3) occurrences per year. Awnings, as defined by the Michigan Building Code, are not considered membrane covered structures. Temporary small tents for camping, recreation, cold frames for gardening, seasonal shades over patios or decks, or similar items are also not considered membrane covered structures.*

Chairman Olmstead said that the reason for the change was problems with enforcement of such structures and to be more definitive in what is allowed.

A public hearing will be set in March for the proposed changes.

Site Plan Review Committee:
Commissioner Holman reported that the text committee met on proposed changes to Section 1100.2:2, Site Plan Review Committee. The current text called for the Chairman of the Planning Commission and one other member to be part of the Site Plan Review Committee. Because of the inconvenience of attending all site plan reviews, the proposed text would read any two members of the Commission would attend.

A public hearing will be set in March for the proposed changes.

Rules of Procedure:
Chairman Olmstead asked that the Commissioners read the Rules of Procedure and note any changes or modifications that they would like to see. He asked that the text committee look at section six, Site Plan Review, and change 6.1 that requires the chairperson to attend site plans. Any new Rules of Procedure could be adopted at the March meeting.

Comprehensive Plan:
No report

NEW BUSINESS:
Chairman Olmstead presented Tom Coleman with a certificate of appreciation for his years of service on the Planning Commission.

SITE PLAN REVIEW REPORT:
Commissioner Holman reported that a site plan review was held on January 30, 2007 at the City Municipal Building for the review of a proposed 9,400 square foot addition and the relocation of the existing truck maintenance building. The site plan was unanimously approved with the following conditions:

1. Properly restore slopes and borrow area
2. Repair aggregate surface as required
3. Correct plan key
4. Provide sumps on all catch basins
5. Tie in roof drains to catch basin on relocated building
6. Provide grade changes

COMMISSIONER'S COMMENTS:
Chairman Olmstead told the Commissioners that this was a new item on the agenda. This is where the Commissioners will set short-term goals or propose work projects and discuss other issues and plans for the City. He would like to challenge them to come up with some different ideas. He said that his goal is to keep the lights on the trees in the downtown area on year round.

Commissioner Holman said that Tom Coleman had the idea to plant beach grass on the west end of Ludington Ave. She said that Tom would see when he could get the plants, she would get the money and Joe will get the planting crew.

Chairman Olmstead gave the Commissioners a copy of the Open Meetings Act.

Commissioner Nekola commented that when new buildings are going up, the Site Plan Review Committee should make sure that there was accessibility for the Dial-A-Ride buses. Commissioner Holman stated that she had a list of the different bus sizes.

Commissioner Moloney requested that he attend the April 12th Site Plan training seminar. He also said that he would continue working on his adhoc assignment with rental registration.

COMMENTS AND COMMUNICATIONS:

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

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Clay Olmstead, Chairperson