CITY OF LUDINGTON
PLANNING COMMSION
MINUTES 06/05/07

A meeting of the Ludington Planning Commission was held on Tuesday, June 5, 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, Chairperson.

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

Absent:

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

AGENDA APPROVAL:
Commissioner Holman made a motion to approve the agenda with the addition of Dog Ordinance under Commissioner's Comments, seconded by Commissioner Nekola. Motion carried unanimously.

PUBLIC COMMENTS:
No public comments.

APPROVAL OF MINUTES:
Commissioner Holman made a motion to approve the minutes, as written, seconded by Commissioner Moloney. Motion carried unanimously.

PUBLIC HEARINGS:
Open Public Hearing

To consider a request from Dave Johnson for a special land use for residential use above the first floor in the Central Business District at the following described property: ORIGINAL PLAT E 26 FT OF W 34 FT OF LOT 4 BLOCK 34, also known as 123 W. Ludington Ave.

Dave Johnson, 5244 W. Decker Rd., purchased the building at 123 W. Ludington Ave. Gregory's flower shop has moved into the retail space. Mr. Johnson said that the building had wasted space. At one time, it was a bank building. Then a back section was added. The front of the building, at sidewalk level, is retail and up a flight to the upper elevation. Mr. Johnson stated that he worked for an engineering firm. He said that in the state, and Ludington too, cities were working for more residential use in downtown areas. That is why MSHDA funds are available. He said that this building could not make it on just retail. The residential component adds dimension. The building has one window and he would like to add more. Mr. Johnson asked the Commission to consider the middle and upper levels as not being grade. There is a 40 inch rise. Chairman Olmstead asked about the stairs. Mr. Johnson said that it was about 3 ½ ft. He said that there was approximately 70 ft. into retail before it goes into the second story. The building was built in 1890 and is a well built building with no structural issues. He explained that there was a set of common stairs with deeded access. Commissioner Moloney asked what the garden level was. Mr. Johnson explained that the downstairs had been finished off for office space. There are separate entries for the garden and upper levels. Commissioner Holman stated that according to our ordinance, the garden level would be the basement. Commissioner Moloney asked about MSHDA. Mr. Johnson said that he had an application in. He said he was attempting grants for all three levels. He said that Heather Loney was very active on the grants.

Chairman Olmstead asked Attorney Anderson his interpretation of the ordinance. Attorney Anderson said that, in his opinion, the first level of the building was meant to be retail. He does not believe that the middle is above the first floor. The second floor was not for retail. When the Granary was in that building, there was retail on the first floor. He said that the Commission could consider changing the Ordinance, but he feels that there would be a considerable number of buildings downtown that would be affected. Chairman Olmstead stated that the Commission was not obligated to accept the opinion of the City Attorney, but they do have the ability to recommend a change to City Council.
Tom Coleman, 501 N. Ferry, read the definition of grade from the ordinance. When the ordinance was changed, residential was not allowed downtown. It was meant to bring more people downtown, not to the detriment of the downtown.

Commissioner Pontz stated that they need to look at the importance of residential downtown. He said that they may want to look at the ordinance. Commissioner Nekola said that it was one thing to look at the ordinance, but right now it is clear what needs to be done. We cannot go against what we have now. This is a living document and we need to deal tonight with what we have. Commissioner Moloney asked what options they had in this case in regards to conditions placed. Chairman Olmstead said that they could not supersede the ordinance. The only other thing they could do would be amend the zoning ordinance. Commissioner Garrett stated that this was a matter of interpretation. There is a middle floor and an upper floor.

Dave Johnson said that he was not clear with the meaning of grade. Chairman Olmstead explained how grade measurements were determined.

The recording secretary reported forty-eight notices were sent with no response.

Commissioner Nekola reported that the committee met and found that the top floor met the requirements of the special land use.

Commissioner Nekola made a motion to approve the special land use for residential use above the floor of the Central Business District in accordance with Section 400.8:4, Special Land Uses, of the City of Ludington Zoning Ordinance #23-00 for the top floor of the following described property, ORIGINAL PLAT E 26 FT OF W 34 FT OF LOT 4 BLOCK 34, also known as 123 W. Ludington Ave., seconded by Commissioner Holman. Motion carried unanimously.

To consider a request by Korrie Hutchinson for a special land use to operate a group day care home in a residential district at the following described property: ADDITION NO. 2 LOT 6 BLOCK 109, also known as 401 Fifth St. Group Daycare is defined as: "Group Day Care Home" means a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

The recording secretary reported that she sent forty-eight notices and had two responses. She read a letter from Ron Soberalski, in favor and one from Gary Cichon that was against the request.

Korrie Hutchinson, 401 Fifth St., told the Commission that she was licensed in March to operate a day care facility with a maximum capacity of twelve. Mrs. Barber, Korrie's mother, said that the licensing has been a long procedure. She said the more business Ludington gets, the more daycare is needed. It is close to school and easy to get to.

Commissioner Gamble asked if there was going to be any fencing changes. Ms. Hutchinson stated that a letter from her state supervisor said that she does not need a fence unless she was by a body of water. Commissioner Loforte asked about hours of operation. Ms. Hutchinson said she would be open from 6 a.m. until 6 p.m. Monday through Friday.

Close public hearing.

Commissioner Nekola read Section 900.3:28, Group Day Care Home, of the ordinance. He asked Attorney Anderson about State regulations regarding the fencing issue. Attorney Anderson told the Commissioners that Williams and Works had just worked on the language for day care facilities. He said that he felt sure the City could place regulations on facilities such as group day care. Commissioner Garrett said that the state probably did not require a fence from a licensing point of view. Commissioner Nekola said that where the 4 ft. fence was now, there needs to be a 6 ft. The other sides need to be 4ft. He asked if she could be given ninety days to put up the fence. Commissioner Olmstead stated that she could be given time to meet the fence requirements without losing what she already has.

Commissioner Nekola made a motion to approve the special land use request for a group day care under the provisions of Section 900.3:28 of the City of Ludington Zoning Ordinance #23-00 with the condition that the fence around the property shall meet the requirements of 900.3:28 (2) at the following described property: ADDITION NO. 2 LOT 6 BLOCK 109, also known as 401 Fifth St., seconded by Commissioner Garrett. Motion carried unanimously.

June 5, 2007
Planning Commission Meeting

UNFINISHED BUSINESS;

Rules of Procedure:
Commissioner Holman reported that the text change would be presented at the July meeting.

Comprehensive Plan:
Commissioner Garrett reported that the parks initiative was moving forward and would be presented to the City Council soon.

Rental Registration:
Commissioner Moloney reported that Tom Durkee with MSHDA would be doing a presentation on 6/26/07. Amy Ridge, who deals with rental registration directly, will be ask how formal the process has to be to get MSHDA money. He stated that Heather Loney hit the ground running with the grants.

Commissioner Holman reported that the Cal DeKuiper said that they could use as many bike racks as the want during the summer. She said that there were very few downtown and possible places would be Daily News, fire station, post office, Kiwanas, boat launch and Waterfront Park.

Commissioner Holman said that Membrane Covered Structures would be presented in July.

NEW BUSINESS:
None

SITE PLAN REVIEW REPORT:
Commissioner Holman reported that site plan reviews were held on May 21 and 29 for a proposed parking lot at 809 W. Ludington Ave. The plan was approved for fifteen parking spots.

Commissioner Holman reported that a site plan review was held on May 21 for a proposed parking lot at 305 W. Ludington Ave. The plan was approved with conditions.

COMMISSIONERS' COMMENTS AND COMMUNICATIONS:
Animal Ordinance: Commissioner Nekola suggested that the Commission look at an animal ordinance. He said that the City of Scottville had adopted one. He stated that some cities do not allow cats off of the property. Chairman Olmstead said that it would need to be referred to the text committee.

Chairman Olmstead told the Commission that he researched the reason the city has a planning commission. He found the answer in the Ludington City Charter and recommended the Commissioners to obtain a copy of it.

Commissioner Garrett reported that the May 22 edition of the Detroit Free Press had the results of the travel editor's nominations for the best beach in Michigan. He said that Ludington won out. Commissioner Pontz said the it was also in the Chicago Tribune.

ADJOURNMENT:
The meeting adjourned at 8:10 p.m.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Clay Olmstead, Chairperson