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CITY OF LUDINGTON
PLANNING COMMISSION
MINUTES 03/06/07

A meeting of the Ludington Planning Commission was held on March 6, 2007. The meeting was held at the Ludington Municipal Building, 400 S. Harrison St., Ludington, MI and was called to order at 7:05 p.m. by Mike Nekola, Vice-Chairperson.

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

Absent: Bill Loforte and Joe Moloney (excused)

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

AGENDA APPROVAL:
Unfinished business sections 7a., 7b., and 7c. was moved to the public hearing section of the agenda. Commissioner Holman made a motion to approve the agenda, as amended, seconded by Commissioner Pontz. Motion carried unanimously.

PUBLIC COMMENTS:
Colleen Avidsian, 7043 W. Windamere, told the Commissioners that she is a nurse and massage therapist and has worked with Judy Emlaw for the last ten years. She said that she was speaking on Judy's behalf. She is a wonderful person and brings a lot of integrity to what she does. Her business would be a real asset to the community.

Close public hearing.

APPROVAL OF MINUTES:
Commissioner Holman made a motion to approve the minutes of the February 6, 2007 meeting, seconded by Commissioner Neushwander. Motion carried unanimously.

PUBLIC HEARINGS:
Open public hearing

Commissioner Garrett asked to be excused from discussion due to conflict of interest.

a. To consider proposed text changes to the Ludington Zoning Ordinance #23-00, in order to define Personal Service Establishments, Article 200.2, Definitions, Section 200.2:8 (3).

Commissioner Holman told the Commissioners that proposed changes to Section 900.2 would specifically point out that personal service establishments would be allowed by special land use in the Motel-Resort District fronting Ludington Ave. only.

Commissioner Holman read the proposed text: PERSONAL SERVICE ESTABLISHMENTS: An establishment primarily engaged in providing services involving the care of a person or his or her goods or apparel, but not including a tattoo parlor, piercing parlor or Adult Personal Service Establishments as defined in Section 500.18:3.

Commissioner Holman made a motion to recommend to City Council to approve text changes to Article 200.2, Definitions, Section 200.2:8(3), to define Personal Service Establishments, seconded by Commissioner Neushwander. Motion carried.

Chairman Olmstead arrived at 7:15 p.m. Vice-Chairman Nekola turned the meeting over to Chairman Olmstead.

b. To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Article 400.5, Limited Commercial District, Section 400.5:2 (3), Permitted Principal Uses in order to allow Personal Service Establishments as a permitted principal use in that district.

Commissioner Holman made a motion to recommend to City Council to approve text changes to Article 400.5, Limited Commercial District, Section 400.5:2(3), Permitted Principal Uses, in order to allow Personal Service Establishments as a Permitted Principal Use in that district, seconded by Commissioner Neushwander. Motion carried.

c. To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Article 400.8, Central Business District, Section 400.8:2 (3), Permitted Principal Uses in order to allow Personal Service Establishments as a permitted principal use in that district.

Commissioner Holman made a motion to recommend to City Council to approve text changes to Article 400.8, Central Business District, Section 400.8:2(3), Permitted Principal Uses, in order to allow Personal Service Establishments as a Permitted Principal Use in that district, seconded by Commissioner Neushwander. Motion carried.

d. To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Article 400.12, Motel-Resort District, Section 400.12:4 (4), Special Land Uses in order to allow Personal Service Establishments as a Special Land Use in that district.

Commissioner Holman made a motion to recommend to City Council to approve text changes to Article 400.12, Motel-Resort District, Section 400.12:4 (4) Special Land Uses, in order to allow Personal Service Establishments as a Special Land Use in that district, seconded by Commissioner Neushwander.

Commissioner Pontz asked if it was really in the best interest of the City to rezone that property when there are so many vacant buildings in the commercial district that could be used for personal services. Chairman Olmstead explained that the proposal was not a rezoning. They were purposing text changes to allow that type of use in the Motel Resort District with a special land use.

Motion carried unanimously.

e. To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Article 900.2, General Provisions, in order to establish Special Land Use standards for Personal Service Establishments in the Motel-Resort District.

Commissioner Holman read the proposed changes: <u>Section 900.3:29 Personal Service Establishment:</u>
A personal service establishment may be located in the M-R district under the following conditions:

(1) The personal service establishment shall be considered for only those properties zoned M-R fronting on Ludington Avenue.

(2) Such uses shall be of a nature which does not cause excessive noise, fumes, odor, vibrations, or any other similar impact on neighboring uses.

(3) The Planning Commission may impose further conditions to ensure the compatibility of the use with adjacent properties in consideration of the character of the district or neighboring districts.

(4) That undue traffic congestion will not result and curb cuts comply with the US-10/Ludington Avenue Access Management Plan.

(5) That the Planning commission finds that such a use will not unduly injure the character or value of surrounding properties.

(6) That parking conforms to Chapter VII, in addition to the following:

a. Section 700.2:4 shall not apply to personal service establishments;

b. Shared parking shall not be permitted; and

c. Parking for any personal service establishment with other uses in the same building shall be cumulative such that the total number of spaces for each use is provided.

Commissioner Holman made a motion to recommend to City Council to approve text changes to Article 900.2, General Provisions, to add Section 900.3:29, Personal Service Establishments, in order to establish Special Land Use standards for Personal Service Establishments in the Motel-Resort district, seconded by Commissioner Neushwander. Motion carried unanimously.

f. To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Article 500.17, Membrane Covered Structures, in order to clearly define the definition of a membrane covered structure.

Commissioner Holman read the proposed changes: No structure consisting of a frame covered by a membrane, including but not limited to 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) consecutive 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.

Commissioner Nekola asked if this ordinance would cover something like a greenhouse being used for storage. Roger Anderson said that if a structure was not being used as the ordinance intended, the City would enforce it.

Commissioner Holman made a motion to recommend to City Council to approve text changes to Article 500.17, Membrane Covered Structures, in order to clearly define the definition of a membrane covered structure, seconded by Commissioner Pontz. Motion carried unanimously.

g. To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Section 1100.2:2 (2), Site Plan Review Committee, in order to change the composition of the Committee.

Commissioner Holman read the proposed changes: The Site Plan Review Committee shall be composed of two members of the Planning Commission, the City Manager, Department Heads as determined by the City Manager and the Building Inspector.

Commissioner Holman made a motion to recommend to City Council to approve text changes to Section 1100.2:2 (2), Site Plan Review Committee, in order to change the composition of the Committee, seconded by Commissioner Neushwander.

Commissioner Garrett asked what two members would be asked to go to site plan review meetings. Commissioner Holman said that Carol Foote would call the two members. Commissioner Gamble asked if there was more than one review, would you be required to go to all of them. Chairman Olmstead said that it would make sense to follow through. The intent of the change is to allow more members to attend these meetings. Commissioner Holman stated that more than two members could attend. Commissioner Nekola suggested that everyone be notified.

Motion carried unanimously.

UNFINISHED BUSINESS:

Rules of Procedure:
Chairman Olmstead said that the Text Committee was looking at Rules of Procedure to change section 6.1 which requires the Chair to convene and conduct the site plan reviews. Commissioner Holman reported that the Text Committee had reviewed the Rules of Procedures and noted possible changes to sections 3.3, special meetings, 6.1 and 6.2. Chairman Olmstead asked that something be drafted and submitted in April.

Comprehensive Plan:
Commissioner Garrett told the Commission that there were approximately fifteen empty buildings in the James St. area. He mentioned that he knew of a community that helped the storeowners spruce up the store fronts. Corporations took the windows and displayed their goods in them. He suggested that the Commission work with the DDA and do something to enhance the look of the town. It would enhance the look of the town. Commissioner Pontz stated that grants are available. Commissioner Holman said that she would bring that issue up at the Downtown Ludington Board meeting. Chairman Olmstead suggested that it could be a short term goal.

Commissioner Holman told the Commissioners that there were plans to paint the ticket booth on Loomis St. Dune grass will be purchased and planted on April 20 and 21. She encouraged the other Commissioners to get involved.

Commissioner Garrett reported that he sent the City Council recommendations and ideas developed by the Planning Commission sub-committee on parks with the help of consultants and the community. This letter was sent on November 5, 2007 and Commissioner Garrett has not had a response. He recommended following up on the issue with the Council.

Commissioner Nekola said that he and Joe Moloney were still interested in working on neighborhood projects and were waiting for the new Community Development Director to begin her job at the City. He said that if anyone else was interested in serving on this committee to let him know. Commissioner Pontz expressed interest in this committee.

Chairman Olmstead stated that he would like to see goal proposals and a “report card” of the progress that has been made.

NEW BUSINESS:
Commissioner Nekola announced a training seminar would be held on April 24 at 5:30 p.m. Williams and Works would be presenting this seminar. Chairman Olmstead emphasized that this would be a very significant training session and encouraged everyone to attend.

SITE PLAN REVIEW REPORT:
Commissioner Holman reported a site plan review was held on February 8, 2007 for a proposed 4,000 sq. ft. addition for ASI Environmental, 410 E. Dowland St. The site plan was unanimously approved with the condition that the water/oil separator plan be approved by the Wastewater Treatment Plant Supervisor.

COMMISSIONER'S COMMENTS:
Chairman Olmstead reminded the Commissioners that according to the Open Meetings Act, there cannot be more than four commissioners together in one place without public notice.

Chairman Olmstead stated that the City Commission did not accept "lay downs", or late additions to the agenda. He said that everything should be submitted in packet.

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.

COMMENTS AND COMMUNICATIONS:

ADJOURNMENT:
The meeting was adjourned at 8:05 p.m.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Clay Olmstead, Chairperson