CITY OF LUDINGTON
PLANNING COMMSION
MINUTES 06/03/08

A meeting of the Ludington Planning Commission was held on Tuesday, June 3, 2008. 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: Gary Schnitker, Robert Garrett, Chris Gamble, Chris Pontz, Joe Moloney, Kaye Holman, Clay Olmstead and Tom Coleman

Absent: Mike Nekola, excused

Also Present: Recording Secretary, Carol Ann Foote, City Manager, John Shay, and City Attorney, Roger Anderson. Dean Feole and Kendra Silsby, Mayor's Youth Advisory members, were excused.

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

PUBLIC COMMENTS:
None

APPROVAL OF MINUTES:
Commissioner Olmstead made a motion to approve the minutes of the May 6, 2008 meeting, seconded by Commissioner Moloney. Motion carried unanimously.

PUBLIC HEARINGS:
None

NEW BUSINESS:

Proposed Text Change:
Chairman Coleman told the Commissioners that the text committee was looking at changing the definition of Front Yard, Section 200.2:11, to change the front yard designation for R1A, Shoreline Residential. The text would read: *In the case of a shoreline lot in zoning district R1A, Shore Front Residence, the front yard is that which abuts the lake shore.* He presented an aerial photo to the Commissioners that showed the placement of accessory buildings along the shoreline from the City Water Treatment Plant to the city limits. He pointed out that all but one accessory building was on the Lakeshore Drive side of the property. The exception was the property adjacent to the water plant. To change the front yard designation from the Lakeshore Drive side to the shorefront side would make the properties more conforming. He made the Commissioners aware that if the change was made, fences up to six feet would be allowed in the back yard and accessory buildings could be within five feet of the rear lot line. He stated that most of the properties in that area were screened.

City Attorney, Roger Anderson stated that the definition of front lot line would need to be looked at. He asked if they would want to do anything about front yard exceptions. Does it matter where you measure the front yard from? Chairman Coleman said that the front yard setback is fifty feet measured from some point. He said that the point would be the ordinary high water mark of Lake Michigan. He said that there was an exception that said you can average the front to maybe bring it closer to the lake. He said that it might be a good idea during the low water cycle and a poor idea in the high water cycle. All of these lots are developed and there are no lots currently for sale. There are a few out lots towards Lakeshore Drive. Attorney Anderson asked about the property that at one time was going to be a development. Chairman Coleman said that if that was to occur, there was only one lot that would abut the lake. Attorney Anderson said that he thought that the text changes would be a good move; he just does not want to create any consequences. Chairman Coleman asked the text committee to have language for a public hearing in July.

UNFINISHED BUSINESS:

Comprehensive Plan:
East Ludington Avenue Architectural Preservation:
Commissioner Schnitker reported that the committee did meet. They were in the process of writing an intent for that section. They do have a draft that they are reviewing at this time. The next step will be another meeting and a timeline for the process.

Vendors:
Chairman Coleman stated that permitting Vendors was in the comprehensive plan, but it had not been tackled. Chairman Holman said that she would be meeting with City Manager Shay this week. Commissioner Moloney wanted to know what was classified as a vendor. Commissioner Holman explained that they would be like Dave's Dogs at Waterfront Park or kites on the beach. Chairman Coleman mentioned a possible farmer's market. Carol Foote pointed out that there is a City Code that places restrictions on vendors or transient merchants. The restricted area includes Ludington Ave. from Lewis St. to Rowe St. and James St. from Court St. to Dowland St. Attorney Anderson said that here were areas that restrictions are placed due to traffic concerns, etc. He said that that does not mean the ordinance cannot be changed. Commissioner Garrett said that Ludington was trying to get people downtown. Maybe they should look at it in a more flexible way.

Downtown Walkability:
Commissioner Moloney reported that there would be four bike racks ready in the next month. He said that he met with the Downtown Ludington Board and had a very productive conversation and some very helpful suggestions.

US-10 Access Management:
Chairman Coleman said that there had been nothing done this month regarding Access Management.

Daycare:
Commissioner Moloney reported that they were still gathering information. Chairman Coleman said that there were 1,400 properties identified that were at least partly non-homestead. When all the data is in, we will have Williams and Works take a look at what is happening in the community. Commissioner Garret stated that Williams and Works may have some identifiers that would help know when it is time to take a good look at what is going on. Chairman Coleman said that he recommends meeting with Larry Nix or Lynee Wells.

Accessory Buildings:
Chairman Coleman told the Commissioners that a request was made last year to look at a large accessory building on a larger lot. He said that about three or four years ago, some owners with larger lots were requesting larger accessory buildings. One situation went to the Zoning Board of Appeals and then to Circuit Court. Circuit Court decided that if someone had a larger lot, they should have larger accessory buildings. The Planning Commission did some text changes to allow larger accessory buildings on larger lots. Some restrictions were added in the Special Land Use section. Commissioner Holman reported that the text committee met and reviewed Section 500.4 for possible changes. The text committee recommends that there will be no changes to the existing Ordinance.

Commissioner Holman made a motion that, having discussed Section 500.4 for possible text changes, the language will remain the same, seconded by Gary Schnitker. Motion carried unanimously.

SITE PLAN REVIEW REPORT:
Harbor Terrace:
Chairman Coleman reported that a site plan review was held on May 19 for Harbor Terrace Condominiums. The proposed plan was for an increase in density for one additional unit. The plan was approved.

Chairman Coleman reported that a site plan review was held on May 28 for Surface Expressions. The proposed plan was for a 2,400 sq. ft. addition to be used for fabrication and storage. The plan was approved.

COMMISSIONERS' COMMENTS AND COMMUNICATIONS:
Commissioner Olmstead talked about conflict of interest. He explained that it was the Commissioners' responsibility not to abuse the public's trust; therefore they should not use the office of the Planning Commission to advance their own personal agendas. He said that they could not pass legislation that would directly benefit them personally. If an issue like that was pending, they should excuse themselves from voting due to a conflict of interest. He said there were obvious conflicts and others that are not so obvious. He asked that before the meeting starts, if there is a conflict; abstain from voting from that issue. He said that there had been a change in the Michigan Planning Act. There is now a procedure that will allow the Commissioners to vote to remove a member with a known conflict of interest. Chairman Coleman pointed out that not only should you abstain from voting, you should not be a part of the discussion. He said that *Robert's Rules of Order* states that you should leave the room.

Chairman Coleman reported that Williams and Works are reviewing Planned Unit Development section in the Ordinance. Presently, there are three different PUDs and they are trying the simplify them. He stated that an update would be given at the July meeting.

Chairman Coleman said that signs were also being reviewed. He stated that some signs were appearing around town that are not legal. He asked the Commissioners to read the sign ordinance and bring their concerns or comments to the next meeting.

Chairman Coleman said that everyone should have a list of potential community projects. He said there were three more to add to the list, downtown tree lighting, lifeguard stands and umbrellas, and Stearns Park entrance landscaping. He will meet with the City Manager regarding these projects. He said the he would like the Commissioners to pick a project that they would like to do, either individually or jointly with a partner. Commissioner Holman commented on the downtown tree lighting. She said that the Mayor, Nick Tykoski, Heather Loney and herself took a two hour tour of the downtown area. The City has pulled all of the extension cords on the tree lighting. They also looked at how many lights were broken. They will discuss the issue at the Downtown Ludington Board meeting on Monday, June 9, 2008 at 11:00 a.m.

Commissioner Garrett inquired about the planting of dune grass. Chairman Coleman said that he checked with the Soil Conservation Service in Scottville and was told that they could wait until mid September to plant the dune grass.

ADJOURNMENT:
Commissioner Olmstead made a motion to adjourn the meeting at 7:50 p.m., seconded by Commissioner Moloney. Motion carried unanimously.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Tom Coleman, Chairperson