CITY OF LUDINGTON
PLANNING COMMSION
MINUTES 02/03/09

A meeting of the Ludington Planning Commission was held on Tuesday, February 3, 2009. 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: Lynn Pontz, Chris Gamble, Clay Olmstead, Joe Moloney, Tom Coleman, Gary Schnitker

Absent: Robert Garrett, excused, Kaye Holman, excused, and Mike Nekola excused

Also Present: Recording Secretary, Carol Ann Foote

AGENDA APPROVAL:
A site plan review report and consideration of the Comprehensive Plan update in 2009 were added to the agenda and the agenda was unanimously accepted.

PUBLIC COMMENTS:
None

APPROVAL OF MINUTES:
Commissioner Olmstead made a motion to approve the minutes of the January 6, 2009 meeting, seconded by Commissioner Moloney. Motion carried unanimously.

PUBLIC HEARINGS:
(a.) To consider a request from Mark Curtis for a special land use for the reconstruction of a nonconforming structure that was more than 75 percent destroyed by fire (Section 900.3:15, Ludington Zoning Ordinance) at the following described property:
C.E. RESSEGUIE'S SECOND ADDITION E 45 1/2 FT OF W 51 1/2 FT OF N 1/2 OF LOT 7 BLOCK 3, also known as 508 E. Court St.

Commissioner Schnitker was excused from discussions due to a conflict.

Bill Stumpf, 501 E. Ludington Ave., said that he lived a half of block from the fire damaged home. He said that, in his opinion, they should try to rebuild the property so that it is within the tax base, but he would personally like to see some restrictions on it. It should not be rebuilt to a larger house, construction is done in a timely manner, no longer than a year, and something that fits into the area. He said that there were a lot of nonconforming properties in the area, so it would not be out of place, but there should be restrictions.

Gail Stielstra, 506 E. Court St., told the Commission that her home was approximately 15 ft. from Mr. Curtis' house. She expressed to Mr. Curtis that she was sorry for the loss of the home, but she could not say that she wanted him to rebuild. She said that the house was there when she purchased her property, but if she had ever experienced a fire, she would not have purchased the property. She questioned the ability of Mr. Curtis to rebuild the home. The current structure has been vacant and Mr. Curtis has been working on it, but the progress has been very slow. He worked hard to make the property better, now it is a mess. She said she did not know how long it would take to get rid of the mess. She is concerned about financial capabilities. With the structure so close, it is not a pretty sight. She said that she did not want Mr. Curtis to experience a big loss. Her feeling is there was no funding to rebuild the original structure, now she is concerned that there is no funding to build a new structure in a timely way.

Michael Whitehead, 112 N. Emily, said that he lives across the street from the fire. He is opposed to the rebuilding of the structure for three reasons. First, it is a nonconforming lot and has an impact on the neighborhood. Second, it is built very close to the street and there is no green space in that area. Third, the homeowner has been working on the property for four years. In that time, there have been repairs made, but not finished. There were windows on the top floor that were left open for up to a year. The neighbors were concerned about Mr. Curtis' ability to complete the structure. He said that he is aware that there would be a loss to the City's tax base and that the homeowner stood to lose much if he did not rebuild. Mr. Whitehead asked if the Planning Commission would consider having Mr. Curtis come in with a plan and a timeline to give the neighbors a sense of satisfaction that there would not be a half

finished structure. Also, a structure that sits for a long period of time is likely to have people go inside causing more damage or another fire could occur. There was extensive damage to the three properties adjacent to this one.

Cheryl Whitehead, 112 N. Emily, said that her concern with the nonconforming structure is that they are twelve to fourteen blocks from Lake Michigan, and there is no green space. There is no water retention there. The Great Lakes are a national treasure that needs to be protected. She hopes that Mr. Curtis would allow for some protection, if he is allowed to build. We have no green space and are losing it at alarming rates right in town. It is time to start building that in.

Mark Curtis, 508 E. Court, told the commissioners that the structure would be smaller. With the insurance money that he has received, he can put the home together. The insurance company said that they would demo down to a patch of grass, or take it down to the main level. He said that the house had been there since 1904 and had a good structure. He purchased the house with his mother and father. His father passed away two months after they purchased the home. He stated that he had a limited amount of money to do the repairs that he planned. He said that he understands and appreciates the concerns of the neighbors, but if a house is going to burn it doesn't matter if it is fifteen feet away or fifty feet away. He said that he now has a budget from the insurance company, although it is not what he wanted. He stated that this was the plan, and he would like approval.

Gail Stielstra asked Mr. Curtis how many square feet the structure would be. Mr. Curtis told her 1,000. She stated that she knew that you can not build anything today for less than $100 per square foot. She said that would be approximately $100,000 and would like to know if he has the money.

Chairman Coleman told Ms. Stielstra that was not in the purview of the Planning Commission. The decision would be based on what is in the ordinance and other reviews that are made. It is not based on monetary concerns. Ms. Stielstra asked about the current setbacks which Commissioner Coleman explained to her. She asked what the purpose of setbacks was. Mr. Coleman explained that they were to provide room between adjacent houses and the opportunity to have some green space. Access for utilities and fire protection are other reasons for setbacks.

William Stumpf asked if there was a time limit on a building permit for completion to occur. Carol Foote told Mr. Stumpf that the building permit would be issued for one year. If there has been no activity after that year, the Building Inspector will follow-up and it is possible the permit could be suspended. Mr. Stumpf asked when a building permit is closed. Ms. Foote said that after the Certificate of Occupancy is issued by the Building Inspector. Mr. Stumpf wanted to know if the City could request a bond. Chairman Coleman explained that the City has never yet required a bond on any size project.

Mr. Curtis stated that a year for construction was absolutely reasonable. He said that the City also was holding a retainer from the insurance company.

Cheryl Whitehead said she was concerned about the property immediately south of the Curtis property. Is there any room in the plan where the garage can be moved up slightly? There is not much room between the garage and the fence to get in to clean up.

Chairman Coleman closed the public hearing.

Chairman Coleman said that this was a non-conforming lot. The plat map shows there are many of these lots scattered around the City.

Commissioner Moloney asked Mr. Curtis if the main level has been inspected and if it is ok. Mr. Curtis said that it is just smoke damage. The fire started in the garage and spread to the south porch. The south part of the roof is damaged, but is holding the snow off the structure. The basement has smoke damage. If the existing structure was to be repaired, it would have to be sand blasted and painted. When talking to Dave Bader and John Healy, they suggested that I remove as much as possible. He said he would like to take it down to the deck, even if he has to paint under the sub-structure of the floor. He said he would like to save the foundation, supporting structure, sub-floor and wood floor.

Commissioner Moloney asked if he would be doing the demolition work himself. Mr. Curtis told him that the insurance company would only allow a professional to do the demolition work.

Commissioner Gamble reported that the Special Land Use sub-committee did meet and review the application. He said that they were governed by Section 900.3:15 of the ordinance. Commissioner Gamble reviewed the conditions of the special land use. The committee determined that the structure was more than 75% destroyed, the proposed structure would be compatible with surrounding uses, it would not have a significant impact on surrounding properties, the building had been there and would not have a significant adverse effect on surrounding property, it did meet the off-street parking requirements and would not result in undue traffic congestion. The committee discussed conditions being placed on the special land use. The structure would not exceed the existing footprint and a maximum of sixty days would be required for demolition and the one year the special land use would be in effect to start construction. Chairman Coleman asked for clarification on the construction time. Commissioner Gamble said that the building permit rules would govern that.

Commissioner Moloney asked if sixty days is a reasonable time to ask for completion of demolition due to the weather. Commissioner Gamble said that there would be no excavation required since they were just going down to the deck, so it would not be affected by frozen ground. Commissioner Moloney commented that the special land use would be null and void after a year anyway.

Chairman Coleman asked Mr. Curtis if it would be possible to move the garage forward to have more room off the back property line. Mr. Curtis said that on paper it looks easy, but it would require more time and expense. He stated that he was just asking not to exceed the footprint. He said that the garage may not be built, unless the insurance company comes back with more money. He cannot afford the garage at this time. If he finishes the house under budget he may come back and build the garage.

Chairman Coleman stated that they were acting on the application, as submitted. He went over the contingencies, stating that the length of construction time would be as it normally occurs. Mr. Curtis asked if the demolition time could be ninety days, due to the weather. Commissioner Moloney said that he thought three months was reasonable. Chairman Coleman stated that one of his concerns was that it had been there since November. He understands that things take time, but he thinks the end of April was too long. Commissioner Pontz asked Mr. Curtis if sixty days was sufficient for the insurance company. Mr. Curtis said that he did not discuss a timeline with them. Commissioner Pontz stated that if a professional crew was coming in, sixty days would be adequate for them. Commissioner Olmstead said that he had a fire and wanted to start clean up as soon as he could. He said that sometimes you are at the whim of the insurance company, and does not think that seventy-five days is unreasonable.

Commissioner Gamble made a motion to approve the special land use application for the reconstruction of a nonconforming structure at 508 E. Court St. with the following conditions, seconded by Commissioner Moloney:

a. Demolition of the damaged structure, down to the sub-floor, must be complete within 75 days starting on February 4, 2009.
b. The new structure shall not exceed the existing footprint.

Commissioner Pontz asked for clarification regarding the completion time. Chairman Coleman said that after demolition, the building permit would go through the normal process. Commissioner Pontz said that he felt it would be reasonable to require the permit be issued in one year. Commissioner Gamble explained that the committee felt that after the demolition was done and clean-up complete, the area could be secured and gives Mr. Curtis time to get the project going. The special land use will be void in one year. Commissioner Olmstead stated that the property would have to be secured; otherwise it would be a hazard.

The motion carried unanimously.

(b.) To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Section 800.4:1, Temporary Signs Not Requiring Permit.

Close Public Hearing

Chairman Coleman made a motion to recommend to City Council for approval, text changes to Section 800.4:1, Temporary Signs Not Requiring Permit, of the Ludington Zoning Ordinance #23-00, seconded by Commissioner Moloney. Motion carried unanimously.

(c.) To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Section 200.2:3 (7), Definitions, and Section 900.3:28, Group Day Care Home.

Close Public Hearing

Commissioner Schnitker stated that he thought the 900 ft. limitation for daycare facilities was a lot. Chairman Coleman told him that if the daycare is 6 children and under, they could be anywhere. The proposal is for group daycares with seven or more children. Commissioner Moloney said that he thought the 900 ft. was reasonable, because group daycare facilities are busy places. Commissioner Schnitker said that the ordinance allowed other home businesses and he wants to make sure that daycares were being isolated. Commissioner Olmstead said that with daycares you have noise, not like a small insurance business, for example. Chairman Coleman said that one thing the sub-committee talked about was the bunching of the larger daycares. There is one area of town with a couple right next to one another. Other home occupations do come before the Planning Commission and there are restrictions on them. We want to protect the neighborhoods.

Chairman Coleman made a motion to recommend to City Council for approval, text changes to the Ludington Zoning Ordinance #23-00, Section 200.2:3(7), Definitions and Section 900.3:28, Group Day Care Home, seconded by Commissioner Pontz.
Motion Carried 5/4 Pontz, Gamble, Coleman, Moloney, Olmstead- yes Schnitker- no

(d.) To consider proposed text changes to the Ludington Zoning Ordinance #23-00, Chapter X, Planned Unit Developments.

Close Public Hearing

Chairman Coleman made a motion to recommend to City Council for approval, text changes to the Ludington Zoning Ordinance #23-00, Chapter X, Planned Unit Developments, seconded by Commissioner Schnitker. Motion carried unanimously.

(d.) To consider proposed text changes to the Ludington Zoning Ordinance #23-00 in order to add Article 400.19, US-10/M-116 Corridor Overlay Zone.

Close Public Hearing

Chairman Coleman read the purpose of the US-10/M-116 Corridor Overlay Zone. He stated that it was basically a site plan review for driveways. The County, township and City would work together. This has been adopted by the County. Manistee has adopted a similar ordinance for US-31.

Commissioner Schnitker was excused from the discussion due to a conflict.

Chairman Coleman made a motion to recommend to City Council for approval, text changes to the Ludington Zoning Ordinance #23-00, in order to add Article 400.19, US-10/M-116 Corridor Overlay Zone, seconded by Commissioner Moloney. Motion carried unanimously.

NEW BUSINESS:
Appoint Sub-committees:

Text Committee: Kaye Holman, Gary Schnitker, Tom Coleman
Special Land Use: Mike Nekola, Chris Gamble, Joe Moloney
Zoning: Clay Olmstead, Bob Garrett, Lynn Pontz
Each sub-committee will choose their chairperson.

UNFINISHED BUSINESS:
Comprehensive Plan:

Chairman Coleman stated that this will be the fifth year of the Comprehensive Plan and it is time to start reviewing it again.

Vendors:
No Report

East Ludington Avenue Architectural Preservation:
Commissioner Schnitker reported that a workshop was held on January 30 by the Ludington Convention and Visitors Bureau. A number of people made presentations about historic districts, tax credits, markers, etc. As a result, the sub-committee met and has decided that our strategy may change. It may be more applicable to make this area a historic district.

Downtown Walk ability:
Commissioner Moloney reported that he would be working with West Shore Community College for eight more bike racks. There will also be a meeting with the Ludington Area Schools regarding safe routes to school.

Signs:
Chairman Coleman said that the committee keeps collecting information on signs. The sign ordinance has not been looked at for many years.

Wind Energy:
No report.

SITE PLAN REVIEW REPORT:
Commissioner Schnitker reported that a site plan review was held on January 26, 2009 for Reith Riley Construction, Inc. for a proposed berm on the east property line of 701 Maritime Drive. The site plan was approved with conditions.

COMMISSIONERS' COMMENTS AND COMMUNICATIONS:
Chairman Coleman read a proposed ordinance from Pere Marquette Township regarding daily/weekly rentals. The Township was asking for comments or suggestions.

Commissioner Gamble made a motion to postpone the reading of Chapter 7 of the City Charter, seconded by Commissioner Moloney. Motion carried unanimously.

ADJOURNMENT:
The meeting was adjourned at 8:29 p.m.

Respectfully submitted,
Carol Ann Foote, Recording Secretary

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Tom Coleman, Chairperson