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MINUTES

Committee on Development and Planning
Monday, May 1, 2017 @ 3:15 p.m.
Council Conference Room, City Hall 10th Floor

CALL TO ORDER

Called to order at 3:25 p.m.

PRESENT

Council Member Brown Clarke, Chair
Council Member Yorko, Vice-Chair- arrived at 3:41 p.m.
Council Member Houghton, Member
Council Member Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Susan Stachowiak, Planning & Neighborhood Development
Brandon Waddell, Assistant City Attorney
Susan Stachowiak, Planning Neighborhood & Development
Larry Dressel, Greenkey, LLC
Andy Green, Greenkey, LLC
Tiffany Dowling, M3 Group
Scott Schmidt
JP Buckingham, TriTerra
Eric Pratt, LEAP
Joann Mock

PUBLIC COMMENT

Nothing on this time.

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MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM APRIL 3, 2017 AS PRESENTED. MOTION CARRIED 3-0.

DISCUSSION/ACTION

RESOLUTION- Set the Public Hearing; Brownfield Redevelopment Plan # 69; 221 West Saginaw Avenue Redevelopment Project

Mr. Pratt informed the Committee the request was for a former church assembly building, and the applicant was proposing to convert the church assembly into a commercial office. In November 2016 City Council approved a 12 year OPRA for this same property. Under the

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OPRA approval the applicant started the renovation and during that they found contamination and remnants of the contaminants. The activities for abatement fall under a Brownfield, and after approval of a Brownfield, they can use those funds. Council Member Brown Clarke referred the Committee to page 4 which listed the eligible activities which included asbestos abatement for \$25,000; and base paint abatement for \$10,000; site preparation at \$5,000 which totals \$40,000. Ms. Dowling then offered renderings of the two levels and the mezzanine, along with photos of the interior of the project. Mr. Pratt added to the presentation that the plan will utilize site remediation funds of \$40,000 to pay back over 10 years, with no impact on any taxing jurisdictions.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR BROWNFIELD #69 FOR 221 WEST SAGINAW AVENUE REDEVELOPEMNT PROJECT FOR MAY 22, 2017. MOTION CARRIED 3-0.

RESOLUTION – Set the Public Hearing; Brownfield Redevelopment Plan # 68; 513 & 515 W Ionia Street; Belen Buildings Redevelopment Project

Mr. Pratt informed the Committee of the proposed renovations of 2 buildings formally Belen Flowers, but currently vacant. It will be a 9,500-sq. ft. mixed use project with commercial on the first floor and 6 market rate residential units on the upper floor. The developer will invest \$1.2 million with a \$220,000 Brownfield reimbursement. Council Member Brown Clarke referred the Committee to page 3 for the Brownfield breakdown of the total reimbursement of \$220,420 to the developer.

Mr. Schmidt and Mr. Buckingham presented color renderings of the project, noting most of the funding would be for the interior. The Committee discussed the parking, and were informed there would be 11 spots on site in the rear of the building.

Council Member Brown Clarke asked if there was a business plan. Mr. Schmidt confirmed there were two businesses who have signed the letters of intent, one an office use and one a retail use.

Council Member Hussain asked what the breakdown of costs would be. Mr. Schmidt stated that the interior projects will consist of asbestos abatement, demo, new electrical and framing. The exterior costs will be for concrete, asphalt and rain gardens.

Council Member Hussain asked if there were any new City taxes. Mr. Buckingham stated there would be \$26,000 through the 19 year plan, and \$20,000 would go back to the City in debt, bringing the total to \$50,000. Council Member Brown Clarke referred the Committee to page 7 for the breakdown.

MOTION BY COUNCIL MEMBER HOUGHTON TO THE RESOLUTION TO SET THE PUBLIC HEARING FOR BROWNFIELD PLAN #68 FOR 513 & 515 W. IONIA STREET PROJECT FOR MAY 22, 2017. MOTION CARRIED 3-0.

RESOLUTION – Set the Public Hearing; SLU-1-2017; 700 E. Oakland; Residential Use in “I” Heavy Industrial

Ms. Stachowiak detailed the location which is north of the Motor Wheel Lofts and the former North Precinct. Currently the property is a parking lot, and the applicant wants to construct apartments. There was a SLU approved already by Council in 2014, but the applicant has proposed to increase the units and potentially the height of the building. Staff recommends approval of the SLU. Council Member Brown Clarke asked why they can't amend the original

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SLU. Ms. Stachowiak stated that any proposal that have any substantial changes, will need to apply for a new SLU for those changes. In regards to the parking, there will be surface parking and some parking under the structure. They have proposed 522 units, but that will be limited by the parking that will be required. Council Member Hussain asked what the rental rates will be. Ms. Stachowiak confirmed it will be 100% market rate. For green space, since there will be surface parking, they are proposing green roofs.

Council Member Yorko asked what SLU would be for. Ms. Stachowiak stated to allow residential use in an industrial use. Council Member Yorko proposed a program she knew of in other communities that offer a density bonus if there is a percentage of affordable units. That information will be provided to the other committee members.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR SLU -1-2017 AT 700 E. OAKLAND FOR JUNE 12, 2017. MOTION CARRIED 4-0.

RESOLUTION – Introduction & Set the Public Hearing; Z-2-2017; 5025 S. Pennsylvania; E-2 Local Shopping to F Commercial

Ms. Stachowiak explained the location of the site and the history that the current use of a dispensary was established before the moratorium. The applicant is requesting the rezoning so when the Ordinance on Medical Marihuana is passed they can continue to operate in the location as a conforming use. Ms. Stachowiak confirmed all the other 3 corners are currently F Commercial. The Planning Board recommends approval, and there were no public present at the public hearing at the Planning Board.

Council Member Hussain asked when they opened the dispensary. Ms. Stachowiak stated it was 18 months ago. Council Member Hussain then asked other Committee members what the zoning allowance was when the first Ordinance on Medical Marihuana was. Council Member Houghton stated zoning was not addressed just a required license. Council Member Hussain pointed out to the Committee that the City is shutting down a dispensary if it is not zoned appropriately, and he is struggling with rezoning property for a dispensary when the Council is still working on the ordinance on medical marihuana. Council Member Hussain suggested that Council needs to be careful with their decisions, and if they are taking a stance it needs to be consistent. Council Member Brown Clarke stated that Council needs to have a structure to be consistent with the process.

Council Member Yorko asked Ms. Stachowiak if there was ever an instance where there was a business that started operating illegally, and then came in to correct it. Ms. Stachowiak noted that the current use was put in 100% legally, when they went in they were told they could go anywhere retail was allowed. She noted that the ordinance the Committee is working on now would not allow, so the applicant is asking to rezone so they can continue to operate.

Council Member Hussain noted they are currently operating illegally because there is a 2011 ordinance in effect requiring licensing, along with other Attorney General decisions.

Council Member Brown Clarke pointed out that the current request is to set the hearing, and having the hearing would not provide approval or denial, but offer them the same opportunity as any other rezoning request. Council Member Hussain asked if the Committee had ever rezoned something that was operating illegally. Council Member Brown Clarke acknowledge there has never been a similar situation where a use was influx, and once a zoning is in place with the Ordinance on Medical Marihuana, they can hold people accountable.

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Council Member Hussain stated his opinion that this establishment is operating outside of the Federal law, and MMMA.

Council Member Yorko asked why the ordinance on medical marihuana was not in General Services for licensing or with Development and Planning for zoning.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR Z-2-2017 FOR 5025 S. PENNSYLVANIA FOR JUNE 12. MOTION 3-1.

RESOLUTION – Introduction & Set the Public Hearing; Z-3-2017; 3512 S Martin Luther King Jr.; F Commercial and J Parking to H Light Industrial

Ms. Stachowiak stated the applicant was looking to rezone the property for an outside storage use. They will keep the property along Holmes as F commercial to keep it consistent with other properties in that area. During the Planning Board hearing, there were no objections. Council Member Browne Clarke asked if some storage would be used for car storage. Ms. Stachowiak referred to the planning packet and confirmed it will be allowed with open and covered parking. Council Member Brown Clarke asked if there would be any green space, and Ms. Stachowiak confirmed the 125' along Holmes will remain green and they may utilize for storm detention. If a fence is required they will incorporate that with the other black decorative rod iron fencing they plan for the entire site.

Council Member Hussain spoke in support of the applicants based on his experience in Ward 3 with their projects in eliminating blight and installing beautification.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR Z-3-2017; 3512 S MARTIN LUTHER KING JR. FOR JUNE 12, 2017. MOTION CARRIED 4-0.

RESOLUTION – Introduction & Set the Public Hearing; Z-8-2016; Rezoning 3001 S Washington Avenue; D-1 Professional Office and J- Parking District to F- Commercial District

Ms. Stachowiak informed the Committee that the applicant is asking for the rezoning so the current tenant can continue to use the space as a dispensary. Ms. Stachowiak confirmed it was approved by the Planning Board because there are already F Commercial to the north of the property. She added it was zoned F Commercial once before, but in 2002 the previous tenant, a day care, wanted to down zone to E-1. Ms. Stachowiak then outlined the history of the current tenant, when staff was made aware of the non-conforming use, they approached the owner and told them they needed to rezone. At that point, once application was made there is a stay of enforcement until a decision on the rezoning is made. Lastly, Ms. Stachowiak added that the abutting property is a church, so even if it gets rezoned there is the issue with the church next door.

Council Member Houghton asked if the Committee did not know of the current use, what would the zoning recommendation be. Ms. Stachowiak stated again they would recommend the rezoning because F Commercial makes sense, and it was zone F once before.

Council Member Hussain asked how close the property is to Washington Park, and it was stated it could be 500 ft.

Mr. Dressel, on behalf of the owner, assured the Committee he represented the owner not the tenant. The owner had made improvement to the building and was using it as a health center,

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and was approached by the current tenant to open a dispensary. Mr. Green informed the Committee he was not at the meeting for a dispensary, but to zone it to commercial. If the tenant leaves he would find a commercial use to recoup his investment.

Council Member Hussain asked Ms. Stachowiak when the department believes the dispensary was opened. Ms. Stachowiak answered it was March 2016 and is currently still open under a stay of enforcement because they have applied for the rezoning.

Council Member Brown Clarke stated her intentions to move the request to the next meeting to meet with the City Attorney on the potential outcome of the rezoning. Mr. Dressel stated waiting would only delay moving forward with the current tenant.

Council Member Brown Clarke moved the application to pending until the next regular scheduled Committee meeting for further research and discussion with the City Attorney.

Council Staff confirmed that with the delay to the next meeting May 15th. It was noted that after Committee approval that day to set the public hearing, it would go to the Council meeting the same night to set the hearing and it would occur on June 12th. This would be the same timeline as if action had taken at this meeting.

Adjourn at 4:30 p.m.

Submitted by, Sherrie Boak, Recording Secretary,
Lansing City Council

Approved by the Committee on _____