



MINUTES

Committee on Development and Planning

Monday, May 15, 2017 @ 4:00 p.m.

Council Conference Room, City Hall 10th Floor

CALL TO ORDER

Called to order at 4:00 p.m.

PRESENT

Council Member Brown Clarke, Chair
Council Member Yorko, Vice-Chair- arrived at 4:04 p.m.
Council Member Houghton, Member
Council Member Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Susan Stachowiak, Planning & Neighborhood Development
Bill Rieske, Planning & Neighborhood Development
Brandon Waddell, Assistant City Attorney
Kathy Prout, Central United Methodist Church
Rev. Linda Farmer- Lewis, Central United Methodist Church
Penny Zago, Central United Methodist Church
Larry Dreskell
Ricardo Brusala
Gordy Green
Steve Green
Jerry Sleer

PUBLIC COMMENT

Nothing at this time, they will be addressed during the agenda items.

MINUTES

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM MAY 1, 2017 AS PRESENTED. MOTION CARRIED 3-0.

DISCUSSION/ACTION

RESOLUTION – Introduction & Set the Public Hearing for the Establishment of a Historic District for Central United Methodist Church

Mr. Rieske reminded the Committee that in December 2016 the Council approved the establishment of a historical study group to see if there was a determination to make the

property a historic district. The study in the packet outlined the information on the property including their placement on the National and State Register in 1980. The final report was sent to the Planning Board with no recommendations and the State Historic Preservation, whose comments were incorporated into the report.

Pastor Farmer-Lewis confirmed they had spoken to the neighboring churches, that the church was the only surviving “roman-isc” church still standing, and assured the Committee they have no intentions of selling or moving, but will preserve and protect from someone who might want to develop.

Council Member Hussain and Houghton acknowledged the church for the report and encouraged them to reach out to the Central Business District to get in their marketing publications.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR THE ESTABLISHMENT OF A HISTORIC DISTRICT FOR CENTRAL UNITED METHODIST CHURCH FOR JUNE 12, 2017. MOTION CARRIED 4-0.

Z-9-2016: Rezoning 2122 N MLK & Vacant Properties from Residential, Community Unit, Apartment Shop, Commercial and Parking to “H” Light Industrial, “G-2” Wholesale and “F” Commercial

Council Member Yorko asked about the concerns from the public hearing on the buffering concerns. Ms. Stachowiak pointed out to the Committee that any person could come in today, cut the trees and build an apartment building 15’ from property line, as the current zoning stands, and they would only have to put up 6’ high evergreens. Under the requested G-2 Whole sale, the minimum setback to the East is 15’, however after hearing the residents the applicant proposed another 15’ totaling 30’, then adding in another 15’ from that for the building, bringing the property line 45’ from the building. The only thing behind the building in the closest 15’ would be the required fire lane, so the other 30’ will remain the existing trees, undisturbed. Ms. Stachowiak informed the Committee that the applicant’s intentions would be for self-storage units which mean no odors, no vibrations, no traffic, and no noise. Council Member Yorko asked what the difference is between “Light” and “Heavy” industrial. Ms. Stachowiak answered that the “Heavy” is processing of raw materials and drop forge, “Light” would be working with already processed materials and could be assembly, distribution, already processed goods. She also pointed out that the only areas for “Light Industrial” is the area to the West where the bowling alley was. Council Member Hussain asked if at the Planning Board hearing if all the residents who attended were only concerned with the buffering, at which Ms. Stachowiak confirmed.

Mr. Brusala spoke in opposition to the rezoning due to his concern with the removal of the existing topography on the East side of the property.

Mr. Sler spoke in opposition to the clearing of the trees for the buffer.

Council Member Brown Clarke provided information to the public that reiterated the fact that the property is not City property, therefore the Committee and Council can only make decisions on if the application is concurrent with the zoning ordinance.

The Committee reviewed the layout of the parcels and dimensions for a comparison of the the proposed 45’ set back would be. Council Member Houghton asked Ms. Stachowiak if the

property was rezoned or stayed the current zoning, could the applicant clear the trees, at which Ms. Stachowiak confirmed they could and could even go up to the property line. Council Member Brown Clarke stated again to the public that the City cannot tell the applicant they can't cut down the trees, the Committee and Council can just make sure they follow the zoning ordinance, and the applicant has agreed to a conditional rezoning with the 45' setback.

Mr. Brusala asked who owned the land, and staff confirmed the applicant purchased it even before the bowling alley closed.

Council Member Hussain voiced his concern that in "Light Industrial" there could be the potential for medical marihuana. Council Member Brown Clarke added that the applicant has never stated that is their intention.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE ORDINANCE FOR THE REZONING Z-9-2016 FOR 2122 N MLK AND VACANT PROPERTY TO "H" LIGHT INDUSTRIAL, "G-2" WHOLESALE AND "F" COMMERCIAL. MOTION CARRIED 4-0.

Ordinance Amendments to Section 1240.03- Defining "Garden"

Council Member Brown Clarke referred the Committee to the letter from the Office of the City Attorney which offered clarification on the Farm Act, gardening, garden structure and open places. The ordinance in front of the Committee was the same draft they saw when they set the public hearing, and what was in front of the Council during the hearing.

Council Member Hussain asked if Code Enforcement and Zoning will enforce the Ordinance, and Ms. Stachowiak confirmed. Council Member Hussain then provided his concerns with allowing gardens on vacant lots, rodents, blight, and the enforcement piece, in addition to enforcement of Land Bank properties. Council Member Brown Clarke assured Council Member Hussain that the Land Bank is responsible for their properties even if there is a garden on it, and they have told the City they will have compliance within 48 hours of notification of the violation. Council Member Hussain was encouraged to provide zoning a list of lots he has witnessed issues with.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE ORDINANCE AMENDMENTS TO SECTION 1240.03 – DEFINING "GARDEN". MOTION CARRIED 4-0.

Other

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

Council Member Brown Clarke confirmed this item was pending from last meeting due to the need for clarification from Law. The questions asked of them included does the Committee look at the landlord request and the tenant use separately, and what to do if the use of a medical marihuana dispensary is located there illegally what they need to do. She then confirmed she had had a conversation with City Attorney Smiertka and Mr. Waddell (present) who confirmed they need to look at the zoning application which is in front of them, and the landlord needs to address the illegal use of his property with his tenant. Ms. Stachowiak added to the conversation that the request is coming through based on the most recent version of the Medical Marihuana ordinance and how they can comply if it passes. In this case she noted, even if that ordinance passes, the use is in violation of the required setbacks from a church of its use, and they have not even checked into the other required setbacks from a park or school. The tenant was notified of their use violation, and immediately applied for a rezoning, and that is where the case stands thus far. Ms. Stachowiak stated again that even if the rezoning was

approved the use would be illegal and would have to cease, and the owner is aware of that. Law had no comments at this time. Council Member Brown Clarke focused the discussion on the rezoning request at this time. Council Member Yorko asked if the requested zoning is consistent with what is elsewhere in the area. Ms. Stachowiak confirmed that the dominant zoning in the area is office and residential and the only reason the staff supports it is because there is "F-1" to the North, and it was zoned "F-1" before but the owner at that time wanted a day care, so rezoned for their use. If the rezoning fails and it stays professional office, they can have an office or child care.

Mr. Dreskell stated that if the property was rezoned and the tenant could not stay there the owner would look at a bakery, coffee shop, hair salon use.

Mr. Waddell added to the conversation that Law looked at this property currently with no Medical Marihuana Ordinance on the books, so they have to look at the application under the Master Plan. A final decision from law on the medical marihuana issue could not be stated by Law until the Ordinance is on the books.

Council Member Houghton asked if "F-1" moving forward could be consistent with the way it is now and the future, and Ms. Stachowiak confirmed.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE INTRODUCTION AND SETTING OF A PUBLIC HEARING FOR THE REZONING Z-8-2016 FOR 3001 S WASHINGTON AVENUE TO "F" COMMERCIAL. MOTION CARRIED 3-1.

Council Member Brown Clarke asked Council Member Hussain what version of the Ordinance on Medical Marihuana the Committee on Public Safety was currently reviewing, if it was their last draft, and if they were close to setting a public hearing. Council Member Hussain confirmed it was version 6D, confirmed his belief they were close to final version and he had hoped the hearing would be soon. Council Member Brown Clarke then proposed reviewing it at the next Committee on Development & Planning meeting for the zoning topics, and to keep the process moving the Council. Mr. Waddell confirmed that since there were two members from Public Safety on this Committee they can have cross conversations. The Committee concurred to meet on Tuesday, May 23rd at 4:00 p.m. with this being the only topic.

Adjourn at 5:07 p.m.

Submitted by, Sherrie Boak,

Recording Secretary,

Lansing City Council

Approved by the Committee on June 5, 2017