



MINUTES

Committee on Development and Planning

Monday, July 17, 2017 @ 4:00 p.m.

Council Conference Room, City Hall 10th Floor

CALL TO ORDER

Called to order at 4:06 p.m.

PRESENT

Council Member Brown Clarke, Chair
Council Member Yorko, Vice-Chair
Council Member Houghton, Member
Council Member Hussain, Member -excused

OTHERS PRESENT

Sherrie Boak, Council Staff
Brandon Waddell, Assistant City Attorney
Michael Markey
Christopher Jackson
Anita Beavers
June Kenfield
Amy McBain
Jon Miles
Kathy Miles
Michael Morofsky
Kari Ross
Gregg McClintic
DG Frettier
Elaine Womboldt
Nick Tate, Assistant City Attorney

PUBLIC COMMENT

Public Comment was available during each agenda item and at this time. No public comment at this time.

MINUTES

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM JUNE 19, 2017 AS PRESENTED. MOTION CARRIED 3-0.

DISCUSSION/ACTION

RESOLUTION – ACT-12-2016; Vacate Jerome Street between Pennsylvania and Holmes (Sparrow Hospital)

Council Member Brown Clarke noted that per the request from the Planning and Neighborhood Development Department, the request was requested to be placed as pending/tabled until a future date so they can continue to work with Sparrow Hospital on fine tuning the resolution.

Council Member Yorko confirmed she had conversations confirming the bike access on Jerome will be maintained.

ORDINANCE - Z-8-2016; Rezoning 3001 S Washington Avenue; D-1 Professional Office and J-Parking District to F- Commercial District

Ms. Stachowiak confirmed for the Committee that the required public hearing was held, and the Committee is now considering final action. She also added that currently there is a medical marihuana dispensary on site, illegally. In addition she noted that if it is rezoned there are issues with the required setbacks of that current illegal use from a church and park. The applicant is aware of this but still wants to see the rezoning and if it is approved the dispensary would have to go, and it would be able to be marketed for other F-Commercial uses.

Council Member Brown Clarke asked if the dispensary was currently still in use, and it was confirmed, however Mr. Waddell noted they were sent a letter and had until this Friday, July 21st to respond to the City Attorney Office. If Law determines the dispensary is in violation they will be given a cease and desist letter, and will be given 30 days to close the business. If the illegal activity continues they will go to Circuit Court.

Council Member Yorko stated her approval of the rezoning which she believed fits in the Master Plan, and felt confident in the enforcement if it is found the use is illegal. She concluded that the Committee's role is not to address the legal issues.

Ms. Stachowiak assured the Committee that the staff recommends the approval because it too will not allow medical marihuana due to the required setbacks from other uses, but will allow other options. The property was F-1 Commercial 10 years ago, but the zoning was reduced for a day care at the site.

Council Member Houghton concurred with Council Member Yorko, and Council Member Brown Clarke reiterated that the Committee is charge of the zoning, and the illegal use is the secondary process addressed by Law.

Mr. Morofsky asked for the property location confirmation.

Ms. Womboldt stated she spoke in opposition on behalf of Old Everett Neighborhood after hearing their concerns and oppositions. She also spoke in opposition to the illegal use of the dispensary.

Council Member Brown Clarke reminded the Committee that at the last meeting this item was on the agenda, the owner informed the Committee he would have the tenant leave since it was illegal. Mr. Waddell to provide an update to the Committee on the dispensary by Friday after the deadline has based.

Council Member Yorko noted to the public that the Committee minutes will reflect to the Old Everett Neighborhood the statements made by Law, Ms. Stachowiak and Committee members on what the zoning does and does not allow. She concluded by reiterating that there will be a new tenant because the dispensary cannot be located in the proximity it is in relation to the Church property.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE ORDINANCE FOR z-8-2016 FOR THE REZONING AT 3001 S WASHINGTON AVENUE. MOTION CARRIED 3-0.

UPDATE - RESOLUTION – Introduction and Set a Public Hearing; Z-4-2017; Victor Avenue; Vacant Parcel (Tax ID# 33-01-01-29-259-1220) "B" Residential to "C" Residential

Ms. Stachowiak recapped the application which was to rezone the property to construct 3 duplexes instead of 5-6 single family homes which he could legally do without approval. The staff researched the neighborhood based on the last meeting, and it appeared there are currently 34 rentals in the 300ft notification area, which comes to about 80%. The issue of rentals is not the topic however; it is the rezoning to allow duplexes. Ms. Stachowiak also confirmed that the owner did meet with Colonial Village neighborhood.

Mr. Frettier asked if the association was notified, and was opposed of the removal of the trees which act as a buffer. Council Member Brown Clarke noted that the duplexes will also have green space, and potentially more than if the owner kept it as is, and built 6 homes in that same area.

Ms. Stachowiak assured the public that the zoning runs with the land, and has no effect on the ownership of the property. The zoning ordinance will tell them how to develop in regards to parking, number of units, setbacks, etc.

Ms. Kenfield with Colonial Village acknowledged the owner for their efforts to meet with them and they had extended an invitation to him to attend their Board meeting. Ms. Kenfield assured the Committee the owner represented Reid Machinery and the project very well. Ms. Kenfield then admitted that over the last couple years they have seen a rise in rentals and are discouraged with the proposed SLU to add duplexes which would add more rentals.

Ms. McBain, as a new resident in the area, asked if the master plan and master use allowed for the SLU proposed use, and then voiced her concern with the removal of the trees on the vacant lot. Council Member Brown Clarke assured her the plan does follow the master plan which calls for single family or duplexes. She added as of right now the owner could put 6 houses in and cut every tree without Council approve, so the Committee is looking at the best use. She concluded by confirming the granting of the SLU would not be precedence setting, and the task before the Committee at this time is to continue with the due process the applicant is entitled to, and set the public hearing. At that point it will be in front of the whole Council. Ms. Stachowiak also confirmed the master plan calls for higher density single family and two family. Council Member Yorko noted to Ms. McBain that the City Master Plan was on the website under "Design Lansing", and is reviewed every 5 years.

Ms. Miles voiced her concern on additional traffic considering the route is a bus route and ambulance route. Council Member Brown Clarke acknowledged her concern, but reiterated that the task in front of the Committee at this time is not to approve or deny but to schedule the public hearing.

Mr. Markey, as a resident in the neighborhood for over 40 years, spoke in support of the rezoning, noting that the owner could put in 6 homes, and if homes are built that brings in more taxes, support for the schools and the businesses.

Ms. Beavers supported keeping the existing trees on the lot and opposed the SLU.

Council Member Brown Clarke again stated to the public that as the property currently sits the owner can cut all the trees down, and potentially build single family homes on the 6 lots. The public comment was acknowledged and appreciated by the entire Committee, however it was stated again this meeting was to set the hearing, not make the final decision.

Mr. Miles asked if the approval was granted, what could stop the owner from moving further into the neighborhood with other development. Council Member Brown Clarke noted that the agenda item for discussion, public comment and action is to set the public hearing for this application.

Ms. Womboldt spoke on behalf of Colonial Village whom she stated informed her they wanted it to stay the way it is.

Mr. Morofsky also stated he spoke to the neighborhood and his opinion was they all wanted single family not duplexes.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION TO SET TH PUBLIC HEARING FOR AUGUST 14TH, 2017 FOR Z-4-2017. MOTION CARRIED 3-0.

Ms. Ross asked if the rezoning would allow for apartments, and Council Member Brown Clarke assured her the zoning would only allow for single family or duplexes.

ORDINANCE- Z-1-2015; 930 W Holmes; Rezoning a portion from "F" Commercial District to "G-2" Wholesale District

Council Member Brown Clarke note to the Committee that there are continued outstanding issues, however it was noted the project had already had its required public hearing in April, 2015. Prior to a final vote at Committee in 2015 these outstanding issues were asked to be addressed. The information on the issues of the owner meeting with the neighborhood and outstanding taxes we just presented to the Committee. Therefore the Committee held no discussions and asked for no comments, but set another meeting date of July 24th, 2017 @ 4:45 p.m. to address only this agenda item.

Ms. Womboldt spoke on the property, her understanding of the progress on the site, and spoke in opposition to the rezoning.

Council Member Brown Clarke assured the public that the Committee wants public comment, but want to make sure it is held and done in a supportive process to not be framed by one person or one groups perspective. Mr. Waddell confirmed that the public hearing requirement was met already and not required again, and also that there is not requirement that any applicant meet with the neighborhoods, not a charter requirement.

Council Member Brown Clarke provided Mr. Waddell with an email from Ms. Stachowiak on the request of the owner to move forward along with another email she had received inquiring on the process of the application. Mr. Waddell was asked to meet with the neighborhood representative. Council Member Yorko voiced a concern with the content of the email from Ms.

Stachowiak, and with the combination of both emails there was concern by all Committee members.

Mr. Tate was introduced as the newest assistant City Attorney.

Adjourn at 5:15 p.m.

Submitted by, Sherrie Boak,

Recording Secretary,

Lansing City Council

Approved by the Committee on September 18, 2017

Opposing the zoning for 930 W. Holmes at July 17, 2017 Meeting
Development and Planning Committee Meeting

I believe it is important to talk about the history relating to the rezoning of 930 W. Holmes property.

February 3, 2015: I attended the Planning Board meeting. During public comment, I stated the reasons Rejuvenating South Lansing opposed the rezoning of this property.

March 3, 2015: Planning Board meeting, it approved for rezoning but only after the following 3 conditions were completed. This is part of the Conditional Zoning that was to be added to the property.

- 1) No Chain-link, wire, wood or vinyl fence will be constructed on the property,
 - 2) Exclude an area along W. Holmes Rd and front property & Washington Avenue to help with the flooding issue relating to drainage;
 - 3) Plans must be developed to show the landscaping changes in this area.
- These conditions were sent onto the Development and Planning Committee

As of today, July 17, 2017 they have not been completed

On April 13, 2015: The issue of rezoning was brought before City Council. After Rejuvenating South Lansing, several neighborhood representatives and citizens made public comment it was decided to send the rezoning of this property back to Development and Planning where Councilmember Tina Houghton was Chair, Judi Brown Clarke, Vice Chair and Vincent Delgado Member. It was then decided by Mr. Yono to pull the request from rezoning the property.

September 2015: On September 23, 2015. I attended the Development and Planning meeting opposing the rezoning in behalf of Rejuvenating South Lansing stating our reasons and also delivered a letter from Old Everett neighborhood opposing this rezoning. At that meeting, it was decided that all the requirements made by the Planning Board must be fulfilled, taxes must be paid up, the issues with the semi parking was to be corrected, and Mr. Yono was to set up a meeting with area neighborhoods to discuss his plan. **No further action was taken by Mr. Yono and the item was dropped from the agenda.**

As of today, July 17, 2017, this has not been done.

Since the last request in September 2015 Mr. Yono's property has had:

- 27 code issues including a trash notice sent out on July 10, 2017
- Numerous letters sent from Zoning office concerning semi-truck parking on the property
- Behind in back taxes: 2016 Winter \$5,120.36; 2016 Summer \$37,538.99;
- 2015 Winter \$6,549.64; 2015 Summer \$36,750.77. (\$85,959.76) And of course the current summer tax of approximately \$37,000.
- Notice of Forfeiture: Ingham County 3/27/17 \$48,815.64
- Martin Holmes LLC is owned by Salman Dominic Yono, 2458 Harness Dr. West Bloomfield MI
- GRSY Holdings, LLC is owned by Randy Yono, 20 W Adams, Detroit, MI
- There have promises made during this process that were not kept

Mr. Yono has not proven to be a responsible property owner by proof of his previous actions. At the June 19, 2017 Development and Planning meeting, Mr. Yono he stated he will pay his taxes when he

Page 2 of 2 Opposing the Rezoning of 930 W. Holmes.

gets the rezoning. His statement suggest to me that he is holding the City hostage for the payment of taxes. I believe he must be held accountable just like the rest of us do only on time.

Rejuvenating South Lansing strongly opposes the rezoning of 930 W. Holmes because of the past history of the property owner. I believe the facts support our reasons for opposing the rezoning. Our standards for property owners are the same as we have for residents, be contributors to the community and be responsible for your financial debts to pay for services you receive.

Thank you for your time.

Elaine M. Womboldt, Facilitator
Rejuvenating South Lansing
Where Everyone is a Neighbor