



MINUTES

Committee on Development and Planning Monday, August 7, 2017 @ 4:00 p.m. Council Conference Room, City Hall 10th Floor

CALL TO ORDER

Called to order at 4:04 p.m.

PRESENT

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

OTHERS PRESENT

Sherrie Boak, Council Staff
Brandon Waddell, Assistant City Attorney –left the meeting at 4:51 p.m.
Gregory Venker, Assistant City Attorney
Eric Pratt, LEAP
Deb Parrish
Gary Gartus
Michael Brogan
Tracey Sheldon
Carry Combs-Obel
Jon Snyder
Kathy Miles
Elaine Womboldt
Anita Beavers
Susan Stachowiak, Planning & Neighborhood Development
Ryan Wert
Stephanie Space
Joy Gleason

PUBLIC COMMENT

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

MINUTES

Council Member Hussain stated he would be submitting comments on the July 17th meeting even though he was not in attendance at that meeting. Council Member Brown Clarke moved

action on those minutes to the next meeting asking Council Member Hussain to forward those comments to Council Staff.

DISCUSSION/ACTION

RESOLUTION – Appointment of Stephanie Space; Building Board of Appeals; Term Expire June 30, 2020

Council Member Brown Clarke confirmed for the Committee that Ms. Space would be replacing Mr. Barry Wood who moved out of the City.

Ms. Space briefly outlined her experience with working in downtown and desire to use her career skills as a designer with Studio Intrigue Architects, by giving back to the community.

It was confirmed that all positions on the Board are At-Large positions per the PA 230 of 1972.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF STEPHANIE SPACE TO THE BUILDING BOARD OF APPEALS WITH A TERM TO EXPIRE JUNE 30, 2020. MOTION CARRIED 3-0.

Council Member Brown Clarke stated she would ask the Council President to move action on this item up to the beginning of the Council agenda on August 14, 2017.

DISCUSSION – Request for Extension of NEZ Certification No. 2007-0092; Capitol Properties, LLC

Mr. Brogan noted that the request was for an extension. Effective 1/1/2016 last 3 years are at 90% tax, however they purchased in 2005 and worked with EDC at the time. The EDC does not address the Certificate from the 12 year time line to the 9 year time line which was established 1/1/2016. They are requesting a 15 year exemption so that they will catch up on the 3 years lost when the State changed the Certificates from 12 year certificates to 9 years certificates. Their request is because they were originally granted 12 years, and lost 3 of those years with the change in procedures so are requesting 15 years certificate to obtain those lost 3 years back. Council Member Brown Clarke asked what the City role would be in this request. Mr. Brogan stated that the City just needed to grant the resolution for the 15 years, with the original start date. There will not be overlapping Certificate, the State will change the time frame from 12 years to 15 years. Mr. Brogan added that they are excepting the tax increase from 2016, they are acceptable to time out in 2021.

Council Member Brown Clarke stated the Committee will review for action at their meeting on August 21, 2017 and then move it to Council for their meeting on August 28th.

DISCUSSION – Developers and Public Input

Council Member Brown Clarke stated to the Committee and Law the concern that when a developer comes into the Committee, the Committee asks the developer to reach out to the community and neighborhoods, however it appears the developer is then targeted and there is a question as to what extent the Committee can hold the developer accountable for initiating meetings with the neighborhoods, if it is not a neutral discussion, the question would be then what is the purpose of asking the developers to reach out to the community.

Council Member Brown Clarke then distributed copies of neighborhood meetings to the Committee where comments and statements were made, and the Committee reviewed the document.

Council Member Brown Clarke asked Mr. Waddell the question, if the Committee tells the developer and holds them accountable to reach out to the community, does the developer have to provide proof of that meeting, and if the Committee makes contingencies that they do meet for public input, what structure should that request or contingency have. Mr. Waddell informed the Committee that he did review the Council rules, and there is nothing wrong when the Committee asks the developer to speak to the public, and hear what they have to say. There is a fine line on what the Committee can require the developer to do, and a cause of action, if they require a developer to do something outside of a public hearing. The law can require a public hearing but requiring a hearing with another organization and denying them of not having that meeting could cause legal issues. The Committee can request and encourage, but cannot deny. Council Member Brown Clarke stated to the Committee and the public that her intention is to be consistent on expectations, and encourage them to reach out to the neighborhoods. She then asked Mr. Waddell what can be said and what expectations can be expected. Mr. Waddell stated the Committee could ask for a "good faith effort", but at the end of the day they cannot require. The public hearing covers the neighbors meeting.

Council Member Hussain asked, in regards to a property at 930 W. Holmes, if a hearing 2 years ago satisfies the hearing requirement or if a 2nd hearing is required. Mr. Waddell stated he would double check, but added that at the end of the day, no neighborhood meeting is required.

Ms. Womboldt asked for a copy of the handout the Committee received at the beginning of the meeting, at which Council Member Brown Clarke stated she would get her a copy and Council Member Hussain gave her his. Ms. Womboldt defended the handout which was notes from Rejuvenating South Lansing, at which she stated the group promotes positive energies in South Lansing. She added that all information is provided to anyone who signs up for her emails. Ms. Womboldt also noted her belief that the notes were freedom of speech and her opinion that the Rejuvenating South Lansing was being harassed. Ms. Womboldt then moved her comments to the property at 930 W Holmes, and the history of meetings. She then referenced a brochure distributed by the developer which included comments from her. Lastly she spoke in opposition to the application for 930 W. Holmes, and recapped a conversation she had with the owner at the elevator, at which it was pointed out to her that that discussion was hear say. For clarification to Ms. Womboldt, Mr. Waddell defined "hear say" as an out of court statement, saying what someone told you without that person here is "hear say".

Ms. Miles stated she spoke to June Kenfield who stated to her she kept a phone log and some to the owner on July 11th. Ms. Miles was informed that too was hear say, and she then stated should could provide Ms. Kentfield's phone number.

Council Member Brown Clarke reiterated that the topic on the agenda today was to clarify what can be said to the developer and what the expectations are for appropriate public input.

Ms. Parrish asked if the handout today would be part of the minutes and Council Member Brown Clarke stated it would be.

Ms. Gleason asked if from this point going forward, will Council seek to find a way to more permanently clarify and define what should be the process for developers. And if there will be a process started to change the ordinance in the future. Council Member Brown Clarke agreed that she is looking at what can the Committee guide is when they we ask a developer to reach out to the residents and neighborhoods. The Committee needs clarification on what their ability is to use the neighborhood meeting as a compliance standard and what should they be expecting, because the Committee cannot overstep their bounds. Another question she noted,

was if the Committee can require that the developer pay their taxes. Mr. Waddell was asked to bring back information on what the Committee can and cannot ask for Committee approval or conditions.

RESOLUTION – SLU-2-2017; 3600 N Grand River Ave.; Residential Land Use in the “H” Light Industrial District

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION FOR THE SLU-2-2017 ON 3600 N GRAND RIVER. MOTION CARRIED 3-0.

RESOLUTION – Set the Public Hearing; IFT-1-17 Certificate; Cameron Tool; 1800 Bassett

Mr. Pratt noted that in 2014 the District was created, and the applicant has met all the requirements and continues to be successful.

Ms. Sheldon informed the Committee that Cameron Tool intends to add on 20,000 of manufacturing space, with the hopes of adding 10-15 new employees over the next 5 years. Currently they staff 85 employees and 14 apprentices.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR AUGUST 28, 2017 FOR IFT-1-17 CERTIFICATE FOR CAMERON TOOL; 1800 BASSETT. MOTION CARRIED 3-0.

Mr. Pratt informed the Committee that the IFT Certificate abates 50%.

RESOLUTION – Set the Public Hearing; OPRA Certificate; 1101 S. Washington Avenue; Super Fancy Too, LLC

Mr. Pratt reminded the Committee that Council has already approved the District for this property and the property at 1103 S. Washington, and this would be for the Certificate for both properties. The intention is for the property at 1101 S. Washington to move into their site by year end, and 1103 S. Washington has plans to be in during 2018.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE HEARING FOR AUGUST 28, 2017 FOR THE OPRA CERTIFICATE FOR 1101 S WASHINGTON AVENUE; SUPER FANCY TOO, LLC. MOTION CARRIED 3-0.

RESOLUTION – Set the Public Hearing; OPRA Certificate; 1103 S Washington Avenue; REO Life, LLC

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR AUGUST 28, 2017 FOR THE OPRA CERTIFICATE FOR 1103 S WASHINGTON AVENUE, REO LIFE LLC. MOTION CARRIED 3-0.

RESOLUTION – Set the Public Hearing; An Amended OPRA Certificate; 629 W. Hillsdale; DED Development, LLC

Council Staff read a letter dated June 29, 2017 from Mr. Jared T. Belka that clarified the request to amend the application to seek approval of an additional reduction of half the school operating and stated education taxes. The original request included this request but when it was submitted to the Treasury a “checked” box was removed and the Treasury as not able to consider the request. Mr. Pratt confirmed it was an administration error which created disapproval by the Treasury due to the technical issue. It is permitted under the ACT, and will not affect the prior action and will make the schools whole.

MOTION BY COUNCILMEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR THE AMENDED OPRA CERTIFICATE AT 629 W HILLSDALE, DED DEVELOPMENT LLC. MOTION CARRIED 3-0.

RESOLUTION – Introduction and Set Public Hearing; Z-5-2017; 1024 Lake Lansing Road; “B” Residential to “F-1” Commercial

Ms. Stachowiak detailed the location and current use of a vacant former party store. She also noted it has always been zoned residential because of the abutting residential properties. The applicant is asking to rezone to F-1 Commercial for a dispensary. Ms. Stachowiak noted that under all versions of the draft ordinances, this would qualify for a dispensary because it is more than 500 ft. from schools and churches.

Council Member Brown Clarke asked why this location was ever zoned residential in the first place. Ms. Stachowiak confirmed it was annexed into the City, and when properties come into the City they come in and the lowest residential density zoned property.

Ms. Miles asked if I was rezoned if it would qualify for medical marihuana potential, at which Ms. Stachowiak confirmed.

Ms. Parrish spoke in opposition to the rezoning, questioning their parking, also referred to an incident at 3001 S. Washington Avenue.

Council Member Houghton asked Ms. Stachowiak what the parking requirement would be, and Ms. Stachowiak informed the Committee it is based on the useable square footage of the building and the customer area. She noted that two (2) spaces may be enough.

Council Member Brown Clarke reminded the Committee of the due process requirement of a public hearing, and noted that after the public hearing it will come back to the Committee for consideration.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION FOR INTRODUCTION AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 11, 2017 Z-5-2017 FOR 1024 LAKE LANSING ROAD FROM B RESIDENTIAL TO F-1 COMMERCIAL. MOTION CARRIED 3-0.

Adjourn at 5:17 p.m.

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

Approved by the Committee on September 18, 2017