



MINUTES

**Committee on Development and Planning
Monday, September 18, 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
Jim Smiertka, City Attorney
Gregory Venker, Assistant City Attorney
Eric Pratt, LEAP
Susan Stachowiak, Planning & Neighborhood Development
Michael Markey, Del Vista LLC
James McGillie, Representing Mr. Singh
Andrew Burrows, My Space Lansing Storage
Kathy Miles
Elaine Womboldt
Mandeer Singh
Angela Bennett, Finance Director

PUBLIC COMMENT

No public comment at this time.

MINUTES

Council Member Hussain submitted written comments from Ms. Womboldt from the July 17th, 2017 Committee meeting. In addition he submitted comments on the August 7, 2017 Committee meeting minutes. After discussion by the Committee, Council Member Brown Clarke received the documents and placed them on the record as received at this meeting.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM JULY 17, 2017 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM AUGUST 7, 2017 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM AUGUST 21, 2017. MOTION CARRIED 3-0.

DISCUSSION/ACTION

RESOLUTION – Appointment; Douglas Mains; 2nd Ward; Planning Board; Term to Expire June 30, 2018

Council Staff confirmed attempts via email and phone, however no response. Council Member Brown Clarke moved the item to the next meeting, October 2, 2017.

RESOLUTION – Set 2nd Public Hearing; IFT-1-17 Certificate; Cameron Tool; 1800 Bassett
Council Staff distributed a new resolution to set a second hearing.

Mr. Pratt recapped the project of a \$4 million expansion on the applicant's current campus. The District was created in 2014. In this recent application for their expansion, a public hearing was already held August 28th, at which point the notifications were sent first class mail. The State statute requires the notifications be mailed certified mail. Therefore, Mr. Pratt was now asking to set a 2nd public hearing to meet the State requirement of the notification to be sent certified mail.

Council Member Brown Clarke asked if the scope would still be the same, but just a change in the format they mailed the notices. Mr. Pratt agreed.

Council Staff confirmed the hearing date would be set September 25, 2017 and the hearing itself will be held October 9, 2017.

Council Member Houghton asked if the second mailing would include any details on why the recipients would be receiving a second notice, and why the second hearing. Mr. Pratt stated normal practice would not, however he would attach a correspondence from his office.

MOTION BY COUNCIL MEMBER HUSSAIN TO SET A SECOND PUBLIC HEARING FOR OCTOBER 9, 2017 FOR THE IFT-1-17 CERTIFICATE FOR CAMERON TOOL AT 1800 BASSETT. MOTION CARRIED 3-0.

RESOLUTION – OPRA Certificate; 1101 S. Washington Avenue; Super Fancy Too, LLC

RESOLUTION – OPRA Certificate; 1103 S Washington Avenue; REO Life, LLC

Mr. Pratt recapped for the Committee that the buildings were combined physically and on the same parcel, and through collaboration they have already created their overlay district, and have now physically separated the buildings. The required public hearings were held on August 28th, and the final action for the Committee is to adopt the OPRA Certificates for both locations.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION FOR THE OPRA CERTIFICATE FOR 1101 S. WASHINGTON AVENUE. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION FOR THE OPRA CERTIFICATE FOR 1103 S. WASHINGTON AVENUE. MOTION CARRIED 3-0.

RESOLUTION – Set 2nd Public Hearing; Amended OPRA Certificate; 629 W Hillsdale; DED Dev. LLC

Mr. Pratt stated that the request was for an amended OPRA for the remodel at the former fire station. The original request included this application, 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. The second public hearing request, Mr. Pratt stated was because like the earlier IFT, the notifications are required to be sent via certified mail and they were not.

MOTION BY COUNCIL MEMBER HUSSAIN TO SET A SECOND PUBLIC HEARING FOR OCTOBER 9, 2017 FOR THE AMENDED OPRA CERTIFICATE FOR 629 W. HILLSDALE. MOTION CARRIED 3-0.

ORDINANCE – Z-5-2017; 1024 Lake Lansing Road; Rezone from “B” Residential to “F-1” Commercial

Ms. Stachowiak outlined the property, which she stated was located at the corner of New York and Lake Lansing and a former party store. The property was annexed into the City at the lowest density of residential, however has always been a commercial use. The property owner has moved out of the business and is seeking to rezone it to market it correctly. The Planning Office had received three communications on the request, 2 in support, 1 in opposition. The Planning Board recommends approval.

Council Member Brown Clarke recapped the Council public hearing on August 28th, where it was stated to the Council the owner would no longer seek to put a medical marihuana dispensary in the location.

Mr. McGillie, on behalf of the owner, assured the Committee that since the time of the application, and at the public hearing, they have determined they are no longer seeking to license a medical marihuana dispensary at this location. Their wish to rezone is to maximize the use at the location.

Council Member Houghton asked Mr. Smiertka for guidelines similar to what is use for SLU that the Committee and Council can determine what can and cannot be considered when making their decisions on rezoning’s’. Ms. Stachowiak confirmed there are nine (9) criteria items for a SLU and it can also be conditional. A rezoning cannot be conditional unless the applicant approaches it and signs a certified document with the conditions listed. Council Member Houghton asked for a list anyways, and Mr. Smiertka referred her to the staff report done by PND where each item is listed and answered by PND staff. Mr. Smiertka then asked Ms. Stachowiak if she could work on a draft check off criteria list for rezoning’s and forward that to Law to look at.

Council Member Brown Clarke restated to the Committee that the applicant has confirmed at the public hearing and this meeting that he will not seek a license to locate a medical marihuana dispensary in the location, but is seeking the rezoning to make it marketable.

Council Member Hussain spoke in opposition to the request, and voiced his concern that even with the owner pulling his statement that he would not do a medical marihuana dispensary in the location; he questioned what would prohibit him. Mr. Smiertka stated that he would need a State and local license, and the ordinance does limit the number to 25, which will not take effect until another 2 months.

Ms. Stachowiak stated that if medical marihuana dispensary is taken off the table, then she would recommend approval. The property has been commercial for years and since it is currently vacant, it will lose its status of non-conforming, at which it would lead to a residential structure, and the lot is too small for that. Under their current, as long as it is not vacant for longer than a year, (vacant as of July 2017) it can continue in a commercial non-conforming zoning use. Ms. Stachowiak asked the applicant and their attorney if they would consider a conditional rezoning clearly stating no medical marihuana. Mr. Singh and Mr. McGillie agreed.

Council Member Hussain continued with his concerns with the application.

Council Member Brown Clarke recapped that Mr. McGillie and Mr. Singh both agreed to a conditional rezoning, and then asked them to work with PND staff and the City Attorney to submit their request for what would now be a conditional rezoning back before the Committee on October 2, 2017.

Council Member Hussain asked for clarification on the question, if the rezoning request fails at Committee if it goes before the full Council for final action. Council Member Brown Clarke clarified that it has to be voted out of Committee and if it fails at Committee it will not move forward to the full body.

Ms. Stachowiak spoke to the applicant and his attorney, and informed them that she will work with the City Attorney office on their template for conditional rezoning, format it, and forward to the applicant.

Council Member Brown Clarke asked and was assured by Ms. Stachowiak that a second public hearing would not be required just because the applicant would now be seeking a conditional rezoning.

The topic of the rezoning for 1024 Lake Lansing Road will be back before the Committee on October 2, 2017.

RESOLUTION – Set the Public Hearing; SLU-3-2017; Del Vista, LLC, Residential Use in the “H” Light Industrial District, Vacant Property South of 322 Pere Marquette

Ms. Stachowiak stated the applicant is requesting the SLU to building residential units on the property. The area is located near the former Clara's and serviced Clara's as a parking lot. The staff supports the request and believes it is a better use than the others that could go there such as manufacturing or a body shop. Ms. Stachowiak concluded her presentation by stating that the applicant agreed to a conditional SLU that would intend to ensure the urban architectural design.

Council Member Brown Clarke asked about parking and access. Ms. Stachowiak stated they would access off Pere Marquette and the parking is going to be under ground.

Mr. Markey introduced himself as the applicant and added to the presentation that they propose to have 20-28 units depending on how they achieve their parking. Currently they are in the preliminary design phase.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR OCTOBER 23, 2017 FOR THE SLU-3-2017 REQUEST FOR THE VACANT PROPERTY SOUTH OF 322 PERE MARQUETTE. MOTION CARRIED 3-0.

Other

- DISCUSSION- Budget Priorities FY 2018/2019

Council Member Brown Clarke asked the Committee to review the document to look and point out priorities that pertain to the Committee on Development and Planning. Once the Committee decides on any updates or amendments they will be brought to the Committee of the Whole on September 25, 2017. Ms. Bennett then was asked if there were any priorities that needed to be updated, addressed or removed because they have been met. Council Member Brown Clarke reminded the Committee that they need to review them and move them forward if they are attainable. If Council chooses the priority, it needs to be able to provide a deliverable and in the City scope.

The Committee reviewed the document and after discussion decided on:

I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors.

a) The City's diverse economy generates and retains (sustains) high quality stable jobs that strengthen the sales and property tax base and contribute to an exceptional quality of life

(1) Economic Development The Administration should require a beautification standard/expectation and a storm water mitigation plan for all proposed development projects that receive incentives from the City. Such standards should serve as a planning and economic development tool that will enhance property values, create jobs, and revitalize neighborhoods and business areas. These standards and plan should be presented to the City Council.

c) The City's neighborhoods have various resources that allow them to be long term viable and appealing.

(3) Grocery Stores: The Administration and the City of Lansing Economic Development Corporation should pursue grocery stores in the urban core using all State and Federal incentives, such as Public Act 231 of 2008 (Tax Incentive for the establishment of retail groceries promoting healthy foods), the Federal Community and Economic Development Healthy Food Financing Initiative and the issuance of a national request for proposals, to be shared with the Lansing City Council, to encourage the location of urban grocery stores.

c) Support economic development initiatives that promote and retain new industries and markets.

V. Facilitating regional collaboration and connecting communities

a) *The City has a safe efficient and well connected multimodal transportation system that contributes to a high quality of life and is sensitive to surrounding uses.*

(1) *Corridor: City Council encourages the Administration continue to develop a plan and report its status to the Lansing City Council that seeks to revitalize and enhance all major corridors that lead into the City.*

b) *Seek a balanced distribution of affordable housing in the tri-county region.*

Council Member Brown Clarke asked Ms. Bennett if there were any of those priorities, under her perspective that she saw problematic. Ms. Bennett responded that she had not issues with the chosen items.

Council Member Brown Clarke asked the Committee to forward all suggested language changes with “track changes” to her by Friday, 9/22/2017 and she will compile into one document to report to the Committee of the Whole Monday.

ORDINANCE- Z-1-2015; 930 W. Holmes; “F” Commercial to “G-2” Wholesale

Council Member Brown Clarke referred to a Protest Petition that was submitted that the Planning and Neighborhood Development Office and Council offices earlier in the day.

Ms. Stachowiak clarified that after review by her office, the petition is not a “Protest Petition” citing the Michigan Zoning Enabling Act; 125.3403 which stated the protest petition had to be signed by 1 or more of a) the owners of at least 20% of the area of land included in the proposed change; b) the owners of at least 20% of the area of land included within an area extending outward 100feet from any point on the boundary of the land included in the proposed change; or c) publicly owned land shall be excluded in calculating the 20% land area requirement under subsection (1). Ms. Stachowiak stated that the preparers of the petition do not meet any of the three. If the petition did meet any requirements, it would need to have a vote of 6 Council Members to be accepted. Mr. Smiertka confirmed the same grounds are statutory in the Charter. Council Member Brown Clarke informed the Committee that based on the information that was just provided the document would be placed on file as part of the record, but will not be taken into consideration in the discussion or determination of the vote. She also added that based on the information that was provided at the last Committee meetings where this agenda item was discussed the Committee cannot take into consideration any unpaid taxes, uses, or violations.

Council Member Houghton asked Ms. Stachowiak what the difference was between the current F zoning and the “G-2” Wholesale. Ms. Stachowiak stated that “G-2” is required to allow for warehousing and storage.

Council Member Hussain voiced his concerns with the required public hearing being held in 2015, that there have been new owners and new businesses within the 300’ mailing area since then, and stated his opinion that it would set the City up for liability and would be interested in a second public hearing.

The consensus of the Committee was to consider a second public hearing.

Mr. Smiertka asked Ms. Stachowiak why the application sat idle for 2 years. Ms. Stachowiak stated she was not sure. It was noted the owner was not present to answer any questions.

Based on continued questions and statements made on the ownership of the property and authority for the application, she would be fine with a second hearing also allowing her time to verify.

Ms. Womboldt spoke in opposition to the rezoning request for the property, and submitted her comments in writing at the end of the meeting. (Attached).

Mr. Burrows, on behalf of My Space Self-Storage at 3512 S MLK, outlined the protest petition his client had him file. Mr. Burrows noted that his client was not in their current location when the first public hearing was held, and so felt they now want the opportunity to speak on it. Mr. Burrows and his client spoke in opposition to the rezoning application. Mr. Burrows then referred back to an earlier application for rezoning by his client at the property at 3512 S MLK where he stated he was informed by the Planning Staff they would need a 300' setback long Holmes Road, and therefore chose not to expand. Mr. Burrows stated his client believes the opinions are inconsistent.

Ms. Stachowiak confirmed she had met with the owner of 3512 S MLK, and told him staff would not support his rezoning because it was inconsistent with the land use master plan, and the applicant could have applied but staff would not support his request.

Council Member Brown Clarke pointed out to the public and staff that the Committee had already decided to hold a second hearing, so there will be time between these meetings, the public hearing and when it comes back to Committee for staff to research anything they think needs clarification.

Mr. Smiertka asked Ms. Stachowiak if she could look at how this application went through the Planning Board. Ms. Stachowiak agreed and stated she would also research the ownership issue that has been brought up in the past.

MOTION BY COUNCIL MEMBER HUSSAIN TO SET A SECOND PUBLIC HEARING ON Z-1-2015 FOR THE REZONING AT 930 W. HOLMES FOR OCTOBER 23, 2017. MOTION CARRIED 3-0.

Adjourn at 5:22 p.m.
Submitted by, Sherrie Boak,
Recording Secretary,
Lansing City Council
Approved by the Committee on October 9, 2017

Councilmember Adam Hussain, 3rd Ward
Development and Planning Committee, Member
August 7, 2017

Request for amendments to Draft Minutes dated Monday, July 17, 2017, 4PM Meeting

Councilmember Hussain,

After reviewing the draft minutes, I am requesting your assistance in asking for an amendment to the minutes in my behalf. I was in attendance and gave public comment during the meeting on July 17, 2017. I realize there is a lot of information to be put in the minutes, and Ms. Boak works hard to have everything included. I believe that these amendments are important from me because they reflect only my public comments. I want to make sure Friends of Rejuvenating South Lansing know their voices were heard as I represented them on July 17, 2017. I will try to be very brief and use as much of Ms. Boak's language as possible to make the changes.

I had submitted a copy of my public comment and requested it would be part of the packet. I checked and it was, however the letters were very small to read, for some reason. Also, two of the sentences did not come through after they were printed. I believe it could have been because I used red ink, I have changed the ink color to black but not any of the language.

To make it easier to read my changes I have bold lettered the language change. Thank you

Page 1: Under Ordinance –Z-8-2016; Rezoning 3001 S Washington Avenue; D-1 Professional Office and J-Parking District to F-Commercial District

7th paragraph: It begins Ms. Womboldt stated. . . .

Ms. Womboldt spoke in **behalf of Rejuvenating South Lansing and supported Old Everett Neighborhood opposing the rezoning** after hearing their concerns. She also spoke in opposition to the illegal use of the dispensary.

Page 4 of the Draft Minutes, 5th Paragraph: Ms. Womboldt spoke in behalf of **Rejuvenating South Lansing opposing the rezoning of this property**. She had attended Colonial Village Neighborhood meeting and heard their concerns and Rejuvenating South Lansing supports their opposing the rezoning.

Page 4 of Draft Minutes, 10th Paragraph: Ms. Womboldt gave a history of the 930 W. Holmes property since February 3, 2015 with explanation of the reasons Rejuvenating South Lansing opposed the rezoning. She provided written documentation of her public comment to be part of the public record.

If for any reason, my request will not be honored, I am formally requesting this document be put in as public comment and attached to the minutes for public record.

Sincerely,



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

A.H. submittal @ 9/18/17 mtg.

Councilmember Adam Hussain, 3rd Ward
Development and Planning Committee, Member
September 18, 2017
Request for amendments to Draft Minutes dated Monday, July 17, 2017, 4PM Meeting

Councilmember Hussain,

I have submitted two request to have the July 17, 2017 draft minutes amended but as of today, September 18, 2017 they have not been amended. You have also provided the information but it does not appear on line. minutes in my behalf. I was in attendance and gave public comment during the meeting on July 17, 2017. I believe that these amendments are important from me because they reflect only my public comments. I want to make sure Friends of Rejuvenating South Lansing know their voices were heard as I represented them on July 17, 2017.

I will try to be very brief and use as much of Ms. Boak's language as possible to make the changes. To make it easier to read my changes I have bold lettered the language change. Thank you

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Sincerely,



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

A.H. Schmitt @ MTS 9/18/17

Boak, Sherrie

From: Hussain, Adam
Sent: Wednesday, September 13, 2017 5:20 PM
To: judi.browneclarke@lansingmi.gov
Cc: Boak, Sherrie
Subject: D and P minutes

Let me first apologize for being so late in getting you the proposed amendments to the August 7th meeting minutes I told you I would get you a while back. However, please take a look at the proposed amendments below and consider adding them to the minutes in the packet. I can make the motion at committee but thought it might make it easier to do it this way. Thanks for your consideration!

Adam Hussain

1.) D and P Draft Minutes- August 7th, Pg. 20 (Kathy Miles notes)

There is a small line next to "Adam said...." under "Public Safety 4-5-17", paragraph 6. In the original documentation provided to the committee, there was a large sideways V which highlighted from "Adam said" in paragraph 6 to the end of the paragraph where it says, "They spent a lot of thoughtful time on document language...". The sideways v is now gone and in its place is the small hash mark. This was a major discussion point for the committee and I think it's important we get it right. When looking at the minutes from the 7th, it references these documents being handed out but the conversation between committee members is omitted. As a point of recall, after the notes were distributed, the highlighted portion was referenced as a troubling addition to the notes because it "reflects informal, personal conversations". It was at that point that it was mentioned by me that the notes actually reflected statements between committee members at a public safety meeting on medical marijuana. Can the notes be amended to reflect this conversation, please? Also, can we add back the large sideways v that was in the original document so that the notes from Kathy Miles aids the reader in understanding the conversation reflected in the minutes?

2.) Also, under "Discussion- Developers and Public Input", paragraph 5, I would like to propose the following amendments (I have put proposed language in red and current in black).

Ms. Womboldt, **facilitator of Rejuvenating South Lansing**, asked for a copy of the handout the Committee received at the beginning of the meeting **so she could see what Councilmember Brown Clarke was referring to**, at which Council Member Brown Clarke stated she would get her a copy **but** Council Member Hussain gave her his. Ms. Womboldt **explained Rejuvenating South Lansing was not a formal organization, didn't have officers or by-laws and was supported by her husband and her. She pointed out that the "formal minutes" Council Member Brown Clarke was referring to were informal notes and comments Kathy Miles took during public meetings and shared with people in order to disseminate information.** 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 the meetings. She then referenced a brochure distributed by the developer which included comments from her **that she said were inaccurate in detail and were never shared until she saw it at the D & P meeting and she asked to have them removed from the proposal.** Lastly she spoke in opposition to the application for 930 W. Holmes, and recapped a conversation she had with the owner **in the lobby**, at which it was pointed out by Council Member Brown Clarke **that she had heard enough and that it was hearsay.** Ms. Womboldt, **stated she didn't believe it to be hearsay.** Council Member Brown Clarke asked for **clarification on the legal definition of hear say** and Mr. Waddell defined hear say as "an out of court statement; saying what someone told you without that person here is hear say".

A.H. Submitter 9/18/17

Elaine Womboldt, Facilitator
Rejuvenating South Lansing
Opposing the zoning for 930 W. Holmes
Development and Planning Committee Meeting, September 18, 2017

This property is surrounded by Colonial Village, Old Everett Neighborhood and Rejuvenating South Lansing. All three groups have sent emails within the last few months to all Council Members stating they oppose this rezoning and their reasons

July 17, 2017, information was presented to this committee regarding the history of the rezoning of 930 W. Holmes. At that time I also provided documentation of back taxes since 2015 Summer Taxes and Notice of Forfeiture: Ingham County 3/27/17 \$48,815.64

As of today, September 18, 2017, total of taxes at the County are \$102,119.16, late Summer Taxes 2017 with the City of Lansing \$36,153.84 plus \$1,084.62 late fee. This brings the total as of today at 10:57AM at \$139,357.62. Let me also remind you, this property is in Forfeiture with Ingham County.

In the plan submitted to the Development and Planning Committee it stated that there would be \$3,000,000.00 spent on this project. I ask you, how can the owner/developer come up with \$3 Million dollars for development, when he doesn't pay his taxes for services he uses to protect his property like other business owners in Lansing. What would happen if all the business owners in Lansing decided they didn't need to pay their taxes?

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. **As of today, September 18, 2017 they have not been completed as I understand.**

The only Public Hearing was held on April 13, 2015. The issue of rezoning was brought before City Council. Emly Horne, with vast experience and knowledge in zoning gave public comment. Ms. Horne was a member of Zoning Board and Zoning Board of Appeals. She stating several reasons this property didn't qualify for rezoning with the current plan presented. Rejuvenating South Lansing, several neighborhood representatives and citizens made public comment also opposing the rezoning of 930 W. Holmes. It was decided to send the rezoning of this property back to Development and Planning. The developer requested to pull rezoning of the property.

- 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

I have heard much discussion at these meetings that the developer cannot be required by law to pay his taxes, or hold meeting with the neighborhoods to explain his plan. I question that interpretation of the law, but I am not an attorney. I believe this committee is responsible for hearing and looking at all the evidence to decide if there is proof it should be sent to Council for a vote for rezoning. In my opinion, it should be denied by this committee. Rejuvenating South Lansing continues to oppose this rezoning. Thank you for your time.

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

submitted Qm to 9/18/17