



AGENDA
Committee on Development and Planning
Monday, October 9, 2017 @ 5:00 p.m. (note day/time)
10th Floor Conference Room, City Hall

Councilmember Judi Brown Clarke, Chair
Councilmember Jessica Yorko, Vice Chair
Councilmember Tina Houghton, Member
Councilmember Adam Hussain, Member

1. Call to Order
2. Public Comment on Agenda Items
3. Minutes
 - September 18, 2017
4. Discussion/Action:
 - A.) ORDINANCE – Z-5-2017; 1024 Lake Lansing Road; Conditional Rezoning from “B” Commercial to “F-1”
5. Other
6. Adjourn

[illegible]

DRAFT



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 marijuana 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 marijuana 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 marijuana 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 marijuana 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.

d) 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 _____

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 -2-8-2016; 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. *9/18/17*
submission @ 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. *Womboldt* @ *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 on 9/18/17



OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Patricia Spitzley and Councilmembers
FROM: Mayor Virg Bernero
DATE: 7-27-17
RE: Z-5-2017, 1024 Lake Lansing Road

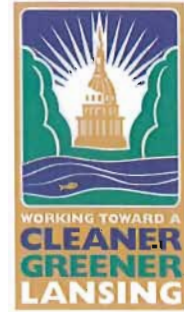
The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



Virg Bernero, Mayor

City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Z-5-2017, 1024 Lake Lansing Road

Date: July 18, 2017

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

GENERAL INFORMATION

APPLICANT/OWNER: Mandeep Singh
1020 Lake Lansing Road
Lansing, MI 48906

REQUESTED ACTIONS: Rezone 1024 Lake Lansing Road from "B" Residential District to "F-1" Commercial District

EXISTING LAND USE: Vacant Commercial Building (Former Babe's Party Store)

EXISTING ZONING: "B" Residential District

PROPOSED ZONING: "F-1" Commercial District

PROPERTY SIZE: 3,025 square feet - .069 acres

SURROUNDING LAND USE: N: Residential
S: Residential
E: Plumbing & Heating Co./Residential
W: Residential

SURROUNDING ZONING: N: "B" Residential District
S: "B" Residential District
E: "B" Residential District
W: "C" Residential District

MASTER PLAN: The Design Lansing Comprehensive Plan designates the subject property for "Medium-Low Density Residential" land use. Lake Lansing Road is designated as a collector road. New York Avenue is designated as a local road.

DESCRIPTION:

Z-5-2017. This is a request by Mendeep Singh to rezone the property at 1024 Lake Lansing Road from "B" Residential District to "F-1" Commercial District. The purpose of the rezoning is to permit a medical marijuana dispensary in the building at this location.

AGENCY RESPONSES

Building Safety: The BSO has no objections to the rezoning.

Development Office:

Parks & Recreation:	No comments.
Forestry:	There is one existing right-of-way tree on the New York side of this property. It is in fair to good condition. I did not find any request to remove it or to expand the existing drive approach. Therefore, I have no issues with the rezoning.
Public Service:	No comments regarding this zoning change.
Traffic Engineer:	

Background Information

The subject property contains a 1,894 square foot commercial building that was constructed in 1937 and has continuously been used as a neighborhood convenience store until very recently. In the early to middle part of the 20th century it was very common to have neighborhood stores so that residents had convenient access to basic goods such as milk, bread and eggs since most families at that time did not have more than one vehicle. While the area is primarily characterized by residential land uses, there is a commercial building, also constructed in 1937, to the east that is being used as a plumbing and heating business. Both of these sites are zoned "B" Residential. The first Zoning Ordinance in the City of Lansing was adopted in 1941 which is why these two buildings were able to be constructed despite the residential zoning designation.

The primary reason the applicant is requesting the rezoning is to permit a medical marijuana dispensary in the existing building at 1024 Lake Lansing Road. There are 2 drafts of an ordinance regulating medical marijuana dispensaries being considered by the City Council at this time. While it is acknowledged that the City is still in the process of developing an ordinance to regulate such facilities, the subject property is not within 1000 feet of any churches, schools, parks, child care centers or any other uses that may disqualify it from being used as a dispensary based on the ordinance drafts that have been considered thus far.

The other reason why the applicant is requesting the rezoning is to bring the commercial building on the subject property into compliance with the Zoning Ordinance. As a commercial building in a residential zoning district, it is considered nonconforming which means that:

- * If the building is damaged beyond 50% of its pre-catastrophic value, it could not be rebuilt except in conformance with the current zoning designation (single family residential).
- * The applicant is limited to 35% of the value of the building that can be put into it for repairs, improvements, etc.

The rezoning would bring the building into compliance with the Zoning Ordinance so that the applicant's investment is protected and the building can be improved without any monetary restrictions.

COMPATIBILITY WITH SURROUNDING LAND USE:

The property itself at 1024 Lake Lansing Road will remain exactly the same (no new construction) and will continue to be used for retail purposes. Under the proposed medical marijuana ordinance, the site would qualify for use as a medical marijuana dispensary and thus, the rezoning will not change the essential character of the area. It must be noted that the proposed ordinance is a work in progress and is subject to changes which may affect the applicant's ability to use the property for a medical marijuana dispensary, even if the rezoning were to be approved.

While the applicant is requesting the rezoning, in part, to permit a medical marijuana dispensary in the building at 1024 Lake Lansing Road, a rezoning should be considered based on any of the uses that would be permitted under the proposed zoning designation. The "F-1" Commercial district permits general retail uses, offices, restaurants, gas stations and a variety of other commercial uses. Since the subject property is very small and only contains enough parking to accommodate 4 vehicles, the allowable uses for the site will be limited.

COMPLIANCE WITH MASTER PLAN:

The Design Lansing Comprehensive Plan designates the subject property for "Medium-Low Density Residential" land use. While rezoning the subject property to "F-1" Commercial is not consistent with the specific land use designation being advanced in the Master Plan, it is consistent with some of its primary goals. These include concentrating commercial land uses along corridors, such as Lake Lansing Road, that are designed to carry a relatively high volume of traffic and providing walkable access to goods and services so that residents of the area can be less dependent on automobiles.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:

It is not anticipated that the proposed rezoning will negatively impact vehicular or pedestrian traffic in the area. The subject property is located on Lake Lansing Road which is a collector road designed to carry a fairly high volume of traffic. The vast majority of the convenience store customers walk, rather than drive to the site. In fact, aside from a few employee parking spaces behind the building, there is no off-street parking on the property. Given the lack of parking, even if a medical marijuana dispensary were to be located in the building, it would not likely generate much additional vehicular traffic as it would primarily be intended to serve medical marijuana patients in the surrounding area.

IMPACT ON PUBLIC FACILITIES:

The site is already served by all necessary public facilities. No changes are proposed for the site.

ENVIRONMENTAL IMPACT:

The proposed rezoning will have no environmental impacts as the site is already developed and no new construction is proposed.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT:

Approval of the requested rezoning is not anticipated to have any negative impacts on future patterns of development in the area. With the exception of the commercial property to the east, there would be no basis for rezoning any of the other properties in the immediate surrounding area as they are all zoned and being used for residential purposes. The only basis for rezoning the subject property is that it is already a commercial building and the rezoning will merely bring it into compliance with the Zoning Ordinance.

SUMMARY

This is a request by Mendeep Singh to rezone the property at 1024 Lake Lansing Road from “B” Residential District to “F-1” Commercial District. The purpose of the rezoning is to permit a medical marijuana dispensary in the building at this location.

The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning. The proposed rezoning will be consistent with the existing land use pattern in the area and with the goals of the Design Lansing Comprehensive Plan. Additionally, the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

RECOMMENDATION

Pursuant to the findings described above, the following recommendation is offered for the Planning Board’s consideration:

Z-5-2017 be approved to rezone the property at 1024 Lake Lansing Road from “B” Residential District to “F-1” Commercial District.

Respectfully Submitted,

**Susan Stachowiak
Zoning Administrator**

June 21, 2017

City of Lansing Planning Office, Dept. of Planning & Neighborhood Development
Suite D-1, 316 N. Capital Ave
Lansing, Michigan 48933

Attn: 1024 Lake Lansing Rd/ rezoning/ medical marijuana dispensary

To whom this may concern:

My family and I have been long time residents of this neighborhood for over 30 years! A couple weeks before your post card arrived to residents in the area, about the information of rezoning 1024 Lake Lansing road. We had been aware that the owner Mendeep Singh at 1024 Lake Lansing rd had already started the transition of turning his party store into a medical marijuana dispensary. This was alarming to our fellow neighbors due to the fact that approval was not authorized by the City of Lansing. When Mr. Singh has already cleared, closed his doors, and started construction.

During my 30 years in the neighborhood I have witnessed people come and go, owners of the party store sell from person to person. The party store has been a hot spot for illegal activity for decades. As a neighborhood watch advisor, our local L.P.D has been notified by myself and other residents over the years of the drug activity and crime in that specific area. During Mr. Singh taking over of the party store, his teenage son has brought in illegal activity from dealings of drug sales inside the store, to purchasing stolen goods from drug addicts that frequent the area.

This party store has been a meeting grounds for Illegal drug sales. I have called the police a handful of times within the last several years, due to drive by shootings, and or young kids/guys running down the road with guns shooting at people.

- Last summer there were two incidents where a drug deal went bad, and a vehicle was shot up. I was able to witness this, and called for help. The suspects were never found.
- Another occasion, a man walked past our home with a "Assault rifle" headed down to the store and shot up a home located behind the store.
- Another vivid incident happened to one of our local neighborhood kids, Alex Torrez. He was brutally beaten at the footsteps of the corner store by some thugs, and put into a coma. When the owners Mr. Singh were questioned by police of Mr. Torrez beating, they refused to corporate and claimed their surveillance videos were fakes.
- Then there are the neighborhood addicts who walk down to the corner store to score their drugs. This occurs all day long, and consistently gets worse in the summer months. With a list of names provided to the L.P.D, there was never anything done to combat this issue either.

Since the closing a couple weeks ago of Mr. Singh store, our neighborhood has noticed positive change! The vehicle traffic has reduced tremendously, it is actually peaceful in the area, and the walking traffic from the neighborhood alcoholics and addicts has diminished dramatically. Most importantly there has been **NO CRIME** coming from the store.

Now the question at hand is why does the City of Lansing feel the importance to bring in crime to the neighborhoods? Knowing that research has proven, that drugs are linked to crime. Knowing that a Marijuana dispensary in the heart of a low poverty areas, is going to not bring in only Marijuana, but Heroin, crack, and other illegal drugs. Throughout the city of Lansing Marijuana dispensaries are being pushed into low-income, minority areas, and less affluent neighborhoods. Does the city of Lansing truly believe any other high prominent neighborhood such as Groesbeck or Delta River drive is going to allow for dispensaries to come into their neighborhoods? NO! What makes low-income areas, more vulnerable? We also pay our taxes, and fight for safe neighborhoods; we don't want dispensaries popping up on every corner, near play grounds, elementary schools, or near our homes.

Drugs and crime are complex, it has been proven that drugs and crime are directly and highly correlated. Serious drug use can amplify and perpetuate criminal activity. Drugs are linked to violent offences, driving offences, gangs, B&E, and stealing. Our neighborhoods are also at risk of federal officials conducting raids on the business, do our children, families, and elderly need to witness this? NO! We are also at risk for break- ins of the dispensary, house break-ins, violent assaults, etc.

Since 2015 local dispensaries have been robbed frequently, and federal agency has raided multiple dispensaries throughout the City of Lansing. According to our local crime mapping from L.P.D <https://www.crimemapping.com/map/agency/197>, there were 229 reported crimes within a 2 mile radius of Mr. Singh store. This is not something to take lightly given the small 2 mile radius area.

It's evident there is a crime issue, linked to drugs. WLNS announced on 06/21/2017 that the City of Lansing is 1-12 cities that is granted Justice Department aid to fight crime in our city? <http://wlns.com/2017/06/20/lansing-11-other-cities-to-receive-justice-department-aid-to-fight-crime/>

Another solution at hand is the number of local dispensaries in commercial areas close by. It is only a **10 minute walk, exactly 0.5 mile**, not even a full mile to one of many dispensaries located on North Larch street. I can drive up Larch Street a few miles and count more than a hand full of dispensaries.

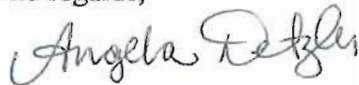
According to weedmaps <https://weedmaps.com/listings/in/lansing-north>, in North Lansing there are 25 local dispensaries in a 2-3 mile radius, not including in home cultivation locations. If someone is **Truly** interested in purchasing their drugs, they can walk a very short distance or drive, a ½ mile to be exact, up the road to more than a dozen dispensaries!

I am all for medical marijuana, and the right for patients to get the medication they need. There is a time and a place for these things. A residential neighborhood is **NOT** the place for a dispensary. The City lining their pockets to promote Marijuana dispensaries in residential neighborhoods to gain more tax revenue is uncalled for. I can vouch for all the elderly and disabled neighbors that might not be able to attend this meeting set for July 5, 2017 that it's not wanted in the area. Many people are unable to voice their opinions on this situation. I hope I am able to bring some light to the situation, and speak for all my fellow neighbors.

Cons of a dispensary in a residential neighborhood

- Cripples real-estate market, lower values on homes
- Fuels supply for under-age youth
- Accounts for drug trafficking
- Crime rates increase
- Gang activity becomes more relevant
- Federal laws are being broken, sets a bad precedent for our neighborhood
- Poverty and low income neighborhoods are at risk for inviting Dispensaries into the area, instead of keeping it commercial as it should be
- Fuels other illegal, dangerous drug activity such as heroin, crack, etc.
- And the list can go on.....

Kind regards,



Angela Detzler- A.A/ B.A in Juvenile Justice & Criminal Justice

1111 David Street
Lansing, Michigan 48906
detzlerangela@yahoo.com

CC: Lansing Police Department

2-5-2017

7-5-17

To Whom it may concern:

On behalf of Wiegman Company , 1100 Lake Lansing Road, Lansing, Michigan, we welcome the opening of a marijuana dispensary in the area. It avoids a building being vacant and run down while adding the addition of a new establishment. Hopefully, it may bring in new clientele for existing businesses in the area as well that may not have been available prior to now.

Sincerely,

W. Paul Wiegman



W. Paul Wiegman

STEVEN J SARDER
1016 Lake Lansing Rd
Lansing, mi. 48906

517-404-8839

JULY 4, 2017

TO WHOM THIS MAY CONCERN;

I AM THE OWNER OF THE PROPERTY
LOCATED AT 1016 LAKE LANSING
ROAD IN LANSING. RECENTLY, I
RECEIVED A LETTER FROM THE CITY
REGARDING REZONING.

I HAVE NO OBJECTION TO REZONING
FROM B TO F-1 IN THE MATTER OF 2-5-2017
1024 LAKE LANSING ROAD. I UNDER-
STAND THAT THE PURPOSE OF THE
REZONING IS TO PERMIT A MEDICAL
MARIHUANA PROVISIONING CENTER.

SINCERELY,



STEVEN J SARDER

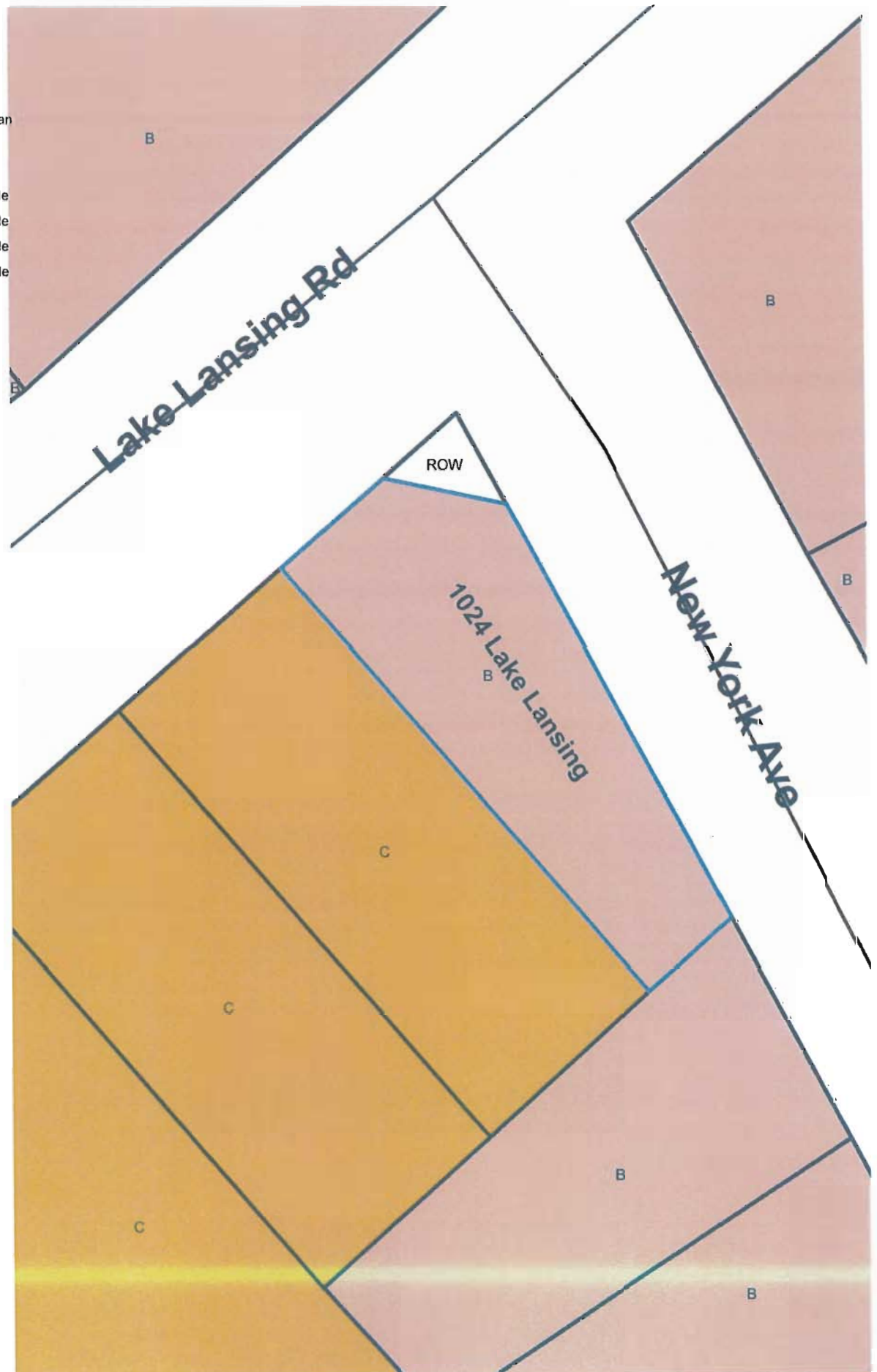
4 JULY 2017



Legend

-  roads_final
-  Tax Parcels
-  A Residential-Single
-  B Residential-Single
-  C Residential-2 Unit
-  NONE
-  CUP Community Unit Plan
-  D-1 Professional Office
-  D-2 Residential/Office
-  DM-1 Residential-Multiple
-  DM-2 Residential-Multiple
-  DM-3 Residential-Multiple
-  DM-4 Residential-Multiple
-  E-1 Apartment Shop
-  E-2 Local Shopping
-  F Commercial
-  F-1 Commercial
-  G-1 Business
-  G-2 Wholesale
-  H Light Industrial
-  I Heavy Industrial
-  J Parking
-  ROW Right of Way

City of Lansing Zoning Map





Wiegman Co Inc. / J&J Plumbing & Heating
1100 Lake Lansing Rd
Lansing, Mi. 48906

9/28/17

To whom it may concern:

I have given permission to Babes party store to have use of some of my parking lot for its customers. When they have used it in the past we had a deal that they clean up of any debris that their customers have left behind. They had always kept up with the deal. And if given permission to reopen the store the same deal will once again apply.

Thank you,


Paul Wiegman

ORDINANCE # _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-5-2017

Parcel Number: 33-01-01-03-379-002

Legal Descriptions: Lot 6, except parts used for street purposes; Blackwood Subdivision, City of Lansing, Ingham County, MI, from "B" Residential district to "F-1" Commercial district, with the condition that no application shall be made for 1024 Lake Lansing Road for a medical marijuana provisioning center license, which condition shall run with the land at 1024 Lake Lansing Road and be binding upon the successor owner of the land.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on _____, 2017, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

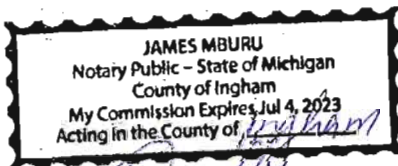
Conditional Zoning for
1024 Lake Lansing Road

9/27/17

The undersigned, Mandeep Singh, represents, offers, agrees and consents to the following restrictive condition which shall run with the land and be binding upon the successor owners of the land, if the request (Z-5-2017) is approved to rezone the property at 1024 Lake Lansing Road from "B" Residential to "F-1" Commercial:

No application shall be made for 1024 Lake Lansing Rd for a medical marihuana provisioning center license.

Mandeep Singh 09-27-17
Mandeep Singh date



[Signature]
Notary public
Sign and seal