



MINUTES

Special Meeting of Committee on Development and Planning Monday, October 9, 2017 @ 5:00 p.m. Council Conference Room, City Hall 10th Floor

CALL TO ORDER

Called to order at 5:00 p.m.

PRESENT

Council Member Brown Clarke, Chair
Council Member Yorko, Vice-Chair- arrived at 5:01 p.m.
Council Member Houghton, Member
Council Member Hussain, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Greg Venker, Assistant City Attorney – arrived at 5:03 p.m.
Jim Smiertka, City Attorney – arrived at 5:07 p.m.
Susan Stachowiak, Planning & Neighborhood Development
Deb Parrish
Kathy Miles
Mr. McGilley
Jon Miles
Andrew Burrows

PUBLIC COMMENT

No public comment at this time.

MINUTES

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM SEPTEMBER 18, 2017. MOTION CARRIED 3-0.

DISCUSSION/ACTION

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

Ms. Stachowiak recapped that at the last meeting there was a discussion on parking and the earlier statement by the owner that he would not apply for a medical marihuana dispensary license. Since that meeting, the applicant has provided a letter from the neighbor for additional parking, and also referenced in a certified letter that he would definitely not apply for a medical

marihuana license. Ms. Stachowiak added that this condition will run with the property, so no one, no matter who owns it can apply for that license.

Council Member Brown Clarke acknowledged the owner for his assistance in addressing the concerns of Council Members.

Mr. McGilley had no additional information to provide.

Council Member Houghton asked about the status of the liquor license that used to be with the party story. Mr. McGilley states his belief that it was not in the owner's name.

Council Member Yorko asked Ms. Stachowiak and the Committee if it was a new protocol to ask applicants to place conditions on their applications for rezoning. Ms. Stachowiak acknowledged it has been done in the past, but the owner offered to do the conditional rezoning to address concerns from the public and Committee at the last meeting. Council Member Brown Clarke added that at the public hearing he stated he would not apply for a license because he knew there was a concern. She assured Council Member Yorko that the Committee did not make this action of a conditional letter an actual condition to move the process forward. Council Member Hussain agreed that he had voiced to the public that he was rezoning for a dispensary, and agreed that the City cannot impose conditional rezoning. He added that he was still concerned, and his opinion would be that it would be spot zoning.

Ms. Parrish asked how many extra parking spots the neighboring property was offered, at which Mr. McGilley stated there were 4, and they have always utilized them, however now it was in writing. Ms. Parrish stated her concerns of a change of use at the site. Ms. Stachowiak confirmed that it can continue as retail because it has been less than a year since they closed. In regards to the parking, the required is based on the usable floor area, and since they will reopen within a year, they will be grandfathered.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE ORDINANCE FOR Z-5-2017; 1024 LAKE LANSING ROAD; CONDITIONAL REZONING FROM "B" COMMERCIAL TO "F-1", WITH THE CONDITION THAT THEY WILL NOT MAKE ANY APPLICATION FOR A MEDICAL MARIHUANA PROVISIONING CENTER LICENSE. MOTION CARRIED 3-1.

Adjourn

Adjourn at 5:09 p.m.

Submitted by, Sherrie Boak,

Recording Secretary,

Lansing City Council

Approved by the Committee on October 23, 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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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 on 9/18/17