



AGENDA
Committee on Development and Planning
Monday, June 24, 2019 @ 4:00 P.M.
Council Conference Room, 10th Floor

Councilmember Adam Hussain, Chair
Councilmember Jeremy Garza, Vice Chair
Councilmember Jody Washington, Member

1. Call to Order

2. Public Comment on Agenda Items

3. Minutes

- June 10, 2019

4. Discussion/Action:

- A.) **RESOLUTION** –Introduction and Setting of Public Hearing; Rezoning Northwest Corner Jolly Road & S. Waverly (Newly Annexed)
- 11097 Jolly – Rezone to A- Residential District
 - 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Rd – Rezone to E-2 Local Shopping District

5. Other

6. Adjourn

DRAFT



MINUTES
Committee on Development and Planning
Monday, June 10, 2019 @ 4:00 p.m.
Council Conference Room, City Hall 10th Floor

CALL TO ORDER

Council Member Hussain called the meeting to order at 4:00 p.m.

PRESENT

Council Member Hussain, Chair
Council Member Garza, Vice-Chair
Council Member Washington, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Susan Stachowiak, Economic Development and Planning
Joseph Abood, Chief Deputy City Attorney
Bruce Gershenson, owner of 5400 S Cedar
Loretta Stanaway
Bill Rains
Brian Kandler
Jon Gilmore
S. Smith, South Lansing Business Association (SLBA)

PUBLIC COMMENT

No public comment.

MINUTES

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE MINUTES FROM MAY 13, 2019 AS PRESENTED. MOTION CARRIED 3-0.

DISCUSSION/ACTION

RESOLUTION – SLU-1-2019; 900 Southland Avenue; Suite 918; Church in the F Commercial District

Council Member Hussain updated the public and Committee on what had occurred so far, such as the public hearing on May 13, 2019 where no comments for or against it were made. The request is not a rezoning but a request for a special use. Per staff the Planning Board and Zoning Administrator recommend approval. Council Member Garza added that initially there was a concern this use request might have come from the tenants when it was an illegal use for a marihuana church, however it was determined at the first Committee meeting it was not the same group.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION FOR THE SLU-1-2019; 900 SOUTHLAND AVENUE, SUITE 918. MOTION CARRIED 3-0.

ORDINANCE - Z-8-2018; 5400 S. Cedar Street; Rezoning from F Commercial to J Parking and G-2 Wholesale District

Council Member Hussain provided an overview of the project to the public and Committee. This included a complete site renovation including self-storage and future buildings in the out lots. The Planning Board recommended denial with a vote of 5-2 and the Zoning Administrator also recommended denial. The required public hearing was held on May 20th at which one (1) person spoke in support of the project and they had also attended their open house. Lastly, he pointed out that Committee and Council Members have received multiple complaints on the proposed rezoning and want another use with the concern that allowing this would set a precedence. Ms. Stachowiak pointed out that this is not a true "spot zoning", and the staff report reflects that this property, if rezoned, will adjoin another G-2 parcel to the west. It is the properties along Cedar that are all F- Commercial in the vicinity, even though there are other G-2 Wholesale along Cedar Street. With a rezoning to G-2, Ms. Stachowiak noted this would afford the property owner rights that neighboring property owners on Cedar do not have because of their zoning and could set a precedence.

Mr. Gershenson provided introductions and his past experiences with the site, other developments and involvement over the last 49 years, in addition to stating his support of this request. He noted that even when Kmart closed in 2017, they continued security and maintenance of the property to continue to be a good property owner and neighbor. Mr. Gershenson went on to state they had petitions from business merchants in the area with positive feedback and over 100 people who spoke in favor of it. As the owner of the property, he was asking to work with the City to achieve what the City wants and would also benefit the neighborhood.

Council Member Hussain noted to Mr. Gershenson and the applicants that the Committee and Council have to look at the rezoning for G-2 Wholesale and all potential options if it was rezoned to that, they cannot look at a decision with a specific use in mind. The applicants appealed that they intentionally delayed the hearing so they could hold an open house and reach out to the neighborhoods, SLBA, and based on that time was able to provide the Committee at this time with a petition of signatures all in support as presented at their open house a few weeks back. They respectively disagreed that it was not consistent with zoning in the area, within a mile corridor on Cedar it is consistent. Lastly they assured the Committee that U-Haul is a good neighborhood business, they are growing and then offered a rendering that they used at their open house for what their intentions were.

Ms. Stanaway spoke in opposition to the rezoning, but asked for a different use in the building and was willing to live near a vacant building and property until something she thought was right came along.

Council Member Garza concurred with Ms. Stanaway that people have approached him about other uses, especially recreational in that building, and his only concern is if it is rezoned, it would open it up for other rezonings in the area. Council Member Washington understood the requirement to move out of Committee but did not support it because it was not in line with the master plan.

MOTION BY COUNCIL MEMBER WASHINGTON TO FORWARD A RECOMMENDATION FOR DENIAL OF THE REZONING REQUEST FOR 5400 S CEDAR TO THE FULL COUNCIL AT THE MEETING LATER TONIGHT.

Mr. Smith asked if the use was a recreational use such as laser tag, would it need to be rezoned, and Ms. Stachowiak confirmed that use would be allowed under the current F Commercial. Mr. Smith then stated in his communications with the SLBA and members of that area they supported the U-Haul in that location and even held discussions on other buildings and sites in the area that could accommodate the suggested recreational ideas from members of the community.

The Committee spoke briefly on the other uses in the corridor, other self-storage businesses Council has approved over the last year, and comments they have heard that those businesses are struggling to be at 70%.

Mr. Rains assured the Committee of their commitment to the project and the U-Haul standard currently at 95% full. Council Member Hussain then asked about their other project at the former Dads Inn, and they confirmed they are 60% done with the renovation of that project which will be the first phase at 300 units. Mr. Rains then stated they were under the understanding this rezoning would not go before Council until June 24th and it appeared now the Council was going to act tonight, June 10th. They then asked for a delay to the original date of June 24th. Council Staff stated there could have been a misunderstanding because when the applicant started the process in February or March, this Committee was meeting on the 1st & 3rd Mondays and now are meeting on the same dates as Council. Mr. Abood was asked if the Committee could delay, and were advised they would need to reconsider their motion to move it to the June 24th meeting. Council Member Washington spoke in opposition to the delay noting the public hearing was already delayed per the applicant's request, by 60 days.

MOTION BY COUNCIL MEMBER GARZA TO RECONSIDER THE ACTION TO MOVE THE RECOMMENDATION OUT TO COUNCIL ON JUNE 24TH INSTEAD OF JUNE 10TH. MOTION CARRIED 2-1.

Adjourn

Adjourned at 4:29 p.m.

Submitted by, Sherrie Boak,

Recording Secretary,

Lansing City Council

Approved by the Committee

**Department of Economic
Development and Planning**
Brian McGrain, Director



Andy Schor, Mayor

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May 17, 2019

The Planning Board voted unanimously to recommend “A” Residential zoning for the property at 11097 Jolly Highway and “E-2” Local Shopping District zoning for the properties at 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road.

Zoning of Annexed Properties

11097 Jolly Hwy. & 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road

Location & Use

On November 6, 2018, 8 contiguous parcels of land located at the northwest corner of S. Waverly Road & Jolly Highway were annexed into the City of Lansing from Delta Township. There is a single family residential dwelling on the property at 11907 Jolly Highway. The other 7 parcels, all of which have frontage on S. Waverly Road, are being used for various commercial purposes as follows:

4820 S. Waverly Road: Quicky convenience store
4848 S. Waverly Road: Vacant multi-tenant commercial building
4880 S. Waverly Road: Vacant commercial building
4902 S. Waverly Road: Vacant restaurant building
5030 S. Waverly Road: Savemore Meat & Dairy Market
5050 S. Waverly Road: Vacant commercial building
5058 S. Waverly Road: Family Dollar retail store

Zoning Ordinance Provisions

Section 1246.03 of the City of Lansing Zoning Ordinance describes the procedures for zoning land that has been annexed into the City:

- (a) All territory which is annexed to the City shall be given an interim zoning by the Planning Division with a district enumerated in Section 1246.01, which most closely resembles the zoning which the territory maintained prior to annexation. Such interim zoning shall only be in effect until the rezoning pursuant to subsection (b) hereof is completed.
- (b) The Planning Board shall, within 180 days after the territory is annexed, and pursuant to the procedures described in Section 1240.04, review and recommend to Council the appropriate zoning of the territory, with consideration being given to the existing land use and the land use policies of the Comprehensive Plan. This section shall not preclude a person from at any time seeking a boundary amendment pursuant to Section 1240.04.

All of the above-referenced properties were zoned commercial under the Delta Township Zoning Ordinance except for 11907 Jolly Highway which was zoned "Very Low Density Residential". Pursuant to paragraph (a) above, the interim zoning for 11907 Jolly Highway is "A" Residential. The other 7 parcels have an interim zoning classification of "F" Commercial. These are the zoning designations in the City that most closely match the zoning that the subject properties had when they were located in Delta Township.

Master Plan Designation

The City of Lansing Master Plan designates the Jolly/Waverly intersection for "Neighborhood Mixed-Use Center" land use. The Plan describes the purpose of this designation as:

"To encourage the location of convenience retail and services within walking distance of neighborhoods."

The Plan lists the following as typical uses for this designation:

"Retail, personal services, office, live-work and residential. Automobile-oriented uses not permitted."

The City's Master Plan is not parcel specific and does not cover the entire area that was annexed into the City as it was in Delta Township at the time that the Plan was written. Based on the future land use map pattern for the area, however, it appears that the intent is to designate the commercial properties at or near the Jolly/Waverly intersection for Neighborhood Mixed-Use Center land use but not to extend this designation/future land use into the adjoining residential areas.

Zoning Designations

The interim zoning designation of "A" Residential for the single family residential property at 11907 Jolly Highway is appropriate and should be made permanent. The property contains a single family residential dwelling which is a use that is permitted by right in the "A" Residential zoning district.

The interim zoning of the commercial properties is "F" Commercial as that is the zoning designation that most closely matches the zoning of the properties when they were in Delta Township. As depicted on the attached zoning map, the properties at the southeast and southwest corners of the Jolly/Waverly intersection are zoned "F"

Commercial. The property at the northeast corner of the intersection is zoned “E-2” Local Shopping district. The Zoning Ordinance describes the intent of the 2 zoning districts as follows:

“E-2” Local Shopping District: “The intent of the E-2 Local Shopping District is to provide convenience retail stores.”

“F” Commercial District: “The intent of the F and F-1 Commercial Districts is to allow general retail commercial uses.”

The “E-2” zoning district permits “convenience” retail stores which are the type of stores that draw their customer base from a relatively small geographic area surrounding the business. The “F” Commercial district, by contrast, permits uses such as vehicles sales, theaters, medical marijuana dispensaries, motels/hotels and “comparison” retail stores that draw their customer base from a much larger geographic area. A Rite Aid pharmacy, for example, is a “convenience” retail store whereas, a Target store is a comparison retail store. It is unlikely that someone would travel from north Lansing to shop at a Rite Aid pharmacy on S. Waverly Road as there would be a more convenient pharmacy located much closer to the customer’s location of origin. It is likely, however, that someone would travel from north Lansing to visit the Target store on Edgewood Blvd. as one can obtain merchandise from Target that are not necessarily available from stores closer to their location of origin. All of the existing businesses located within the annexed area would be permitted by right in the “F” Commercial district and since they are all “convenience” type uses, they would also be permitted by right in the “E-2” Local Shopping district.

Based on the following findings, the “A” Residential zoning, which is the interim zoning designation, is the most appropriate zoning for the property at 11907 Jolly Highway:

- * The “A” Residential zoning is consistent with the “very low density residential” zoning designation that the property had while it was located in Delta Township.
- * The subject property contains a single family residential dwelling which is a use that is permitted by right in the “A” Residential zoning district and therefore, the use will conform to the zoning district in which it will be located.

The two zoning designations that merit consideration by the Planning Board for the zoning of the properties at 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road are the “E-2” Local Shopping district and the “F” Commercial district. The following findings are offered for the Board to take under advisement in making its recommendation to the City Council on the zoning of these properties:

- * The “F” Commercial district has been assigned as the interim zoning designation of the properties as it is the zoning that most closely matches the zoning that the properties had in Delta Township prior to annexation into the City.
- * The uses currently located on the subject properties are permitted by right in both the “F” Commercial & the “E-2” Local Shopping districts and thus, no nonconformities will be created under either zoning designation.
- * The parcel of land at the northeast corner of the Jolly/Waverly intersection is zoned “E-2” Local Shopping district and the properties at the southeast and southwest corners are zoned “F” Commercial. Neither zoning designation for the subject properties will therefore, create a “spot zoning” situation which is typically considered to be an unacceptable planning and zoning practice.
- * The “E-2” Local Shopping district is the most appropriate zoning designation to facilitate the future land use pattern being advanced in the Master Plan for the Jolly/Waverly intersection which is to: “encourage the location of *convenience* retail and services within walking distance of neighborhoods.” The primary distinction between the two zoning districts being offered for consideration is that, in contrast to the “F” Commercial district, the “E-2” Local Shopping is restricted to “convenience” type uses.

E-2 Local Shopping District

⌚ 'D-1' Uses

*Office (civ, prof, relig, charity)**Office (acct, arch, art, atty, doc, dent)**Accessory structure**Insurance agency**Real estate office**Trade association**Public park**Office (non-sales)**Bank/C. U./S&L*

- Convenience store, bar, tav

⌚ Post office

⌚ Public park

⌚ Accessory structure

⌚ Motor vehicle service station

⌚ On-premises sign

⌚ Off-street parking facility

⌚ Temporary structure or use

⌚ Temporary BB or sign

⌚ Planned development

⌚ Gov library/museum

⌚ Clinic

⌚ Non-accessory, free-standing sign

⌚ Church

⌚ Private club

⌚ Gov structure

⌚ Public utility

⌚ Research and development lab

F & F-1 Commercial Districts

⌚ 'D-1' & 'E-2' Uses

*Convenience store, bar, tav**Post office**Public park**Accessory structure**Motor vehicle service station**On-premises sign**Off-street parking facility**Office (civic, etc)**Office (accountant, etc)**Insurance agency**Real estate office**Trade association**Office (non-sales)**Bank/C. U./S&L*

⌚ Comparison retail store

⌚ Private club

⌚ Restaurant, bar, tavern

⌚ Theater/hall

⌚ Hotel/motel

⌚ Temporary structure or use

⌚ Temporary BB or sign

⌚ Planned development

⌚ Gov library/museum

⌚ Clinic

⌚ Non-accessory, free-standing sign

⌚ Hospital

⌚ Animal hospital

⌚ Kennel

⌚ Sales lot (car, equipment, etc)

⌚ DM-3 residential uses

⌚ Child Care Facility (13+)

⌚ Functional family

⌚ Church

⌚ Gov structure

⌚ Public utility

⌚ Drive-in theater

⌚ Trailer camp

⌚ Research and development lab

Land Uses By District Page 6

This list is not a substitute for the Zoning Code. These uses are abbreviated for reference only. Consult the Lansing Zoning Code for the complete text, including definitions and regulations at www.cityoflansingmi.com

RIGHT

⌚ 'F' Uses
Convenience store, bar, tav
Post office
Public park
Accessory structure
Motor vehicle service station
On-premises sign
Off-street parking facility
Office (civic, etc)
Office (accountant, etc)
Insurance agency
Real estate office
Trade association
Office (non-sales)
Bank/C. U./S&L
Comparison retail store
Private club
Restaurant, bar, tavern
Theater/hall
Hotel/motel
⌚ Storage warehouse
⌚ Wholesale business
⌚ Public garage

SPECIAL CONDITIONS**G-2 Wholesale District**

⌚ Temporary structure or use
⌚ Temporary BB or sign
⌚ Planned development
⌚ Gov library/museum
⌚ Clinic
⌚ Non-accessory,
free-standing sign
⌚ Animal hospital
⌚ Kennel
⌚ Sales lot (car, equipment,
etc)
⌚ Motor vehicle repair shop
⌚ Educational facility
⌚ Child Care Facility (13+)

S.L.U.

⌚ Church
⌚ Gov structure
⌚ Public utility
⌚ Drive-in theater
⌚ Trailer camp

RIGHT

SPECIAL CONDITIONS

S.L.U.

H Light Industrial District

⌚ 'G-2' Uses

Convenience store, bar, tav

Post office

Public park

Accessory structure

Motor vehicle service station

On-premises sign

Off-street parking facility

Office (civic, etc)

Office (accountant, etc)

Insurance agency

Real estate office

Trade association

Office (non-sales)

Bank/C. U./S&L

Comparison retail store

Private club

Restaurant, bar, tavern

Theater/hall

Storage warehouse

Wholesale business

Public garage

• Manufacturing

⌚ Railroad/truck terminal

⌚ Public utility facilities

⌚ Oil or gas drilling

⌚ Non-accessory,
free-standing sign

⌚ Outdoor storage or sales

• Contractors' storage

⌚ Temporary structure or use

⌚ Educational facility

⌚ Child Care Facility (13+)
care facility

⌚ Animal Hospital

⌚ Kennel

⌚ Sales lot (car, equipment,
etc)

⌚ Motor vehicle repair station

⌚ Heliport

⌚ Temporary BB or sign

⌚ Gov library/museum

⌚ Planned development

⌚ Clinic

• Gov structure

⌚ Drive-in theater

⌚ Storage yard

⌚ Research and development
lab

⌚ Church

⌚ DM-4 residential uses

⌚ Residential care facility

PREPARED FOR:
Craig DeVoogd

DESCRIPTION DIAGRAM
A PART OF THE SOUTHEAST 1/4 OF
SECTION 36, T.4N, R.3W, DELTA
TOWNSHIP, EATON COUNTY, MICHIGAN.

NOTES

1) THIS DRAWING IS NOT A CERTIFIED SURVEY
BUT IS COMPILED FROM EXISTING FIELD SURVEY
DATA. THE DRAWING DOES NOT COMPLY WITH MCL
54.211-54.213.

2) THE DESCRIPTION IS BASED ON RECORD
DESCRIPTIONS AND FIELD OBSERVATIONS OF THE
SECTION CORNER MONUMENTS. NO
MONUMENTATION WAS SET FOR THIS DESCRIPTION.

3) SEE SHEET 2 OF 2 FOR THE DESCRIPTION

4) NOT ALL EASEMENTS OF PUBLIC RECORD MAY
BE SHOWN.

5) NOT ALL IMPROVEMENTS MAY BE SHOWN.

6) ALL DISTANCES ARE IN FEET AND DECIMALS
THEREOF.



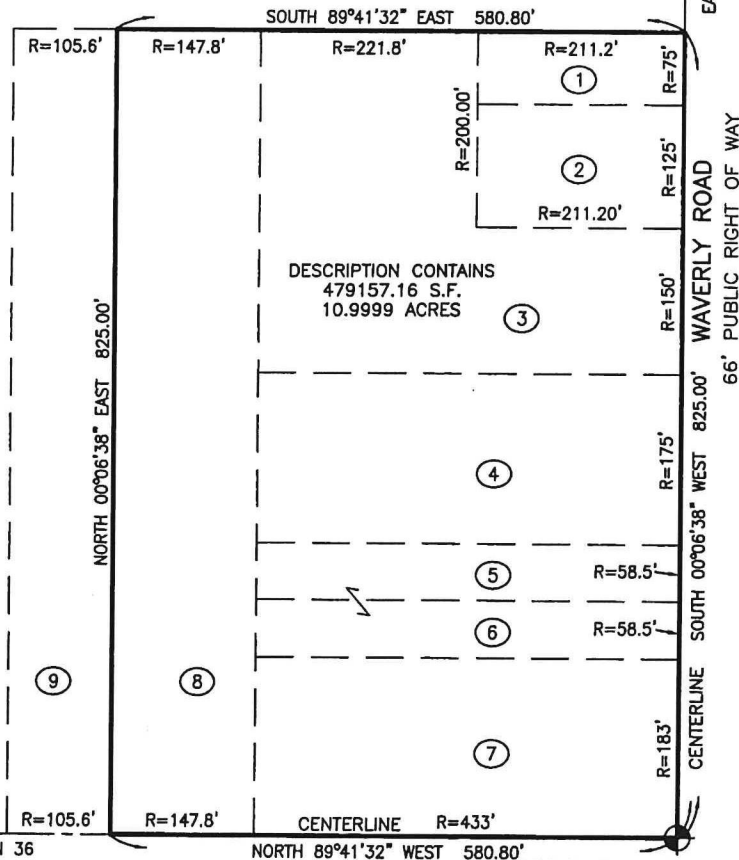
0' 75' 150'
SCALE: 1"=150'

WEST 1/4 CORNER
SECTION 31, T4N, R2W
LIBER 15, PAGE 333
5/8" STEEL BAR AND
CAP #47942

EAST 1/4 CORNER
SECTION 36, T4N, R3W
LIBER 2546, PAGE 1117
5/8" STEEL BAR AND
CAP #47942

23-50-40-36-476-001
ROCO WOODSIDE MEADOWS APARTMENTS
3901 BURNEWAY DR
LIBER 2400, PAGE 204

GLENBURN NO. 4
LIBER 7 OF PLATS, PAGE 4



SOUTH 1/4 CORNER
SECTION 36, T4N, R3W
LIBER 2546, PAGE 1102
5/8" STEEL BAR AND CAP #47942

JOLLY ROAD
66' PUBLIC RIGHT OF WAY

SOUTHEAST CORNER
SECTION 36, T4N, R3W
LIBER 1989, PAGE 165
POINT OF BEGINNING
5/8" STEEL BAR AND CAP #25837

LEGEND:

- = SECTION CORNER
 = DISTANCE NOT TO SCALE
R = RECORDED

BEARING BASE

BEARINGS ARE BASED ON THE SOUTH LINE
OF SECTION 36 OBSERVED AS BEARING
NORTH 89°41'32" WEST.

GEODETIC DESIGNS INCORPORATED
2300 N. GRAND RIVER AVE.
LANSING, MI 48906
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FAX: (517) 908-0009
www.geodeticdesigns.com



REVISION DATE: JUNE 4, 2018
FIELD: — DRAWN BY: RW
DATE: APRIL 12, 2018
FILE: S043-2018
SHEET 1 OF 2

PREPARED FOR:
Craig DeVoogd

DESCRIPTION DIAGRAM
A PART OF THE SOUTHEAST 1/4 OF
SECTION 36, T.4N, R.3W, DELTA
TOWNSHIP, EATON COUNTY, MICHIGAN.

DESCRIPTION

A parcel of land situated in the State of Michigan, County of Eaton, Township of Delta (Township 4 North, Range 3 West), Section 36, residing entirely within the Southeast one-quarter of said Section 36, further described as follows:

Beginning at the Southeast corner of Section 36, said point being a steel bar and cap #25837 as recorded in liber 1989, page 165 of corners, Eaton County records;

Thence North 89°41'32" West, 580.80 feet along the south line of Section 36 (said line being a straight line between the said Southeast corner and a steel bar and cap #47942 at the South 1/4 Corner of Section 36 as recorded in liber 2546, page 1102 of corners, Eaton County records);

Thence North 00°06'38" East, 825.00 feet parallel with the east line of said Section 36 (said east line being a straight line between the said Southeast corner of Section 36 and a steel bar and cap #47942 at the East 1/4 Corner of Section 36, as recorded in liber 2546, page 1117 of corners, Eaton County records);

Thence South 89°41'32" East, 580.80 feet parallel with the said south line of Section 36, to the east line of said Section 36;

Thence South 00°06'38" West, 825.00 feet along said east line to the point of beginning.

This description contains 479157.16 square feet, 10.9999 acres, more or less.

OWNER INFORMATION

- | | |
|---|--|
| ① PID: 040-036-400-250-00
4820 S WAVERLY RD
LIBER 1985, PAGE 662
MATHION INC | ⑥ PID: 040-036-400-310-00
SURJIT LLC
5050 S WAVERLY RD
LIBER 2029, PAGE 360 |
| ② PID: 040-036-400-260-00
SINGH, NIRMAL / KAUR, GURDEEP
4848 S WAVERLY RD
LIBER 2144, PAGE 515 | ⑦ PID: 040-036-400-320-00
JOLLY ROAD INVESEMENTS LLC
5058 S WAVERLY RD
LIBER 1934, PAGE 1009 |
| ③ PID: 040-036-400-270-00
DEVOOGD, CRAIG
4880 S WAVERLY RD
LIBER 2540, PAGE 450 | ⑧ PID: 040-036-400-236-00
MURRAY, DANIEL / SARAH
11907 JOLLY HWY
LIBER 2509, PAGE 26 |
| ④ PID: 040-036-400-297-00
DISCOVER GROUP LLC
4902 S WAVERLY RD
LIBER 2384, PAGE 1183 | ⑨ PID: 040-036-400-220-00
MCCOMB, TOM & VANANTWERP, JASON
V/L W JOLLY HWY
LIBER 1909, PAGE 0459 |
| ⑤ PID: 040-036-400-300-00
SURJIT LLC
5030 S WAVERLY RD
LIBER 2461, PAGE 841 | |



Gilbert M Barish

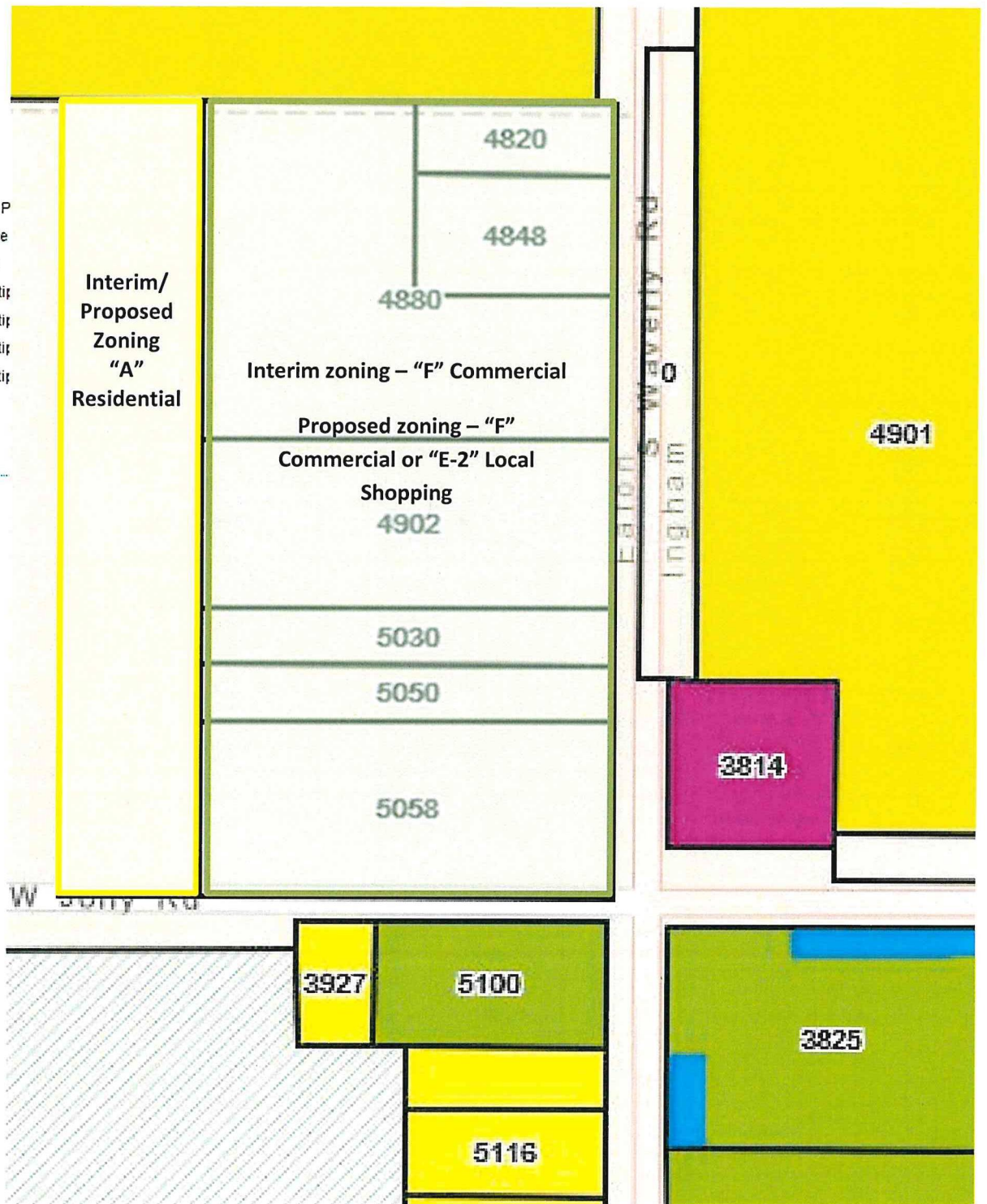
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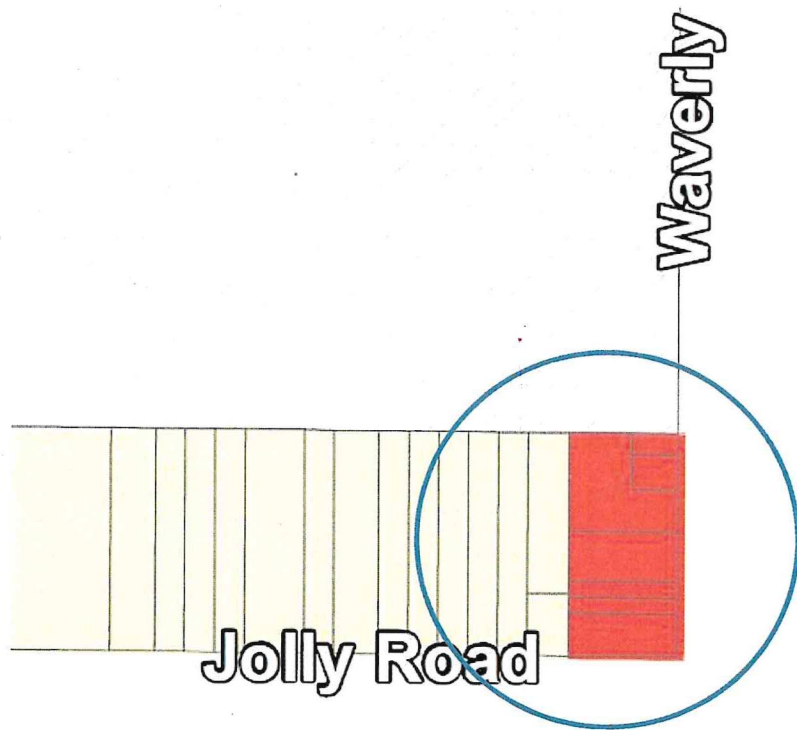
REVISION DATE:	JUNE 4, 2018
FIELD:	-
DRAWN BY:	RW
DATE:	APRIL 12, 2018
FILE:	S043-2018
SHEET	2 OF 2

Legend

- all_roads_recov_City
- Tax Parcels
- A Residential-Single
- B Residential-Single
- C Residential-2 Unit
- NONE
- CUP Community Unit P
- D-1 Professional Office
- D-2 Residential/Office
- DM-1 Residential-Multi
- DM-2 Residential-Multi
- DM-3 Residential-Multi
- DM-4 Residential-Multi
- 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

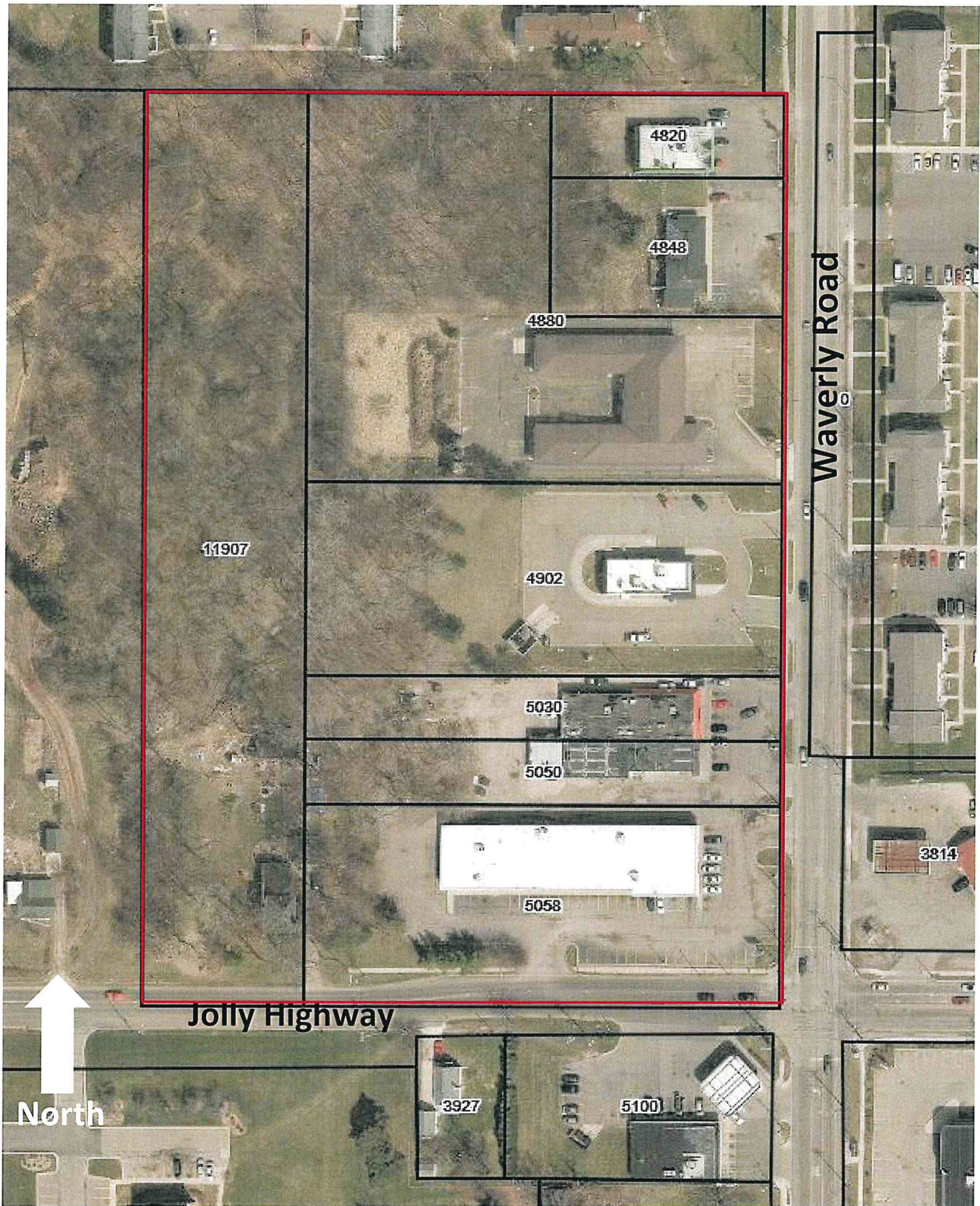


Delta Township Zoning



Zoning Districts

-  NR - Natural Resources
-  AG1 - Agricultural
-  AG2 - Agricultural / Residential
-  RA - Very Low Density Residential
-  RB - Low Density Residential
-  RC - Moderate Density Residential
-  RM - Multiple Family Residential
-  C - Commercial
-  O - Office
-  I - Industrial



Jolly Highway

Waverly Road

North

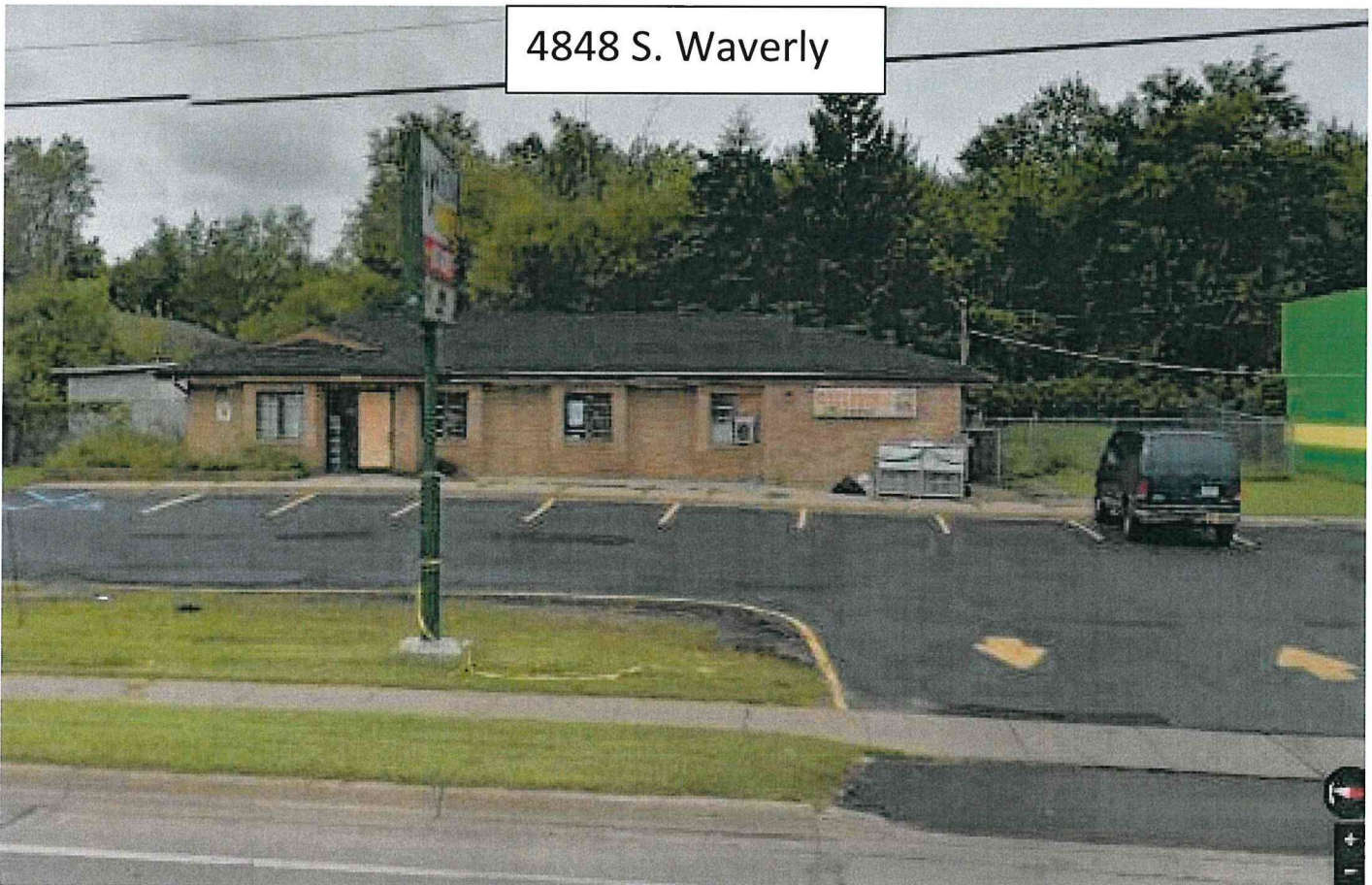
11907 Jolly Highway



4820 S. Waverly



4848 S. Waverly



4880 S. Waverly



4902 S. Waverly



5030/5050 S. Waverly



5058 S. Waverly



LANSING PLANNING BOARD PUBLIC HEARING

Owner : Craig DeVoogd

Property: 4880 S. Waverly Road, Lansing, Michigan 48911

Current Zoning: "F" Commercial

Background:

My property is a 2.5 acre lot and is the site of a 10,536 square foot building. The main building was constructed in 1972, and additions to the building were constructed in 1996 and 1997. The Property is currently zoned as "F" Commercial on an interim basis. I purchased the Property at auction in 2014 after the prior owner was placed into a court-ordered receivership. Before my purchase, a "Pay Day Advance" store and Pawn Shop was operated on the Property. Since purchasing the Property, I have renovated the building and unsuccessfully attempted to the lease the Property for commercial uses. The Property has been vacant since 2012. It's current state is vacant and currently listed for sale or lease thru Remax commercial reality, (at below market rates.)

Prior to the annexation process, a potential business owner had expressed interest in the property and had discussions with the city planning dept. reference a business involved in the medical marijuana industry. Since that conversation, the "business plan" has been taken off the table. The business entity has cancelled all plans for purchasing the building and has explored other opportunities outside of the City of Lansing. Currently there is no interest whatsoever, by any entity purchasing or leasing the property.

Preliminary Statement Regarding Intensity of Uses

If a change is approved, the Property may be used for certain purposes as a matter of right, as set forth in the Zoning Ordinance. I submit that the uses permitted by right in the Wholesale District are relatively low-impact uses (such as clinic, child care facility and wholesale establishments). The city retains control over granting or denying any special land use permits for the Property.

Analysis

I. Review of Factors

1. *A change is consistent with the goals, policies, and uses proposed for the subject parcel in Lansing's, "Design Lansing's" Comprehensive Plan.*
 - a. The Comprehensive Plan observes that some retail properties are in decline and are prime candidates for redevelopment. Specifically, "Priority Issues" Pg. 50, emphasizes "Transforming strip commercial corridors." The plan describes typical strip commercial development that represent a negative image to the city and to neighborhoods. This same priority applies to the area in which my property is located, as evidenced by the ongoing vacancy of the building and surrounding properties. The comprehensive plan emphasizes a transformation to a "non-retail use".
 - b. Comprehensive plan (page 53) states that strip commercial retail along corridors are experiencing "increased vacancies". The plan states that Lansing is currently "over zoned" for this type of development and recommends a move towards non retail uses.
 - c. Comprehensive plan (page 79) states an objective of , "Improving Lansing's gateway streets to enhance first impressions, expand housing options and provide sites for job-oriented uses by encouraging the restructuring of strip commercial development." The plan specifically identifies gateways north of Jolly Road to "encourage a gradual transition to non-retail development".
2. *A change towards uses other than retail is justified by a change in conditions or by an error in the original ordinance.*

- a. The area in which the Property is located no longer supports primarily commercial uses. This is evidenced by the following:
 - i. Of the seven commercial properties in this corridor, Eaton County has issued 32 certificates of foreclosure for unpaid property taxes in the last 15 years.
 - ii. Currently, the two properties to the north and the property immediately to the south face a combined \$33,000 in unpaid property taxes – meaning that all three will face tax forfeiture in the next few months.
 - iii. The current vacancy rate in this commercial corridor is 57%, with three parcels having been vacant for many years. Recent public corporate announcements indicate the ‘Family Dollar’ store within this corridor is in jeopardy of also closing. This would further escalate the vacancy rate to an unbelievable 71%.
 - iv. In the last 10 years, nine commercial businesses have opened and failed.
 - b. It is clear from the trend of failing commercial businesses that this corridor can no longer sustain commercial uses. A change moving the Property away from a retail emphasis is therefore necessary to allow for productive use of the Property.
3. *The Property does not possess natural features or environmental characteristics that would be significantly adversely impacted by the uses other than retail.*
- a. There are no natural features or environmental characteristics that would be significantly adversely impacted by using the Property for wholesale/warehousing purposes, for example. To the contrary, the Property is well suited for wholesale/warehousing uses both in size (2.50 acres) and terrain (relatively flat).
 - b. A proposed change to G Wholesale for example would :
 - i. promote and protect the public health, safety, and general welfare by allowing for additional uses in a suitable area of the City.
 - ii. A change would protect the character and stability of the area and promote the orderly and beneficial development of such area by allowing for a beneficial use of a building that has sat vacant for years.

- iii. The use would provide adequate light, air, privacy, and convenience of access to property.
- iv. *A change* is consistent with the intensity of uses in the area and would not impede open spaces surrounding buildings and structures that are necessary to provide adequate light and air and to protect the public health.
- v. The use would not adversely impact congestion on public highways and streets.
- vi. The use would not adversely impact the Cities ability to provide for transportation systems, sewage disposal, water, energy, recreation, and other public service and facility requirements.
- vii. A change would allow the Property to be used in accordance with its character.
- viii. A change would not result in an improper use of land.
- ix. The use would comply with the Cities building standards.
- x. The use would not be incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
 - 1. As discussed above, the uses permitted by right in the Wholesale District are low impact, such that they will not adversely impact neighboring properties. As also discussed above, the character of the corridor has changed in recent years, with many commercial businesses having failed and commercial properties facing long-term vacancy and tax foreclosure.
- xi. The use would not present a risk of fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards.
- xii. The use would not result in overcrowding of the land or undue concentration of buildings or structures.
- xiii. The use would not present any hazards to life or property.

4. *The uses allowed under the wholesale district would be equally or better suited to the area than uses allowed under the current zoning.*

a. *A wholesale district use is equally suited to the area as uses allowed under the current zoning. The economy over the last several years has not supported commercial development of the Property, as discussed above and as further evidenced by (1) the failure of the prior commercial operation, which was placed into a court-ordered receivership; and (2) the owners' diligent but unsuccessful efforts to lease the Property for commercial purposes since 2014. I believe I can successfully lease or sell the Property for wholesale uses. The impact of an wholesale use permitted by right is comparable to the impact of a commercial use and, indeed, would likely generate less traffic than a commercial use.*

5. *The City is able to provide services, infrastructure, and facilities that may be required if a change were made.*

a. *The proposed use would not require new or different services, infrastructure, or facilities from the City, and thus would have no impact on the services provided by the City.*

For these reasons, I respectfully request that a zoning change be approved, in order to permit additional uses consistent with a wholesale district. Such additional uses could include a trade or vocational school, child care facility, clinic, or wholesale businesses.

Respectfully submitted,

Craig DeVoogd

BY THE COMMITTEE ON DEVELOPMENT & PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, 2019, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

11907 Jolly Highway to the "A" Residential zoning district

4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road from "F" Commercial district to "E-2" Local Shopping District

**CITY OF LANSING
NOTICE OF PUBLIC HEARING**

**Northwest Corner, Jolly Road & S. Waverly Road
(11097 Jolly Hwy. & 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road)**

The Lansing City Council will hold a public hearing on Monday, , 2019, at 7:00 p.m., in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan regarding the future zoning designations of the 8 parcels of land (11 acres) located at the northwest corner of Jolly Road and S. Waverly Road that were recently annexed into the City of Lansing from Delta Township.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, , 2019 at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, City Clerk

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for the properties located at:

11907 Jolly Highway to the “A” Residential zoning district

4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road from “F” Commercial district to “E-2” Local Shopping District

was introduced by the Committee on Development & Planning, read a first and second time by its title and referred to the Committee on Development and Planning.

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 properties described as follows:

Parcel Number: 23-50-40-36-400-236
Address: 11907 Jolly Highway
Legal Descriptions: Commencing 433 Feet West of the Southeast Corner of Section 36; West 147.8 Feet; North 825 Feet; East 147.8 Feet; South 825 Feet to the point of beginning, Section 36, T4N, R3W to the "A" Residential District.

Parcel Number: 23-50-40-36-400-250
Address: 4820 S. Waverly Road
Legal Descriptions: Commencing 750 Feet North of the Southeast corner of Section 36; West 211.2 Feet; North 75 Feet; East 211.2 Feet; South 75 Feet to the point of beginning, Section 36, T4N, R3W from "F" Commercial district to "E-2" Local Shopping District.

Parcel Number: 23-50-40-36-400-260
Address: 4848 S. Waverly Road
Legal Descriptions: Commencing 625 Feet North of the Southeast corner of Section 36; West 211.2 Feet; North 125 Feet; East 211.2 Feet; South 125 Feet to the point of beginning, Section 36, T4N, R3W from "F" Commercial district to "E-2" Local Shopping District.

Parcel Number: 23-50-40-36-400-270
Address: 4880 S. Waverly Road
Legal Descriptions: Commencing 475 Feet North of the Southeast corner of Section 36; North 150 Feet, West 211.2 Feet; North 200 Feet, West 221.8 Feet, South 350 Feet, East 433 Feet to the point of beginning, Section 36, T4N, R3W from "F" Commercial district to "E-2" Local Shopping District.

Parcel Number: 23-50-40-36-400-297
Address: 4902 S. Waverly Road
Legal Descriptions: Commencing 300 Feet North of the Southeast corner of Section 36; North 175 Feet, West 433 Feet; South 175 Feet, East 433 Feet to the point of beginning, Section 36, T4N, R3W from "F" Commercial district to "E-2" Local Shopping District.

Parcel Number: 23-50-40-36-400-300
Address: 5030 S. Waverly Road
Legal Descriptions: Commencing on the East Section line 241.5 Feet North of the Southeast corner of Section 36; North 58.5 Feet, West 433 Feet; South 58.5 Feet, East 433 Feet to the point of beginning, Section 36, T4N, R3W from "F" Commercial district to "E-2" Local Shopping District.

Parcel Number: 23-50-40-36-400-310
Address: 5050 S. Waverly Road
Legal Descriptions: Commencing on the East Section line 183 Feet North of the Southeast corner of Section 36; North 58.5 Feet, West 433 Feet; South 58.5 Feet, East 433 Feet to the point of beginning, Section 36, T4N, R3W from "F" Commercial district to "E-2" Local Shopping District.

Parcel Number: 23-50-40-36-400-320
Address: 5058 S. Waverly Road
Legal Descriptions: Commencing at the Southeast corner of Section 36, West 433 Feet; North 183 Feet, East 433 Feet, South 183 Feet to the point of beginning, Section 36, T4N, R3W from "F" Commercial district to "E-2" Local Shopping District.

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 _____, 2019, 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 on the 30th day after enactment.