MINUTES
Committee on Development and Planning
Tuesday, February 2, 2021@ 3:30 p.m.
https://us02web.zoom.us/j/81823851690; ID: 818 2385 1690 Dial In: (312) 626-6799
Held virtually in an effort to protect the health and safety of the public & to mitigate the spread of COVID 19

CALL TO ORDER
Council Member Spitzley called the meeting to order at 3:30 p.m.

PRESENT via audio/video
Council Member Spitzley, Chair remotely from Lansing, Michigan
Council Member Garza, Vice-Chair remotely from Lansing, Michigan
Council Member Betz, Member remotely from Lansing, Michigan
Council Member Hussain, Member remotely from Lansing, Michigan

OTHERS PRESENT via audio/video
Sherrie Boak, Council Staff
Greg Venker, OCA
Ashley Willis
Cathleen Edgerly, DLI
Melissa Jeffries
Thomas Morgan
Susan Stachowiak, EDP

PUBLIC COMMENT
No public comment at this time.

MINUTES
MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM DECEMBER 15, 2020 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 4-0.

Discussion/Action
RESOLUTION – Appointment; Ashlee Willis; Business Owner; Downtown Lansing Inc. Board; Term to Expire 6/30/2024
Ms. Willis spoke briefly on her business and passion for the City. Council Member Hussain confirmed this would be a business member appointment to fill a vacancy.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF ASHLEE WILLIS TO THE DOWNTOWN LANSING INC BOARD. ROLL CALL VOTE, MOTION CARRIED 4-0.

RESOLUTION – Appointment; Thomas Patrick Morgan; At-Large Member; Planning Board; Term to Expire 9/30/2024

Mr. Morgan introduced himself and his role currently on other boards, including Ingham County Commission, part of the County EDC Board and Brownfield Development Authority, and the founder of the Friends of Lansing Schools, and also a role in the East Lansing Planning Commission. Council Member Betz acknowledged Mr. Morgan for his roles so far and was encouraged in his role on this Commission. Council Member Garza acknowledged Mr. Morgan for all his service to the community thus far, and was looking forward to his new appointment. Council Member Hussain asked the OCA if there was a conflict because he has a family connection. Ms. Hagen stated there is no financial benefit to this appointment and with Council Member Hussain. Council Member Spitzley asked for his thoughts on transparency in this roll on the Commission. Mr. Morgan supported following the Master Plan whenever possible.

MOTION BY COUNCIL MEMBER BETZ TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF THOMAS PATRICK MORGAN TO THE PLANNING BOARD.

Council Member Hussain inquired with Mr. Morgan on his thoughts for the proposed Form Based Code. Mr. Morgan noted that there is a possibility of moving towards building towards place-making, and he would support Form Based Code. Mr. Morgan lastly noted to the Committee that the Planning Enabling Act, states the Planning Board should be called “Planning Commission”, and he will be approaching the EDP staff on making that change.

ROLL CALL VOTE, MOTION CARRIED 4-0.

RESOLUTION – Appointment; Melissa Jefferies; At-Large Member; Next Michigan Development Corporation Board; Term to Expire 4/15/2022

Ms. Jeffries spoke briefly on her experience and what she can bring to the Board.
Council Member Spitzley informed the Committee that she was able to find out that the Next Michigan Development Corporation Board is a joint Board which is empowered by state legislation to issue certain tax incentives to spur the development efforts of airport related properties and the expansion of businesses utilizing multi-modal commerce as component of their business operations. The board is responsible for operating by-laws for the governance of the Next Michigan Development Corporation. Council Member Garza asked if she was contacted by the Mayor to serve on this Board, because it was not listed on her application, and Ms. Jefferies confirmed.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF MELISSA JEFFRIES. ROLL CALL VOTE, MOTION CARRIED 4-0.

RESOLUTION- Introduction and Setting of Public Hearing; SLU-5-2020; 727 Sparrow Avenue; Community Center/Outreach Facility and Transitional Housing Shelter in A-Residential District

Ms. Stachowiak outlined the plan, did confirm there were overwhelming support from the neighborhood, and also emails from the neighborhood. Council Member Garza asked about opposition and Ms. Stachowiak confirmed there were two (2) letters stating it was not appropriate in the neighborhood. Council Member Garza asked if these are tax exempt and it was confirmed they are non-profit and will remain tax exempt. Council Member Spitzley ask if the church will own, but was told by Ms. Stachowiak it would be Child and Family Charities, they are purchasing all the buildings and it is their intention to continue to allow the neighborhood activities.

MOTION BY COUNCIL MEMBER BETZ TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR MARCH 8, 2021 FOR SLU-5-2020. ROLL CALL VOTE, MOTION CARRIED 4-0.

RESOLUTION – Introduction and Setting of Public Hearing; Z-9-2020; 3534 & 3538 W Jolly Road; Rezone from CUP-Community Unit Plan to "DM-1" Residential
Ms. Stachowiak noted the properties are adjoining, each with a duplex and the CUP zoning designation is an obsolete district. The applicants will rezone, but keep the duplexes. During the public hearing there were comments on drainage, but any new development on the site would be reviewed by site plan review and engineering. The staff current recommendation is for approval. Council Member Betz asked what would happen with this zoning designation with the future of Form Based Code, and if this action would be changed in the Form Based Code. Ms. Stachowiak acknowledged the department has already had conversations with the OCA any projects in the process before FBC becomes effective, under the current zoning. In the case of this property, FBC would not allow multi family. Council Member Betz noted this does not comply with the Master Plan, and asked what the Planning Board thought of this use in the context that CUP will disappear with FBC. Ms. Stachowiak informed the Committee that CUP was gone in the 1980's, and in this case there are duplexes. Ms. Stachowiak then noted that staff could make a case either way, and in the staff report, it has do to with criteria used to evaluate rezoning's, and how it fits in with the consistent land use in area. If the FBC goes into effect it would reduce the zoning of this, it would also make the other buildings to the East non-confirming. Council Member Betz noted there are legal issues and asked if this goes to FBC will the same issues exist. Council Member Spitzley asked the OCA, since the City is moving towards FBC, if it was approved before this is rezoned, would this then be non-conforming, and also what happens if the FBC is approved before this rezone is approved. Mr. Venker stated they are still treat zoning application under the current zoning code, trying to be consistent as possible with all legislation, so anything that comes in prior to the effective date of the FBC is adopted, will be what it was before FBC is adopted. Until the FBC passes, Council cannot use it to consider, and the FBC effectiveness will be 30 days after Council passes it, so instead of a moratorium, if this passes before FBC, zoning would take effect, and anything on the property will be consistent with that zoning. In the future it would be considered pre-existing, and allowed until something on property changes. Council Member Hussain spoke in opposition to the property, but would support the setting of the public hearing.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR INTRODUCTION AND SETTING OF THE PUBLIC HEARING FOR MARCH 8, 2021 FOR Z-9-2020. ROLL CALL VOTE, MOTION CARRIED 4-0.

ORDINANCE - Z-4-2020; 220 N Pennsylvania; Rezone from C Residential to DM-4 Residential
Council Member Spitzley confirmed the required public hearing was held, and this is the former Eastern High School purchased by Sparrow Hospital in Ward 1. It was also stated that there were concerns in the past on aesthetics of the building, but Sparrow has confirmed they intend to maintain the aesthetics. Council Member Betz asked if there was any way to ensure the promise of maintaining the aesthetics. Ms. Stachowiak informed the office has reached out to Sparrow and they stated under the purchase agreement to maintain the historical aesthetics along Pennsylvania to a certain extent.
Council Member Spitzley stated that public comment was at the beginning of the agenda, so if there are comments the public can reach out to the Committee individually, and speak at Council on 2/8/2021 when it is up for final passage.

MOTION BY COUNCIL MEMBER Betz TO APPROVE THE ORDINANCE FOR Z-4-2020. ROLL CALL VOTE, MOTION CARRIED 4-0.

ORDINANCE - Z-5-2020; Northeast Corner of E Miller and Orchard Court, Rezoning from F Commercial to DM-3 Residential
Council Member Spitzley confirmed the public hearing was held, and the owners intend to build on the site. Ms. Stachowiak confirmed it is not a big site, and if the applicant ever wishes they will have to buy land from the city cemetery, which would require a vote of the people. The site will contain 1 building, maybe 2, and after the last meeting a list of the applicants other properties and tenants letters of support were sent onto the Committee. Council Member Garza asked about objections, and was told there were two (2), however after seeing the details one of the objections was reversed and in support of.

Council Member Hussain asked for the applicants to attend Committee meetings in the future. Ms. Stachowiak confirmed she does extend an invitation to all applicants along with the Committee agendas, and Council Member Spitzley acknowledged moving forward they will be invited.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE ORDINANCE FOR Z-5-2020. ROLL CALL VOTE, MOTION CARRIED 4-0.

ORDINANCE - Z-6-2020; 2420, 2432, 2442, 2506 N Grand River Avenue, Rezoning from F Commercial, J Parking, A Residential, D-1 Professional Office and G-2 Wholesale to H Light Industrial
Council Member Spitzley asked if there is an end use to this rezoning or a cleanup situation of the zoning map. Ms. Stachowiak confirmed there will be a storage building for the owners business, but is it a cleanup of the zoning matching the master plan for industrial and the proposed Form Based Code shows industrial. Lastly, it was noted there were no objections from the neighbors.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE ORDINANCE FOR Z-6-2020. ROLL CALL VOTE, MOTION CARRIED 4-0.

ORDINANCE - Z-8-2020; GDN Farms LLC, 2918 N East Street; Rezoning from F Commercial to H Light Industrial
Council Member Spitzley asked for confirmation that this property is a grow facility that was non-compliance, and Ms. Stachowiak confirmed detailing that the grow facility went it, and when it was found building safety cited it. As regards to zoning, there is currently one parcel of industrial to the east, however along N East Street it would be the only property zoned to industrial if this is approved. Ms. Stachowiak continued informing the Committee that this would be spot zoning, and conflict with the Master Plan and zoning pattern, and staff is recommending denial. The Planning Board did vote in support 4-1, but did not provide much as to why except they were pleased with the upgrades to the building.
Council Member Spitzley stated for the public that Public Comment was at the beginning of the meeting, and if there are additional comments on this any public can contact the Committee members directly.
Council Member Betz asked the Committee if the application can be denied in Committee or do they have to pass it out of Committee to the full Council action. Council Member Spitzley informed Council Member Betz that Council has been told in the past that they cannot deny or vote down zoning, but what they have to do is move it forward out of Committee. The Committee can inform the Council that the recommendation is for denial. Council Member Betz

then asked if GDN Farms has a grow license, and was told by Council Member Spitzley they do not because they are out of compliance. Council Member Betz then noted that Council Member Spadafore did have a proposed ordinance amendment that would change locations of grow facilities, and asked if that would change this. Ms. Stachowiak informed the Committee that the State Statute requires grow facilities can only be located on industrial zoned properties in all communities in Michigan. The city cannot adopt a zoning ordinance to allow grow facilities in other areas, because that is not authorized. Council Member Betz spoke in opposition to rezoning a business with bad behavior after the fact, and Council Member Spitzley agreed. Ms. Stachowiak stated for the record that this should not be considered spot zoning because there is industrial in the area to the east, but not on N. East Street. Council Member Garza asked if the City shut the business down, and it was confirmed.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE ORDINANCE FOR Z-8-2020.
ROLL CALL VOTE, MOTION CARRIED 4-0.

Adjourn

Adjourned at 4:40 p.m.
Submitted by Sherrie Boak
Recording Secretary,
Lansing City Council
Approved by the Committee February 16, 2021