



LANSING PLANNING COMMISSION
Regular Meeting
Tuesday, April 4, 2023, 6:30 p.m.
Neighborhood Empowerment Center
600 W. Maple Street, Lansing, MI 48906

AGENDA

- 1. OPENING SESSION**
 - A. Roll Call**
 - B. Excused Absences**
- 2. APPROVAL OF AGENDA**
- 3. COMMUNICATIONS**
- 4. PUBLIC HEARINGS & ITEMS FOR ACTION**
 - A. Z-2-2023, N Larch Street – Rezoning six properties from “R-3” Suburban Residential to “IND-1” Suburban Industrial 1**
- 5. COMMENTS FROM THE AUDIENCE (please limit comments to 3 minutes per person)**
- 6. RECESS**
- 7. BUSINESS**
 - A. Consent Items**
 - (1) Minutes for approval: March 7, 2023 2**
 - B. Old Business**
 - C. New Business**
 - (1) Act-3-2023, N Larch Street, Street Vacation 3**
- 8. REPORT FROM PLANNING & ZONING OFFICE**
- 9. COMMENTS FROM THE CHAIRPERSON**
- 10. COMMENTS FROM COMMISSION MEMBERS**
- 11. PENDING ITEMS: FUTURE ACTION REQUIRED**
- 12. ADJOURNMENT**

GENERAL INFORMATION

APPLICANT/OWNER:	Tews Properties, LLC 3323 N. East Street Lansing, MI 48906
REQUESTED ACTIONS:	Rezone 6 vacant lots from “R-3” Suburban Detached Residential to “IND-1” Suburban Industrial
EXISTING LAND USE:	6 vacant lots
EXISTING ZONING:	“R-3” Suburban Detached Residential District
PROPOSED ZONING:	“IND-1” Suburban Industrial District
PROPERTY SIZE:	1 parcel at 66’ x 150 = 9,900 square feet 5 parcels at 60’ x 198’ = 11,880 square feet 69,300 square feet total – 1.59 acres
SURROUNDING LAND USE:	N: Single-Family Residential S: Single-Family Residential E: Retail, Auto Repair, Fence Contractor W: Single-Family Residential
SURROUNDING ZONING:	N: “R-3” Suburban Detached Residential S: “R-3” Suburban Residential District E: “S-C” Suburban Commercial W: “R-3” Suburban Residential District
MASTER PLAN:	The Design Lansing Comprehensive Plan designates the subject property for “Low-Density Residential” land use.

DESCRIPTION:

This is a request to rezone 6 vacant parcels located on an unimproved section of N. Larch Street that extends south off of E. Frederick Avenue, west of N. East Street, from “R-3” Suburban Detached Residential to “IND-1” Suburban Industrial. The properties that are the subject of this request are legally described as:

Lots 43, 44, 45, 46, 47 & 50, Supervisors Plat of Schworers Bloomfield Farms

The purpose of the rezoning is to permit use of the subject properties for storage of materials related to a fence construction business.

COMPATIBILITY WITH SURROUNDING LAND USE:

The subject properties are surrounded to the north, south and west by residential zoning and land uses. The properties to the east that front along N. East Street are zoned “S-C” Suburban Commercial and include the applicant’s fence contracting business (Pro-Soil), Auto Zone and Tripp’s Auto Body Collision. The applicant purchased the 6 lots behind his business at 3323 N. East Street that are the subject of this request so that he can lawfully utilize them for outdoor storage related to his business. The applicant has been cited by the City in the past for using the lots for outdoor storage in violation of the Zoning Ordinance. During that time, the City received complaints from neighboring residential property owners about the unsightly appearance of the storage and the disruptive level of activity that was occurring on the site.

The applicant’s property at 3323 N. East Street is separated from the lots that are the subject of this rezoning by a platted, but not constructed public street (N. Larch Street). The applicant has also filed an Act 33 request to vacate the unimproved right-of-way. If approved, the applicant would become the owner of that part of the right-of-way that he owns on both sides of it. This right-of-way is intended to provide street access to the vacant lots located to its east so that they could be developed for single family residential homes, as permitted under the current zoning designation. The person wishing to do so would be responsible for constructing the street in accordance with all City requirements applicable thereto.

Although use of the subject properties is challenging because they do not currently have frontage on an improved street, approval of the rezoning to allow outdoor storage on the site could negatively impact the existing residential uses to the north, south, and west from an appearance standpoint as well as the potential to generate noise, light glare, fumes, and heavy traffic. The “IND-1” Industrial district allows such uses as manufacturing, heavy auto repair, marijuana facilities, and automobile sales, none of which would be appropriate on a site that is surrounded on 3 sides by single family residential uses. Based upon the single-family residential zoning and the single-family residential land use pattern being advanced the City’s Master Plan, the owners of the surrounding residential properties have a reasonable expectation that if the subject properties ever were to develop, that it would be for single family residential use only. It would be unreasonable and unfair to those residents to change the zoning to allow for far more intensive uses and outdoor storage in particular.

COMPLIANCE WITH MASTER PLAN:

The Design Lansing Comprehensive Plan designates the subject property for “Low-Density Residential” land use. The Plan specifies the following for this land use classification:

“To provide an environment for low-density, single-family detached dwellings.”

The existing R-3, Suburban Detached Residential zoning is a single-family residential zoning district and is thus, consistent with the Comprehensive Plan designation. The proposed industrial zoning would allow uses that are completely contrary to the low-density residential land use pattern being advanced in the Plan. It would also be contrary to the most basic, fundamental principle of planning and zoning which is to protect property values and quality of life standards by ensuring compatibility of land uses.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:

The proposed rezoning could result in heavy truck traffic coming into the neighborhood. Frederick Street is classified as a local road that is designed for a low volume of residential traffic. The impacts of industrial grade vehicles could also impact the quality of life for residents in the area with respect to noise, fumes, vibrations, and other potential nuisances.

IMPACT ON PUBLIC FACILITIES:

Any new construction would require extending utilities to the site(s) at the sole expense of the property owner. There are no utilities in the unimproved N. Larch Street right-of-way that is proposed for vacation.

ENVIRONMENTAL IMPACT:

It is not anticipated that the proposed rezoning would have any negative impacts on the natural environment. Any use of the site, including outdoor storage, would require the construction of a paved driveway and parking area, constructed in accordance with all City ordinance requirements including stormwater management systems.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT:

Rezoning the subject properties from residential to industrial could have negative impacts on future patterns of development in the area. The proposed industrial zoning is contrary to the residential land use pattern being advanced in the Master Plan as described on page 2 of this report. Furthermore, use of the subject property for outdoor storage could infringe on the enjoyment and privacy of the surrounding residential area. In addition to storage, many of the uses permitted in the "IND-1" Industrial zoning district would significantly increase the level of activity on the site and generate noise, light glare and heavy traffic that would negatively impact adjoining residential uses. Approval of a rezoning request that is in direct conflict with the Master Plan and incompatible with the surrounding zoning and land use patterns, could set a negative precedent for future requests of a similar nature involving the rezoning of residential properties in the area and in other locations in the City as well.

SUMMARY

This is a request to rezone 6 vacant parcels located on an unimproved section of N. Larch Street that extends south off of E. Frederick Avenue, west of N. East Street, from "R-3" Suburban Detached Residential to "IND-1" Suburban Industrial. The properties that are the subject of this request are legally described as:

Lots 43, 44, 45, 46, 47 & 50, Supervisors Plat of Schworers Bloomfield Farms

The purpose of the rezoning is to permit use of the subject properties for storage of materials related to a fence construction business.

The findings of fact, as outlined in this staff report do not support a positive recommendation for the requested rezoning. The proposed rezoning is not consistent with the existing zoning and land use patterns in the area and with the low-density residential future land use pattern being advanced in the Design Lansing Comprehensive Plan. Additionally, the proposed rezoning may have negative impacts on traffic patterns, the environment, and future patterns of development in the area.

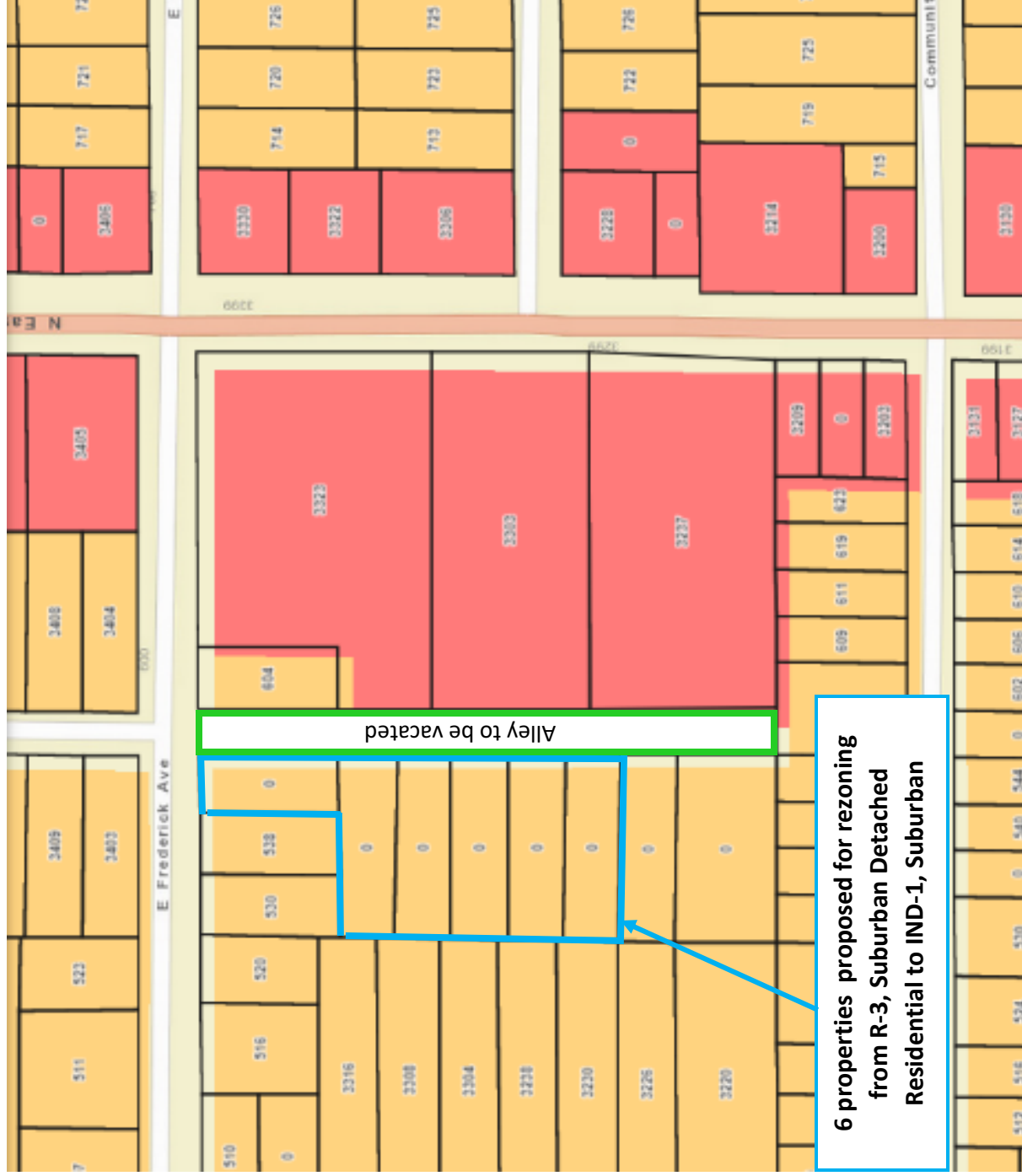
RECOMMENDATION

Pursuant to the findings described in this report, staff recommends denial of Z-4-2023

Respectfully Submitted,

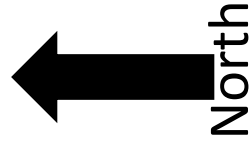
**Susan Stachowiak
Zoning Administrator**

City of Lansing Zoning Map



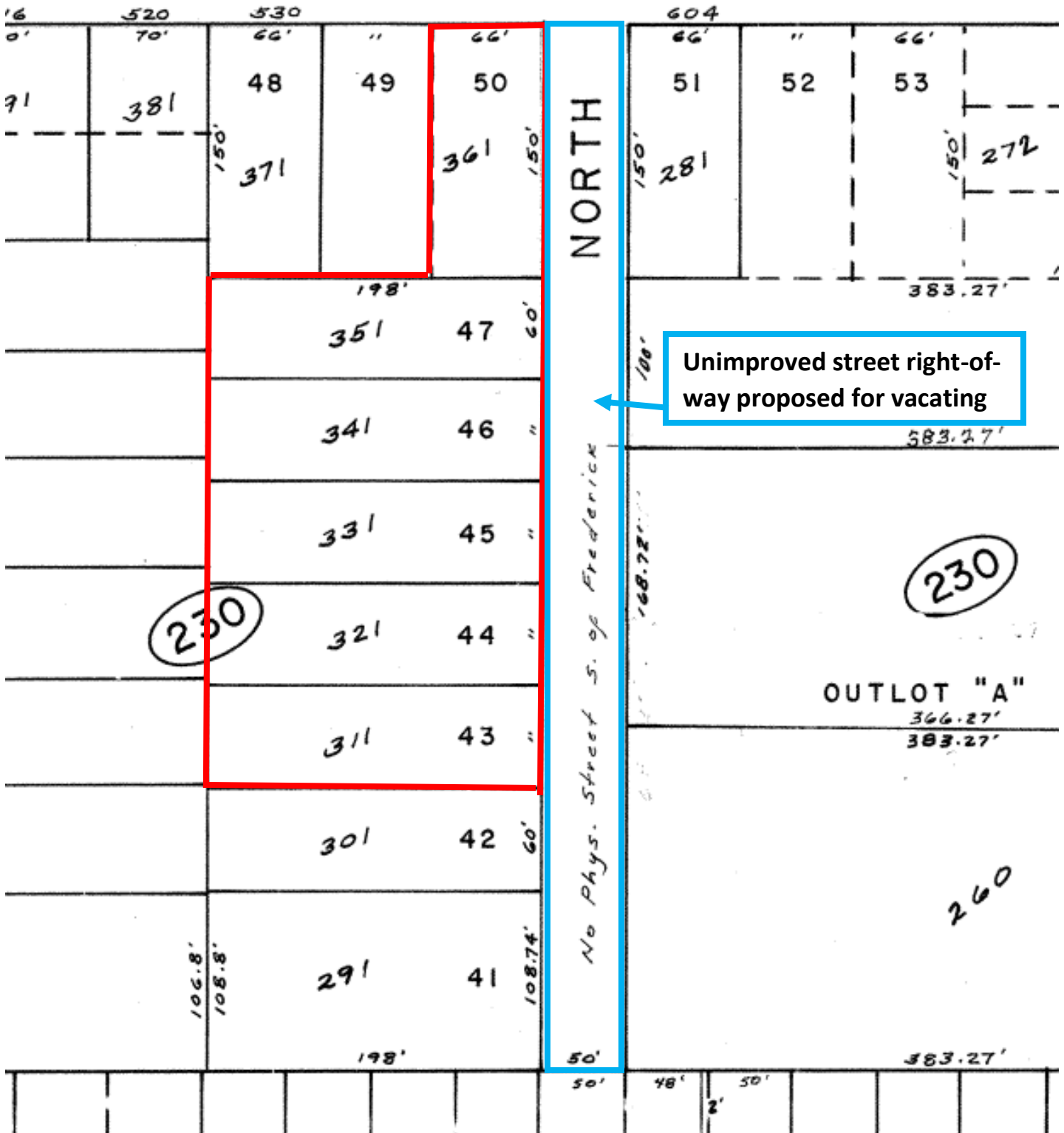
Zoning Districts

- R-1 - Suburban Detached Res.
- R-2 - Suburban Detached Res.
- R-3 - Suburban Detached Res.
- R-4 - Urban Detached Res.
- R-5 - Urban Detached Res.
- R-6A - Urban Detached Res.
- R-6B - Urban Detached Res.
- R-MX - Residential Mix
- MFR - Multi-Family Residential
- R-AR - Residential Adaptive Reuse
- S-C - Suburban Corridor
- MX-C - Mixed-Use Corridor
- MX-1 - Mixed-Use Neighborhood Center
- MX-2 - Mixed-Use Community Center
- MX-3 - Mixed-Use District Center
- IND-1 - Suburban Industrial
- IND-2 - General Industrial
- IND-3 - Urban Industrial
- INST-1 - Suburban Institution
- INST-2 - Urban Institution

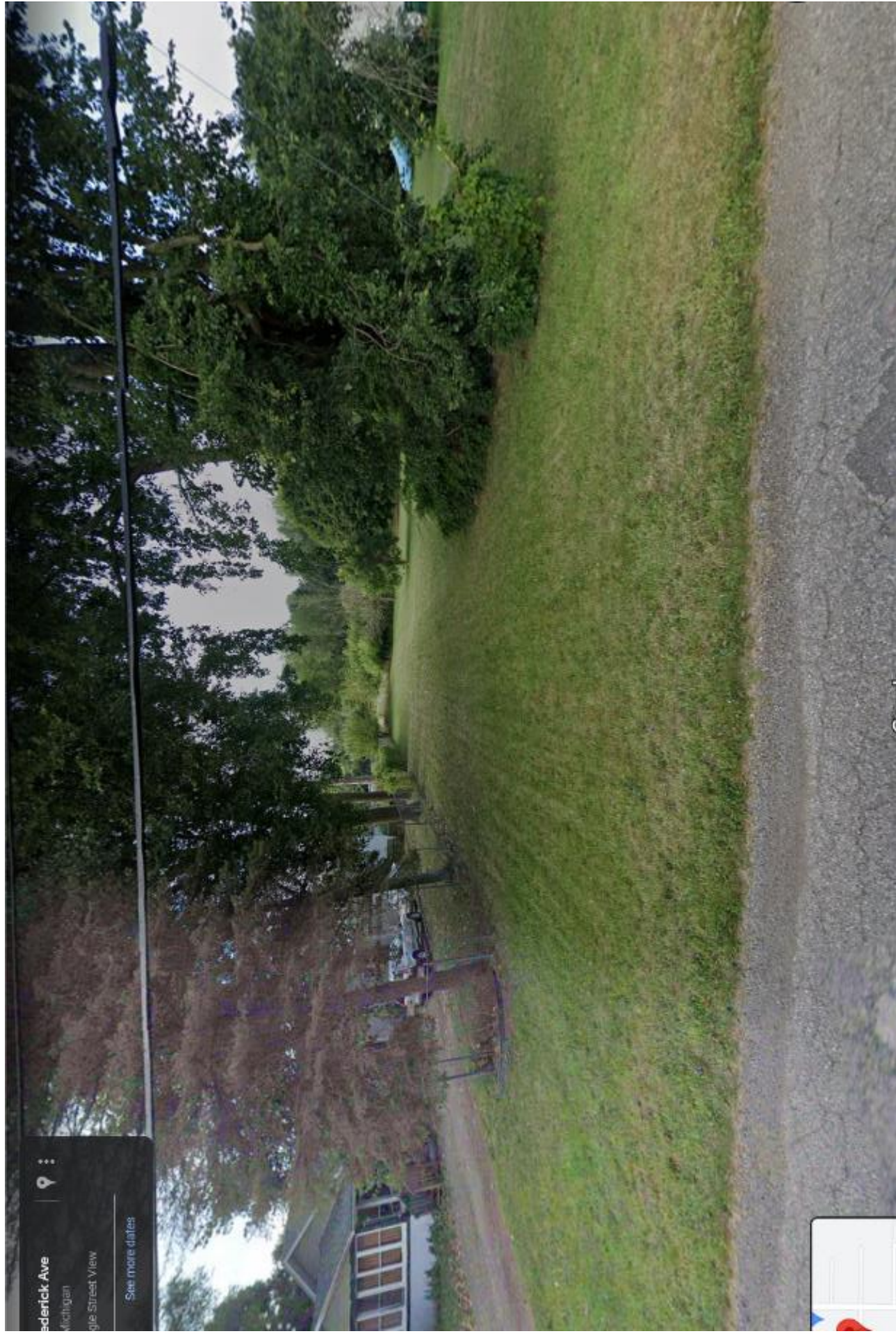


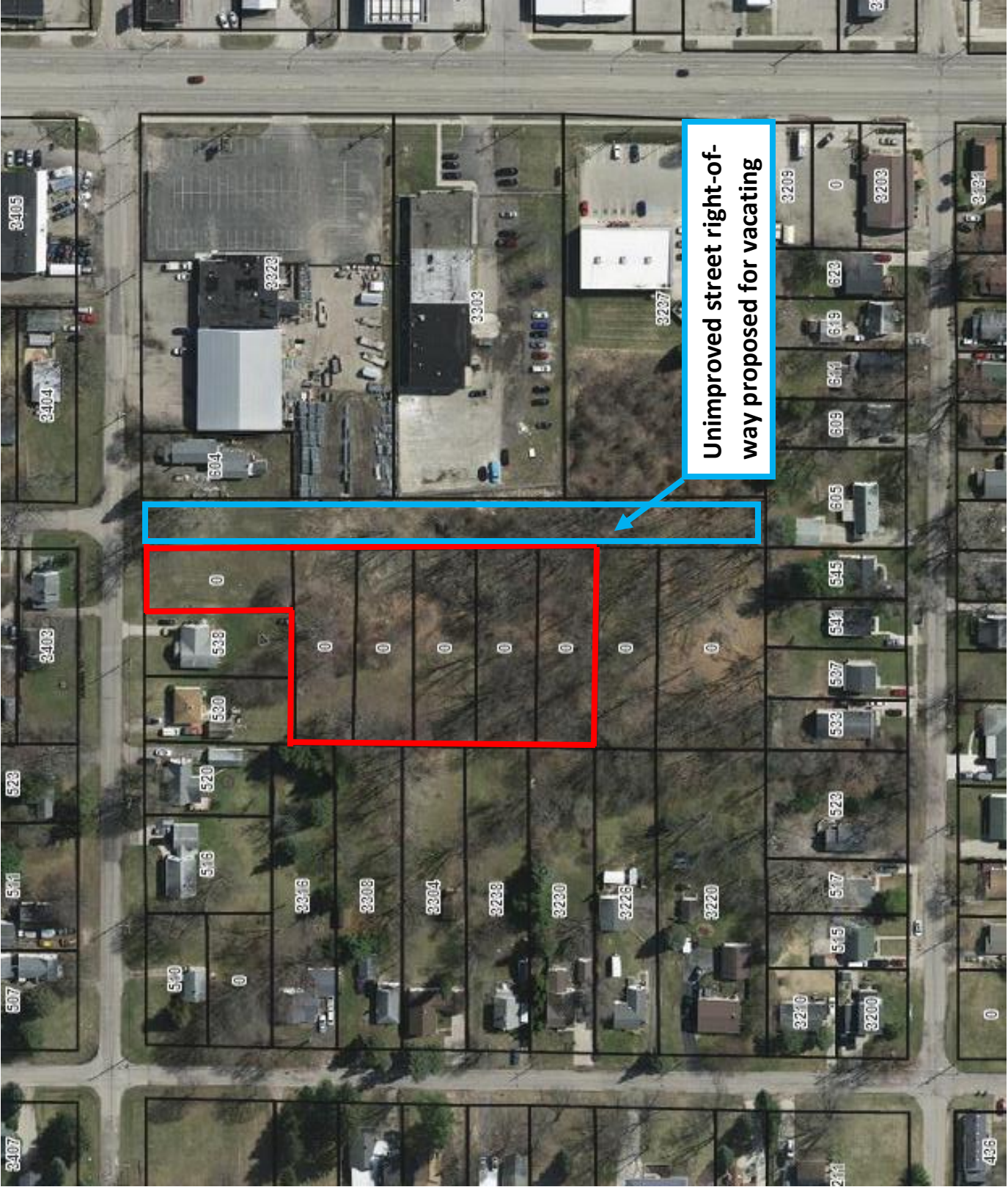
FREDERICK

AVE.

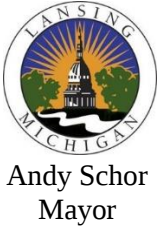


View of property from E. Frederick Avenue





Unimproved street right-of-way proposed for vacating



LANSING PLANNING BOARD
Regular Meeting
February 7, 2022 – 6:30 p.m
Neighborhood Empowerment Center
600 W Maple Street, Lansing, MI

MINUTES – DRAFT

1. OPENING SESSION

Mr. Ruge called the meeting to order at 6:31 p.m.

- a. Present: Katie Alexander, Tony Cox, Josh Hovey, Monte Jackson, Thomas Morgan, John Ruge
- b. Absent: Farhan Bhatti
- c. Staff: Sue Stachowiak, Zach Driver, Andy Fedewa, Greg Venker (Office of the City Attorney), Dominic Cochran (Public Media Center)

2. APPROVAL OF AGENDA – The agenda was approved by unanimous consent.

3. COMMUNICATIONS – None

4. PUBLIC HEARINGS

- A. **LS-4-2023**, 4512 and 4524 Ingham Street, Variance to the width to depth ratio restriction to permit a parcel split

Ms. Stachowiak stated this application is for a variance to the City's Subdivision Ordinance rather than the Zoning Ordinance, which requires consideration from the Planning Board and approval from City Council rather than the Board of Zoning Appeals. This request is to divide the combination of two parcels (4512 Ingham St. and 4524 Ingham St.) into three parcels of equal dimensions to facilitate the building of new single-family residential homes:

Existing: 198' x 305' = 60,390 sq. ft.

Proposed: Parcel No. 1: 66' x 305' = 20,130 sq. ft.
Parcel No. 2: 66' x 305' = 20,130 sq. ft.
Parcel No. 3: 66' x 305' = 20,130 sq. ft.

These dimensions however would exceed the stated width to depth ratio allowed in the Subdivision Ordinance, which restricts the depth of a parcel to a maximum of 2.5 times its width. The proposed parcels of 66 feet wide by 305 feet deep have a ratio of 1:4.62. Ms. Stachowiak stated that the proposed width of the parcels is wider than the district's minimum of 60 feet and referenced an aerial picture in the agenda packet to show that multiple properties in the vicinity have equal or similar dimensions. The Planning Office recommends approval of LS-4-2023.

Mr. Ruge opened the public hearing and seeing no one wishing to speak closed the public hearing.

Mr. Morgan made a motion, seconded by Mr. Hovey, to recommend approval of LS-4-2023, 4512 and 4524 Ingham Street, Variance to the width to depth ratio restriction to permit a parcel split. On a voice vote the motion passed unanimously (5-0).

- B. **LS-7-2023**, 4720 Ballard Road, Variance to the width to depth ratio restriction to permit a parcel split

Ms. Stachowiak stated this application is another variance to the City's Subdivision Ordinance rather than the Zoning Ordinance. This request is to divide 4720 Ballard St. into two parcels of equal dimensions to facilitate the building of new single-family residential homes:

Existing: 141' x 305' = 43,005 sq. ft.

Proposed: Parcel No. 1: 70.5' x 305' = 21,502.5 sq. ft.
Parcel No. 2: 70.5' x 305' = 21,502.5 sq. ft.

These dimensions would exceed the stated width to depth ratio allowed in the Subdivision Ordinance, which restricts the depth of a parcel to a maximum of 2.5 times its width. The proposed parcels of 70.5 feet wide by 305 feet deep have a ratio of 1:4.32. Ms. Stachowiak stated that the proposed width of the parcels is wider than the district's minimum of 60 feet and referenced an aerial picture in the agenda packet to show that multiple properties in the vicinity have equal or similar dimensions. The Planning Office recommends approval of LS-7-2023.

Mr. Ruge opened the public hearing.

Wayne Whiting, stated his concern for making smaller parcels and asked if the proposed houses will be for low-income housing.

Eddie Williams, stated his concern for making smaller parcels and concern if the proposed houses will be rented.

Valerie Black, Reo Rd., stated her concern for making smaller parcels and her impression of crime in the neighborhood.

Vincent Black, Reo Rd. stated his concern for making smaller parcels and adding new housing to the neighborhood.

Seeing no one wishing to speak, Mr. Ruge closed the public hearing.

Mr. Thomas made a motion, seconded by Mr. Hovey, to recommend approval of LS-7-2023, 4720 Ballard Road, Variance to the width to depth ratio restriction to permit a parcel split.

David Burns, Ingham County Land Bank, spoke on the Land Bank's established procedures to enter agreements with contractors that build single-family houses. Mr. Burns answered an earlier question to state that sometimes there is an owner-occupancy covenant when the Land Bank sells a house, but they are not used for vacant land.

Mr. Hovey spoke on Michigan's housing crises and that he supports the building of two new homes with a property size equal to other parcels in the neighborhood.

Mr. Ruge stated his support for building new housing in the City and that new residents will add 'eyes on the street' a concept that residents naturally monitor their streets.

On a voice vote the motion passed unanimously (6-0).

- C. **Z-1-2023, 4111 Aurelius Road, Rezoning from MX-1 "Mixed-Use Neighborhood Center" to R-2 "Suburban Residential"**

Zach Driver, Commercial Corridor Specialist, stated this application from the property owner is to rezone their parcel from MX-1 "Mixed-Use Neighborhood Center" to R-2 "Suburban

Residential” to comply with its continued use as a single-family residence. This area was marked as a ‘neighborhood center’ in the Future Land Use Plan of the 2012 *Design Lansing* Comprehensive Plan to facilitate small-scale, neighborhood-based commercial uses, and this parcel specifically is a continuation of the former “F” commercial zoning district designation.

A rezoning would not only allow for the continued use as a single-family residence but also no longer make the structure legally non-conforming thus allowing its rebuild in the event of an unfortunate incident that destroys the structure to an extent of more than 50 percent of its replacement value. The Planning Office recommends approval of Z-1-2023.

Mr. Ruge opened the public hearing.

Keaven Henson, applicant, spoke in support of the rezoning, and stated that the application is to have the zoning reflect its historic use, which will protect his investment by allowing the property to be more easily financed and insured.

Seeing no one wishing to speak, Mr. Ruge closed the public hearing.

Mr. Thomas made a motion, seconded by Mr. Jackson, to recommend approval of Z-1-2023, 4111 Aurelius Road, Rezoning from MX-1 “Mixed-Use Neighborhood Center” to R-2 “Suburban Residential”.

Mr. Ruge asked if the next buyer of the property wanted to establish a commercial use. Ms. Stachowiak answered that the Planning Office would be supportive of rezoning it back to commercial if it had a good redevelopment plan.

On a voice vote the motion passed unanimously (6-0).

D. **SLU-1-2023, 109 E Randolph Street, Special Land Use Permit for a state-licensed Adult Foster Care Group Home**

Ms. Stachowiak informed the Planning Board that although they have seen numerous applications for this property the most recent applicant abandoned his project and withdrew the case from City Council consideration.

Ms. Stachowiak stated this application from Looking Glass Adult Foster Care is for a Special Land Use Permit to allow the property to be used as a state-licensed adult foster care – small group home with up to 12 residents in care. The proposal is to provide around the clock care for those residents that may be developmentally delayed, may need daily assistance, or may have an illness such as dementia or Alzheimer’s Disease.

Ms. Stachowiak stated that the application will not require a rezoning and that the variance for parking (CASE #) approved last year is still active, but the Planning Office encourages the applicant to discuss an agreement for parking spaces with the church. The Planning Office recommends approval of SLU-1-2023.

Mr. Ruge opened the public hearing.

Colleen Bueller, spoke in support of the application.

John Vein, Randolph St., spoke in support of the application and stated his concern for the site’s parking.

Tommy Deluca, stated his concern about the supervision of residents that may have special needs.

Justin Miller, applicant, spoke in support of the application and stated that they have two other facilities in the metro Lansing area so they will abide by all state regulations, which includes having at least one staff person per 12 residents. The facility cannot lock doors due to fire requirements, but all residents have a keycard on them that alerts staff should they leave the building.

Seeing no one else wishing to speak, Mr. Ruge closed the public hearing.

Ms. Alexander made a motion, seconded by Mr. Thomas, to recommend approval of SLU-1-2023, 109 E Randolph Street, Special Land Use Permit for a state-licensed Adult Foster Care Group Home. On a voice vote the motion passed unanimously (6-0).

- E. **Z-3-2023**, Multiple Properties in the 800 & 900 Blocks of May Street and E Saginaw Street, and in the 700 Blocks of E Park Terrace, Quaker Court, and N Pennsylvania Avenue, Rezoning from R-MX “Mixed Residential” to DT-2 “Urban Flex”

Ms. Stachowiak stated this application from H, Inc. is to rezone 27 properties within the block bordered by E Park Terrace, E Saginaw St., Quaker Ct., N Pennsylvania Ave., and May St. to facilitate a redevelopment project. Ms. Stachowiak asked Board members to reference the parcel aerial in the agenda packet to illustrate those properties owned by the applicant and the Ingham County Land Bank (ICLB) that are a part of the request. The DT-2 zoning district would facilitate a denser development with no lot size per dwelling unit stipulation, shorter setbacks, and no maximum lot coverage.

H, Inc. included a conceptual plan in the agenda packet for up to 240 dwelling units with renderings of what the buildings could look like. Ms. Stachowiak stated that the 2012 Comprehensive Plan designated this area as a combination of medium/low residential use and as ‘Residential Corridor’ which are to provide for low-medium density of single-family detached dwellings, two-family dwellings, townhomes, and a mix of ‘urban’ housing forms such as townhomes, stacked flats, small apartments, and lofts. The Plan states a standard density of 20 to 50 dwelling units per acre in 2-3 story buildings. The proposed density is 43.6 units per acre. With this criterion, the proposed development will be consistent with the Plan.

The Planning Office recommends approval of Z-3-2023.

Mr. Ruge opened the public hearing.

Terri Niblock, May St., spoke in opposition of the application and about conditions in the neighborhood.

Kayla Medina, May St., spoke in opposition of the application and about conditions in the neighborhood.

Kraig Medina, May St., spoke in opposition of the application and about conditions in the neighborhood.

Michael Larrabee, May St., spoke in opposition of the application and about conditions in the neighborhood.

Cathy Sheets, rental owner in neighborhood, spoke in opposition of the application and stated she does not believe the proposed development will be consistent with the Comprehensive Plan in terms of housing affordability, dwelling unit accessibility, strategies for compatible housing infill, and goals for mixed-income and diverse dwelling types.

Nancy Mahlow, Eastside Neighborhood Organization, May St., spoke in opposition of the application and about conditions in the neighborhood.

Alex White, May St., May St., spoke in opposition of the application and about conditions in the neighborhood. Mr. White asked if the proposed development will incorporate commercial uses and if the City had tools to hold the developer accountable.

Harry Hepler, applicant spoke on his business' history of historic preservation and adaptive reuse; their redevelopment in the area with Motor Wheel Lofts and Prudden Place as well as other businesses in Lansing. Mr. Hepler requested to address a comment about a police precinct leaving the area and stated they did not vacate the Police Department, but lost them to another facility which offered a \$1 rental agreement. Mr. Hepler stated his business is not a low-income landlord and they work to end leases with tenants that cause problems. Mr. Hepler spoke on the challenges of evictions during the Covid-19 Epidemic and rehabbing of housing stock they have acquired because of age and lack of maintenance.

Mr. Hepler stated that the conceptual plan and renderings included in the agenda packet were meant to illustrate the maximum possible and referenced some constraints such as E Saginaw St. street design, traffic noise, landscaping and fenestration, planned solar panels, expected rents, and a rental/homeowner ratio. H, Inc. will have to adjust the development based on many factors but this is meant as a first step to getting started. Mr. Hepler expressed a willingness to adjust building designs based on neighborhood input.

Mr. Ruge asked when the construction will start. Mr. Hepler answered they are acquiring enough contiguous parcels to begin the first phase which could be up to 160 units and stated that they will be ADA accessible.

Seeing no one else wishing to speak, Mr. Hovey closed the public hearing.

Mr. Morgan made a motion, seconded by Mr. Hovey, to recommend approval of Z-3-2023, Multiple Properties in the 800 & 900 Blocks of May Street and E Saginaw Street, and in the 700 Blocks of E Park Terrace, Quaker Court, and N Pennsylvania Avenue, Rezoning from R-MX "Mixed Residential" to DT-2 "Urban Flex".

Mr. Ruge asked about the properties within the block that have not sold to H, Inc. and questioned the expected impact of the proposed development on neighbors' quality of life with such a drastic change. Mr. Hepler replied that concept will be adapted to stated concerns.

Mr. Ruge asked about the plan for street trees. Mr. Hepler replied that trees may not be as frequent or as large as usual because of root concerns and front setbacks. Mr. Ruge stated his concern that there be enough trees and landscaping due to the lot coverage maximum.

[Mr. Morgan stepped away at 7:51 pm]

Mr. Hepler referenced the conceptual plan to show that the first phase will be at the south half along E Saginaw St. and not May St. where there are more residents. The plan is meant to be modular and adaptable to growth as land is acquired.

[Mr. Morgan returned at 7:53 pm]

Mr. Ruge asked if it is possible to require longer front setbacks. Ms. Stachowiak answered that the applicant would have to propose a conditional rezoning for any Planning Board stipulations. Mr. Hepler restated that the plan can change due to market conditions, development design, the Neighborhood Enterprise Zone application, and neighborhood input.

Mr. Ruge asked if H, Inc. is open to a conditional rezoning. Mr. Hepler stated that could be a discussion. Ms. Stachowiak reminded the Board that as of right now this application will not have conditions to move forward and that a conditional rezoning would be for the second phase of rezoning requests.

Mr. Jackson asked if there is a possibility that the project will fall through. Mr. Hepler answered that they have an equity partner to help finance. H, Inc. has a list of items to work out with Public Service and other City departments, but wanted to reassure the neighbors that blight will be removed from the block through demolition of five houses that cannot be rehabilitated.

Ms. Alexander asked if H, Inc. would hold neighborhood meetings focused on the design of the development because of the concerns that have been stated to Planning Board that night. Mr. Hepler answered that they are open to charettes with the surrounding property owners.

Mr. Hovey referenced the recently released State of Michigan Housing Plan and its declaration that 75,000 dwelling units are needed in the state. Mr. Hovey believes the City needs housing of all types.

On a roll call vote the motion passed unanimously 6-0.

5. COMMENTS FROM THE AUDIENCE

Ms. Mahlow stated that the City currently has at least 700 red-tagged dwelling units which do not allow habitation until all code violations are resolved. Returning these units to productive use could help satisfy the housing need.

6. RECESS – Not taken

7. BUSINESS

A. Consent Items

(1) Minutes for approval: February 7, 2023

The minutes from the February 7, 2022 Planning Board meeting were approved without objection.

B. Old Business – None

C. New Business

(1) Act-1-2023, East Michigan Avenue, Right of Way Easements

Mr. Fedewa stated this application from Continental/Ferguson Lansing LLC is to formalize easements for multiple forms of encroachments into the E Michigan Ave. right-of-way. Temporary licenses between the applicant and Public Service for the encroachments were granted earlier to allow construction to begin with the stipulation that the developer would secure formal easements. The encroachments are currently built and/or installed.

Mr. Fedewa and Mr. Venker pointed out the diagrams in the agenda packet that illustrate the locations in the right-of-way. With Public Service's comments and consent the Planning Office recommended approval of Act-1-2023.

3108 – 3140 E Michigan Ave. (PID # 33-01-01-14-426-006): Patios, ramps, stairs, and retaining walls 17.76' into ROW, footing 19.85' into ROW.

3150 – 3170 E Michigan Ave. (PID # 33-01-01-14-426-008): Building 0.30' into ROW, footings 2.73' into ROW. Patio, stairs, and retaining walls 16.15' into ROW, footings 16.65' into ROW.

155 Cascade Blvd. and 3204 – 3214 E Michigan Ave. (PID # 33-01-01-14-426-003): Patios, ramps, stairs, and retaining walls 13.88' into ROW, footings 16.07' into ROW.

Mr. Morgan made a motion, seconded by Mr. Hovey, to recommend approval of Act-1-2023, East Michigan Avenue, Right of Way Easements. On a voice vote the motion passed unanimously (6-0).

- (2) **Act-2-2023, Northeast corner of S Washington Avenue and Lenawee Street, Purchase of Property**

Mr. Fedewa stated this application from the City of Lansing and the Public Media Center is to purchase parts of two properties to facilitate the building of a new performance venue and media center downtown. The proposal includes the northeast portion of 501 S Capitol Ave. and the north half of 520 S Washington Ave. to create a new parcel roughly 0.91 acres, while the new building will have a footprint of 32,325 square feet, the bulk of the new parcel.

The purchase will include the existing building on 520 S Washington Ave. which will be repurposed for the headquarters of the Public Media Center and additional offices.

The Public Service Department included comments stating that sewer separation and street work is scheduled for this area in the next few years and the department is working to move up their timeframe to complete it along side the building construction schedule, but these agreements are not yet finalized.

The Planning Office recommended approval of Act-2-2023 on the finding that a new performance venue and media center will play a part in multiple *Design Lansing* Comprehensive Plan arts, cultural, and entertainment efforts.

Mr. Morgan made a motion, seconded by Ms. Alexander, to recommend approval of Act-2-2023, Northeast corner of S Washington Avenue and Lenawee Street, Purchase of Property. On a voice vote the motion passed unanimously (6-0).

- (3) **Selection of Chairperson, Vice-Chairperson, and Board of Zoning Appeals Representative.**

Mr. Morgan nominated Mr. Hovey for Chairperson. Mr. Hovey consented to the nomination.

Mr. Ruge asked if conflicts of interest due to Mr. Hovey's full-time business might interfere with his chairmanship. Mr. Morgan stated that Mr. Hovey would recuse himself as he has always done if that situation arises. Mr. Cox agreed.

Mr. Morgan called the question.

Mr. Hovey was elected Chairperson by a 4-1 roll call vote. Mr. Ruge cast the dissenting vote.

Mr. Jackson nominated Ms. Alexander for Vice-Chairperson. Ms. Alexander consented to the nomination. Ms. Alexander was elected Vice-Chairperson by unanimous consent on a roll call vote (5-0).

Ms. Alexander nominated Mr. Jackson for Board of Zoning Appeals Representative. Mr. Jackson consented to the nomination. Mr. Jackson was elected Board of Zoning Appeals Representative by unanimous consent on roll call vote (5-0).

- 8. REPORT FROM PLANNING MANAGER – None**
- 9. COMMENTS FROM THE CHAIRPERSON – None**
- 10. COMMENTS FROM BOARD MEMBERS – None**
- 11. PENDING ITEMS: FUTURE ACTION REQUIRED – None**
- 12. ADJOURNMENT – The meeting was adjourned at 8:30 p.m.**

Act-3-2023, N Larch St. Street Vacation - STAFF REPORT

An Act 33 Review is a planning level review of the location, character and extent of public improvements and City property transactions. Act 33 Reviews are conducted by the City of Lansing pursuant to the provisions of the Michigan Planning Enabling Act (P.A. 33 of 2008) and Section 208 of the Lansing Code of Ordinances.

APPLICANT:	Tews Properties LLC, 3323 N East St. Lansing, MI
PROPOSAL:	Vacate unimproved section of North Larch Street south of East Frederick Avenue right of way.
CURRENT OWNER:	City of Lansing
EXISTING LAND USE & ZONING:	Use: Vacant. Zoning: Unzoned street right-of-way
PROPERTY SIZE AND SHAPE:	Rectangular, 50' width x 618.74' depth, 30,937 square feet
SURROUNDING ZONING & LAND USE	North: R-3, Residential South: R-3, Residential West: R-3, vacant East: SC "Suburban Commercial", Commercial

ANALYSIS

BACKGROUND:

Tews Properties LLC is requesting to vacate an unimproved section of N Larch St. adjacent to their commercial business to be incorporated into existing property owned by the applicant and used for their business.

This 'paper street' is a continuation of N Larch St. and theoretically provides access to seven buildable residential parcels. Five of the parcels are owned by the applicant while the remaining two are each owned by the respective adjoining property owner to the west along N Cedar St. It is unknown why those property owners have not combined their parcels with their existing home parcel or if they have alternative plans.

The applicant purchased six parcels from Ingham County. It makes sense that there has not been much developmental interest due to the lack of street access. Anyone who would like to develop the vacant parcels with traditional single-family housing would have to expend the costs to properly install N Larch St. to the City's specifications.

The proposed vacation would cut off all access to the two properties not owned by the applicant.

LOCATION:

This section of N Larch St. is located at the far north end of the City, but is not connected to what is commonly thought of Larch St. running through the city further south.

CHARACTER:

This section of N Larch St. is completely unimproved and vacant.

EXTENT:

The extent of the vacation would be that section of N Larch St. from E Frederick Ave. continuing south approximately 616 feet. Please see Exhibit B and the aerial, Exhibit A.

By nature of street vacations, if approved, the right of way will be split down the middle and the resulting land divided amongst the adjoining property owners. Five portions will be reserved for the five property owners unless alternative arrangements are made between the applicant and those parties. Please see Exhibit D.

AGENCY REFERRALS

Lansing Board of Water and Light (BWL)

- No comment received.

Public Service Department:

- (J. Volk) No sewer utilities are shown on our maps.
- (A. Kilpatrick) The main issue that would need to be resolved is that the two southernmost properties on the west side of Larch would be landlocked by the vacation. Although each is owned by the current property owner to the west (fronting Cedar), they are separate parcels. In addition, the southern two on the east side Larch wouldn't be landlocked, but the vacation could affect the value of these parcels because the potential for future access at the rear of the parcels is removed.

There is no need for this to remain right of way, unless we have utilities there, as long as all adjacent property owners approve of it and realize it could affect their future access. The applicant should know that the right of way is split down the middle, so he doesn't get the full width, except in the sections where he has parcels on both sides of the right of way.

Building Safety Office:

- No objection.

Lansing Fire Department:

- (M. Burger) I don't think the road is any part of any emergency access to the other properties, so I have no more questions. [Based on correspondence that the

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applicant would like to use the property for outdoor storage of fencing and landscaping materials, not hazardous materials.]

Parks and Recreation:

- No objection.

STAFF RECOMMENDATION

The request can be granted without impact on the circulation network. No easements for water, electric, street lighting and/or communications will be necessary per the Public Service Department. Although Public Service has no plan to install street facilities for this stretch itself and although the adjacent vacant parcels have gone through Ingham County, it does not mean this area could not see development interest in the future. The City has seen a handful of new single-family and multi-family new builds the past few years. I consistently do not support the removal of buildable residential property within the City.

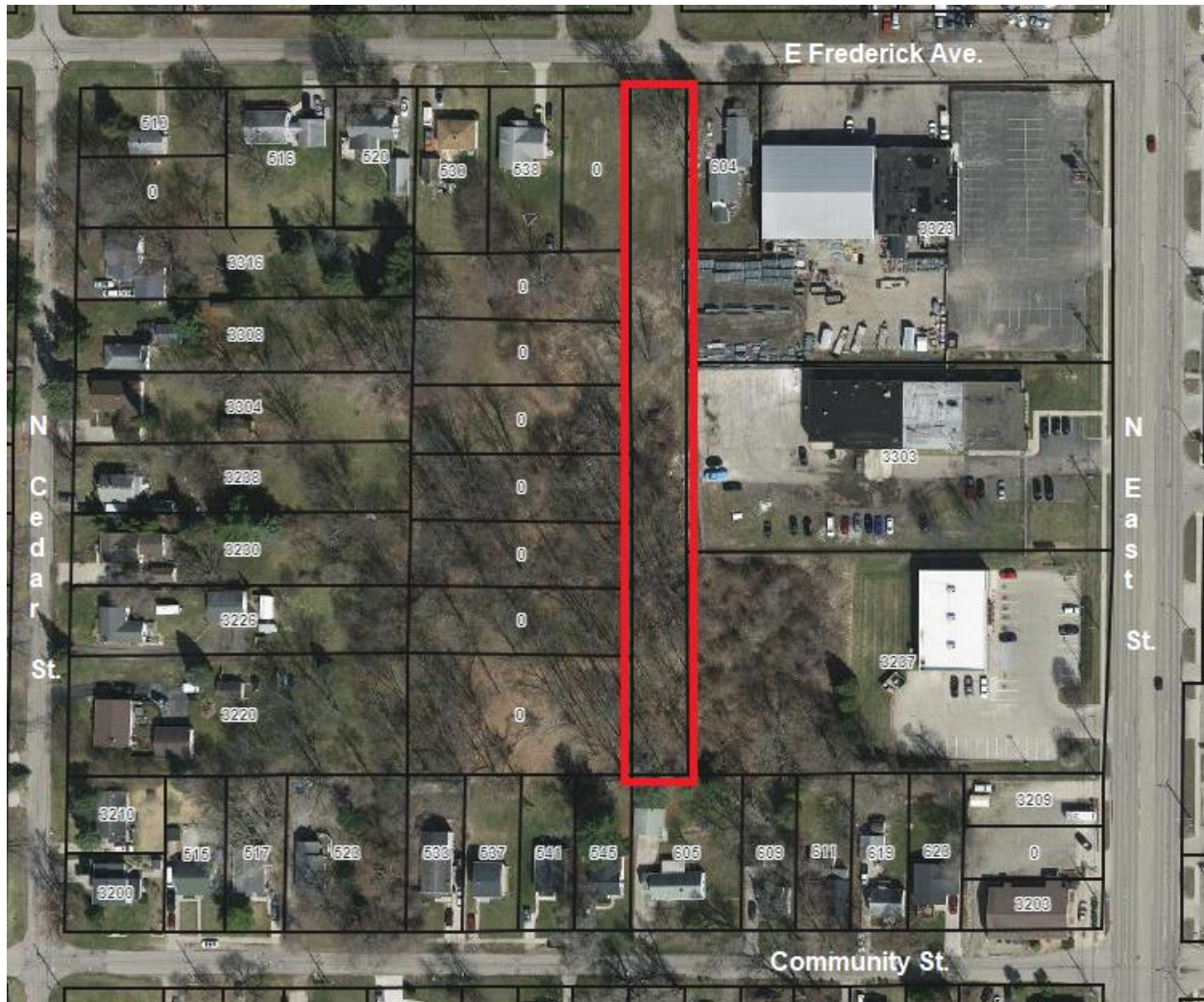
I do not support the street vacation of N Larch St. based on the fact that its approval would remove the development potential of seven buildable residential properties.

Respectfully submitted,

Andy Fedewa, Planner

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Exhibit A - Aerial



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Exhibit B - Plat Map (excerpt)

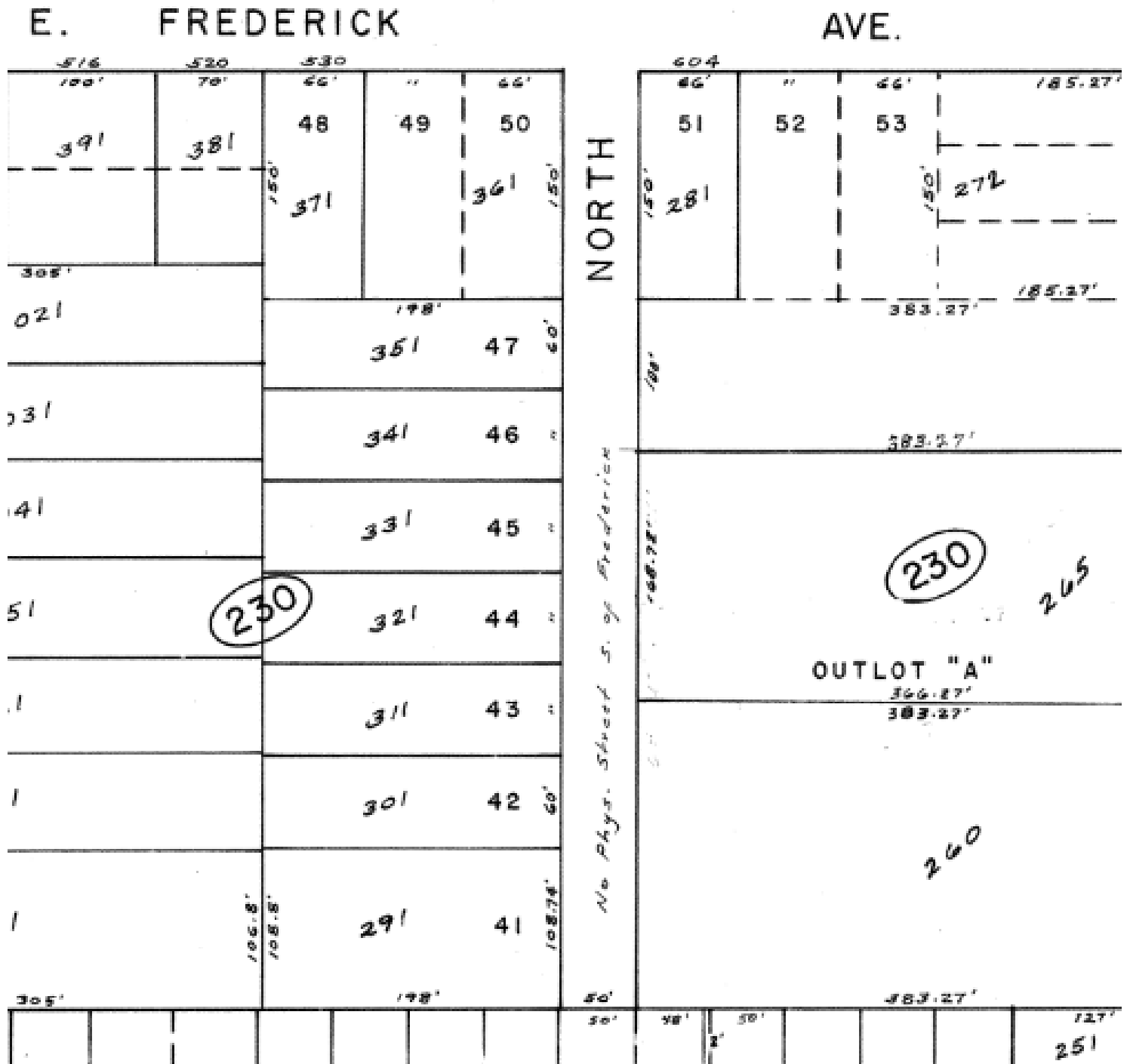


Exhibit C – August 2019 streetview



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Exhibit D – Default land division

