



AGENDA
Committee on Development and Planning
Thursday, June 9, 2016 @ 10:15 a.m. (note time)
10th Floor Conference Room, City Hall
UPDATED 6/9 – A.M. – ONLY CHANGE IS TIME CHANGE

Councilmember Jody Washington, Chair
Councilmember Jessica Yorke, Vice Chair
Councilmember Judi Brown Clarke, Member

1. Call to Order

2. Public Comment on Agenda Items

3. Minutes

- May 12, 2016

4. Discussion/Action:

- A.) ORDINANCE - Z-5-2015; 222 W Genesee Rezoning “DM-3” Residential; to “D-1” Professional Office
- B.) RESOLUTION – Set a Public Hearing; SLU-2-2016; Special Land Use Permit, Church in “F” Commercial & “D-1” Professional Office Districts at 5606 S. Martin Luther King, Jr. Blvd.
- C.) RESOLUTION – ACT-6-2016; 812 E Jolly Road; Sewer Easements

5) Other

6) Adjourn

DRAFT



MINUTES

**Committee on Development and Planning
Thursday, May 12, 2016 @ 11:00 a.m.
10th Floor Conference Room, City Hall**

CALL TO ORDER

The meeting was called to order at 11:06 a.m.

ROLL CALL

Council Member Jody Washington, Chair
Council Member Jessica Yorke, Vice Chair- excused
Councilmember Judi Brown Clarke, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Bob Johnson, Planning & Neighborhood Development Director
Brett Kaschinske, Parks and Recreation Director
Jim Bennett, Building Official
Brian Brawwick, Michigan Building

PUBLIC COMMENT

No Comments

MINUTES

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM APRIL 14, 2016 AS PRESENTED. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM APRIL 28, 2016 AS PRESENTED. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM MAY 9, 2016. MOTION CARRIED 2-0.

DISCUSSION/ACTION

RESOLUTION –Appointment of John Kaczynski; At Large Member of the Planning Board; Term to Expire June 30, 2018

Council Member Washington removed the item from action on the agenda due to an email that was received from Mr. Kaczynski that stated due to a personal matter he wished to be removed from appointments at this time.

DRAFT

RESOLUTION – Appointment of Joseph Quick; At-Large Member of the Board of Zoning Appeals; Term to Expire June 30, 2018

Mr. Johnson left the meeting to find out who Mr. Quick will be replacing.

The Committee reviewed the resume, application and Council Member Washington read his email noting why he could not attend this meeting and more criteria he can bring to the Board.

Mr. Johnson returned confirming Mr. Quick will be replacing Ms. Amber Shinn whose term expired June 2015.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION FOR APPOINTMENT OF JOESPH QUICK TO THE BOARD OF ZONING APPEALS WITH A TERM TO EXPIRE JUNE 30, 2018. MOTION PASSED 2-0.

OTHER

Council Member Washington made a statement for the record that she and Council is aware that the Mayor has proposed a VETO on the recent Resolution for a Moratorium on PILOT's and she will not be asking for an override of that VETO. Council Member Washington concluded that she will put the request to rest and put to rest the proposed study on PILOT's, however will heavily scrutinize all incentives in the future.

RESOLUTION – Set a Public Hearing; ACT-5-2014; Sale of Grand Woods Park, W. Willow Highway and Grand Woods Park Drive

Mr. Kaschinske noted that the purchase agreement was submitted as required to the Clerk's office to be placed on file in April and it has met the 30 days. Mr. Kaschinske when on to detail the earlier agreements which in 2014 was extended with Delta Township. This had two contingencies, one being that if they sell it will go before the voters, and the second being Delta Township had to get the appraisal. The appraisal was presented to the City and has agreed on terms and will present to Council. Council Member Brown Clarke asked if they did a market study. Mr. Johnson noted that Delta Township did do the study, but acknowledged for the Committee that 50% of the property is in the flood way which can't be built on, and the balancing up to 90% is in the flood plain and also cannot be built on. This leaves 15 acres outside of any restrictions. There was a \$600,000 negotiated price over 5 years which is uniform with federal standards, and both municipalities agreed. Council Member Washington asked if the \$120,000 she saw in the budget was from this and it was confirmed. Mr. Kaschinske noted that it will be \$119,000 in 2017, \$120,000 every year after that till 2020. Council Member Washington asked where these funds would be used, and noted that the Council Members are hearing loud and clear from the residents that they want funds to go back into the parks. Mr. Kaschinske referenced the resolution for confirmation, and it was noted by Mr. Abood cited that there are sections in the Resolution for adoption that states "shall deposit proceeds from sales of designated park land in excess of city costs associated with such sale into the fund account used exclusively for park acquisition and development." Council Member Washington encouraged all parties to make sure the ballot language is clear on that. Council Member Brown Clarke asked if the funds could be deferred to the account for the Cooley Law School Stadium for sustainability and maintenance. If the funds can be ear marked for the proactive efforts for upkeep and annual maintenance of the ball park this could prevent the request for bonds. Council Member Washington acknowledged that the ball park is part of LEPFA and asked if it could still be considered public. Mr. Kaschinske stated this ball field is not part of the parks inventory. Council Member Washington acknowledged that with resolution Council will have to let it go, but would be something to consider in the future. Council Member

DRAFT

Brown Clarke encourage Mr. Kaschinske to then look at using the funds to make modification and beautification to the City parks common usage areas and aesthetics.

Mr. Abood confirmed the required notice time frame for a sale is fifteen (15) days.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO SET THE PUBLIC HEARING FOR ACT -5-2014 FOR JUNE 13, 2016. MOTION CARRIED 2-0.

INFORMATION/DISCUSSION – Life O’Riley

Mr. Johnson outlined the last activity which included the order to vacate in 2014. The offices worked with Andy Schor’s office to craft legislation that eventually approved and signed by the Governor. This enabled local units to have more enforcement power under the Bureau of Construction Codes and allow enforcement under that code for manufactured homes. Mr. Bennett distributed timelines of the work to the Committee, noting that currently there is a provision by the State that if nothing is done by June 18, 2016 they will have their license. Mr. Johnson added his office began meeting on April 17th in preparation for the June 18th date.

The discussion went into the difference on enforcing residential homes vs. manufactured homes; manufactured homes that are rented on rented land in parks vs. manufactured home that are owned sitting on rented land in parks; titles on the manufactured homes that make them like vehicles where the demolition of them would not be the same as if a blighted single family home. Council Member Brown Clarke asked if the manufactured homes are owned by individuals if they have 90 days to remove them. Mr. Bennett confirmed that is one option that has been discussed with the City Attorney office. There is not a lot of options of older manufactured homes because some parks will not allow homes of an older age to be moved into their parks. For a long time manufactured homes could not be regulated like rentals because of how rental housing law was written, but now they can do that and enforced under code compliance. Council Member Brown Clarke asked why if the manufactured homes have titles like vehicles why they cannot be towed off site as an abandoned vehicle. Mr. Bennett informed her that required titles on manufactured homes did not come to occur until later so some of the homes do not have titles but serial numbers. If a park already owned it they would not have to register the title, only if it was owned by someone else. There is has also been issues on clarification with which trailers the Life O’Riley park owned and which they did not. Prior to the City having jurisdiction the park also tried selling their trailers to people on land contract.

Council Member Washington asked how many manufactured home parks are in the City, and Mr. Johnson confirmed 3. Council Member Washington asked if those parks were being enforced at the high standards to prevent similar violations. Mr. Bennett confirmed that with the new legislation that was signed by the Governor, when the homes come up for relicensing they will need verification by the City and then the City can do an inspection at that point. To the departments best knowledge River View Park is in compliance.

Council Member Washington pointed out that if Life O’Riley does not meet the June 18th deadline there is the potential of \$100,000 in property taxes, so what can the City do to recoup that. Mr. Johnson added they are also \$160,000 in the rear with BWL, however he has already started discussion with Mr. Bennett to address options such as nuisance abatement, special assessment however that involves up to 3 year before facing foreclosure. The group discussed options and conditions for the removal of the homes and the site. Mr. Bennett did confirm that as far as the rest of the infrastructure, they have done nothing for sanitary sewer or gotten a permit to get a backflow prevention installed.

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Council Member Washington asked if any criminal charges have ever been filed. Mr. Johnson noted to his knowledge there was nothing filed. As part of the approval for service the owner has stated they contacted DEQ about becoming a campground, however the Mayor has vocally stated he does not want that and the DEQ provided the owners with the requirements needed however they have not applied as of today.

Council Member Brown Clarke asked if someone rents manufactured homes now do we inspect. Mr. Bennett stated they do as part of the rental ordinance, however the according to law they cannot inspect at a higher standard then what the standard was when it was constructed. Council Member Brown Clarke suggested the Department contact East Lansing to see what process was done with the trailer park on East Grand River that was cleared and now has a Whole Foods store on.

The Committee held a brief discussion on the potential for the property.

Mr. Bennett concluded that they are actively working with the City Attorney office to be ready to act on the deadline date of June 19th.

Council Member Washington invited Mr. Johnson to the Committee meeting on June 9th for presentation and discussion on the work the Capital Area Housing Partnership, and asked Council staff to invite Ms. Amy Kraus to attend also.

Adjourn at 11:55 a.m.

Submitted by,

Sherrie Boak, Recording Secretary,
Lansing City Council

Approved by the Committee on _____

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, May 23, 2016, 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:

Z-5-2015, 222 W. Genesee Street, Rezoning from "DM-3" Residential District to "D-1" Professional Office District

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. THIS ORDINANCE AMENDS AND SUPERSEDES ORDINANCE #2589, PASSED SEPTEMBER 28, 2015, BY CORRECTING THE STATEMENT OF THE REZONING CLASSIFICATION TO CORRESPOND TO THE INTENDED REZONING PROPERLY NOTICED AND PRESENTED FOR ACTION.

The City of Lansing ordains:

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

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

Case Number: Z-5-2015

Address: 222 W. Genesee Street

Parcel Number: PPN: 33-01-01-16-130-066

Legal Descriptions: The East 83 Feet of the West 149 Feet of Lot 7, Also the West 17 Feet of the East 43 Feet, Lot 8, Block 70, Original Plat, City of Lansing, Ingham County, MI.

Zoning Change: From "DM-3" Residential to "D-1" Professional Office 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 September 28, 2015, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

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

ORIGINAL

9 2015

XIII Fla

PASSAGE OF 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.

Z-5-2015; 222 W. Genesee Street, Rezoning from "DM-3" Residential to "D-1" Professional Office

Is read a second time by its title. The Ordinance was reported from the Committee on Development & Planning and is on the order of immediate passage.

COUNCIL MEMBER	YEAS	NAYS
BOLES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BROWN CLARKE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DELGADO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DUNBAR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HOUGHTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WASHINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
WOOD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
YORKO	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>8</u>	<u>0</u>
<input checked="" type="checkbox"/> ADOPTED	<input type="checkbox"/> FAILED	

ORIGINAL

9 2015

XIII F1a

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Approved as to form:


Dated: 9-28-15 City Attorney

ORIGINAL

9 2015

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OFFICE OF THE MAYOR

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

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: May 19, 2016

RE: Resolution— Setting Public Hearing and Approval of SLU-2-2016—Special Land Use Permit, Church in the “F” Commercial & “D-1” Professional Office Districts at 5606 S. M.L. King Jr. Blvd.

The attached correspondence is forwarded, **without recommendation**, for your review and appropriate action.

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor
From: Susan Stachowiak, Zoning Administrator
Subject: CITY COUNCIL AGENDA ITEM - SLU-2-2016, 5606 S. MLK, Church
Date: May 11, 2016

The Lansing Planning Board, at a special meeting held on May 2, 2016, voted (7-0) to recommend denial of the request by the Bread House South for a Special Land Use Permit to permit a church at 5606 S. ML King.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed Special Land Use does comply with all of the criteria established by Section 1282.02(f)(1-9) of the Zoning Ordinance for granting special land use permits.

At the Planning Board public hearing held on May 2, 2016, the applicant's representative spoke in support of the request and no other comments were received.

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

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

Attachments

GENERAL INFORMATION

APPLICANT: The Bread House South
5606 S. ML King Blvd.
Lansing, MI 48911

OWNER: Victor Trevino
209 S. Holmes Street
Lansing, MI 48912

REQUESTED ACTION: Special Land Use permit to permit a church at 5606 S. M.L.
King Jr. Boulevard

EXISTING LAND USE: Office Building

EXISTING ZONING: "F" Commercial & "D-1" Professional Office Districts

PROPERTY SIZE & SHAPE: Rectangular Shape - See attached map
138.6' x 662' = 91,753 square feet (2.1 acres)

SURROUNDING LAND USE: N: Auto Repair Facility
S: Auto Sales Business
E: Multiple Family Residential
W: Consumers Energy Power Lines

SURROUNDING ZONING: N: "F" Commercial & "D-1" Professional Office
S: "F" Commercial & "D-1" Professional Office
E: "DM-1" Residential
W: "A" Residential

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the
subject property for "Suburban Commercial" land use. S.
M.L. King Jr. Blvd. is designated as a major arterial.

SPECIFIC INFORMATION

This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

AGENCY RESPONSES:

BWL:

Building Safety: There is no opposition for SLU-2-2016 however, prior to any occupancy of the building, a licensed architect in responsible charge, would need to be retained to provide drawings for a "Change of Use" permit. A plan review and building permit would be required for life and fire safety, sprinkler and fire alarm requirements, occupant loads, means of egress, accessibility, etc. Plan review and building permit applications would need to be applied for in the building safety office and an approved plan review and building permit would need to be provided by this office prior to any work completed or occupancy of the premises.

Development: Development Office has no comment.

Fire Marshal:

Parks & Recreation: No comment. This does not involve Parks and Recreation

Public Service:

Transportation: The proposed use should not create traffic issues based on the projected peak times of use. The applicant is responsible for making sure that all parking requirements, including the appropriate number of ADA accessible spaces, are met.

ANALYSIS

Section 1282.03(f)(1)-(2) sets forth the criteria which must be used to evaluate a Special Land Use permit request. The criteria and evaluation are as follows.

- 1. Is the proposed special land use designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area?**

The S. M.L. King Blvd. corridor in the vicinity of the subject property is characterized by commercial and quasi-industrial land uses. While churches are an important and valuable component of any community, so are vibrant commercial districts. Church activities are generally infrequent and occur outside of normal business hours. The majority of the time, there is little activity and vacant parking lots which detract, rather than contribute to a commercial environment.

2. Will the proposed special land use change the essential character of the surrounding area?

The proposed church will change the general character of the area. The Zoning Ordinance makes provisions for allowing churches in all zoning districts, including residential and office, where the conditions for evaluating special land use permits can be satisfied. Conversely, commercial uses are limited to major corridors. S. M.L. King Blvd. is zoned, master planned and designed for customer-oriented, commercial uses that generate a high volume of traffic on a daily basis. Given the location of the site and the surrounding zoning

and land use patterns in the area, a church does not appear to be the most appropriate use of the property.

While it is recognized that religious organizations are an extremely important and valued part of the community, there needs to be a balance between daytime uses such as stores and restaurants, which create a critical mass of activity that attracts the public and uses, such as religious facilities, that are primarily dormant during weekdays. There are numerous churches in and around the core downtown area of the city that serve as a prime example of the limited amount of activity that churches generate in a commercial environment.

3. Will the proposed special land use interfere with the enjoyment of adjacent property?

The primary concern with churches in terms of interfering with the enjoyment of adjacent properties is the potential conflicts with liquor licenses. By state law, a church has an opportunity to object to all new liquor licenses within 500 feet of the church property. In this case, there are numerous commercially zoned properties within 500 feet of the subject property. These zoning districts allow bars, taverns and restaurants as uses permitted by right. Such uses contribute to the economic vibrancy of commercial corridors by attracting large numbers of people to the area. The potential for a church to jeopardize the ability for businesses with liquor licenses to locate in a commercial area could have serious impacts on its future as a thriving commercial district.

4. Will the proposed special land use represent an improvement to the use or character of property under consideration and the surrounding area in general, and will the use be in keeping with the natural environment of the lot?

The proposed church will not represent an improvement to the use or character of the property or the surrounding area. S. M.L. King is a major arterial that is designed to carry a high volume of traffic, which is why the properties that front along S. M.L. King Blvd. are zoned and master planned for commercial land use. The church will result in a hole of little activity, with a great deal of parking, within an otherwise fairly active commercial area.

With regard to the natural environment of the lot, no changes are proposed for the site.

5. **Will the proposed special land use be bazardous to adjacent property or involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare?**

The church will not generate any nuisances or hazardous conditions.

6. **Will the proposed special land use be adequately served by essential public facilities and services, or is it demonstrated that the person responsible for the proposed special land use is able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration?**

The subject property is currently served by all necessary public services and utilities. No negative comments have been received from any of the reviewing departments or agencies. Inspections will be necessary to determine if the structure complies with current building code and fire code requirements for an assembly use.

7. **Will the proposed special land use place demand on public services and facilities in excess of current capacity?**

The proposed special land use is not expected to increase the demand on public services and facilities in excess of current capacity.

8. **Is the proposed special land use consistent with the intent and purpose of this Zoning Code and the objectives of any currently adopted Comprehensive Plan?**

The proposed church is not consistent with the intent and purpose of the Zoning Ordinance or the Design Lansing Comprehensive Plan. The intent of the Zoning Ordinance is to concentrate commercial land uses along major arterials/state trunklines. Such streets are designed to accommodate uses that generate a high volume of vehicular trips on a daily basis and receive heavy truck deliveries. Unlike commercial uses, the Zoning Ordinance allows churches, with a special land use permit, in residential and office districts. Churches are considered compatible uses in residential neighborhoods and office districts since they are quiet, the majority of the traffic is on weekends and there is no heavy truck traffic associated with their use.

The intent of the "District Mixed Use Center" Master Plan designation is:

"To allow for general retail and commercial use, including large footprint and automobile-oriented uses, in a suburban development format that also encourages a mix of uses and accommodates pedestrians, cyclists and transit users."

The Master Plan lists the following as the types of uses that should be promoted in the "District Mixed Use Center" area:

“General and convenience retail uses; medium-density residential in a suburban format (see Medium-Density Residential, above); office; and light industrial with special approval.”

The proposed church is clearly in conflict with the goals of both the Zoning Ordinance and the Master Plan. It is not a customer-oriented business and will not generate the type of activity that would complement the existing businesses in the area and encourage additional economic growth.

9. Will the proposed special land use meet the dimensional requirements of the district in which the property is located?

There are no physical changes proposed for the exterior of the building or the site at 3015 S. M.L. King Blvd. and therefore, the only dimensional requirement that applies to this request is parking. The Zoning Ordinance requires 1 parking space for each 3 seats in the main sanctuary. There are more than 60 parking spaces on the subject property which would allow a seating capacity of at least 180 persons.

SUMMARY

This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

Based on the findings contained in this staff report, the proposal does not comply with all of the criteria of Section 1282.03(f)(1)-(9) of the *Zoning Code* for evaluating Special Land Use permits.

1. The proposed Special Land Use will not be harmonious with the character of adjacent properties and surrounding uses.
2. The proposed Special Land Use will change the essential character of the surrounding properties.
3. The proposed Special Land Use may interfere with the general enjoyment of adjacent properties.
4. The proposed Special Land Use does not represent an improvement to the lot as it currently exists.
5. The proposed Special Land Use will not be hazardous to adjacent properties.
6. The proposed Special Land Use can be adequately served by public services and utilities.
7. The proposed Special Land Use will not place any demand on public services and facilities in excess of current capacities.
8. The proposed Special Land Use is not consistent with the specific designations of the Zoning Code and the Design Lansing Comprehensive Plan.
9. The proposed Special Land Use will comply with the dimensional requirements of the Zoning Ordinance.

RECOMMENDATION

Staff recommends denial of SLU-2-2016, a special land use permit to allow a church at 5606 S. M.L. King Jr. Boulevard, based upon the findings of fact as outlined in this staff report

Respectfully Submitted,

**Susan Stachowiak
Zoning Administrator**





5606 S. ML King Jr Blvd

S. Martin Luther King Jr Blvd

Lobby Pkwy



...Rd

City of Lansing Zoning Map

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



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, _____, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving or opposing the Ordinance for rezoning:

SLU-2-2016: Special Land Use Permit, Church in the “F” Commercial & “D-1” Professional Office Districts at 5606 S. M.L. King Jr. Blvd.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

SLU-2-2016, 5606 S. M.L. King Jr. Blvd.
Special Land Use Permit – Church

The Lansing City Council will hold a public hearing on Monday, _____, 2016, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider SLU-2-2016. This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

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, _____, 2016 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

RESOLUTION _____

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SLU-2-2016, 5606 S. M.L. King Jr. Blvd.

Special Land Use Permit – Church in the “F” Commercial & “D-1” Professional Office Districts

WHEREAS, the applicant, Riverview The Bread House South, is requesting a Special Land Use permit (SLU-2-2016) to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church; and

WHEREAS, the property is zoned “F” Commercial & “D-1” Professional Office Districts, where churches are permitted subject to obtaining a Special Land Use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area and the impact on the environment, utilities, services and compliance with the Zoning Code and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on May 2, 2016, at which a representative of the Church spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board, at its May 2, 2016 meeting, voted (7-0) to recommend denial of SLU-2-2016 for a Special Land Use permit to allow a church in the building at 5606 S. M.L. King Jr. Blvd.; and

WHEREAS, in making its recommendation, the Planning Board found that:

1. The proposed church would not be harmonious with the character of adjacent properties and surrounding uses.
2. The proposed church will change the essential character of the surrounding properties.
3. The proposed church may interfere with the general enjoyment of adjacent properties.
4. The proposed church does not represent an improvement to the lot as it currently exists.
5. The proposed church is not consistent with the specific designation of the Design Lansing Comprehensive Plan.

WHEREAS, the City Council held a public hearing regarding SLU-2-2016 on _____, 2016; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith; and

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby denies SLU-2-2016, a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church.

BE IT FINALLY RESOLVED that in denying this request, the City Council determines the following:

1. The proposed church would not be harmonious with the character of adjacent properties and surrounding uses. The subject property is located in a commercial area and church activities are generally infrequent and occur outside of normal business hours. The majority of the time, there is very little activity which detracts, rather than contributes to a commercial environment.
2. The proposed church will change the essential character of the S. M.L. King area which is primarily characterized by nonresidential land uses. S. M.L. King Blvd. is zoned, master planned and designed for customer-oriented, commercial uses that generate a high volume of traffic on a daily basis.
3. The proposed church could interfere with the general enjoyment of adjacent properties since the subject property is located in a commercial area and churches, by state law, have the ability to object to liquor licenses within 500 feet of its property lines.
4. The proposed church will not represent an improvement to the lot as it currently exists since the church will result in a hole of little activity within an otherwise active commercial area.
5. The proposed church is not consistent with the "Suburban Commercial" land use designation for the subject property being advanced in the Design Lansing Comprehensive Plan. The Plan states that the intent of this designation is "To allow for general retail and commercial use, including large footprint and automobile-oriented uses, in a suburban development format that also encourages a mix of uses and accommodates pedestrians, cyclists and transit users." The proposed church conflicts with the as it is not a customer-oriented business and will not generate the type of activity that would complement the existing businesses in the area and encourage additional economic growth.



OFFICE OF THE MAYOR

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Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers
FROM: Mayor Virg Bernero
DATE: 5/19/16
RE: Act-6-2016, 812. E. Jolly Road, Sewer Easements

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

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor
From: Susan Stachowiak, Zoning Administrator
Subject: CITY COUNCIL AGENDA ITEM - Act-6-2016, 812. E. Jolly Road, Sewer Easements
Date: May 19, 2016

The Planning Board, at its May 2, 2016 meeting, voted unanimously to recommend approval of Act-6-2016. This is a request by Community Mental Health to:

1. relocate the existing public sanitary sewer to accommodate a proposed building addition and to provide a new easement related to the relocation,
2. reduce the width of the Weigman drain easement from 100' to 40' to accommodate the proposed building addition; and

The Planning Board found, based on a review of the location, character, and extent of the Act-6-2016 proposal, that:

- as proposed, the width of each easement will be 40', in accordance with the Public Service Department recommendation,
- a section of the sanitary sewer line will be reconstructed with new material,
- the proposed improvements are underground, so the character of the area will be unaffected; and

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

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

Attachments

RESOLUTION # _____
BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act-6-2016, 812 E. Jolly Road, Sewer Easements.

WHEREAS, the Community Mental Health Authority (CMHA) desires to expand its building at 812 E. Jolly Road; and

WHEREAS, two sewer easements, a sanitary sewer and storm sewer, respectively, are located in the path of the proposed building; and

WHEREAS, the sanitary sewer is 8" in diameter within a 40' easement which encroaches upon the area of the proposed building addition; and

WHEREAS, the storm sewer easement is the Weigman Drain, which was transferred from Ingham County to the City's jurisdiction in 1963, and is in 100' wide easement centered on the 42" pipe at a depth of approximately 15 feet, and which also encroaches on the area of the proposed addition; and

WHEREAS, the Weigman Drain is now an enclosed drain that no longer needs a 100' wide easement and would be adequately protected by a 40' wide easement;

WHEREAS, CMHA proposes to:

1. relocate the existing public sanitary sewer to accommodate the proposed building addition and to provide a new easement related to the relocation,
2. reduce the width of the Weigman drain easement from 100' to 40' to accommodate the proposed building addition; and

WHEREAS, at its meeting on May 2, 2016, the Planning Board found, based on a review of the location, character, and extent of the Act-6-2016 proposal, that:

- as proposed, the width of each easement will be 40', in accordance with the Public Service Department recommendation,
- a section of the sanitary sewer line will be reconstructed with new material,
- the proposed improvements are underground, so the character of the area will be unaffected; and

WHEREAS, the Planning Board voted unanimously (5-0) to recommend approval of Act-6-2016, the request to replace the existing sewer easements with the proposed easements that lie out of the path of the proposed building; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves Act-6-2016, and accepts the proposed Sanitary Sewer Easement, legally described as:

[28204:2:20160519:144407]

An easement 40 feet in width, the centerline of which is described as beginning on the South line of the above described parcel and the North line of the Plat of Roselawn as recorded in Liber 29 of Plats, Page 6, Ingham County Records at a point N89°04'25"W 153.36 feet from the Southeast corner of the above described parcel and the West line of the Plat of Pennsylvania Heights as recorded in Liber 17 of Plats, Page 38, Ingham County Records; thence N01°01'19"E 232.12 feet; thence N89°07'40"W 175.90 feet; thence N21°50'35"W 100.51 feet; thence N88°27'04"W 59.64 feet to the point of ending, and releases the previous sanitary sewer easement dated August 18, 1999, and recorded as Liber 2811, Pages 671-673, Ingham County Records.

BE IT FURTHER RESOLVED, the Lansing City Council hereby accepts the proposed Easement for Weigman Drain, legally described as:

An easement 40 feet in width, the centerline of which is described as beginning on the South line of the above described parcel and the North line of the Plat of Roselawn as recorded in Liber 29 of Plats, Page 6, Ingham County Records at a point N89°04'25"W 140.83 feet from the Southeast corner of the above described parcel and the West line of the Plat of Pennsylvania Heights as recorded in Liber 17 of Plats, Page 38, Ingham County Records; thence S89°07'00"E 205 feet to the point of ending, and releases the previous Weigman Drain easement located on the property at 812 E. Jolly Road (PPN 33-01-05-03-101-003).

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents to complete this transaction, subject to prior approval as to content and form by the City Attorney.

GENERAL INFORMATION

APPLICANT/OWNER: Community Mental Health Authority
812 E. Jolly Road
Lansing, MI 48911

APPLICANT'S PROPOSAL:

The Applicant proposes to:

- (1) reconstruct an existing public sanitary sewer to accommodate a building addition and to provide a new easement related to the reconstruction, and
- (2) reduce the width of an existing easement for a previous open storm drain that has since been enclosed and requires a smaller area for maintenance purposes.

REQUESTED ACTION: Easements for storm and sanitary sewers.

EXISTING LAND USE: Single Family Residential Dwellings

EXISTING ZONING: "A" Residential District

PROPERTY SIZE & SHAPE: Rectangular Shape
830 E. Jolly: 66' x 297' = 19,602 square feet - .45 acres
836 E. Jolly: 66' x 297' = 19,602 square feet - .45 acres
Combined: 123' x 297' = 39,204 square feet - .9 acres

SURROUNDING LAND USE: N: Single Family Residential
S: Community Mental Health Facility
E: Single Family Residential
W: Community Mental Health Facility

SURROUNDING ZONING: N: "A" Residential District
S: "A" Residential District
E: "A" Residential District
W: "A" Residential District

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property for low density residential use. E. Jolly Road is designated as a minor arterial.

SPECIFIC INFORMATION

Last year, the Applicant proposed an addition to its facility at 812 E. Jolly Road. The City's Site Plan Review process revealed the existence of easements that encroach upon the area where the

addition is being proposed. This proposal is to relocate the easements to enable the project to move forward.

AGENCY RESPONSES:

The Department of Public Service offered these comments:

Sanitary Sewer

The proposed addition is to be constructed over an 8" sanitary sewer. The sewer appears to be a public sewer. There is a sewer index map for the sewer. The sewer map indicates that there is a 40' easement for the sewer. The property to the west (911 call center) appears to be connected to this sewer as well as 812 E Jolly.

Storm Sewer

The Weigman Drain crosses the property. It is a 100' wide easement centered on the 42" pipe. The proposed building will encroach on the easement. Since it is an enclosed drain, there is not a need for the full 100' wide easement. The depth of the pipe appears to be about 15 feet. A 40' easement centered on the pipe should be adequate for the City's needs.

I would also suggest that you look into reducing the size of the Weigman Drain easement for the whole property, and not just in the vicinity of the proposed building.

ANALYSIS

Please refer to the attached diagrams of the existing and proposed easements (Exhibits A & B, respectively).

Location:

To accommodate the new building addition, the path of the sanitary sewer is adjusted somewhat, and the storm sewer easement is narrowed (for the entire property as recommended by Public Service).

Character:

The proposed improvements are underground, so the character of the area will be unaffected.

Extent:

As proposed, the width of each easement will be 40', in accordance with the Public Service Department comments.

RECOMMENDATION

Staff recommends approval as proposed.

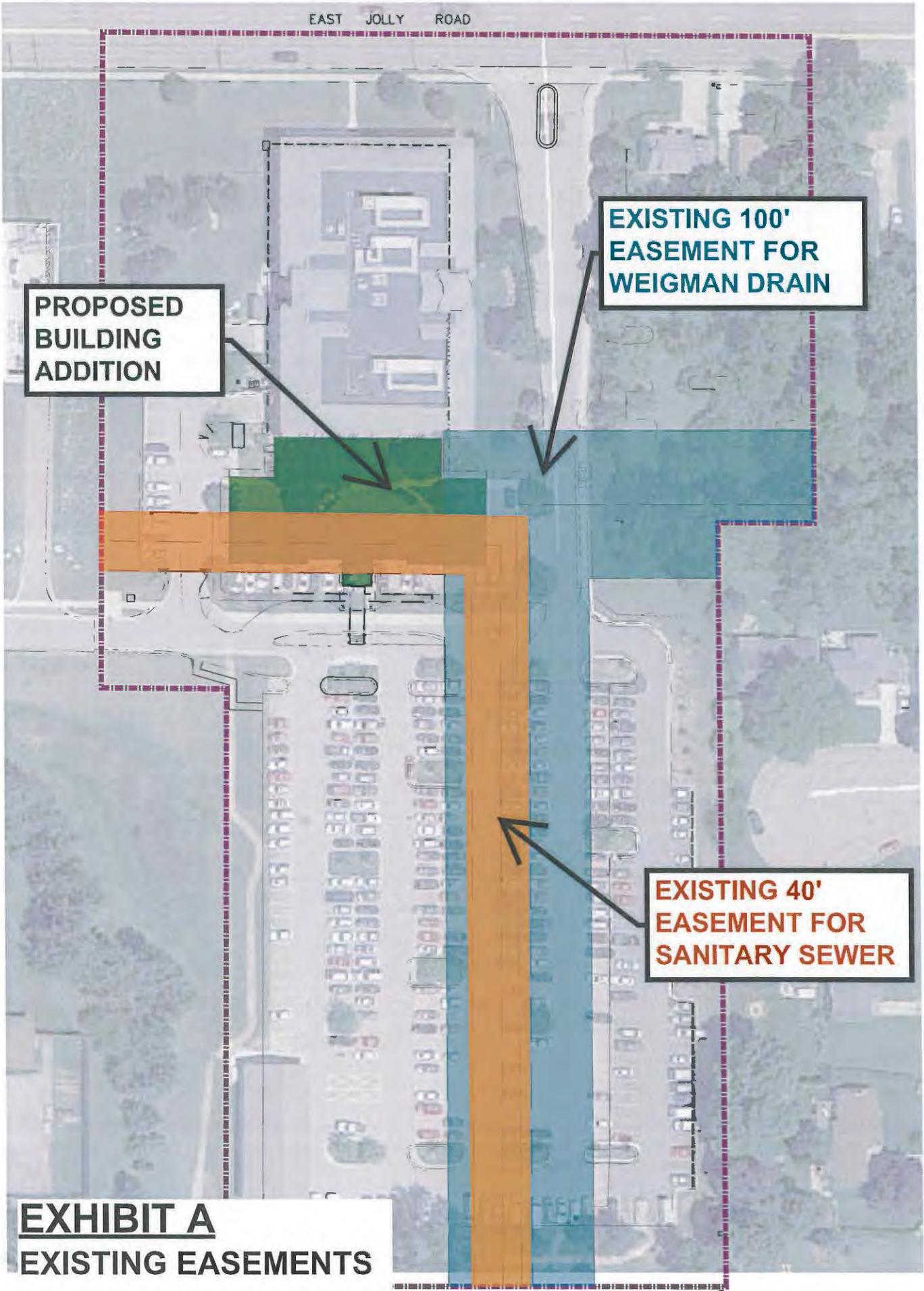
EAST JOLLY ROAD

**PROPOSED
BUILDING
ADDITION**

**EXISTING 100'
EASEMENT FOR
WEIGMAN DRAIN**

**EXISTING 40'
EASEMENT FOR
SANITARY SEWER**

**EXHIBIT A
EXISTING EASEMENTS**



EAST JOLLY ROAD

**PROPOSED
BUILDING
ADDITION**

**PROPOSED 40'
EASEMENT FOR
WEIGMAN DRAIN**

**PROPOSED 40'
EASEMENT FOR
SANITARY SEWER**

**EXHIBIT B
PROPOSED EASEMENTS**

