



**Regular Meeting**  
**LANSING PLANNING BOARD**  
**June 7, 2016**  
**6:30 p.m., Conference Room**  
**Neighborhood Empowerment Center**  
**600 W. Maple Street**

## MINUTES

### 1. OPENING SESSION

**Mr. Ruge called the meeting to order at 6:30 p.m.**

- a. Present: John Ruge, Josh Hovey, Alisande Henry, Beth Graham, Lynne Martinez, Marta Cerna & Council Representative Judy Brown Clarke
- b. Absent: Tony Cox
- c. Staff: Bill Rieske & Susan Stachowiak

**Ms. Henry made a motion, seconded by Ms. Graham to grant excused an excused absence for Mr. Cox. On a voice vote (6-0), the motion carried unanimously.**

2. **APPROVAL OF AGENDA** – Mr. Ruge approved the agenda by unanimous consent.

3. **COMMUNICATIONS** – None

### 4. HEARINGS

#### A. **Z-5-2016, 2918 N. East Street, “A” Residential District to “F” Commercial District**

Ms. Stachowiak stated that this is a request by AVMM, LLC to rezone the property at 2918 N. East Street from “A” Residential District to “F” Commercial District. The purpose of the rezoning is to bring the commercial use of the property into compliance with the Zoning Ordinance.

Ms. Stachowiak said that staff is recommending approval of Z-5-2016. She said that the Master Plan designates the subject property for commercial and use. She also said that the subject property contains a commercial building (Marco’s Pizza) and is located on N. East Street which is an area that is characterized by commercial uses. Ms. Stachowiak stated that the overwhelming majority of the properties along N. East Street are currently zoned “F” Commercial. The subject property is zoned “A” Residential, which district only permits single family residential uses as a matter of right. Single family residential use at this location would be contrary to the established land use pattern in the area. In addition, given the surrounding commercial land uses and the location of the site on a high traffic volume, commercial highway, a single family residential use at this location would be completely inappropriate as it would not be conducive to a suitable living environment.

Ms. Stachowiak said that as a commercial use on a residentially zoned parcel of land, it is considered legally nonconforming by the standards of Chapter 1294 of the Zoning Ordinance. As a nonconforming use, there is a limit of 35% of the value of the building

that can be put into it for restoration costs. The limit is increased to 50% of the value of the building if it is damaged by fire or other catastrophe. Therefore, if the building were to be damaged beyond 50% of its value, it could not be rebuilt as a commercial building. This puts the owner's investment into the property at significant risk. Rezoning the property to "F" Commercial will not only clean up a spot zone but will also allow the commercial use at this location to continue without the restrictions and liabilities of being considered a "nonconforming use".

Mr. Hovey asked about the sliver of "A" Residential just north of the subject property.

Ms. Stachowiak said that the owner of the property would have to request that it be rezoned and hopefully they will at some point in the future. She said that according to the aerial photograph, the building on the property to the north is outside of the "A" Residential district which means that it is not considered nonconforming.

Mr. Ruge said that the entire site appears to be paved. He asked if the site will have to provide some storm water detention as a result of the rezoning.

Ms. Stachowiak said that the rezoning alone will not kick in any site improvements. She said that work that requires site plan review triggers compliance with all City ordinances.

Mr. Ruge opened the public hearing.

**Byron Gallagher, 2001 Abbot Road, East Lansing**, spoke in support of the request. He said that the 3,000 square foot building at 2918 N. East Street was constructed in 1955. Mr. Gallagher said that the building to the north is a veterinarian's office and there is a new O'Reilly Auto Parts store to the south. He asked that the Planning Board recommend approval of the request.

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

## 5. COMMENTS FROM THE AUDIENCE

**Sarah Surface-Evans, 214 S. Foster Avenue**, stated that she is a Professor of Anthropology at Central Michigan University. She said that Section 106 of the Historic Preservation Act requires a review process where federal funds are being used for a project that affects a historic property. Ms. Surface-Evans said that typically a power substation would require this review process. She stated that the Scott House and Sunken Garden have historic value.

**Loretta Stanaway, 546 Armstrong**, said that the Planning Board and Parks Board are both advisory and are ineffective if they always vote in favor of whatever the Mayor wants. She said that there is nothing in the Charter that allows the City to undedicated dedicated park land. Ms. Stanaway said that the Board of Water & Light is a separate entity from the City. It functions separately and is funded by ratepayers. She said that the substation will require 2 rather than 4 acres and there are other options in the area. Ms. Stanaway said that she has heard that the Deluxe Inn site is now available. She said that the proposed substation is contrary to the Master Plan and to what the former owners intended it to be used for when it was given to the City.

**Art Hasbrook, 2216 Beal Avenue**, stated that constructing a substation on the site would destroy the habitat of protected bats. He said that he wrote to the City Council about funds for

sidewalks to pay for other sidewalks. Mr. Hasbrook said that the BWL has acknowledged that there could be 2 substations rather than one which would increase the location options. He said that there are a lot of options that have not been recognized. Mr. Hasbrook stated that the Scott House could be used for the Women's Center. He asked that the City engage someone to conduct a 3<sup>rd</sup> party assessment of the property.

**Winne Potter, 1019 Verlinden**, said that she supports keeping the Sunken Garden in its current location. She said that moving the Sunken Garden would destroy its historical integrity. Ms. Potter said that it is a beautiful garden and it is not true that people do not know that it exists.

**Judy Scott Teegarden, 2193 Whispering Dunes**, stated that she is representing the Scott Family. She said that it would be very difficult to lose the Sunken Garden as it is part of her family's history. Ms. Teegarden said that her family intended for the property to be a park that the public could enjoy. She said that the Scott House would be a beautiful spot for fine dining. Ms. Teegarden asked that the City save her grandmother's garden and bring the Scott House back to what it used to be.

Mr. Ruge asked if Ms. Teegarden has any documents to support what the intent was when the property was given to the City.

Ms. Teegarden said that she may have them. She said that Mr. Schrader has some letters that address the intended use of the property.

**Ryan Smith, 215 E. St. Joseph Street**, stated that he is the President of the Cherry Hill Neighborhood Association. He said that it is imperative to adhere to the wishes of people who donate land to the City, even if it is not spelled out in the deed. Mr. Smith said that not doing so could affect future donations. He asked why the City would not put it to a vote so that the people can decide if the park should be used for a substation.

**Dale Schrader, 226 W. Maple Street**, said that he appreciates the consideration that has been given to this project. He said that 20 foot walls around a 50 foot high substation will not look good. Mr. Schrader said that utilizing dedicated park land for a substation is contrary to the City Charter. He suggested that the Board members take the plan that BWL is proposing and visit the site to see how it will be developed. Mr. Schrader stated that the trail will not loop and connect as it will dead end at Townsend Street. He also stated that the viewing platform will look over onto the apartment building parking lot south of the river.

**Patrick Lynaugh, 508 Smith Street**, stated that he has been a resident of Lansing for 20 years and the Sunken Garden is a priceless asset of the City. He asked the Board to look at the big picture. Green space is vital as the majority of the downtown is covered by impervious surface. Mr. Lynaugh said that that preservation makes a City great.

**Todd Luter, 734 Sparrow Avenue**, quoted a poem from John Muir: "Everyone needs beauty as well as bread".

**Susan Luter, 734 Sparrow Avenue**, stated that she has been a resident of the City for 15 years. She said that she loves the rivertrail and discovered the Sunken Garden about 5 years ago. Ms. Luter said that it is a real gem. She stated that Reo Town has worked hard to revitalize and a substation is not an appropriate entrance to this area. Ms. Luter said that there are other sites available that are already paved that would not result in the loss of valuable green space.

6. **RECESS** – None.

7. **BUSINESS**

**A. Consent Items**

1. **Minutes for approval:** May 2, 2016 – Alisande Henry should be listed as present rather than absent – approved, as corrected, without objection
2. **Minutes for approval:** May 17, 2016 – approved without objection
3. **Z-5-2016, 2918 N. East Street, “A” Residential to “F” Commercial** – Approved without objection

**B. New Business**

1. **Act-1-2016, 3315 W. Mt. Hope Avenue, Grand Haven Manor, Farrell Drain**

Mr. Rieske stated that Grand Haven Manor Limited Dividend Housing Association Limited Partnership, 3215 W. Mt. Hope (PPN 33-01-01-30-126-021), is requesting a reduction in the size of the Farrell Drain easement to a width of 30 feet. The split would be 10 feet north of the center line on the side closest to the building, and 20 feet south of the center line on the far side. The reduction of this easement will provide additional space for development.

Mr. Rieske said that Public Service’s recommendation is to vacate the Farrell Drain in its entirety on the Grand Haven Manor properties and retain a drainage easement for the storm sewer in Deerfield extended. He said that the Farrell Drain east of the property no longer exists and the drainage has been rerouted into street drainage. The properties along Glasgow, due to the 72” storm drain in Glasgow, do not need the Farrell Drain for their storm drainage. The section of the Farrell Drain on the Grand Haven Manor properties only services the Grand Haven Manor properties and does not provide benefit to other properties within the City. Mr. Rieske said that the pipe connection between the terminal drainage structure of the Farrell Drain and the 72” storm sewer in Glasgow runs down the Deerfield right-of-way. This appears to be a public storm sewer and should be treated as such. A 30-foot easement center on this pipe should be retained by the City for public drainage purpose. This outlet pipe is within the current Farrell Drain easement.

Mr. Rieske said that staff recommends that the City vacate the Farrell Drain in its entirety on the Grand Haven Manor properties, except for a 30 foot drainage easement for the storm sewer in Deerfield extended (essentially, the manhole south of the detention pond, and south to the property line).

Mr. Ruge asked if the easement will continue to be 100 feet wide.

Mr. Rieske said that it will be reduced to 30 feet wide and put into the Deerfield right-of-way which is 100 feet wide.

Mr. Graham made a motion, seconded by Mr. Hovey to recommend that the City vacate the Farrell Drain in its entirety on the Grand Haven Manor properties, except for a 30 foot drainage easement for the storm sewer in Deerfield extended (essentially, the manhole south of the detention pond, and south to the property line). On a voice vote (6-0), the motion carried unanimously.

C. **Old Business** – None.

D. **Report from Planning Manager**

Ms. Stachowiak stated that we have been having a lot of difficulty getting a meeting set up to deal with the BWL power station proposal. She asked if everyone could be available on June 21, 2016.

Ms. Cerna stated that we have been having a special meeting every month and she already had to alter her schedule to attend the May 17, 2016 meeting. She said that she would have to alter her schedule again to attend a meeting on June 21<sup>st</sup>.

The other Board members stated that they could make themselves available on the 21<sup>st</sup>.

Ms. Stachowiak said that she would speak with Tony Cox in the morning to make sure that he is available on the 21<sup>st</sup> and then let everyone know one way or another.

**8. COMMENTS FROM THE CHAIRPERSON**

Mr. Ruge stated that he has not received a response to his questions about the substation proposal.

Ms. Stachowiak stated that she will make sure that the BWL responds to Mr. Ruge's questions as soon as possible.

**9. COMMENTS FROM BOARD MEMBERS** – None

**10. ADJOURNMENT** – Chairman Ruge adjourned the meeting at 7:33 p.m.