



Special Meeting
LANSING PLANNING BOARD
June 21, 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 4:15 p.m.

- a. Present: John Ruge, Josh Hovey, Beth Graham, Lynne Martinez, Tony Cox, Alisande Henry & Marta Cerna
- b. Absent: None
- c. Staff: Bill Rieske, Susan Stachowiak, Bob Johnson

2. **APPROVAL OF AGENDA** – Mr. Ruge approved the agenda with the addition of “Outside Consultant” as item “A” under the Business section of the agenda. Without objection, the revised agenda was approved.

3. COMMUNICATIONS

- A. Clean Water Action, in support of the BWL Power Substation Proposal
- B. Lansing Regional Chamber of Commerce, June 21, 2016, in support of the BWL Power Substation Proposal
- C. Loretta Stanaway, June 20, 2016, in opposition to the BWL Power Substation Proposal
- D. Mary Toshach, June 21, 2016, in opposition to the BWL Power Substation Proposal
- E. Judy Scott Teegarden, June 20, 2016, in opposition to the BWL Power Substation Proposal

4. COMMENTS FROM THE AUDIENCE

Ronald Byrnes, 3315 S. Pennsylvania Avenue, Business Manager for the International Brotherhood of Electrical Workers, Union Local No. 352, representing 465 Board of Water & Light workers, spoke in support of the substation project. He said that this project involves good, union jobs, not just for the employees of the BWL but for the construction workers who will build the substation. Mr. Byrnes stated that this project is about providing reliable power to the Lansing area in an energy efficient manner.

Brent Knight, 520 N. Capitol Avenue, President, Lansing Community College, spoke in support of the substation project. He said that the proposed substation will serve LCC which has 100's of people on campus at most times. Mr. Knight stated that they have experienced too many power outages and the proposed substation is necessary infrastructure to ensure reliable power that is imperative to LCC's operations.

Price Dobernack, 5405 S. ML King, Plumbers & Pipefitters Union Local No. 333, stated that he is here to express support for the project on behalf of the building trade unions in Lansing. Mr. Dobernack said that this is a well thought out project and the substation is a common sense approach to providing necessary power infrastructure.

Mark Craft, 1200 E. Michigan Avenue, Sparrow Hospital, Director of Facilities Management, spoke in support of the substation project. He said that the substation is necessary to provide and maintain vital infrastructure. Mr. Craft stated that providing reliable power is a quality of life issue. He stated that the proposal for the substation is a good plan that enhances the recreational opportunities on the site.

Nick Clark, Michigan Director, Clean Water Action, 2722 E. Michigan Avenue, Suite 201, spoke in support of the substation project. He said that the BWL recently went through a 6 month citizen advisory planning process the resulted in recommendations regarding investment to switch from coal to a cleaner and more energy efficient power source. Mr. Clark said that the current Eckert Station produces a great deal of pollution and there are over 400 hospitalizations each year in the area related to asthma attacks. He said that the pollutants are in the air and in the river. Mr. Clark stated that because of the mercury levels in the river, it has been suggested that people should eat no more than one fish each month.

Vicki Hamilton-Allen, Director, Habitat for Humanity, 1941 Benjamin Drive, said that Habitat would like to relocate the Scott Center building to the former Union Missionary Baptist Church property on W. Hillsdale at MLK. She said that the house would be split up into probably 4 owner occupied units. There would be additional owner occupied units constructed on the site as well. Ms. Hamilton-Allen stated that Habitat works in partnership with the City, the neighborhoods and the future owners of the housing units. She said that neighborhood revitalization is the foremost objective.

Bob Trezise, President & CEO, Lansing Economic Area Partnership, 1000 S. Washington Avenue, spoke in support of the substation project. He said that the house and the garden will both be relocated. The plan will result in enhanced recreational facilities on the site, will provide reliable power and will allow for the redevelopment of the Eckert Station site. He said that the BWL has selected the site that is Mr. Trezise said that discharging mercury into the environment cannot continue. Mr. Trezise stated that his 12 year old son had cancer and one of the first questions the doctor asked was if they live downwind of a coal plant. He also said that the BWL has selected a site that demonstrates its commitment to being good stewards of its rate-payers money. Mr. Trezise encouraged the Board to make the right decision so that this project can move forward for the good of the entire community.

Rick Kibbey, 1614 Lindbergh Drive, Chairman, Parks & Recreation Board, spoke in support of the substation project. He said that the Parks Board voted in favor of this proposal because it is a net gain to the parks system. The new and enhanced recreational features of the site will come at no cost to the City, will improve access to Cooley Gardens and provide a new parking lot for the site. He said that the Scott Center is a decrepit building that is obsolete and has no viable use. Mr. Kibbey said that the Scott Center property was not donated to the City but was sold by the Scott family to GM for \$73,000. The City then obtained the property from GM as part of a land swap. Mr. Kibbey said that the Sunken Garden has been lovingly attended to by the Garden Club but contains ordinary flowers. He said that the cost of doing nothing is not negligible. The coal ash from the Eckert station falls on neighborhoods and contaminates the air and the river. Mr. Kibbey said that the heart of recreation is to go outside and enjoy yourself and doing so in a contaminated environment is contrary to that objective.

Ronda Oberlin, Lansing Emergency Management, 815 Marshall Street, spoke in support of the substation project. She said that interconnectivity of infrastructure is very important. Ms. Oberlin stated that anything that depends on internet technology depends on electricity and without it, communication is severely hampered. She said that it would be irresponsible to

place critical infrastructure in the floodplain. If there were a major failure of the power station, the downtown could be without power for 6-8 weeks.

Ryan Wert, 222 Elm Street, Executive Director, Reo Town Commercial Association, spoke in support of the substation project. He said that the Reo Town Commercial Association Board voted unanimously to support this project. Mr. Wert said that it does not make sense for the BWL to spend an additional 13-30 million dollars to build on another site just to avoid having to relocate the Sunken Garden which is not a historic structure.

Loretta Stanaway, 546 Armstrong, spoke in opposition to the substation project. She said that the Planning Board can only act on issues involving zoning. She said that the project violates Public Act 106 as it is not consistent with the Design Lansing Master Plan designation for the site. She said that it is dedicated park land and using it for any other purpose is contrary to the Parks & Recreation Master Plan as well.

Ryan Smith, 215 E. St. Joseph Street, stated that he is the President of the Cherry Hill Neighborhood Association and he is not supportive of this project. Mr. Smith said that the question is not whether the substation is needed but where it should be located. He asked why the BWL has waited so long to address this issue when the Eckert station has to be decommissioned by 2020. Mr. Smith said that there are other alternatives such as burying the lines. He said that there have been no exact costs provided with regard to the alternatives. Mr. Smith stated that there are 100,000 BWL customers in Lansing and when broken down, the additional cost to the taxpayers of selecting an alternative site is not that much to the ratepayers.

Shawn Burton, 1235 N. Washington, spoke in opposition to the substation project. She said that this project is morally and aesthetically wrong. She said that there are other sites that would not result in taking away green space to turn it into industrial space.

A. Outside Consultant

Mr. Ruge said that the BWL has provided a lot of information from professionals but they all work for the BWL. He said that it would be prudent to hire an independent consultant, whoever that may be, to provide an objective opinion on this project in terms of the alternative locations. He said that the Board is being asked to make a judgement of the cost to the BWL (the City and its rate payers) versus the value of a historic asset and the BWL has not given the Board the information needed to make this judgement. Mr. Ruge said that the BWL managed to shoehorn the station on S. Washington Avenue into a small site just a few years ago.

Mr. Cox stated that the Planning Board has a responsibility to review the information that has been provided and make decisions that are in the best interest of the community. He said that he feels very confident that he can fulfill this responsibility without having to obtain the input of a private consultant. Mr. Cox said that he is quite capable of evaluating the information, including the short and long terms effects of this project and making the right decision accordingly. He said that the Board has been charged with making this decision and should be able to process the information and make the right decision without engaging the services of a private consultant.

Ms. Graham agreed with Mr. Cox. She said that she is confident that she can evaluate the information that has been provided and make the proper decision without obtaining input from an independent consultant.

Mr. Hovey also agreed with Mr. Cox. He said that he does not feel that he needs an evaluation from a consultant to make a decision on this project. Mr. Hovey said that the BWL has a responsibility to its ratepayers to make the right decisions and based on the information that he has received, they have done so in this case. He said that the BWL has certainly not selected the path of least resistant in this case as they have received a lot of criticism and they have had to pledge a lot of money and resources to satisfy the concerns that have been raised about preserving the Sunken Garden and the Scott Center building. Mr. Hovey said that the BWL has done its due diligence and has gone to great lengths to work with the public and address their concerns. He said that there has been a lot of compromise and community input and the BWL has selected a site and a design that is in the best interest of the entire community. Mr. Hovey said that he does not see the benefit of hiring an outside consultant as it would simply be an unnecessary cost and delay to the project when the Board is capable of reviewing the information and making its own decision.

B. Design Lansing Comprehensive Plan Amendment #1, Central Substation Project.

Ms. Stachowiak stated that there are 3 components to the substation proposal. The first is the Design Lansing Comprehensive Plan amendment. This involves changing the future land use designation of the east, approximately 4 acres of the property at 125 W. Malcolm X from "Open Space - Dedicated Park" to "Open Space - Quasi-Public/Utility" for the purpose of allowing the property to be used for an LBWL power substation. Act-7-2016 is the authorization of a new LBWL power substation on the City owned property at 125 W. Malcolm X Street, in accordance with the location, character, and extent criteria set forth in Act 33. Finally, SLU-3-2016 is a request for a Special Land Use permit to authorize the construction of the power substation at 125 W. Malcolm X Street. The subject property is zoned "C" & "DM-4" Residential, which districts permit "a structure which is owned or operated by a public utility", if a Special Land Use permit is approved by the Lansing City Council.

Ms. Stachowiak stated that staff is recommending approval of all 3 of these requests. She said that staff has put together a list of the questions that have been raised about the substation proposal and a response to each. She said that she will review the main points. First, the substation property was not donated to the City of Lansing. On August 19, 1977, it was sold to General Motors for \$73,333 and the following year was deeded to the City in exchange for property on Townsend Street. Ms. Stachowiak said that the property is not deed restricted.

Ms. Stachowiak said that not only does this issue not require a vote of the people since it is not being sold, it cannot be placed on the ballot as it is a decision that the City Council is charged with making. She said that the City has obtained an opinion for the City Attorney relative to this matter. According to a City Attorney opinion dated June 11, 2016, placing this issue on the ballot is neither authorized nor appropriate. "Case precedent holds that the City Council may not place propositions on the ballot that shift to the electorate the responsibility for making decisions that they themselves are required to make." Moreover, "pursuant to the Charter, the Home Rule City Act, Attorney General Opinion 6383, and case law, an advisory ballot proposal, as suggested above, is not authorized, and would be ultra vires or outside the authority granted to Council." Ms. Stachowiak stated that planning and zoning law gives City Council the authority to make the decisions after receiving Planning Board recommendations for Comprehensive Plan items and Special Land Use permits.

Ms. Stachowiak said that the BWL has provided a significant amount of information relative to the other sites that were considered. She said that they were either too small or would have resulted in the displacement of residents and businesses. With respect to the Eckert Station as a site for a new power plant, it is not responsible to place critical infrastructure in the 100 year floodplain and to that end, it is doubtful that BWL would even be able to obtain the necessary permits from the Michigan Department of Environmental Quality to do so.

Ms. Stachowiak said that the subject property is not viable for commercial use. She said that the only access to the site is at the south end of Capitol Avenue and once a motorist realizes that it is the only access, they have already driven past it. Ms. Stachowiak said that there cannot be another access to the site on Malcolm X because of the nature of the road in that area and there cannot be an access from S. Washington because of the substantial grade change.

Ms. Stachowiak said that all of the information supports a finding that the substation project is in the best interest of the City and staff is recommending approval of all 3 components of this request.

Ms. Martinez said that she has thought long and hard about this project and she cannot support changing the Master Plan to utilize park land for a power substation. She said that she was very involved in the development of the Master Plan which promotes the preservation of the river, riverfront and the City parks. Ms. Martinez said that she feels that this project is contrary to the goals of the Master Plan which the people of Lansing developed and the City Council approved.

Mr. Ruge said that he came to Lansing about 40 years ago and at that time, the riverfront was an abandoned industrial track. Since then, the City has purchased property and developed a beautiful rivertrail that the citizens use and are very proud of. He said that the voters approved a millage to separate the sewer for the purpose of cleaning up the river. Mr. Ruge said that the citizens have put their trust into the City to protect its resources and taking away green space on the river to construct a walled utility is not in the best interest of the City.

Mr. Hovey said that he agrees with Ms. Martinez that the Planning Board's role is to look at a project from a land use standpoint but he has come to a slightly different conclusion in this regard. He said that this project is a net positive for the City. The site is surrounding by a highway, GM property and a river. Mr. Hovey said that the site is a gateway to Reo Town and the substation has been designed to fit in with the character of the area, based on a lot of input from the community and compromise by the BWL. He said that he will be looking to ensure that the Sunken Garden is relocated in a manner consistent with the promises that have been made by the BWL to preserve it is to the greatest extent possible. Mr. Hovey said that he is supportive of the project as it will provide access to the rivertrail, enhanced access to Cooley Gardens, artwork, barrier free access to all areas of the site and reliable, clean energy.

Mr. Cox said that this has been a long and challenging process. He has received a great deal of information from BWL, City Staff and members of the public. Mr. Cox said that he has also received countless emails from citizens on both sides of the issue and has read them all. He said that the Master Plan is important and must be observed but the reality is that situations change and Master Plans need to be flexible to accommodate those changes when they are in the best interest of the community. Mr. Cox said that he does not like to see historic structures disruptive but is impressed by the BWL's willingness to relocate the Scott Center building and the Sunken Garden to more appropriate locations where they can both be put into good use.

Mr. Cox said that he has spent a great deal of time thinking about this issue, listening to what people have to say and weighing the issues. He said that he considered the financial end of it including the BWL's long term commitment to maintaining art on the site and maintaining the Sunken Garden. He considered what this project means to the BWL's responsibility for providing reliable and clean energy to the downtown, protecting the City's natural resources by not continuing to pollute the air and water ways and by not building critical infrastructure in a floodplain. Mr. Cox said that based on all of the information that he has been provided, and after careful consideration, he has decided to support the substation project.

Ms. Henry stated that she agrees with Mr. Cox. She said that changing the Master Plan is not a decision that the Planning Board takes lightly but decisions have to be made that are in the best interest of the community. Ms. Henry said that these decisions involve balancing the needs of the City from the standpoint of being fiscally responsible with ratepayer money while providing clean, efficient and reliable energy while still protecting its valuable resources. She said that this project accomplishes these goals and she will be supporting the project.

Mr. Ruge said that he is opposed to the project. He said that Lansing has a lot of history and the City does not do a very good job of preserving its historic resources. He said that the Sunken Garden is the floor of a house that was owned by a Civil War general. Mr. Ruge said that Main Street used to be lined by big, beautiful houses that were virtually wiped out by the freeway. He states that holding on to the Scott Center and Sunken Garden is like holding on to the last little scrap what this area once was. He said that there was a beautiful mansion where the parking lot on this site is now. Mr. Ruge said that without the BWL being able to demonstrate that this is the only viable site for this substation, he cannot support the project. He said that you cannot find 4 acres in a downtown in a large City like New York and yet they manage to provide reliable power. Mr. Ruge stated that he is not satisfied that this is the only site that would work and that the cost of utilizing a different site would be prohibitive to the extent that it warrants losing this little bit of history.

Ms. Graham made a motion, seconded by Mr. Hovey to recommend approval of an amendment to the Design Lansing Comprehensive Plan to change the future land use designation of the east, approximately 4 acres of the property at 125 W. Malcolm X from "Open Space - Dedicated Park" to "Open Space - Quasi-Public/Utility". On a roll call vote, the motion carried (5-2). Mr. Ruge and Ms. Martinez cast the dissenting votes.

C. Act-7-2016, Central Substation, 125 W. Malcolm X Street

Ms. Martinez asked about the source of the funds used to purchase the park property.

Brett Kaschinske, Director of Parks & Recreation, City of Lansing, stated that it was general fund land acquisition money. He said that this is the 25th year of the Parks & Recreation millage and therefore, no millage money was used to purchase any of the land.

Mr. Ruge thanked Mr. Johnson for providing all of the information, including the deeds, on the sales, trades and ownership history of the land involved in this project.

Ms. Graham made a motion, seconded by Mr. Hovey to recommend approval of Act-7-2016, to authorize a new LBWL power substation on the City owned property at 125 W. Malcolm X Street, in accordance with the location, character, and extent criteria set forth in Act 33. On a roll call vote, the motion carried (5-2). Mr. Ruge and Ms. Martinez cast the dissenting votes.

D. SLU-3-2016, Central Substation, 125 W. Malcolm X Street.

Ms. Henry made a motion, seconded by Mr. Cox to recommend approval of SLU-3-2016, a special land use permit to permit the construction of a Board of Water & Light power substation, “a structure which is owned or operated by a public utility”, at 125 W. Malcolm X Street. On a roll call vote, the motion carried (5-2). Mr. Ruge and Ms. Martinez cast the dissenting votes.

E. Act-9-2016, 1020 W. Hillsdale, Sale of Property

Mr. Rieske said that The City of Lansing is proposing to sell the former site of the Union Missionary Baptist Church located between W. Lenawee and W. Hillsdale along the east side of N. Martin Luther King Blvd. The property has been unoccupied since 1998, and the building was razed in 2008. With no identified public purpose for the property, the City proposes its sale. He said that Habitat for Humanity Capital Region (HFHCR) proposes to purchase the property for the relocation and renovation of the Scott Center into affordable housing, and the construction of additional housing units on the site.

Mr. Rieske said that Habitat for Humanity intends to accept the original structure of the Scott house without the east wing and two rear sunrooms that were added after the last relocation in 1978. Habitat further intends to recreate the English Tudor style elevation of Scott Center, with the goal of retaining the character of the home while modernizing and restructuring the property to three or possibly four separate dwellings. The entire site will contain approximately 20 affordable units. The completed properties will be sold to low or moderate income households that will occupy the residences as owner/occupant. Habitat has sought HOME and CDBG funds through the City of Lansing Development office to support the project, based on LBWL contributing the relocation costs.

Mr. Rieske said that the City acquired the property at 1020 W. Hillsdale as part of the “7-Block” plan to eliminate blight and move the Union Missionary Baptist Church. Conveying this parcel for the relocated Scott Center will allow for redevelopment of the property after eight years of vacancy, in conformity with the Comprehensive Plan, in a manner beneficial to the neighborhood, while creating housing for low to moderate income families, and putting the property on the tax rolls. He said that the Scott Center (former Jenison House) is functionally obsolete at its current location. He also said that despite attempts to make it otherwise, its original design as a residence is ill-suited for use as a public facility.

Mr. Hovey asked if this was the property that originally intended to be used for a county jail.

Mr. Johnson said that the property targeted for a jail was north of the subject property.

Mr. Ruge asked if there is a site plan for development of the property. He said that MLK is a very busy street and there will not likely allow for any curb cuts.

Ms. Stachowiak stated that there is not a site plan at this time but before the Scott House can be renovated into more than one unit and before any new buildings, other than the Scott House, can be constructed on the property, it will have to come to the Planning Board for either a rezoning or approval of a Planned Residential Development, depending on the proposed density. She said that access will be via Hillsdale and Lenawee.

Ms. Graham said that the property has been sitting vacant since 1988 and the proposed project, particularly the Scott House, will be a nice introduction to this area.

Ms. Graham made a motion, seconded by Ms. Martinez to recommend approval of Act-9-2016, to authorize the sale of 1020 W. Hillsdale Street to Habitat for Humanity Capital Region. On a roll call vote (7-0), the motion carried unanimously.

6. **ADJOURNMENT** – Chairman Ruge adjourned the meeting at 5:43 p.m.