



**Regular Meeting
LANSING PLANNING BOARD
August 4, 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, Tony Cox, Beth Graham, Lynne Martinez, Marta Cerna & Council Representative Judy Brown Clarke
- b. Absent: None
- c. Staff: Bill Rieske & Susan Stachowiak

2. APPROVAL OF AGENDA – Mr. Ruge approved the agenda by unanimous consent, with the removal of Act-8-2016.

3. COMMUNICATIONS – None

4. HEARINGS – None

5. COMMENTS FROM THE AUDIENCE - None

6. RECESS – None.

7. BUSINESS

A. Consent Items

- 1. **Minutes for approval:** June 7, 2016 – approved without objection
- 2. **Minutes for approval:** June 21, 2016 – approved without objection
- 3. **Minutes for approval:** July 5, 2016 – approved without objection – Mr. Ruge should be listed as having requested an excused absence

B. Old Business

- 1. **Act-4-2016, 1200 Block, Turner Street, Vacate Alley**

Mr. Rieske said that Clair Lindemann is requesting that the City vacate the alley behind his property at 1224 Turner Street. He said that the alley winds between buildings facing Turner St. and Grand River Ave., in the Old Town commercial district. The alley is shaped like an inverted “L”, beginning in the 1200 Block of Turner Street.

Mr. Rieske said that according to the application, Mr. Lindemann proposes to regrade and pave the alley, providing a snow storage area at the south end of the alley behind 1224 (in the north 50' of the N-S Alley. This has been discussed and agreed with the other property owners bordering the alley, and the repaving of Mr. Lindemann's portion of the alley has since been completed.

Mr. Rieske said that the City's Public Service Department has no issues with the vacation of the alleys that adjoin Mr. Lindemann's property, provided the following conditions are met.

- A non-specific utility easement is retained the full width of both alleys and no dumpsters, vehicles, etc., shall be placed so as to interfere with access to existing utilities.
- Any hard surfacing of the alley shall be of sufficient strength to drive City maintenance vehicles on it.
- The adjoining property owner shall be responsible for maintaining the hard surfacing in a manner that is drivable by maintenance vehicles.
- The necessary sewer improvements are to be made prior to the hardsurfacing by Mr. Lindemann.

The Public Service Department further recommended that the remaining southerly 170 feet of the north-south alley be vacated. This is due to the alley no longer serving its purpose to provide secondary access to because of parked vehicles blocking the alley. By vacating this southern 170 feet of the alley, it eliminates the dead end created by the vacation of the north 50 feet of the alley. The vacation of the south 170 feet of the north-south alley should be subject to the following conditions.

- A non-specific utility easement should be retained.
- An access easement for each adjoining property should be retained.

Mr. Rieske said that, according to the Public Service Department, implementation of the recommendation can be in two phases:

1. The first phase would be to vacate the alley as Mr. Lindemann requested in his application. Cars, let alone larger vehicles cannot make the 90 degree turn at the north end of the alley. If someone parks in this portion of the alley, Mr. Lindemann cannot access his garage, so it would be self-policing.
2. The second part would be vacating the remainder of the alley, with the condition that it not be executed until a shared driveway agreement is created. Until the agreement is in place, the illegal private parking needs to be removed and a parking prohibition in this portion of the alley be enforced. This will give the owners at the south end of the alley incentive to create the shared drive agreement. It will also give Mr. Lindemann what he requested with minimal entanglements.

Mr. Rieske said that the Public Service Department proposal would take the applicant's proposal a step further by vacating the entire "L" shaped alley, reserving easements for access and utilities. This would eliminate the dead

end and legitimize the private parking in the (public) alley. However, this can be done in a second phase, after action on Mr. Lindemann's proposal.

Mr. Rieske said that staff recommends vacation of the entire "L"-shaped alley, reserving easements for utilities and access in two phases:

1. Vacate the alley and the north 50' of the N-S alley as requested in the application, reserving easements for access and for overhead and underground utilities,
2. Vacate the remainder of the alley, reserving the easements, to be completed after a shared driveway agreement is created in recordable form and subject to Public Service Department review and approval.

Ms. Martinez said that she went over to look at the alley and there are 2 garage doors on the back of the Old Town Main Street building that face the alley. She expressed concern about how vehicles will be able to access those garages if the alley is vacated.

Clair Lindemman, 222 Mosley Street, stated that he owns the building that Ms. Martinez is referring to. He said that he owns all of the lots on both sides of that section of the alley to be vacated. Mr. Lindemann stated that the alley serves no purpose as it is impassible and has not been maintained by the City. He said that he met with representatives from several City departments regarding the alley and has met all of their requirements. He has paved the alley, relocated the underground utilities and the above ground utility poles, replaced drains, provided for better BWL service to the area so that the power outages are less frequent and made other improvements to the alley, all at his expense.

Mr. Ruge said that it is very clear that Mr. Lindemann has done a wonderful job improving the alley/area behind his buildings.

Ms. Martinez asked if the sewer system in the area has been separated. She also asked where the water goes that flows into the manhole.

Mr. Lindemann said that the sewer has been separated. He said that the old clay tiles have been removed and replaced with PVC tile. Mr. Lindemann stated that the water goes down the alley which slopes to the sewer drain at the south end of the north/south alley. He said he put a crest in so that all water does not go in same direction.

Ms. Martinez said that as more and more of Old Town gets paved, that means more run-off into the Grand River.

Mr. Ruge said that he drove down the alley and it is very tight and difficult to navigate. He asked if there will be an agreement in place that prevents the alley from being closed off so that there can continue to be a free flow of traffic. Mr. Ruge said that it is a very long way to back up if someone were to find themselves in that position.

Mr. Lindemann said that the alley is completely obstructed to through traffic right now. He said that the only way that Mr. Ruge would have been able to drive through behind the buildings is to drive on his property. Mr. Lindemann said that he has to remove the dumpster from in front of the building on Turner Street and relocate it to the alley.

Mr. Ruge said that he just does not want anyone to be blocked from accessing the back of their building.

Mr. Cox stated that he is supportive of the request. He said that Mr. Lindemann has made significant improvements to the area and vacating the alley will allow him to further improve the area by relocating the dumpster to an area that is not even functional right now.

Mr. Rieske said that the reason for reserving easements is because vacating the alley converts it to private ownership. The City needs to retain easements for the utilities and the shared driveway agreement assures that other property owners in the area will continue to be able to drive behind the buildings.

Ms. Graham made a motion, seconded by Mr. Cox to approve Act-4-2016, a request by Clare Lindemann to vacate the entire "L"-shaped alley adjacent to 1224 Turner Street, reserving easements for utilities and access in two phases:

- 1. Vacate the alley and the north 50' of the N-S alley as requested in the application, reserving easements for access and for overhead and underground utilities,**
- 2. Vacate the remainder of the alley, reserving the easements, to be completed after a shared driveway agreement is created in recordable form and subject to Public Service Department review and approval.**

On a roll call vote, the motion carried 7-0.

Mr. Cox thanked Mr. Lindemann for his investment into this area and the significant improvements that he has already made at his own expense.

Ms. Martinez agreed with Mr. Cox.

Mr. Hovey also agreed with Mr. Cox. He said that Mr. Lindemann has done a great job improving this area and will continue to do so. He also said that the alley is not functional right now so this vacation will not change conditions in the area.

C. New Business

1. Zoning Ordinance Amendment – Community Gardens

Ms. Stachowiak said that the current Zoning Ordinance does not permit community gardens. There are some located around the City and they have been allowed by just basically considering them open space. Ms. Stachowiak introduced Michaela Oldfield, Food System Workgroup,

who authored the proposed ordinance. She said that she and Ms. Oldfield have been working with a group of stakeholders, including Joan Nelson of the Allen Neighborhood Center and Eric Schertzing of Land Bank. Ms. Stachowiak stated that this has been a collaborative effort to develop an ordinance that would allow community gardens while still protecting the character of our residential neighborhoods. The ordinance provides for and regulates gardens, community garden urban farms and farm stands. Ms. Stachowiak said that the one area that she is not in agreement on with the rest of the stakeholder group is fencing. She said that the current ordinance will allow the gardens to be enclosed by a 4 foot high chain-link fence. The stakeholder group feels very strongly that the gardens need to be enclosed by a fence at least 6 feet high to keep animal, specifically deer, out. Ms. Stachowiak said that there is a garden with a 6 foot high chain-link fence surrounding it at the south end of Hayford Street if the Board members would like to take a look at it.

Ms. Brown Clarke asked about the difference between hoop house and green houses and how they are regulated under the ordinance. She asked if the size of these structures will be limited so that they will fit in with the neighborhood as this has been issue elsewhere in the City.

Ms. Oldfield said that the structures (hoop houses & greenhouses) will be limited to 40% of the lot area. She said that this is the same standard for houses on single family residential lots.

Ms. Graham asked if the structures would have to be taken down at the end of each grow season.

Ms. Oldfield said that both the hoop house and greenhouses are intended to be year round permanent structures.

Ms. Martinez asked that hoop houses, greenhouses and home gardens be defined in the ordinance. She also said that she is glad that the City is taking this on as it has been needed for a long time.

Ms. Brown Clarke asked about soil testing since these gardens are in urban areas where ground contamination is prevalent, particularly in flood plain areas.

Ms. Stachowiak said that she and Ms. Oldfield will meet to discuss some of the remaining issues. She said that this matter will be on the September agenda for a public hearing.

8. REPORT FROM PLANNING MANAGER - None

9. COMMENTS FROM THE CHAIRPERSON

Mr. Ruge said that he is concerned that the new ordinance regulating medical marijuana dispensaries will essentially shut down the majority of these facilities and make it difficult for any new ones to open. He asked for police report information surrounding any criminal activity that has taken place in and around or as a result of these types of facilities.

Ms. Martinez said that there is a large pile of junk around one of the collection bins in Frandor. She asked who this should be reported to.

Ms. Stachowiak said that she would take care of it.

10. COMMENTS FROM BOARD MEMBERS – None

11. ADJOURNMENT – Chairman Ruge adjourned the meeting at 7:30 p.m.