

**Minutes of the Regular Meeting
LANSING PLANNING BOARD
6:30 p.m., Main Level
Fire Station #1, Community Room
120 E. Shiawassee Street
Tuesday, May 5, 2009**

1. OPENING SESSION

The meeting was called to order at 6:30 p.m. by Chairman Frederick

- A. Roll call: Present: Frederick, Tobe, Williams & Bruch
- B. Staff Attending: Stachowiak & Stanley
- C. Excused Absences: Cordill, Ruge & Graham

Dr. Bruch made a motion, seconded by Mr. Williams to approve an excused absence for Ms. Graham. On a voice vote, the motion carried (4-0).

Dr. Bruch made a motion, seconded by Mr. Williams to approve an excused absence for Ms. Cordill. On a voice vote, the motion carried (4-0).

Ms. Tobe made a motion, seconded by Mr. Williams to approve an excused absence for Mr. Ruge. On a voice vote, the motion carried (4-0).

2. APPROVAL OF AGENDA

Mr. Williams made a motion, seconded by Ms. Tobe to approve the agenda as written.

On a voice vote, the motion carried unanimously (4-0).

3. COMMUNICATIONS

Mr. Frederick stated that there is one communication from Lynn Martinez regarding Z-2-09.

4. HEARINGS

- A. **Z-2-2009, 600 W. Maple Street, "B" Residential to "D-1" Professional Office District**

This is a request by the Greater Lansing Housing Coalition to rezone the property at 600 W. Maple Street. from "B" Residential District to "D-1" Professional Office District. The purpose of the rezoning is to permit the building at this location to be used for offices and classrooms that provide housing assistance and community support services. Ms. Stachowiak said that this request is on the consent agenda this evening. She said that staff is recommending approval of the rezoning based upon its consistency with the master plan. She also said that the request will not have any negative impacts on traffic, the environment or future land use patterns.

Dr. Bruch stated that the parking lot will interfere with the sidewalk that runs diagonally off of W. Maple Street. She said that there needs to be a connection from the parking lot to the remainder of the walkway.

Ms. Tobe asked about on-street parking.

Lynn Martinez, Greater Lansing Housing Coalition, stated that they will comply with the city requirements for on-site parking. She said that this project is a community enrichment center that will be 6 blocks from Old Town and will create an anchor in this neighborhood. She also said that they are excited to be partnering with Head Start and continuing to do more housing rehabilitation projects in the city. Ms. Martinez said that the amount of on-site parking should be sufficient on a normal basis although there may be times when there is a need for some on-street parking.

Seeing no one else wishing to speak, Mr. Frederick closed the public hearing for Z-2-09 and stated that this case will be on the consent agenda later this evening.

B. Z-3-2009, 1114 W. Ionia Street, "B" Residential to "C" Residential District

This is a request by Rickey Cotton to rezone the property at 1114 W. Ionia Street from "B" Residential District to "C" Residential District. The purpose of the rezoning is to permit the building at this location to be used for a duplex. Ms. Stachowiak stated that this case is on the agenda for action later this evening. She said that staff is recommending denial of this request because of its inconsistency with the master plan and because of the potential for setting a precedent for future requests of a similar nature.

Mr. Williams stated that this case is a little different than most cases of this nature in that the property owner lives next door and has a personal interest in seeing this property maintained. He said that this is not an absentee landlord situation like most of the others. Mr. Williams said that he would be supportive of this case if this was a conditional zoning where

the property could be used as a duplex as long as Mr. Cotton owns it and lives in the house next door.

Rickey Cotton, 1108 W. Ionia Street, stated that he does not want to agree to anything that would diminish his resale value, although he doesn't want to get turned down either.

Seeing no one else wishing to speak, Mr. Frederick closed the public hearing for Z-3-09 and stated this case will be acted upon later this evening.

5. COMMENTS FROM THE AUDIENCE - None

6. RECESS was not taken by the Board.

7. BUSINESS SESSION

A. Consent Items

1. Minutes for Approval: April 7, 2009

The minutes of April 7, 2009 were approved without objection.

B. Committee Reports

1. Zoning and Ordinance Committee, Dr. Bruch

Next meeting, Wednesday, May 13, 2009, at 4:00 p.m.,
316 N. Capitol Ave., Department Conference Room

2. URBAN DEVELOPMENT COMMITTEE, Mr. Williams

Next meeting, Tuesday, May 26, 2009, at 4:00 p.m.
316 N. Capitol Ave., Department Conference Room.

3. COMMITTEE OF THE WHOLE

4. EXECUTIVE COMMITTEE

C. Old Business**1. Z-2-2009, 600 W. Maple Street, "B" Residential to "D-1" Professional Office District**

This is a request by the Greater Lansing Housing Coalition to rezone the property at 600 W. Maple Street. from "B" Residential District to "D-1" Professional Office District. The purpose of the rezoning is to permit the building at this location to be used for offices and classrooms that provide housing assistance and community support services. Ms. Stachowiak said that this request is on the consent agenda this evening. She said that staff is recommending approval of the rezoning based upon its consistency with the master plan. She also said that the request will not have any negative impacts on traffic, the environment or future land use patterns.

Dr. Bruch moved, seconded by Mr. Williams to recommend that Z-2-09 be approved to rezone 600 W. Maple Street from "B" Residential to "D-1" Professional Office district and to further recommend that the existing walkway that will be interrupted by the parking lot be reconnected to the sidewalk and the rest of the School for the Blind property. On a roll call vote, the motion carried unanimously (4-0).

2. SLU-1-2009, 801 S. Holmes Street, Special Land Use Permit, Church

This is a request by Mt. Hope Church to utilize the building at 801 S. Holmes Street for a church. Churches are permitted in the "F" Commercial district, which is the designation of the subject property, if a Special Land Use permit is approved by the Lansing City Council. Ms. Stachowiak stated that staff is not recommending approval of the request as it does not appear to be the best land use for the subject property.

Ms. Stachowiak stated that there are already 3 churches in the neighborhood and the concern is that this church would draw people out of the neighborhood to go to the big Mt. Hope Church on Creyts Road in Delta Township.

Jerry Jones, Mt. Hope Church, stated that when big Mt. Hope Church on Creyts Road found out that there were zoning issues with some of the churches that were being established in Lansing, they immediately discontinued them. He said that the building at 801 S. Holmes is not vacant as the Union still has activity in the building. He also said that they will work within the sign code and all other codes in establishing the church at this location.

Mr. Jones stated that another church in the area will actually help the existing churches because they will draw people in who want to go to church but may not like Mt. Hope's style and will therefore, go to one of the other churches in the area. He said that they want to keep this church a small, neighborhood oriented church and their goal is not to build up the membership of the big Mt. Hope church. He also said that they would welcome the neighborhood and would even make the facility available for neighborhood meetings.

Ms. Stachowiak said that if the request is to be approved, she would recommend that it be conditioned upon: (1) canopy trees being planted around the parking area, (2) the applicant would with the city to create an appropriate parking layout, and (3) the applicant not object to the issuance of liquor licenses in the area.

Mr. Williams stated that he is included to support this request as long as the applicant agrees to the aforementioned conditions. He said that his only reservation is that Mt. Hope Church put on a "House of Horrors" a few years ago that was quite controversial and he would not like to see something of that nature occur at a neighborhood church.

Mr. Jones said that he did not agree with the "House of Horrors" concept as it is "bad bait". He assured the board members that he would not do anything of this nature at 801 S. Holmes Street. He also said that he would comply with the conditions that Ms. Stachowiak mentioned.

Ms. Tobe asked how long Mr. Jones has been at his current location and what community outreach programs that have participated in. She also asked Ms. Stachowiak if there has been any problems with the current location.

Mr. Jones said that they have been on S. MLK for 4 years and they have participated in the food movers program, Sunday events, one mailing, etc. He said that they have grown to approximately 25 members at this location and since it is only 600 square feet in area, they need more space.

Ms. Stachowiak stated that there have been no complaints against the church on S. ML King.

Mr. Frederick stated that it is his understanding that the mission of Christian churches is to get people to become Christians. He said that there is no way to determine what constitutes too many churches.

Mr. Williams moved, seconded by Ms. Tobe to recommend approval of SLU-1-09, a special land use permit for a church at 801 S. Holmes Street with the following conditions:

- 1. The applicant agrees, in writing, to not object to liquor licenses in the area;**
- 2. The applicant install trees in the road right-of-way, around the parking area and between the building and the residence to the east; and**
- 3. The applicant work with the city to determine an acceptable parking lot layout for the subject property.**

On a roll call vote, the motion carried unanimously (4-0).

3. Z-3-2009, 1114 W. Ionia Street, "B" Residential to "C" Residential District

This is a request by Rickey Cotton to rezone the property at 1114 W. Ionia Street from "B" Residential District to "C" Residential District. The purpose of the rezoning is to permit the building at this location to be used for a duplex. Ms. Stachowiak stated that this case is on the agenda for action later this evening. She said that staff is recommending denial of this request because of its inconsistency with the master plan and because of the potential for setting a precedent for future requests of a similar nature.

Mr. Williams stated that he lives in the neighborhood and the only way he could support this request is if it were to be a conditional zoning where the property could be used as a duplex as long as Mr. Cotton owns it and lives in the house next door.

Ms. Stachowiak stated that the issue of whether a conditional rezoning can be tied to a specific property owner is currently being reviewed by the law office over another case where the same question has been raised. She also said that it would be very difficult to enforce.

Dr. Bruch said that she is inclined to approve the request without the conditions since this is not a spot zone. She said that there is "C" Residential directly to the south. She also said that this is largest lot on the block and there are only a few others that would even meet the dimensional requirements for conversion to a duplex.

Mr. Frederick stated that he is not concerned about setting a precedent as each case is considered on its own merits. His concern is violating the master plan. He said that the whole idea of nonconformities is to eventually bring them into compliance with the Zoning Ordinance and that is what is happening here.

Dr. Bruch said that we would be relying on a master plan that is approximately 40 years old.

Mr. Frederick said that there is no reason to believe that it is wrong.

Mr. Williams made a motion, seconded by Mr. Frederick to table Z-3-09, rezoning of 1114 W. Ionia Street from "B" Residential to "C" Residential. On a voice vote, (2-2) the motion failed.

Dr. Bruch made a motion, seconded by Mr. Williams to approve Z-3-09, rezoning of 1114 W. Ionia Street from "B" Residential to "C" Residential with the condition that the rezoning is valid as long as the property is owned by Rickey Cotton. On a roll call vote (3-1), the motion carried.

4. Fiscal Year 2010, Capital Improvements Program

Mr. Frederick said that he is opposed to the city allocating funds for parking structures in the downtown. He said that the city should not be in the parking business as this function is better handled by the private sector.

Mr. Williams said that he would be in favor of public/private partnerships on parking facilities.

Dr. Bruch said that she would like to see the money reallocated to public transportation, such as a trolley system, instead.

Mr. Frederick made a motion, seconded by Dr. Bruch to recommend approval of the Fiscal Year 2010 Capital Improvements Program, with the condition that the city continue to explore partnerships with private investors with regard to parking facilities and coordinate parking investments with public transit options. On a roll call vote (4-0), the motion carried unanimously.

D. Pending Items: Future action required

1. Zoning and Ordinance Committee
2. Urban Development Committee
 - a. Master Plan Project
3. Committee of the Whole
 - a. SLU-5-2008, 528 N. Pine Street
4. Planning Board

8. **NEW BUSINESS** - None
9. **REPORT FROM PLANNING MANAGER** - None
10. **COMMENTS FROM CHAIRPERSON** - None
11. **COMMENTS FROM BOARD MEMBERS**

Ms. Tobe requested an excused absence from the May 19, 2009 meeting.

Mr. Williams made a motion, seconded by Dr. Bruch. to approve an excused absence for Ms. Tobe from the May 19, 2009 meeting. On a voice vote (4-0), the motion carried unanimously.

12. **BOARD MEMBER CODE ENFORCEMENT NOTIFICATION REPORTS**

- a. Dollar Store - Willow Street & MLK Blvd. - landscaping & buffering (May 20, 2003)
- b. W. Willow Street - Grace Tabernacle Church - no landscaping (May 4, 2004)
- c. 2702 S. Cedar Street - no landscaping (May 18, 2004)
- d. 2410 S. Pennsylvania Ave. - no landscaping (November 3, 2004)
- e. The Firm – review requirements for fenced outdoor patio (December 5, 2006)
- f. Washington Square Tavern – permanent outdoor patio & inadequate room on the sidewalk (November 20, 2007)

13. **ADJOURNMENT** - Meeting was adjourned at 8:05 p.m.

Respectfully submitted,

William C. Rieske
Secretary, Planning Board