

**Minutes of the Regular Meeting  
LANSING PLANNING BOARD  
6:30 p.m., Main Level  
Fire Station #1, Community Room  
120 E. Shiawassee Street  
Tuesday, February 16, 2010**

**1. OPENING SESSION**

The meeting was called to order at 6:40 p.m. by Chairman Frederick

- A. Roll call: Present: Frederick, Williams, Ruge and Cox
- B. Staff Attending: Stachowiak, Witherspoon, Stanley
- C. Excused Absences: Tobe and Graham

Ms. Graham requested an excused absence from the February 16, 2010 meeting.

**Mr. Ruge made a motion, seconded by Mr. Williams to approve an excused absence for Ms. Graham from the February 16, 2010 meeting. On a voice vote, the motion carried (4-0).**

Mr. Frederick requested an excused absence from the February 2, 2010 meeting.

**Mr. Ruge made a motion, seconded by Mr. Williams to approve an excused absence for Mr. Frederick from the February 2, 2010 meeting. On a voice vote, the motion carried (4-0).**

**2. APPROVAL OF AGENDA**

Mr. Williams made a motion, seconded by Mr. Ruge to approve the agenda as written. On a voice vote (4-0), the motion carried.

**3. COMMUNICATIONS**

Letter from Carrie Tansy & William Paddock III regarding Z-1-10.

**4. HEARINGS - None**

**5. COMMENTS FROM THE AUDIENCE - None**

6. **RECESS** was not taken by the Board.

7. **BUSINESS SESSION**

A. **Consent Items**

1. **Minutes for Approval:** January 5, 2010

The minutes of January 5, 2010 were approved without objection.

B. **Committee Reports -None**

1. ZONING AND ORDINANCE COMMITTEE

2. URBAN DEVELOPMENT COMMITTEE

3. COMMITTEE OF THE WHOLE

4. EXECUTIVE COMMITTEE

C. **Old Business**

D. **Pending Items: Future action required**

1. Zoning and Ordinance Committee
2. Urban Development Committee
  - a. Master Plan Project
3. Committee of the Whole
4. Planning Board

8. **NEW BUSINESS**

A. **Proposed Funding Allocations for Federal Funds (CDBG, HOME, ESG) Fiscal Year 2011 (7/1/10 - 6/30/11)**

Ms. Witherspoon requested approval of the proposed funding allocations for federal funds (CDBG, HOME, ESG) Fiscal Year 2011 (7/1/10 - 6/30/11).

**Mr. Ruge made a motion, seconded by Mr. Williams to approve the funding allocations for federal funds (CDBG, HOME, ESG) Fiscal Year 2011 (7/1/10 - 6/30/11). On a roll call vote (4-0), the motion carried unanimously.**

**B. Z-1-2010, 300 Elvin Court, Rezoning from "B" Residential to "E-1" Apartment Shop Commercial District**

Ms. Stachowiak presented the case. She stated that this is a request by Studio Intrigue, Inc. to rezone the property at 300 Elvin Court from "B" Residential District to "F" Commercial District. The purpose of the rezoning is to permit the building at this location to be used for offices and a catering business that would provide food services to the users of the building as well as off-site catering services. Ms. Stachowiak said that the applicant originally requested that the property be rezoned to the "F" Commercial district because it would permit both the office use and the food service use. Such uses are low impact and would be compatible with the surrounding area. However, this district also allows several uses that would not be acceptable at this location such as fast food restaurants, gasoline stations, automotive repair facilities and car lots. After further discussions with the applicant, it was agreed that the "E-1" Apartment Shop district would be the most appropriate zoning designation for the property since it would allow all principal uses permitted in the "D-1" Professional Office district and the proposed food service use, but would not allow the other more objectionable uses that would be permitted under the "F" Commercial district.

Mr. Ruge asked if the road that goes through the site is dedicated to the public.

Ms. Stachowiak stated that it is a private drive.

Mr. Ruge said that it would be nice to see Elvin Court and Horton Street connected to eliminate the dead end streets and make it easier for emergency vehicles to turn around.

Ms. Stachowiak said that the city may pursue this at some time in the future but right now, the city is not requesting any right-of-way from the applicant.

Mr. Ruge said that he is concerned about the uses that would be permitted in the "E-1" district. He said that he is specifically concerned about bars, taverns, restaurants and apartments.

Ms. Stachowiak said that the only way to further control the uses would be through contract zoning but the applicant has to be agreeable to the contract. She also said that there are covenants on the property that do not specifically restrict the uses but restrict any changes to the building. Ms. Stachowiak said that this is a limiting factor because it would be very difficult to get approval from the State Historic Preservation Office to place a McDonald's sign on the building.

Mr. Ruge asked if the "E-1" district allows a billboard. He also asked about the residential density allowed in this district.

Ms. Stachowiak said that it does not allow billboards. It only allows signs that pertain to uses that are established on the site. She also said that the "E-1" district permits up to 87 units per acre.

Mr. Ruge said that this would be far too dense for this location. He asked the applicant if he would be amenable to contract zoning.

**David Vanderklok, Studio Intrigue Architects**, said that his concern with contract zoning is that it takes 2-3 months to come to an agreement on the contract language. He said that they are already involved in a historical review that is taking a lot of time. Mr. Vanderklok said that he is willing to discuss contract zoning options with city staff.

Mr. Williams said that he does not believe that a liquor license could even be issued for this site since it is adjacent to a school. He also said that it is unlikely that anyone would pay to have a liquor license at this location because of the surrounding uses. Mr. Williams said that a basic convenience store might be nice at this location since it would provide basic needs to the neighbors so that they would not have to drive to get everything. He said that he would like to have a convenience store in his neighborhood so that he could get a gallon of milk without having to drive to a store.

**Mr. Ruge made a motion, seconded by Mr. Williams to recommend approval of Z-1-10, rezoning 300 Elvin Court from "B" Residential District to "E-1" Apartment Shop District, with the condition that the applicant is open to discussing eliminating the possibility of establishing multiple family residential use on the property through contract zoning. On a roll call vote, the motion carried unanimously (4-0).**

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

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

- a. W. Willow Street - Grace Tabernacle Church - no landscaping (May 4, 2004)
- b. 2702 S. Cedar Street - no landscaping (May 18, 2004)
- c. The Firm – review requirements for fenced outdoor patio (December 5, 2006 & February 20, 2007)
- d. Washington Square Tavern – permanent outdoor patio & not adequate room on sidewalk (November 20, 2007)
- g. Junk vehicles on Hickory Street (September 15, 2009)
- h. Clayborn & Waverly - Junk, trash, junk vehicles (September 15, 2009)
- i. E. Michigan & Lathrop - Shaggin Wagon Taxi Service - Screening & Buffering (September 15, 2009)

Ms. Stachowiak said that it is her understanding that items "g" and "h" have been corrected.

Mr. Ruge said that the lot next to the party store in the 1800 block of E. Michigan Avenue is being used for storage. He said that there is a trailer, pallets and other materials being stored on the lot.

**13. ADJOURNMENT** - Meeting was adjourned at 7:05 p.m.

Respectfully submitted,

William C. Rieske  
Secretary, Planning Board