

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

**1. OPENING SESSION**

The meeting was called to order at 6:33 p.m. by Chairman Frederick

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

**2. APPROVAL OF AGENDA**

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

**3. COMMUNICATIONS - None**

**4. HEARINGS**

**A. LS-8-2009, 340 E. Edgewood Blvd., Lot Split Variance**

This is a request by Carlson Consulting Engineers on behalf of Sam's Real Estate Business Trust, to split off a 139' x 333' section of the property at 340 E. Edgewood Blvd. for the purpose of creating a new buildable parcel of land. The newly created parcel will have access via a permanent easement from American Road rather than directly abutting a public street. Section 1236.07(e) of the Subdivision Ordinance requires that all lots abut upon and have permanent access to a public street. A variance to the subdivision regulations is therefore, being requested.

Ms. Stachowiak stated that staff is recommending approval of the request. She said that the requested lot split will allow for development of an area of the Sam=s Club site that currently contains excess parking. Furthermore, the resulting lots will be comparable in size to several other lots in the vicinity of the subject property and will fit in well with the existing commercial development in this area.

**Gerald Clanton, Professional Engineers**, stated that he is representing the applicant. He said that the area of the site that the applicant would like to split off to create a new buildable parcel is currently just a sea of unused parking. The applicant would like to make use of this area and the variance is necessary in order to make that happen. Mr. Clanton said that there will still be adequate parking for the Sam's Club operations. He said that Sam's Club needs 5 parking spaces per 1,000 square feet of usable floor area. The split will still leave 5.8 spaces per 1,000 square feet of usable floor area.

Seeing no one else wishing to address the Board, Chairman Frederick closed the public hearing.

**B. SLU-2-2010, 4615 Tranter Street, Wireless Communications Tower**

This is a request by Haley Law Firm on behalf of MetroPCS to construct a new 145-foot high, monopole, telecommunications tower in the rear yard at 4615 Tranter Street. The new tower will replace the existing tower at this location. The subject property is zoned "H" Light Industrial, which district permits telecommunications towers, if a Special Land Use permit is approved by the Lansing City Council.

Ms. Stachowiak stated that staff is recommending approval of this request, with the conditions that the proposed monopole tower shall provide for a co-location of at least 3 antennas, and not interfere with telemetry communications of local hospitals and emergency services. Ms. Stachowiak said that there is an existing 145 foot tall, lattice telecommunications tower located just south of the building at 4615 Tranter Street, in plain view of the neighborhood to the west. CATA has purchased property to the south and is proposing to expand its bus storage building which will necessitate removal of the existing tower. The new tower will be located east of the existing building, as far away from the residential neighborhood as possible. Furthermore, it will be a monopole tower which can accommodate several co-locations, thereby reducing the need for more towers in the area. Ms. Stachowiak said that the applicant has already gotten a variance from the Board of Zoning Appeals for the height of the tower.

Ms. Tobe asked about the variance.

Ms. Stachowiak stated that the height limitation is 120 feet in the "H" Light Industrial district. The variance was for the additional 25 feet.

Ms. Tobe asked if the neighbors were notified.

Ms. Stachowiak said that all property owners within 300 feet of the site were notified for both the BZA hearing and this hearing. She said that a couple of the neighbors came to the BZA meeting to get some questions answered. Other than that, there has been no communications received from any of the neighbors.

**T.J. Garrett, Haley Law Firm**, spoke in support of her request and stated that she is available to answer any questions the Board may have. She said that CATA has purchased the property to the south and will be expanding their building. The tower needs to be moved in order to accommodate the building addition.

**Fred Sible, CATA**, spoke in support of the request and thanked Ms. Stachowiak for her work on this matter.

Seeing no one else wishing to address the Board, Chairman Frederick closed the public hearing.

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

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

**7. BUSINESS SESSION**

**A. Consent Items**

**1. Minutes for Approval: March 16, 2010**

The minutes of March 16, 2010 were approved without objection.

**2. SLU-2-2010, 4615 Tranter Street, Wireless Communications Tower**

SLU-2-2010, 4615 Tranter Street, Special Land Use Permit, Wireless Communications Tower, was 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. LS-8-2009, 340 E. Edgewood Blvd., Lot Split Variance**

Ms. Stachowiak recommended approval of the request with the condition that the permanent access easement, as legally described on page 6 of the survey documents, is lawfully executed before there is a change of ownership on one or both the resulting lots.

**Mr. Williams made a motion, seconded by Ms. Tobe to recommend that the City Council approve the request to allow the property at 340 E. Edgewood Blvd. to be divided into two separate parcels of land, as depicted and legally described on the survey documents dated 7-17-09, with the condition that the permanent access easement, as legally described on page 6 of the survey documents, is lawfully executed before there is a change of ownership on one or both the resulting lots. On a roll call vote (4-0), the motion carried unanimously.**

**B. SLU-1-2010, 5750 S. Cedar Street, Special Land Use Permit - Church**

This is a request by Abundant Grace Faith Church to utilize the building at 5750 S. Cedar Street (former Builder's Square/Farmer Jack) for a church. The subject property is zoned "J" Parking, "G-2" Wholesale, "F" Commercial and "H" Light Industrial districts. Churches with associated parking are permitted in these districts, if a Special Land Use permit is approved by the Lansing City Council, after review and a recommendation by the Planning Board. Staff recommended denial of the request based upon its inconsistency with some of the criteria set forth in Section 1282.03(f)(1)-(9) of the Zoning Ordinance for evaluating special land use permits, as described in the staff report.

The Planning Board agreed to hear from the applicants.

Ms. Tobe asked about the size of the congregation and the number of full-time staff for the church.

**Bruce Morton**, 409 Taylor Street, Grand Ledge, MI 48837, Associate Pastor, Abundant Grace Faith Church, stated that the current membership is between 230-250. He said that they have 3 full-time staff persons. Pastor Morton

introduced Pastor Louis Dixon Sr. and his wife Pamela. He said that they first looked at this site 3 years ago and since the church is growing rapidly, this site is ideal for their needs.

Pastor Morton said that there has been some retail interest in the property since it has been vacant, however, given the state of the economy, nothing has come to fruition. He said that there are adequate shopping options in the area (Meijers, Krogers, Menards, Lowes, offices etc.). He stated that the church services held mainly on the weekends, however, they will be using the building for special services/events at other times during the week. Pastor Morton said that malls, theaters, etc. are being converted to churches all over the place and they are not negatively impacting the surrounding commercial uses. He also said that as far as the liquor licenses are concerned, there is already a school to the south and an adult book store right next to the site.

Pastor Morton said that they are planning on making the site very attractive, which includes additional landscaping. The church will also be making substantial renovations to the inside of the building. They may even have a cafe' and a bookstore that would be open to the public. Pastor Morton said that the staff report mentions the possibility of needed a traffic light in the area which would not be a problem for the church. He also said that the site has been vacant for seven years which has provided ample opportunity for someone to establish a commercial use in the building.

Mr. Frederick said that he cannot accept that a church will suppress or somehow be a detriment to businesses in the area. He said that churches are becoming more business-like and can actually contribute to the vitality of a commercial district.

Mr. Williams said that the site is not viable for commercial use.

Ms. Stachowiak said that the economy will eventually pick-up, however, if the church moves in it will likely be there for a very long time. She said that churches are permitted in every zoning district in the city, with a special land use permit, so that each site can be evaluated to determine if the location is appropriate. She also said that while the city has an obligation under the law to reasonably accommodate churches, the city also has an obligation to the business community and to ensure that the city is economically stable. She said that businesses feed off of each other and having a 10 acre hole of activity in an otherwise busy commercial area does not help the existing businesses or encourage new businesses.

Mr. Frederick asked how this church differs from some of the ones that are located in strip malls.

Ms. Stachowiak said that when it is just a small church mixed in with other businesses, it has less of an impact than a large church on a 10 acres parcel of land with a sea of unused parking along a major commercial thoroughfare.

**Louis Dixon**, 235 Green Meadows Drive, Pastor of Abundant Grace Faith Church said that they are projecting future growth and that is why they need the space that this site provides. He said that they prayed on it and God led them to this site. He also said that they are doing God's work and want to make a difference on the south side of Lansing.

**Pamela Dixon**, 235 Green Meadows Drive, stated that Logan Square was empty when they moved in and as a result of the church, several businesses are not there. She said that the church will make a positive contribution to the area as it will include a cafe, bookstore and youth center. The church will also regularly hold prayer meetings, choir practices, and special events.

Mr. Williams said that his brother's church purchased a vacant mall in a commercial area near Grand Rapids and it has not had any negative impacts on the surrounding businesses. He said that nobody seems to be interested in using the former Farmer Jack building for commercial use and therefore, the church seems to be a good use of the building.

Ms. Graham asked the applicant about the realtor who handled the purchase of this building and whether they informed them that they would need to have a special land use permit approved by the city in order to establish a church at this location.

Pastor Morton said that Vlahakis handled the real estate transaction. He also said that they met with Maria Irish, City Assessor to discuss the tax issues. He said that the church was told that they could not get pre-approval from the City without going through the entire special land use permit process.

Mr. Frederick said that he is supportive of the request and stated if there is no further discussion, a motion would be in order.

**Mr. Williams made a motion, seconded by Mr. Frederick to recommend approval of SLU-1-2010, Special Land Use permit for a church at 5750 S. Cedar Street. On a roll call vote (3-1), the motion carried. Ms. Tobe cast the dissenting vote.**

**C. Act-2-2009, 229 S. Cedar Street, Acquisition**

The subject property is the former Yellow Cab location, north of the current City parking lot. It was the subject of a transaction involving a swap of properties in the Kalamazoo Gateway proposal a couple of years ago (Z-12-07/Act-17-07) in which the City would swap Parking Lot #49 (N. side of Kalamazoo between Cedar and Larch) for this one. The Gateway project has not materialized, but the property at 229 remains desirable for public parking in the short term and possible development in the future. Moreover, the Gateway site on Kalamazoo remains a visible location and a prominent entrance to downtown.

Mr. Rieske stated that staff is recommending approval of Act-2-09, acquisition of the property at 229 S. Cedar, and the development of a surface parking lot at that location. He also stated that the acquisition would come from the Parking Fund.

**Andy Kilpatrick**, City of Lansing Transportation Engineer, stated that the city purchases properties for parking that can be resold for development at a later date. He mentioned the Stadium District, State Police Headquarters and Boarshead Theater as examples.

Mr. Williams asked about the general assessment of parking in the downtown area. He said that there seems to be adequate parking west of the river.

Mr. Kilpatrick said that the south end of the downtown near the new State Police Headquarters could use additional parking. The Boarshead Theater will help with this situation.

Ms. Graham asked about contamination on the site. She also asked about the purchase price.

Mr. Kilpatrick said that there is some contamination on the site and it is anticipated to cost approximately \$50,000 for remediation. He said that the site will cost approximately \$250,000.

Mr. Frederick stated that he likes the possibility of future development at this location and this purchase will make the property more developable. He asked that the new parking lot be well landscaped.

Mr. Kilpatrick said that there will be substantial landscaping and buffering of the parking lot.

The Planning Board found, based on its review of the location, character and extent of Act-2-09 in accordance with its Act 33 Review procedures, that:

- \* The subject site is no longer a good location for an industrial building.
- \* The subject property could benefit the public in the short term.
- \* The subject property has long term potential for redevelopment.
- \* The property is currently on the market, and a better opportunity to purchase it may not present itself.
- \* A well-landscaped parking lot at this location would enhance the appearance of the area.

**Mr. Williams made a motion, seconded Ms. Graham to recommend approval of acquiring the property at 229 S. Cedar Street and developing a surface parking lot on the site. On a roll call vote (4-0), the motion carried unanimously.**

**9. REPORT FROM PLANNING MANAGER**

Mr. Rieske said he has census forms available if anyone needs one.

**10. COMMENTS FROM CHAIRPERSON - None****11. COMMENTS FROM BOARD MEMBERS**

Ms. Tobe requested excused absences for April 20, May 4 and May 18, 2010.

**Mr. Williams made a motion, seconded by Ms. Graham to approve an excused absence for Ms. Tobe for the April 20, 2010 Planning Board meeting. On a voice vote (4-0), the motion carried unanimously.**

**Mr. Williams made a motion, seconded by Ms. Graham to approve an excused absence for Ms. Tobe for the May 4, 2010 Planning Board meeting. On a voice vote (4-0), the motion carried unanimously.**

**Mr. Williams made a motion, seconded by Ms. Graham to approve an excused absence for Ms. Tobe for the May 18, 2010 Planning Board meeting. On a voice vote (4-0), the motion carried unanimously.**

**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)
- e. Clayborn & Waverly - Junk, trash, junk vehicles (September 15, 2009)
- f. E. Michigan & Lathrop - Shaggin Wagon Taxi Service - Screening & Buffering (September 15, 2009)

Mr. Frederick stated that the issue he brought up at the last meeting about the junk/junk vehicles on E. St. Joe is not listed on the agenda but it has been taken care of.

**13. ADJOURNMENT - Meeting was adjourned at 7:45 p.m.**

Respectfully submitted,

William C. Rieske  
Secretary, Planning Board