AGENDA

1. OPENING SESSION
   A. Roll Call
   B. Excused Absences

2. APPROVAL OF AGENDA

3. COMMUNICATIONS

4. PUBLIC HEARINGS

5. COMMENTS FROM THE AUDIENCE (please limit comments to 3 minutes per person)

6. RECESS

7. BUSINESS
   A. Consent Items
      (1) Minutes for approval: April 2, 2019
   B. Old Business
      (1) Zoning of recently annexed properties, 11097 Jolly Hwy. & 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road
      (2) 2020-2025 Capital Improvements Program
   C. New Business

8. REPORT FROM PLANNING MANAGER

9. COMMENTS FROM THE CHAIRPERSON

10. COMMENTS FROM BOARD MEMBERS

11. PENDING ITEMS: FUTURE ACTION REQUIRED

12. ADJOURNMENT

FOR SPECIAL ACCOMMODATIONS, PLEASE GIVE NOTICE 24 HOURS PRIOR TO THE MEETING
BY CALLING 517-483-4066 OR 517-483-4088 TDD.
1. OPENING SESSION

Mr. Ruge called the meeting to order at 6:38 p.m.

   a. Present: John Ruge, Tony Cox, Katie Alexander & Marta Cerna
   b. Absent: Josh Hovey, Farhan Bhatti & Gary Manns
   c. Staff: Bill Rieske & Susan Stachowiak

Ms. Cerna made a motion, seconded by Ms. Alexander to grant excused absences for Josh Hovey, Farhan Bhatti and Gary Manns. On a voice vote, the motion carried (4-0).

2. APPROVAL OF AGENDA

Mr. Ruge approved the agenda by unanimous consent.

3. COMMUNICATIONS

   A. Letter from Craig DeVoogd, owner of 4880 S. Waverly Road, requesting “G-2” Wholesale zoning for his property.

4. PUBLIC HEARINGS

   A. SLU-1-2019, 900 Southland Avenue, Suite 918, Special Land Use Permit, Church in the “F” Commercial district

Ms. Stachowiak said that this is a request by Holiday Park/Durga Property Holdings, Inc., for a special land use permit to establish a church in the building at 900 Southland Avenue, Suite 918. Churches are permitted in the “F” Commercial district, which is the zoning designation of the subject property, if a Special Land Use permit is approved by the Lansing City Council. Ms. Stachowiak said that the proposed church would occupy one small suite in a multi-tenant commercial building located on a side street that extends between S. ML King and S. Washington Avenue. She said that the church will have a positive impact on the area by filling a suite and bringing some much needed activity to an area that is primarily characterized by vacant buildings.

Ms. Stachowiak said that one of the primary concerns with churches in commercial zoning districts is that they have the ability to object to and possibly prevent the issuance of liquor licenses within 500 feet of their building. She said that liquor stores,
bars, taverns and restaurants, which are uses permitted by right in all commercial zoning districts, contribute to the economic vibrancy of commercial corridors as they are customer-oriented businesses that generate traffic on a regular basis. Ms. Stachowiak said that in this case, however, it is unlikely that there would be a request to establish a liquor license type business within 500 feet of the proposed church since the commercial properties within that area are not located on a major corridor where there is exposure to potential customers. She said that the buildings along Southland Street lack exposure to even low levels of traffic thus, making them more desirable for destination type businesses such as offices and churches, as opposed to retail stores, restaurants, gas stations, salons and other uses that depend on pass-by traffic to establish a customer base. Ms. Stachowiak said that even though it is unlikely to become an issue, if the special land use permit is approved, it should be conditioned upon the church agreeing, in writing that it will not object to the issuance of liquor licenses in the area.

Ms. Stachowiak stated that staff is recommending approval of the request based on a finding that the proposed church complies with all of the criteria of Section 1282.03(f)(1)-(9) of the Zoning Code for evaluating Special Land Use permits.

Chairman. Ruge opened the public hearing.

Mary Allen, 1231 W. Kalamazoo Street, Pastor, Amazing Grace Temple, spoke in support of her request. She said that she is looking forward to bringing good to the neighborhood. Pastor Allen said that in addition to church services on Sunday, there will be a bible study on Tuesdays from 7-8:30 and a prayer meeting on Thursdays.

Ms. Cerna asked about the size of the church membership.

Pastor Allen said that they have between 15 and 20 members at this time but are trying to establish a larger membership.

Steven Halm, Property Manager, Holiday Park/Durga Property Holdings, Inc., spoke in support of the request. He said that they are keeping the adjoining suite open and available so that the church has the ability to expand in the future as the membership grows.

Mr. Ruge asked about the car dealership.

Mr. Halm said that the dealership is on the site to the east. He said that this property adjoins the McDonalds that fronts along S. MLK.

See no one wishing to speak, Chairman Ruge closed the public hearing.

B. Zoning of recently annexed properties, 11097 Jolly Hwy. & 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road
Ms. Stachowiak stated that in November, 2018, 8 contiguous parcels of land located at the northwest corner of S. Waverly Road & Jolly Highway were annexed into the City of Lansing from Delta Township. There is a single family residential dwelling on the property at 11907 Jolly Highway. The other 7 parcels, all of which have frontage on S. Waverly Road, are being used for various commercial purposes. Ms. Stachowiak said that upon annexation, properties are given an interim zoning designation that most closely resembles the zoning that the properties had prior to annexation. The Planning Board is then given 180 days to recommend an appropriate zoning designation to the City Council with consideration given to the existing land uses and the land use patterns being advanced in the City’s Master Plan.

Ms. Stachowiak said that the interim zoning designation for the single family residential property at 11907 Jolly Highway is “A” Residential which is appropriate and should be made permanent. She said that the other 7 parcels have an interim zoning classification of “F” Commercial. Ms. Stachowiak said that while the Planning Board can recommend whatever zoning designations it deems appropriate for the subject properties, staff is offering the “E-2” Local Shopping district and the “F” Commercial district as those which that merit consideration for the 7 commercial properties. Ms. Stachowiak said that the Zoning Ordinance describes the intent of these 2 zoning designations as:

“E-2” Local Shopping District: “The intent of the E-2 Local Shopping District is to provide convenience retail stores.”

“F” Commercial District: “The intent of the F and F-1 Commercial Districts is to allow general retail commercial uses.”

Ms. Stachowiak said that the Master Plan designates the Jolly/Waverly intersection for “Neighborhood Mixed-Use Center” land use. The Plan describes the purpose of this designation as: “To encourage the location of convenience retail and services within walking distance of neighborhoods”. Ms. Stachowiak said that the “E-2” zoning district permits “convenience” retail stores which are the type of stores that draw their customer base from a relatively small geographic area surrounding the business. The “F” Commercial district, by contrast, permits uses such as vehicles sales, theaters, medical marijuana dispensaries, motels/hotels and “comparison” retail stores that draw their customer base from a much larger geographic area. Ms. Stachowiak said that all of the existing businesses located within the annexed area would be permitted by right in both the “F” Commercial and the “E-2” Local Shopping districts.

Chairman Ruge opened the public hearing. See no one wishing to speak, Chairman Ruge closed the public hearing.

5. COMMENTS FROM THE AUDIENCE

6. RECESS – Not taken

7. BUSINESS
A. Consent Items

(1) Minutes for approval: March 5, 2019

Without objection, the March 5, 2019 minutes were approved.

(2) SLU-1-2019, 900 Southland Avenue, Suite 918, Special Land Use Permit, Church in the “F” Commercial district

Without objection, SLU-1-2019, was recommended for approval.

B. Old Business – None

C. New Business

(1) Zoning of recently annexed properties, 11097 Jolly Hwy. & 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road

Ms. Alexander asked why the residential parcel was included in the annexation.

Ms. Stachowiak said that staff was approached by a developer prior to the annexation election about a medical marijuana grow facility on the subject properties. The City informed those making the inquiry that this would require industrial zoning which is not something that staff would be able to support given the zoning and land use patterns in the area. Ms. Stachowiak said that she assumes that the original intent was to combine the residential parcel with the 7 commercial properties to create a site large enough for a medical marijuana grow facility. She said that, according to the communication received from Mr. DeVoogd, no medical marijuana facilities are currently being considered for the property. She said that he is requesting “G-2” Wholesale zoning so that at least his property can be used for wholesale/warehousing uses.

Mr. Ruge asked about the surrounding land uses.

Ms. Stachowiak said that everything west of the commercial properties on the north side of Jolly Road are zoned and being used for single family residential dwellings. She said that there are apartments and a large mobile home park on the south side of Jolly, west of Waverly Road. She also said that there are apartments to the north and east of the subject properties. Ms. Stachowiak said that the 2 properties on the south side of the Jolly/Waverly intersection are zoned “F” Commercial whereas, the property at the northeast corner of the intersection is zoned “E-2” Local Shopping.
Ms. Alexander said that she is concerned about wholesale zoning given the surrounding land uses. She said that she also wants to make sure that there is enough flexibility with regard to the zoning so that the commercial properties can be utilized so that they do not continue to sit vacant.

Mr. Cox agreed. He said that the S. Waverly Road commercial area is in a bit of a decline and there needs to be a plan in place to attract the right businesses to area. He said that the proper zoning is an important component of that plan and he would like to have more time to consider what the appropriate zoning should be.

Mr. Ruge and Ms. Cerna agreed that they would like to take more time to consider this matter.

Ms. Alexander made a motion, seconded by Mr. Cox to table consideration of the zoning for the recently annexed properties at 11097 Jolly Hwy. & 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road.

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

(2) 2020-2025 Capital Improvements Program

Ms. Stachowiak stated that Angela Bennett, Finance Director will be attending the May 7, 2019 to give a detailed presentation on the CIP.

Mr. Rieske stated that the packet contains an excerpt from last year’s CIP. Also included is the legal basis for Capital Improvements Programming as it is provided for in the Michigan Municipal Planning Act. He said that it is a 6 year plan that is updated every year. Also included in the packet is the section of the MMPA that addresses Act 33 reviews that are routinely brought before the Planning Commission in order to demonstrate how they relate to the CIP. Mr. Rieske reviewed the various categories of the CIP and stated that most of the items address the City’s infrastructure needs.

8. REPORT FROM PLANNING MANAGER - None

9. COMMENTS FROM THE CHAIRPERSON - None

10. COMMENTS FROM BOARD MEMBERS - None

11. PENDING ITEMS: FUTURE ACTION REQUIRED

12. ADJOURNMENT – The meeting was adjourned at 7:18 p.m.
Zoning of Annexed Properties

11097 Jolly Hwy. & 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road

Location & Use

On November 6, 2018, 8 contiguous parcels of land located at the northwest corner of S. Waverly Road & Jolly Highway were annexed into the City of Lansing from Delta Township. There is a single family residential dwelling on the property at 11907 Jolly Highway. The other 7 parcels, all of which have frontage on S. Waverly Road, are being used for various commercial purposes as follows:

- 4820 S. Waverly Road: Quicky convenience store
- 4848 S. Waverly Road: Vacant multi-tenant commercial building
- 4880 S. Waverly Road: Vacant commercial building
- 4902 S. Waverly Road: Vacant restaurant building
- 5030 S. Waverly Road: Savemore Meat & Dairy Market
- 5050 S. Waverly Road: Vacant commercial building
- 5058 S. Waverly Road: Family Dollar retail store

Zoning Ordinance Provisions

Section 1246.03 of the City of Lansing Zoning Ordinance describes the procedures for zoning land that has been annexed into the City:

(a) All territory which is annexed to the City shall be given an interim zoning by the Planning Division with a district enumerated in Section 1246.01, which most closely resembles the zoning which the territory maintained prior to annexation. Such interim zoning shall only be in effect until the rezoning pursuant to subsection (b) hereof is completed.

(b) The Planning Board shall, within 180 days after the territory is annexed, and pursuant to the procedures described in Section 1240.04, review and recommend to Council the appropriate zoning of the territory, with consideration being given to the existing land use and the land use policies of the Comprehensive Plan. This section shall not preclude a person from at any time seeking a boundary amendment pursuant to Section 1240.04.
All of the above-referenced properties were zoned commercial under the Delta Township Zoning Ordinance except for 11907 Jolly Highway which was zoned “Very Low Density Residential”. Pursuant to paragraph (a) above, the interim zoning for 11907 Jolly Highway is “A” Residential. The other 7 parcels have an interim zoning classification of “F” Commercial. These are the zoning designations in the City that most closely match the zoning that the subject properties had when they were located in Delta Township.

**Master Plan Designation**

The City of Lansing Master Plan designates the Jolly/Waverly intersection for “Neighborhood Mixed-Use Center” land use. The Plan describes the purpose of this designation as:

“To encourage the location of convenience retail and services within walking distance of neighborhoods.”

The Plan lists the following as typical uses for this designation:

“Retail, personal services, office, live-work and residential. Automobile-oriented uses not permitted.”

The City’s Master Plan is not parcel specific and does not cover the entire area that was annexed into the City as it was in Delta Township at the time that the Plan was written. Based on the future land use map pattern for the area, however, it appears that the intent is to designate the commercial properties at or near the Jolly/Waverly intersection for Neighborhood Mixed-Use Center land use but not to extend this designation/future land use into the adjoining residential areas.

**Zoning Designations**

The interim zoning designation of “A” Residential for the single family residential property at 11907 Jolly Highway is appropriate and should be made permanent. The property contains a single family residential dwelling which is a use that is permitted by right in the “A” Residential zoning district.

The interim zoning of the commercial properties is “F” Commercial as that is the zoning designation that most closely matches the zoning of the properties when they were in Delta Township. As depicted on the attached zoning map, the properties at the southeast and southwest corners of the Jolly/Waverly intersection are zoned “F”
Commercial. The property at the northeast corner of the intersection is zoned “E-2” Local Shopping district. The Zoning Ordinance describes the intent of the 2 zoning districts as follows:

“E-2” Local Shopping District: “The intent of the E-2 Local Shopping District is to provide convenience retail stores.”

“F” Commercial District: “The intent of the F and F-1 Commercial Districts is to allow general retail commercial uses.”

The “E-2” zoning district permits “convenience” retail stores which are the type of stores that draw their customer base from a relatively small geographic area surrounding the business. The “F” Commercial district, by contrast, permits uses such as vehicles sales, theaters, medical marijuana dispensaries, motels/hotels and “comparison” retail stores that draw their customer base from a much larger geographic area. A Rite Aid pharmacy, for example, is a “convenience” retail store whereas, a Target store is a comparison retail store. It is unlikely that someone would travel from north Lansing to shop at a Rite Aid pharmacy on S. Waverly Road as there would be a more convenient pharmacy located much closer to the customer’s location of origin. It is likely, however, that someone would travel from north Lansing to visit the Target store on Edgewood Blvd. as one can obtain merchandise from Target that are not necessarily available from stores closer to their location of origin. All of the existing businesses located within the annexed area would be permitted by right in the “F” Commercial district and since they are all “convenience” type uses, they would also be permitted by right in the “E-2” Local Shopping district.

Based on the following findings, the “A” Residential zoning, which is the interim zoning designation, is the most appropriate zoning for the property at 11907 Jolly Highway:

* The “A” Residential zoning is consistent with the “very low density residential” zoning designation that the property had while it was located in Delta Township.

* The subject property contains a single family residential dwelling which is a use that is permitted by right in the “A” Residential zoning district and therefore, the use will conform to the zoning district in which it will be located.
The two zoning designations that merit consideration by the Planning Board for the zoning of the properties at 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road are the “E-2” Local Shopping district and the “F” Commercial district. The following findings are offered for the Board to take under advisement in making its recommendation to the City Council on the zoning of these properties:

* The “F” Commercial district has been assigned as the interim zoning designation of the properties as it is the zoning that most closely matches the zoning that the properties had in Delta Township prior to annexation into the City.

* The uses currently located on the subject properties are permitted by right in both the “F” Commercial & the “E-2” Local Shopping districts and thus, no nonconformities will be created under either zoning designation.

* The parcel of land at the northeast corner of the Jolly/Waverly intersection is zoned “E-2” Local Shopping district and the properties at the southeast and southwest corners are zoned “F” Commercial. Neither zoning designation for the subject properties will therefore, create a “spot zoning” situation which is typically considered to be an unacceptable planning and zoning practice.

* The “E-2” Local Shopping district is the most appropriate zoning designation to facilitate the future land use pattern being advanced in the Master Plan for the Jolly/Waverly intersection which is to: “encourage the location of convenience retail and services within walking distance of neighborhoods.” The primary distinction between the two zoning districts being offered for consideration is that, in contrast to the “F” Commercial district, the “E-2” Local Shopping is restricted to “convenience” type uses.
DESCRIPTION DIAGRAM
A PART OF THE SOUTHEAST 1/4 OF SECTION 36, T.4N., R.3W., DELTA TOWNSHIP, EATON COUNTY, MICHIGAN.

NOTES
1) THIS DRAWING IS NOT A CERTIFIED SURVEY BUT IS COMPILED FROM EXISTING FIELD SURVEY DATA. THE DRAWING DOES NOT COMPLY WITH MCL 54.211-54.213.
2) THE DESCRIPTION IS BASED ON RECORD DESCRIPTIONS AND FIELD OBSERVATIONS OF THE SECTION CORNER MONUMENTS. NO MONUMENTATION WAS SET FOR THIS DESCRIPTION.
3) SEE SHEET 2 OF 2 FOR THE DESCRIPTION
4) NOT ALL EASEMENTS OF PUBLIC RECORD MAY BE SHOWN.
5) NOT ALL IMPROVEMENTS MAY BE SHOWN.
6) ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.

SCALE: 1"=150'

WEST 1/4 CORNER
SECTION 31, T4N., R2W.
LIBER 15, PAGE 333
5/8" STEEL BAR AND CAP #7942

EAST 1/4 CORNER
SECTION 36, T4N., R3W.
LIBER 2546, PAGE 1117
5/8" STEEL BAR AND CAP #7942

GLENBURN NO. 4
LIBER 7 OF PLATS, PAGE 4

ROCCO WOODSIDE MEADOWS APARTMENTS
3901 BURNEY DAY
LIBER 2400, PAGE 204

23-50-40-36-476-001

SOUTH 89°41'32" EAST 580.80'

CENTERLINE SOUTH 89°41'32" EAST 825.00'

JOLLY ROAD
66" PUBLIC RIGHT OF WAY

DESCRIPTION CONTAINS
479157.16 S.F.
10.9999 ACRES

BEARING BASE
BEARINGS ARE BASED ON THE SOUTH LINE OF SECTION 36 OBSERVED AS BEARING NORTH 89°41'32" WEST.

LEGEND:
= SECTION CORNER
= DISTANCE NOT TO SCALE
R = RECORDED

GEOETIC DESIGNS INCORPORATED
2300 N. GRAND RIVER AVE.
LANSING, MI 48906
PHONE: (517) 908-0008
FAX: (517) 908-0009
www.geodeticdesigns.com

REVISED DATE: JUNE 4, 2018
FIELD: __ DRAWN BY: RW
DATE: APRIL 12, 2018
FILE: S043-2018
SHEET 1 OF 2
DESCRIPTION

A parcel of land situated in the State of Michigan, County of Eaton, Township of Delta (Township 4 North, Range 3 West), Section 36, residing entirely within the Southeast one-quarter of said Section 36, further described as follows:

Beginning at the Southeast corner of Section 36, said point being a steel bar and cap #25837 as recorded in liber 1989, page 155 of corners, Eaton County records;

Thence North 89°41'32" West, 580.80 feet along the south line of Section 36 (said line being a straight line between the said Southeast corner and a steel bar and cap #47942 at the South 1/4 Corner of Section 36 as recorded in liber 2546, page 1102 of corners, Eaton County records);

Thence North 00°06'38" East, 825.00 feet parallel with the east line of said Section 36 (said east line being a straight line between the said Southeast corner of Section 36 and a steel bar and cap #47942 at the East 1/4 Corner of Section 36, as recorded in liber 2546, page 1117 of corners, Eaton County records);

Thence South 89°41'32" East, 580.80 feet parallel with the said south line of Section 36, to the east line of said Section 36;

Thence South 00°06'38" West, 825.00 feet along said east line to the point of beginning.

This description contains 479157.16 square feet, 10.9999 acres, more or less.

OWNER INFORMATION

1. PID: 040-036-400-250-00
   4820 S WAVERLY RD
   LIBER 1985, PAGE 662
   MATHION INC

2. PID: 040-036-400-260-00
   SINGH, NIRMAL / KAUR, GURDEEP
   4848 S WAVERLY RD
   LIBER 2144, PAGE 515

3. PID: 040-036-400-270-00
   DEVDOOD, CRAIG
   4880 S WAVERLY RD
   LIBER 2540, PAGE 450

4. PID: 040-036-400-297-00
   DISCOVER GROUP LLC
   4902 S WAVERLY RD
   LIBER 2394, PAGE 1183

5. PID: 040-036-400-300-00
   SURIT LLC
   5030 S WAVERLY RD
   LIBER 2461, PAGE 841

6. PID: 040-036-400-310-00
   SURIT LLC
   5050 S WAVERLY RD
   LIBER 2023, PAGE 360

7. PID: 040-036-400-320-00
   JOLLY ROAD INVESTMENTS LLC
   5058 S WAVERLY RD
   LIBER 1934, PAGE 1009

8. PID: 040-036-400-235-00
   MURRAY, DANIEL / SARAH
   11907 JOLLY HWY
   LIBER 2599, PAGE 26

9. PID: 040-036-400-220-00
   MCCOMB, TOM & VANANTWERP, JASON
   V/L W JOLLY HWY
   LIBER 1909, PAGE 0459

GEOETIC DESIGNS INCORPORATED
2300 N. GRAND RIVER AVE.
LANSING, MI 48906
PHONE: (517) 908-0008
FAX: (517) 908-0009
www.geodeticdesigns.com

REVISION DATE: JUNE 4, 2018
FIELD: — DRAWN BY: RW
DATE: APRIL 12, 2018
FILE: S043-2018
SHEET 2 OF 2
11907 Jolly Highway
5030/5050 S. Waverly

5058 S. Waverly
Owner: Craig DeVoogd

Property: 4880 S. Waverly Road, Lansing, Michigan 48911

Current Zoning: "F" Commercial

Background:

My property is a 2.5 acre lot and is the site of a 10,536 square foot building. The main building was constructed in 1972, and additions to the building were constructed in 1996 and 1997. The Property is currently zoned as "F" Commercial on an interim basis. I purchased the Property at auction in 2014 after the prior owner was placed into a court-ordered receivership. Before my purchase, a "Pay Day Advance" store and Pawn Shop was operated on the Property. Since purchasing the Property, I have renovated the building and unsuccessfully attempted to the lease the Property for commercial uses. The Property has been vacant since 2012. It’s current state is vacant and currently listed for sale or lease thru Remax commercial reality, (at below market rates.)

Prior to the annexation process, a potential business owner had expressed interest in the property and had discussions with the city planning dept. reference a business involved in the medical marijuana industry. Since that conversation, the “business plan” has been taken off the table. The business entity has cancelled all plans for purchasing the building and has explored other opportunities outside of the City of Lansing. Currently there is no interest whatsoever, by any entity purchasing or leasing the property.
Preliminary Statement Regarding Intensity of Uses

If a change is approved, the Property may be used for certain purposes as a matter of right, as set forth in the Zoning Ordinance. I submit that the uses permitted by right in the Wholesale District are relatively low-impact uses (such as clinic, child care facility and wholesale establishments). The city retains control over granting or denying any special land use permits for the Property.

Analysis

I. Review of Factors

1. A change is consistent with the goals, policies, and uses proposed for the subject parcel in Lansing's, "Design Lansing's" Comprehensive Plan.

   a. The Comprehensive Plan observes that some retail properties are in decline and are prime candidates for redevelopment. Specifically, "Priority Issues" Pg. 50, emphasizes "Transforming strip commercial corridors." The plan describes typical strip commercial development that represent a negative image to the city and to neighborhoods. This same priority applies to the area in which my property is located, as evidenced by the ongoing vacancy of the building and surrounding properties. The comprehensive plan emphasizes a transformation to a "non-retail use".

   b. Comprehensive plan (page 53) states that strip commercial retail along corridors are experiencing "increased vacancies". The plan states that Lansing is currently "over zoned" for this type of development and recommends a move towards non retail uses.

   c. Comprehensive plan (page 79) states an objective of, "Improving Lansing's gateway streets to enhance first impressions, expand housing options and provide sites for job-oriented uses by encouraging the restructuring of strip commercial development." The plan specifically identifies gateways north of Jolly Road to "encourage a gradual transition to non-retail development".

2. A change towards uses other than retail is justified by a change in conditions or by an error in the original ordinance.
a. The area in which the Property is located no longer supports primarily commercial uses. This is evidenced by the following:

i. Of the seven commercial properties in this corridor, Eaton County has issued 32 certificates of foreclosure for unpaid property taxes in the last 15 years.

ii. Currently, the two properties to the north and the property immediately to the south face a combined $33,000 in unpaid property taxes — meaning that all three will face tax forfeiture in the next few months.

iii. The current vacancy rate in this commercial corridor is 57%, with three parcels having been vacant for many years. Recent public corporate announcements indicate the ‘Family Dollar’ store within this corridor is in jeopardy of also closing. This would further escalate the vacancy rate to an unbelievable 71%.

iv. In the last 10 years, nine commercial businesses have opened and failed.

b. It is clear from the trend of failing commercial businesses that this corridor can no longer sustain commercial uses. A change moving the Property away from a retail emphasis is therefore necessary to allow for productive use of the Property.

3. *The Property does not possess natural features or environmental characteristics that would be significantly adversely impacted by the uses other than retail.*

a. There are no natural features or environmental characteristics that would be significantly adversely impacted by using the Property for wholesale/warehousing purposes, for example. To the contrary, the Property is well suited for wholesale/warehousing uses both in size (2.50 acres) and terrain (relatively flat).

b. A proposed change to G Wholesale for example would:

i. promote and protect the public health, safety, and general welfare by allowing for additional uses in a suitable area of the City.

ii. A change would protect the character and stability of the area and promote the orderly and beneficial development of such area by allowing for a beneficial use of a building that has sat vacant for years.
iii. The use would provide adequate light, air, privacy, and convenience of access to property.

iv. A change is consistent with the intensity of uses in the area and would not impede open spaces surrounding buildings and structures that are necessary to provide adequate light and air and to protect the public health.

v. The use would not adversely impact congestion on public highways and streets.

vi. The use would not adversely impact the City's ability to provide for transportation systems, sewage disposal, water, energy, recreation, and other public service and facility requirements.

vii. A change would allow the Property to be used in accordance with its character.

viii. A change would not result in an improper use of land.

ix. The use would comply with the City's building standards.

x. The use would not be incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.

1. As discussed above, the uses permitted by right in the Wholesale District are low impact, such that they will not adversely impact neighboring properties. As also discussed above, the character of the corridor has changed in recent years, with many commercial businesses having failed and commercial properties facing long-term vacancy and tax foreclosure.

xi. The use would not present a risk of fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards.

xii. The use would not result in overcrowding of the land or undue concentration of buildings or structures.

xiii. The use would not present any hazards to life or property.
4. The uses allowed under the wholesale district would be equally or better suited to the area than uses allowed under the current zoning.

   a. A wholesale district use is equally suited to the area as uses allowed under the current zoning. The economy over the last several years has not supported commercial development of the Property, as discussed above and as further evidenced by (1) the failure of the prior commercial operation, which was placed into a court-ordered receivership; and (2) the owners diligent but unsuccessful efforts to lease the Property for commercial purposes since 2014. I believe I can successfully lease or sell the Property for wholesale uses. The impact of an wholesale use permitted by right is comparable to the impact of a commercial use and, indeed, would likely generate less traffic than a commercial use.

5. The City is able to provide services, infrastructure, and facilities that may be required if a change were made.

   a. The proposed use would not require new or different services, infrastructure, or facilities from the City, and thus would have no impact on the services provided by the City.

For these reasons, I respectfully request that a zoning change be approved, in order to permit additional uses consistent with a wholesale district. Such additional uses could include a trade or vocational school, child care facility, clinic, or wholesale businesses.

Respectfully submitted,

Craig DeVoogd
Fiscal Year 2020
Capital Improvement Plan
### FY 2020 City-Wide Capital Improvement Program

<table>
<thead>
<tr>
<th>Project</th>
<th>FY 2020 Appropriation</th>
</tr>
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<tbody>
<tr>
<td>Sewer Systems</td>
<td></td>
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<tr>
<td>Sanitary Sewer Repair</td>
<td>1,000,000</td>
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<tr>
<td>Wastewater Digester Remediation</td>
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<td>Wastewater Plant Capital Maintenance</td>
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<tr>
<td>Aeration Basin Concrete Repairs</td>
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<td>Aeration System Upgrade</td>
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<td>Bennett Road Pump Station Alternate Power Source</td>
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<td>Willard Ave Pump Station Upgrades</td>
<td>69,700</td>
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<tr>
<td>Franklina Hills Sewer Upgrades</td>
<td>700,000</td>
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<tr>
<td>Lansing Avenue Pump Station Gripper</td>
<td>400,000</td>
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<tr>
<td>Siphon 2 Replacement Design</td>
<td>300,000</td>
</tr>
<tr>
<td>Central Interceptor Design</td>
<td>50,000</td>
</tr>
<tr>
<td>Preliminary Combined Sewer Overflow 0340 Design</td>
<td>930,000</td>
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<tr>
<td>Pennsylvania Storm Sewer Viaduct</td>
<td>50,000</td>
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<tr>
<td>Miller Road Storm Sewer Pump Station</td>
<td>60,000</td>
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<tr>
<td><strong>Public Service Operations &amp; Maintenance</strong></td>
<td></td>
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<tr>
<td>Aurelius Landfill</td>
<td>60,000</td>
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<tr>
<td><strong>Fleet Services</strong></td>
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<tr>
<td>Vehicle &amp; Equipment Purchases</td>
<td>1,550,000</td>
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<td><strong>Total Capital Projects - FY 2019/2020</strong></td>
<td>23,719,700</td>
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</table>
FISCAL YEAR 2020 CAPITAL IMPROVEMENT PROJECTS

Major Maintenance – Major and Local Streets
Repairs to the City’s street network, including paving, crack sealing, and crack filling

Federal Surface Transportation Program (STP) Federal Aid Project
City’s share of costs for federally funded Surface Transportation Program (STP) projects; funding for design, inspection, and local match for the FY 2020 federally-funded Surface Transportation Program (STP) projects, as well as the design for FY 2021 project(s). Streets include, parts of Aurelius Road, Delta River Drive, and Jolly Road).

Trunkline Improvements
Local match for projects to be performed by MDOT on their trunklines

Millage Paving Projects
Repairs to local streets funded by FY 2019 of City 1 mill road millage and the Eaton County road millage (the Eaton County millage being restricted to City roads located Eaton County)

Bridge Rehabilitation
Design, engineering, and local match for Aurelius and North Grand River/MLK bridges

PARKS AND RECREATION

Grant Match Funds
Matching used for parks and recreation grant opportunities

Foster Park Improvements
Installation of circular drive at Foster Park for food trucks, vendors, and programming vehicles

Mobile Recreation
Purchase of a used vehicle, staff, and equipment to operate a mobile recreation program to take out into neighborhoods and events

Parks/Community Center Paving
Parking, drive, and pathway repairs

Playground Equipment
Repair, replacement, and installation of playground equipment, including new and different features at the Schmidt Community Center

Wireless Parks
Installation of wireless access capability in five (5) City parks
FISCAL YEAR 2020 CAPITAL IMPROVEMENT PROJECTS

Willard Avenue Pump Station Upgrades
Upgrades to the Willard Avenue pump station needed for the new McLaren Health Center. Engineering for this project was conducted in fiscal years 2018 and 2019.

Frandora Hills Sewer Upgrades
Sanitary sewer improvements to the Frandor Hills neighborhood to be funded in conjunction with the storm sewer work to occur there.

Lansing Avenue Pump Station Gripper
Replacement of automatic raking equipment at the Lansing Avenue pump station and associated electrical work

Siphon 2 Replacement
Design and engineering for replacement of Siphon 2

Central Interceptor Design
Assessment and design for the last phase of rehabilitation of downstream sections of the central interceptor

Preliminary Combined Sewer Overflow 034D Design
Preliminary design for basis and scope of Combined Sewer Overflow area 034D

Pennsylvania Viaduct
Condition assessment of flooding issues and pump station along Pennsylvania Avenue, near Potter Park Zoo

PUBLIC SERVICE OPERATIONS & MAINTENANCE

Aurelius Landfill
Funding for sampling from existing groundwater monitoring wells of the Aurelius landfill, which is under a mandatory groundwater sampling plan by the MDEQ, and evaluation necessary for the Hope Soccer Complex development

FLEET SERVICES

Vehicle Replacement
Replacement of equipment and vehicles that are too costly to maintain; frequency of replacement of vehicles and equipment determined by calculations utilizing maintenance records, critical component failure, and resale value