AGENDA

1. OPENING SESSION
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   B. Excused Absences

2. APPROVAL OF AGENDA

3. COMMUNICATIONS

4. PUBLIC HEARINGS
   A. **Z-3-2019**, 835 W. Genesee Street – Rezoning from “C” Residential to “DM-1” Residential.................................................................1
   B. **SLU-2-2019**, 835 W. Genesee Street – Special Land Use Permit, Community Center..............................................................................................1

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

6. RECESS

7. BUSINESS
   A. Consent Items
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      (2) **Z-3-2019**, 835 W. Genesee Street – Rezoning from “C” Residential to “DM-1” Residential
      (3) **SLU-2-2019**, 835 W. Genesee Street – Special Land Use Permit, Community Center
      (4) **Z-4-2019**, 213 W. Malcolm X Street – Rezoning from “C” Residential to “F” Commercial
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8. REPORT FROM PLANNING MANAGER
9. COMMENTS FROM THE CHAIRPERSON
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12. ADJOURNMENT

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

APPLICANT/OWNER: Michael Markey
835 Genesee, LLC
1402 Cooper Avenue
Lansing, MI 48910

REQUESTED ACTIONS: Rezone from "C" Residential to "DM-1" Residential

Special Land Use Permit for a neighborhood recreational facility

EXISTING LAND USE: Vacant building

EXISTING ZONING: "C" Residential District

PROPOSED ZONING: "D-1" Professional Office District

PROPERTY SIZE: Irregular Shape - 2.16 acres

SURROUNDING LAND USE: N: Single & 2-Family Residential
S: Single & 2-Family Residential
E: Single & 2-Family Residential
W: Single & 2-Family Residential

SURROUNDING ZONING: N: "C" Residential District
S: "C" Residential District
E: "C" Residential District
W: "C" Residential Districts

MASTER PLAN: The Design Lansing Master Plan designates the subject property for Medium-Low Density Residential use. W. Genesee and N. Butler are designated as local roads.

DESCRIPTION:

Z-3-2019 is a request to rezone the property at 835 W. Genesee Street from "C" Residential District to "DM-1" Residential District. The purpose of the rezoning is to permit the majority of the building at this location to be used for 36 residential efficiency apartments.

SLU-2-2019 is a request for a special land use permit to allow the, approximately 4,000 square foot gymnasium portion of the building at 835 W. Genesee Street to be utilized by the neighborhood for recreational/athletic purposes and meeting space.
AGENCY RESPONSES

BWL: 
No objections - See attached.

Building Safety: 
The BSO has no objections to this rezoning. The project will be subject to site and building reviews.

Development Office: 

Fire Marshal: 

Parks & Recreation: There is what looks to be a cut out for the playground in the property. This is not a City of Lansing playground. We had an agreement with the former owner but that expired and we do not have interest in maintaining this as a playground/park space owned and maintained by the City.

Assistant Planning Mgr.: Recommend approval. The rezoning is essential to using this property for more than 2-Family residential. 36 efficiency apartment units may be excessive, however, and a mix of units may be in order. The property is listed on the National Register of Historic Places:

(https://www.lansingmi.gov/DocumentCenter/View/7520/Genesee-Street-School_Lansing_Ingham-PDF),

and the Secretary of the Interior’s Standards for Rehabilitation at: (https://www.lansingmi.gov/314/Rehabilitation-Services) should be followed in order to receive Federal Historic Preservation Tax Credits (https://www.nps.gov/tps/tax-incentives.htm) of up to 20% of qualified rehab costs. The property is not in a local historic district, however, so applying the Secretary’s Standards is not a requirement.

Public Service:

Traffic Engineer: No comments or requirements.

Background Information

The property to be rezoned is located at the southeast corner of S. Butler and N. Genesee. The building on the site is the former Genesee School, built circa 1910. The school was closed in 1987 and since that time, the building has been used as offices by many non-profits and neighborhood organizations. The primary tenant was the Black Child & Family Institute which moved out in 2012 after having occupied the building for several years. The building was most recently been used as offices by several non-profit
organizations including “Bridging the Digital Divide” and “MIPlacemakers/Zero Day”. In 2014, MIPlacemakers/Zero Day was granted a rezoning from “C” Residential to the “D-1” Professional Office district, with the following conditions:

1. There shall be no greenhouses or hoop houses on the property.
2. The proposed 16 residential units must be constructed and ready for occupancy by military veterans only, within 36 months from the date of this rezoning approval by the Lansing City Council.
3. The existing fence shall not be removed unless it becomes a hazard as a result of an “act of God”. In the event it does become a hazard, it may be replaced, repaired, or removed at Zero Day’s discretion.
4. No other structures except residential garages or carports, of which there shall be no more than one covered/enclosed parking space per residential unit for use of the resident only. Such garages/carports must be placed on the existing hardsurfaced parking area outlined in red on the attached aerial photograph of the site dated March 31, 2015, and must be constructed with similar architecture and materials to the existing building. Plans that demonstrate compliance with this condition must be reviewed and approved by the zoning administrator prior to issuance of a building permit.

Sections 1240.04 (f) (7) & (8) of the Zoning Ordinance provide that:

“Time period for establishing development or use. Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months (or shorter if specified) after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the City Council if: (1) It is demonstrated to the City Council’s satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the City Council finds that there has not been a change in circumstances that would render the zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise renders it inconsistent with zoning policy.

“Reversion of zoning. If the approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection (7) above, then the land shall revert to its former zoning classification as set forth in MCL § 125.3405.”

Since the applicant for the 2014 conditional rezoning did not construct the 16 residential units, the rezoning to the “D-1” Professional Office district is null and void and the subject property has reverted back to the “C” Residential zoning district.

**REZONING ANALYSIS**

**COMPATIBILITY WITH SURROUNDING LAND USE:**

The subject property is zoned “C” Residential and is surrounded on all sides by the same zoning
designation. While there are no other parcels in the vicinity of the subject property that area zoned “DM-1” Residential, there are several parcels in the area that are zoned “DM-3” and “DM-4” which are the City’s highest density multiple family residential zoning designations. The “DM-1” district is the lowest density multiple family residential zoning designation. Given the eclectic zoning pattern that already exists in the area, the proposed rezoning will not create an inconsistent zoning pattern.

The subject property is substantially larger than any other parcel in the area. Under the current “C” Residential zoning, the property can only be used for 2 residential units. The use of the building over the years for offices has been legally nonconforming and since the building has been vacant for more than 1 year, it can no longer be used for that purpose. Without a rezoning, therefore, the building is virtually unusable. Since the area is already characterized by multi-family residential use, it is reasonable to allow the building on the subject property to be used for that same purpose. The “DM-1” district zoning is necessary to permit more than 2 units on the site while at the same time limiting the density to that which is consistent with the general density of the area given that most of the parcels are relatively small and contain more than 1 residential unit. The purpose of the current rezoning is to permit the existing building to be used for up to 36 residential efficiency apartments. The “DM-1” district permits a maximum density of 19.8 dwelling units per acre. The proposed residential use would have a density of 16.5 dwelling units per acre which is not only well within the density allowed under the proposed “DM-1” district but is also consistent with the overall density of the surrounding area.

The applicant is not proposing any changes to the exterior of the building or the site itself. Therefore, its character will remain virtually the same. The only potential impact will be slightly more traffic generated by the addition of 36 residential units. The additional traffic, however, will have a negligible impact on the transportation system in the area since there are already numerous multiple family residential uses in the vicinity of the property. In fact, the entire block to the south and to the east are already zoned “DM-3” Residential, which district permits multiple family residential use to a density of 39.6 dwelling units per acre.

While the building may need significant restoration, it is structurally sound and adds much value to the neighborhood. The residential apartments will provide housing for people who work, attend school or simply choose to live in an area that is within walking distance to the goods, services and entertainment already available in Lansing’s core downtown. The site also has convenient access to public transportation at both N. ML King to the west and N. Capitol Avenue to the east, both of which are major bus routes.

COMPLIANCE WITH MASTER PLAN:

The Design Lansing Master Plan designates the subject property for “Medium-Low Density Residential Use”. More specifically, the Master Plan calls for 6 to 10 dwelling units per acre with building heights of 2-3 stories. The building at 835 W. Genesee is 3 stories in height. While the proposed density of 16.6 dwelling units per acre exceeds the density being advanced in the Master Plan, it is consistent with the overall density in the surrounding area and is well within the allowable density (18.1 dwelling units per acre) of the “C” Residential district which is the current zoning of the subject property. The only reason that the rezoning is necessary is that the “C” Residential districts has a limitation of 2 dwelling units per parcel of land whereas, the “DM-1” district permits multiple units, up to the allowable density of the
district. It is acknowledged that the proposed zoning will allow for a density level that is not consistent with the specific Master Plan designation. It will, however, allow for a land use pattern/density level that is consistent with the area in which it is located and consistency in land use patterns is one of the primary goals of planning principles in general.

**IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC:**

The purpose of the rezoning is to permit conversion of the building at 835 W. Genesee into a maximum of 36 residential efficiency apartments. The proposal will likely generate additional pedestrian traffic which is very positive for the area, particularly since the current walkway system and traffic controls in the vicinity of the subject property are designed to accommodate pedestrian traffic in a safe manner. Furthermore, by providing residential units in the downtown near 2 major bus routes (M.L. King and Capitol Avenue), the occupants of the units can be less dependent on automobiles.

Vehicular traffic generated by the office uses that have occupied the building over the years has not been a burden on the surrounding residential neighborhoods and the traffic generated by 36 residential efficiency units is anticipated to be minimal.

Access to the site will be via the existing driveway to the parking lot along N. Butler Blvd. The parking lot contains approximately 48 parking spaces. 36 parking spaces are required for the proposed 36 efficiency units. This leaves 12 parking spaces which is more than adequate to support the proposed use of the gymnasium by the neighborhood which is the subject of the applicant’s accompanying special land use permit request. There is also more than enough space on the existing lot to accommodate additional parking if necessary.

**IMPACT ON PUBLIC FACILITIES:**

All utilities and other public services are available to the subject property. Site plan review and approval will be required if more than 1,000 square feet of new impervious surface is proposed to be added to the property. A storm water management plan for the entire site would have to be reviewed and approved by the City Engineers as part of the site plan review process.

**ENVIRONMENTAL IMPACT:**

No negative environmental impacts are anticipated to result from the proposed rezoning. It is not anticipated that the proposed 36 efficiency units and use of the existing gymnasium by the neighborhood would generate excessive traffic, noise or other issues that would negatively impact the surrounding area. In terms of the physical environment, with the exception of possibly expanding the parking lot at some point in the future, the site will remain virtually unchanged.

**IMPACT ON FUTURE PATTERNS OF DEVELOPMENT:**

The proposed rezoning will have no negative impacts on future patterns of the development in the area. The current “C” Residential zoning does not allow for reasonable use of the site (2 residential units). Rezoning the property to the “DM-1” Residential district will allow for use of the building on the subject
property in a manner consistent with the existing land use pattern and residential density level in the surrounding area.

The circumstances that justify the rezoning are unique to the property in question. The subject property is much larger than any other parcel in the area and contains a former elementary school building. Is approval, therefore, will not set a negative precedent for future rezoning requests in the area.

Overall, the proposal is expected to have a positive impact on future patterns of development in the area. There are several schools that have been closed in the City of Lansing, most of which are also located in residential neighborhoods. Reuse of these buildings has had a very positive impact on the community as opposed to vacant buildings which are subject to vandalism and can deteriorate over time, becoming a blight in the neighborhoods in which they are located.

**SPECIAL LAND USE PERMIT ANALYSIS**

Section 1282.03(f)(1)-(2) sets forth the criteria which must be used to evaluate a Special Land Use permit request. The criteria and evaluation are as follows.

1. **Is the proposed special land use designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area?**

   The Special Land Use permit is to allow the gymnasium to be open and available to the neighborhood for athletic/recreational purposes and for meeting/gathering space. The owner of the building will be solely responsible for all aspects of this operation. Previous owners of the subject property have made the gymnasium and the outdoor playground available to the neighborhood without the required special land use permit, which is necessary to comply with the zoning ordinance requirement for a private recreational use. The special land use permit is merely the formal approval for the activities that have historically occurred on the property for many, many years without incident.

2. **Will the proposed special land use change the essential character of the surrounding area?**

   The special land use permit will not change the essential character of the area. It will not result in any physical changes to the site and will permit activities that have been taking place on the property continuously over the years.

3. **Will the proposed special land use interfere with the enjoyment of adjacent property?**

   The proposed special land use is not anticipated to interfere with the enjoyment of adjacent properties. The existing gymnasium at 835 W. Genesee has historically been available to the neighborhood for various activities without any permits or approvals from the City. The use that is the subject of this special land use permit request, therefore, is not new to the site. The applicant is simply requesting the special land use permit so that the proper zoning approvals will be in place. Since there is no evidence that making the gym available to the neighborhood in the past has caused any problems in the area, there is no reason to believe that it would do so moving forward.
4. Will the proposed special land use represent an improvement to the use or character of property under consideration and the surrounding area in general, and will the use be in keeping with the natural environment of the lot?

No changes are proposed for the site (no new parking or new building area) and therefore, the proposed special land use will have no impact on the natural environment.

5. Will the proposed special land use be hazardous to adjacent property or involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare?

No nuisances are anticipated to result from the proposed special land use as it will not generate any smoke, odors, fumes or glare. In addition, since the intent is to allow the gymnasium to be utilized by residents of the neighborhood, it is not anticipated that it will generate any additional traffic. Past occupants of the building have also allowed residents in the area to utilize the gym for athletic/recreation purposes and there have been no complaints with regard to noise or any other issues that would negatively impact the surrounding neighborhood.

6. Will the proposed special land use be adequately served by essential public facilities and services, or is it demonstrated that the person responsible for the proposed special land use is able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration?

No negative comments have been received from any of the reviewing departments or agencies with regard to impacts on public facilities and services.

7. Will the proposed special land use place demand on public services and facilities in excess of current capacity?

The proposed special land use will not place demands on any public services in excess of current capacity.

8. Is the proposed special land use consistent with the intent and purpose of this Zoning Code and the objectives of any currently adopted Comprehensive Plan?

The proposed special land use is consistent with the intent and purpose of both the Zoning Code and the objectives of the Master Plan. The Zoning Ordinance allows community facilities in residential neighborhoods in order to provide convenient recreational facilities and gathering space for its residents where it can be determined, through the special land use permit process, that the location for such use is appropriate. Providing these types of facilities in residential neighborhoods is also consistent with property planning principles in general. In this particular case, there is more than adequate parking on the site, the building is located a fair distance from any of the adjacent residences the recreational facilities are already in place and have been utilized by the community in the past without incident.
9. Will the proposed special land use meet the dimensional requirements of the district in which the property is located?

No new construction is proposed for the subject property. The building that is the subject of this request complies with all dimensional requirements set forth in the Zoning Ordinance. In addition, there is more than adequate parking on the site to accommodate the proposed special land use, both from a code standpoint and from a practical standpoint.

SUMMARY

The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning from “C” Residential to “DM-1” Residential. The proposed rezoning will be consistent with the existing land use patterns in the area and with the goals of the Design Lansing Comprehensive Plan. Additionally, the proposed rezoning will have no negative impacts on traffic patterns, the environment or future patterns of development in the area.

The findings of fact as outlined in this staff report also support a finding that the proposed special land use permit for a community facility providing recreational, athletic and gathering facilities to the surrounding neighborhood complies with all of the criteria of Section 1282.03(f)(1)-(9) of the Zoning Code for evaluating Special Land Use permits.

1. The proposed Special Land Use will be harmonious with the character of adjacent properties and surrounding uses.
2. The proposed Special Land Use will not change the essential character of the surrounding properties.
3. The proposed Special Land Use will not interfere with the general enjoyment of adjacent properties.
4. The proposed Special Land Use does represent an improvement to the lot as it currently exists.
5. The proposed Special Land Use will not be hazardous to adjacent properties.
6. The proposed Special Land Use can be adequately served by public services and utilities.
7. The proposed Special Land Use will not place any demand on public services and facilities in excess of current capacities.
8. The proposed Special Land Use is consistent with the specific designations of the Zoning Code and the Design Lansing Comprehensive Plan.
9. The proposed Special Land Use will comply with the dimensional requirements of the Zoning Ordinance.
RECOMMENDATION

Pursuant to the findings described in this report, the following requests are recommended for approval by the Planning Office:

Z-3-2019 be approved to rezone the property at 835 W. Genesee Street from “C” Residential District to “DM-1” Residential District.

SLU-2-2019 be approved for a special land use permit to allow the gymnasium at 835 W. Genesee Street to be available for use by the residents of the area for recreational/athletic facilities and gathering space with the condition that the facility is operated and maintained by the owner or owner’s representative for the property.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator
BOARD OF WATER AND LIGHT MEMO

May 30, 2019

TO: City of Lansing – Planning Department, Susan Stachowiak
FROM: Andy Baumgartner, Real Property Analyst, Legal Services, 517-702-6795
RE: COL Z-3-2019_835 W. Genesee Comments

BWL Electric: Approved with the following comments:

- The BWL can provide an (underground and/or overhead) electric service to serve the new development based on the Board’s Rules and Regulations for Electric Service.
- A copy of the final site, grading, and electrical plans for the proposed development must be supplied to the Customer Projects Department before a final cost for electric service and service agreement can be provided to the owner/developer.
- Owner/developer must contact BWL Customer Projects Department, Jerry Wheeler @ 517-702-6644, to initiate service agreement process.
- There are no apparent conflicts with the proposed development and the existing BWL electric distribution facilities.

BWL Street Lighting: Approved with the following comments

- Butler Road between Genesee and Shiawassee has STLT in conduit on East side of street. Genesee has no issues. OPP’s are located in parking lot.
- This approval does not constitute an agreement for service, and is subject to the following conditions: BWL owns and operates street lighting facilities along the roadway (within the R.O.W.). Should any part of the BWL street lighting system be in conflict with the proposed project, an engineered solution will be required to maintain lighting of the roadways. Advanced notice of conflicts will be required to effectively address. For Street Light Engineering contact Gary Simpson by email at Simpson.gary@LBWL.COM or by phone at (517)702-6647.
Note: This site plan approval does not constitute an agreement for service. All customers must meet LBWL requirements and enter a service agreement prior to receiving service.

BWL Water & Steam Distribution: Approved

Please note that this approval does not constitute an agreement for service, and is subject to the following conditions:

- Site Specific Comments:
  - BWL records indicate an existing 2-inch service serving the site. The proposed rezoning does not appear to impact existing BWL water facilities.
  - Should the customer require changes to the water service in order to meet new zoning requirements, then the customer will be required to submit an application to the BWL Utility Service Department at 517-702-6700. The customer will be required to enter a service agreement, meet BWL requirements, and pay applicable fees prior to receiving service. Additional information can be found online at [http://www.bwl.com/Commercial/Water-Services/Water-Service-Installation/](http://www.bwl.com/Commercial/Water-Services/Water-Service-Installation/).
  - Should construction work be performed in the vicinity of existing BWL Water Facilities, then the customer is responsible for verifying the precise location and depths of the existing water mains or services prior to design/construction. The BWL will not be responsible for unanticipated conflicts caused by inaccuracies in the customer's design documents or MISS-DIG staking in the field. Any work on the site that exposes, disturbs, or otherwise carries the risk of damage to existing BWL Water Distribution facilities, is subject to review by the BWL. The owner is responsible for the costs of preparing a plan to protect these facilities, as well as the costs of inspection and/or repair, if deemed necessary by the BWL.
    Any questions about specific water service requirements may be directed to the BWL Water Distribution Department; Jerrod Wade via email at Jerrod.Wade@bwl.com.

Note: Any site plan approval does not constitute an agreement for service. All customers must meet BWL requirements and enter a service agreement prior to receiving service.
BWL Water Operations: Randall Roost
No comments or concerns with the rezoning.

BWL Environmental Wellhead Protection: Angie Goodman, Water Quality
This project lies within the Board of Water & Light Wellhead Protection Area. Care must be exercised during construction to minimize the exposure of contaminated soils to weather and subsequent loss to the groundwater. Construction machinery should be parked on paved areas when not in use, and leakage of petroleum products and other potential contaminants must be immediately cleaned up and properly disposed of. Newly exposed soil could offer a route for contaminants into local groundwater.

Note: Any site plan approval does not constitute an agreement for service. All customers must meet BWL requirements and enter a service agreement prior to receiving service.
W. genesee St.

Genesee School

land = 94,334 sf

First Floor  12257.3 sf
Second Floor  8453.3 sf
Garden Level  8453.3 sf
GENERAL INFORMATION

APPLICANT: Joseph Vitale  
227 N. Sycamore Street  
Lansing, MI 48933

OWNER: City of Lansing

REQUESTED ACTION: Rezone 213 W. Malcolm X Street from "C" Residential district to "F" Commercial district

EXISTING LAND USE: Vacant building

EXISTING ZONING: "C" Residential District

PROPOSED ZONING: "F" Commercial District

PROPERTY SIZE & SHAPE: 66' x 173.3' = 11,434.5 square feet

SURROUNDING LAND USE: N: I-496 Freeway – Office Building  
S: City park property  
E: City park property  
W: City park property (Cooley Gardens)

SURROUNDING ZONING: N: "DM-1" Professional Office District  
S: "A" Residential District  
E: "C" Residential District  
W: "A" Residential District

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property as "Open Space-Dedicated Park". Malcolm X Street is designated as a minor arterial.

SPECIFIC INFORMATION

This is a request by Joseph Vitale to rezone the property at 213 W. Malcolm X Street, legally described as:

Lot 20, Block 177, Original Plat

from "C" Residential District to "F" Commercial District. The purpose of the rezoning is to permit the building at this location to be used for space to educate about and sell building materials harvested from historic buildings.
AGENCY RESPONSES:

Assessor:
Asst. Planning Mgr.: Recommend approval. The applicant is the only one who has been working with the Parks and Recreation Department on purchasing and reusing the building, and the rezoning is a requirement of the purchase agreement. The proposed use is a suitable one for that site.

BWL:
See attached – no objections.

Building Safety:
The Building Safety Office has no objections to the rezoning. This project is subject to site and building plan review.

Fire Marshal:

Parks & Rec.:
Parks and Recreation is in full support of the changes for Cooley Haze and this proposal has been thru Park Board, Council and a vote of the electorate as far as sale of the property.

Public Service:

Transportation:
No comments or requirements.

ANALYSIS

COMPATIBILITY WITH SURROUNDING LAND USE

On November 7, 2017, the voters of the City of Lansing approved the sale of the subject property which is the site of the Cooley-Haze House (formerly the Michigan Women’s Historical Center). The building has been vacant for several years and is need of significant repair/rehabilitation. The costs to rehabilitate and maintain the building exceed the funding the City has available. It is also not ADA accessible, and as such it is not well suited to be a public facility. The building is on the State Register of Historic Sites, and is eligible for designation on the National Register of Historic Places, thus making it eligible for historic preservation tax credits of up to 20% of qualified rehabilitation costs.

The applicant for this request has a purchase offer with the City that is contingent on the property being rezoned so that it can be used for educating about and selling salvaged materials from historic buildings. The “F” Commercial district is the most appropriate zoning classification for the property as it not only allows the proposed uses but would also allow secondary residential use in the building if the applicant or a future owner chose to utilize part of the building for that purpose. Under the current “C” Residential zoning, the
only allowable use for the building is 2 residential units. Given the size of the building, its
location on a high traffic volume minor arterial and the amount of money it will take to
renovate the building, limiting its use to 2 residential units is not reasonable or practical.
Without a rezoning to allow reasonable use of the building, it will likely continue to sit
vacant and eventually deteriorate to the point where it would have to be demolished which
would be very undesirable given its architectural and historical significance.

The site is surrounded by the Cooley Gardens property and the relocated Sunken Garden.
No negative impacts on the surrounding parks property are anticipated to result from the
proposed uses of the building. A center for educating about and selling salvaged materials
from historic buildings will not generate any noise, odors or other nuisances and traffic
volumes will be minimal. Furthermore, the applicant intends to preserve the character of
the building and does not intend to make any changes to the site. The applicant’s
proposal, thus, will be compatible with and will not change the character of the surrounding
area.

COMPLIANCE WITH MASTER PLAN

The Design Lansing Comprehensive Plan designates the subject property as “Open
Space- Dedicated Park”. The Plan was adopted prior to the decision by the City and
subsequent authorization by the voters to sell the subject property. Since it was dedicated
parkland when the Plan was adopted, it could only be classified as such in the Plan. Since
the property will now be under private ownership, the dedicated park designation is no
longer appropriate. The Plan will need to be updated in accordance with the Michigan
Municipal Planning Act within the next year and the land use designation for the subject
property will be addressed at that time.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC

No impacts on vehicular or pedestrian traffic are anticipated to result from the proposed
rezoning. W. Malcolm X is a minor arterial that is designed to carry a high volume of traffic.
The traffic generated by utilizing the building at 213 W. Malcolm X Street for educating on
the process and selling salvaged materials from historic buildings, however, will be
negligible.

There are 10 parking spaces on the subject property which is more than adequate to
support the proposed uses. The driveway in front of the building will be ideal for loading
and unloading of materials related to the business.

ENVIRONMENTAL IMPACT

There are no physical changes proposed for the site and therefore, the rezoning will have
no impact on the natural environment. Occupants and visitors to the site will utilize the
existing parking behind the building or the circular drive in front of the building which is
more than adequate to support the proposed uses.
IMPACT ON FUTURE PATTERNS OF DEVELOPMENT

The request to rezone the subject property to the “F” Commercial district is not anticipated to have any negative impacts on future land use patterns in the area. Since the circumstances, as described in the previous sections of this report, that warrant a rezoning are unique to the subject property, approval of the request will not set a negative precedent for future rezoning requests in the area. Also, since no change are proposed for the site or the exterior of the building and the proposed uses are very low impact (no noise, minimal traffic, no odors, etc.), the change in zoning/land use will be virtually unnoticeable.

SUMMARY

This is a request by Joseph Vitale to rezone the property at 213 W. Malcolm X Street, legally described as:

Lot 20, Block 177, Original Plat

from “C” Residential District to “F” Commercial District. The purpose of the rezoning is to permit the building at this location to be used for space to educate about and sell building materials harvested from historic buildings.

The proposed rezoning is consistent with the goals of the Master Plan and the established land use pattern in the area. In addition, no adverse impacts on vehicular and pedestrian traffic, the environment or future patterns of development are anticipated to result from approval of the rezoning.

RECOMMENDATION

Pursuant to the findings described above, the following recommendation is offered for the Planning Board’s consideration:

Recommend that Z-4-2019 be approved to rezone the property at 213 W. Malcolm X Street from “C” Residential District to “F” Commercial District, based on the findings of fact as outlined in this staff report.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator
BOARD OF WATER AND LIGHT MEMO

May 30, 2019

TO: City of Lansing – Planning Department, Susan Stachowiak
FROM: Andy Baumgartner, Real Property Analyst, Legal Services, 517-702-6795
RE: COL Z-4-2019_213 W. Malcolm X_Comments

BWL Electric: Approved.

• No Comments. Contact person: Jerry Wheeler of LBWL, phone: 517-702-6644.

BWL Street Lighting: Approved

• 480V STLT runs along Malcolm X on South side of street in 3"pvc
• This approval does not constitute an agreement for service, and is subject to the following conditions:
  BWL owns and operates street lighting facilities along the roadway (within the R.O.W.). Should any part
  of the BWL street lighting system be in conflict with the proposed project, an engineered solution will be
  required to maintain lighting of the roadways. Advanced notice of conflicts will be required to effectively
  address. For Street Light Engineering contact Gary Simpson by email at Simpson.gary@LBWL.COM or by phone at:
  (517)702-6647.

  Note: This site plan approval does not constitute an agreement for service. All customers must meet
  LBWL requirements and enter a service agreement prior to receiving service.

BWL Water & Steam Distribution:
Approved

Please note that this approval does not constitute an agreement for service, and is subject to the following conditions:

• Site Specific Comments:
  o BWL records indicates an existing 1-inch service serving the site. The proposed rezoning does not appear to
    impact existing BWL water facilities.
  o Should the customer require changes to the water service in order to meet new zoning requirements, then the
    customer will be required to submit an application to the BWL Utility Service Department at 517-702-6700. The
    customer will be required to enter a service agreement, meet BWL requirements, and pay applicable fees prior
    to receiving service. Additional information can be found online at http://www.lbwl.com/Commercial/Water-
    Services/Water-Service-Installation/.
  o Should construction work be performed in the vicinity of existing BWL Water Facilities, then the customer is
    responsible for verifying the precise location and depths of the existing water mains or services prior to
    design/construction. The BWL will not be responsible for unanticipated conflicts caused by inaccuracies in the
    customer’s design documents or MISS-DIG staking in the field. Any work on the site that exposes, disturbs, or
    otherwise carries the risk of damage to existing BWL Water Distribution facilities, is subject to review by the
    BWL. The owner is responsible for the costs of preparing a plan to protect these facilities, as well as the costs
    of inspection and/or repair, if deemed necessary by the BWL.

  Any questions about specific water service requirements may be directed to the BWL Water Distribution Department, Jerrod Wade
  via e-mail at: Jerrod.Wade@lbwl.com.

BWL Water Operations: Randall Roost
No comments or concerns with the proposed rezoning.

BWL Environmental Wellhead Protection: Angie Goodman, Water Quality
This project lies within the Board of Water & Light Wellhead Protection Area. Care must be exercised during construction to
minimize the exposure of contaminated soils to weather and subsequent loss to the groundwater. Construction machinery should
be parked on paved areas when not in use, and leakage of petroleum products and other potential contaminants must be
immediately cleaned up and properly disposed of. Newly exposed soil could offer a route for contaminants into local groundwater.

Note: Any site plan approval does not constitute an agreement for service. All customers must meet BWL
requirements and enter a service agreement prior to receiving service.
1. OPENING SESSION

Ms. Alexander called the meeting to order at 6:36 p.m.

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

Ms. Cerna made a motion, seconded by Ms. Alexander to grant excused absences for John Ruge & Josh Hovey. On a voice vote, the motion carried (5-0).

2. APPROVAL OF AGENDA

Ms. Alexander approved the agenda by unanimous consent.

3. COMMUNICATIONS

4. PUBLIC HEARINGS – None

5. COMMENTS FROM THE AUDIENCE

6. RECESS – Not taken

7. BUSINESS

   A. Consent Items

      (1) Minutes for approval: April 2, 2019

         Without objection, the April 2, 2019 minutes were approved.

   B. Old Business

      (1) 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 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. Alexander asked if the existing uses of the subject properties would be permitted under the “E-2” Local Shopping district zoning.

Ms. Stachowiak said that they are all uses permitted by right in both the “F” Commercial and the “E-2” Local Shopping district and thus, no nonconformities would be created by either zoning designation.

Ms. Alexander asked why the owners of these properties wanted to be annexed into the City.

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 existing zoning and land use patterns in the area and yet, the owners decided to still pursue the annexation. 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/storage uses.

Ms. Cerna asked about the differences, in terms of permitted uses, between the “F” Commercial and “E-2” Local Shopping district.

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. These includes uses such as gas stations, convenience stores, pharmacies and car washes. 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.

Dr. Bhatti made a motion, seconded by Ms. Cerna to recommend “A” Residential zoning for the property at 11097 Jolly Highway and “E-2” Local Shopping district zoning for the properties at 4820, 4848, 4880, 4902, 5030, 5050 & 5058 S. Waverly Road On a voice vote, the motion carried (5-0).

(2) 2020-2025 Capital Improvements Program

Mr. Rieske described the documents that are included in the packet and stated that this review of the CIP by the Planning Board is mandated by the Michigan Municipal Planning Act and is directly tied to the Act 33 reviews that the Board considers on a regular basis. He mentioned several items contained in the CIP that that the Board recently acted upon.

Angela Bennett, City of Lansing Finance Director reviewed the specific items contained in the CIP. These include improvements to City facilities including parks, community centers, the Lansing Center, the baseball stadium, utility systems and the various City owned parking lots and ramps. It also includes technology, equipment and vehicle replacements/upgrades. Ms. Bennett also reviewed the funding sources (City’s general fund, utility funds, parks millage, grants, road funds from the state, federal government and the Eaton County road millage, etc.) for each of the items contained in the CIP.

Ms. Alexander asked about the City’s plans for city hall.

Ms. Bennett stated that the City is exploring all options where city hall is concerned. These include selling the existing building and moving to a new location, possibly even on a temporary basis until a permanent location can be settled upon. Ms. Bennett said that the costs of maintaining the existing city hall continue to increase because of its age and design.
Mr. Cox made a motion, seconded by Dr. Bhatti to recommend approval of the 2020-2025 Capital Improvements Program, as presented. On a voice vote (5-0), the motion carried unanimously.

C. New Business – None

8. REPORT FROM PLANNING MANAGER - None

9. COMMENTS FROM THE CHAIRPERSON - None

10. COMMENTS FROM BOARD MEMBERS

Ms. Cerna stated that her term on the Planning Board will expire prior to the next meeting.

Ms. Stachowiak stated that all Board members, regardless of when their terms expire, continue to serve until they resign or are replaced.

Dr. Bhatti stated that he will not be at the June 4, 2019 meeting as it is a religious holiday.

11. PENDING ITEMS: FUTURE ACTION REQUIRED

12. ADJOURNMENT – The meeting was adjourned at 7:13 p.m.