AGENDA

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

2. APPROVAL OF AGENDA

3. COMMUNICATIONS

4. PUBLIC HEARING
   A. Z-7-2019, 1310 Knollwood Avenue, Rezoning from “F” Commercial to “B” Residential

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

6. RECESS

7. BUSINESS
   A. Consent Items
      (1) Minutes for approval: September 3, 2019
      (2) Act-15-2019, Addition to Edmore Park
      (3) Z-7-2019, 1310 Knollwood Avenue, Rezoning from “F” Commercial to “B” Residential
   B. Old Business
   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.
GENERAL INFORMATION

APPLICANT: Craig S. Gerard
The Gallagher Law Firm
6025 N. Hagadorn Road
East Lansing, MI 48823

OWNER: Walter Brown Estate
1310 Knollwood Avenue
Lansing, MI 48906

REQUESTED ACTION: Rezone 1310 Knollwood Avenue from “F” Commercial to “B” Residential

EXISTING LAND USE: Single Family Dwelling

EXISTING ZONING: “F” Commercial District

PROPOSED ZONING: “B” Residential District

PROPERTY SIZE & SHAPE: 40’ x 70’ = 2,800 square feet

SURROUNDING LAND USE: N: Single Family Residential
S: Convenience Store
E: Single Family Residential
W: Single Family Residential

SURROUNDING ZONING: N: “B” Residential District
S: “F” Commercial District
E: “F” Commercial District
W: “F” Commercial District

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the subject property as “Residential Corridor”. Knollwood Avenue is designated as a local road.

SPECIFIC INFORMATION

This is a request to rezone the property at 1310 Knollwood Avenue, legally described as:

North 40 feet of Lots 3 & 4, Knollwood Park Subdivision

from “F” Commercial District to “B” Residential District. The purpose of the rezoning is to bring the residential use of the property into compliance with the Zoning Ordinance.
ANALYSIS

COMPATIBILITY WITH SURROUNDING LAND USE

The rezoning will not result in any changes to the subject property and thus, will have no impact on the surrounding area. The applicant is requesting the rezoning for the sole purpose of bringing the single family residential use of the property into compliance with the Zoning Ordinance. Since a single family dwelling is not a permitted use in the “F” Commercial district, it is considered “nonconforming” and subject to the following provisions of Section 1294 of the Zoning Ordinance:

* If the building is damaged beyond 50% of its pre-catastrophic value, it could not be rebuilt as a single family residential dwelling.

* The applicant is limited to 35% of the value of the building that can be put into it for repairs, improvements, etc.

The rezoning will bring the building into compliance with the Zoning Ordinance so that the owner’s investment is protected and the building can be improved without any monetary restrictions.

COMPLIANCE WITH MASTER PLAN

The Design Lansing Comprehensive Plan designates the subject property and the majority of the properties fronting along W. Willow Street, as “Residential Corridor”. The intent of this land use designation is:

“To allow medium-density residential development in a variety of urban formats, rather than a conversion of residential to commercial use, along certain high-traffic streets that also serve as transit routes or are within easy walking distance (¼ mile).”

The current “F” Commercial zoning of the subject property allows uses that are in direct conflict with the residential land use pattern being advanced in the master plan for the W. Willow Street corridor. The proposed “B” Residential zoning, by contrast, allows for single family residential dwellings on relatively small parcels of land which is consistent with the master plan designation.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC

No adverse impacts on vehicular or pedestrian traffic will result from the proposed rezoning. The proposed rezoning merely allows the current single family residential use of the subject property to continue in perpetuity. The traffic generated by a single family residential dwelling is far less that most of the uses that would be permitted in the “F” Commercial district.
ENVIRONMENTAL IMPACT

There are no changes proposed for the site and therefore, the rezoning will have no impact on the natural environment.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT

The request to rezone the subject property from “F” Commercial to “B” Residential will not adversely impact future land use patterns in the area. The proposed rezoning merely allows the existing single family dwelling, which is the only reasonable use of the subject property at this time, to continue without the limitations that result from being a nonconforming use. The subject property is too small on its own to be developed for any type of commercial land use. The only way to make use of the property in conformance with the “F” Commercial district is to consolidate it with the adjoining properties that are currently zoned “F” Commercial to create a site large enough to accommodate a commercial use with associated parking. If such a proposal were to be presented to the City at some time in the future, rezoning the property back to the “F” Commercial district could be considered at that time.

SUMMARY

This is a request to rezone the property at 1310 Knollwood Avenue, legally described as:

North 40 feet of Lots 3 & 4, Knollwood Park Subdivision

from “F” Commercial District to “B” Residential District. The purpose of the rezoning is to bring the residential use of the property into compliance with the Zoning Ordinance.

The proposed rezoning is consistent with the land use pattern being advanced in the master plan and with the zoning and land use patterns already established 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 this rezoning.

RECOMMENDATION

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

Recommend that Z-7-2019 be approved to rezone the property at 1310 Knollwood Avenue from “F” Commercial District to “B” Residential District, based on the findings of fact as outlined in this staff report.

Respectfully Submitted,

Susan Stachowiak
Zoning Administrator
1. OPENING SESSION

Mr. Ruge called the meeting to order at 6:30 p.m.

a. Present: John Ruge, Josh Hovey, Tony Cox, Marta Cerna & Farhan Bhatti
b. Absent: Katie Alexander & Gary Manns

Mr. Hovey made a motion, seconded by Dr. Bhatti to grant excused absences for Katie Alexander & Gary Manns. On a voice vote, the motion carried unanimously.

2. APPROVAL OF AGENDA

Mr. Ruge approved the agenda by unanimous consent.

3. COMMUNICATIONS

4. PUBLIC HEARINGS

a. Z-6-2019, 100 Block, S. Larch Street, Rezoning from “G-1” Business District to “H” Light Industrial District

Ms. Stachowiak stated that this is a request by Edward C. Carpenter Family Trust to rezone the parcel of land (Parcel No. 33-01-01-16-428-131) located on the east side of the 100 block of S. Larch Street, approximately 120 feet north of the S. Larch/Barnard Street intersection from “G-1” Business District to “H” Light Industrial District. The purpose of the rezoning is to make the zoning of the subject property consistent with the “H” Light Industrial District zoning of the properties to the north that are also owned by the applicant for this request.

Ms. Stachowiak stated that in 2018, the subject property was rezoned from “H” Light Industrial to “G-1” Business district along with the rest of the block bounded by E. Michigan Avenue to the north, Barnard Street to the south, S. Larch Street to the west and the railroad right-of-way to the east, with the exception of 3 of the 4 parcels that comprise the Liskey’s auto repair facility site and 2 parcels along Barnard Street. At the time, the developer of the mixed use building that is currently under construction along E. Michigan Avenue was securing purchase agreements from the property owners in the area to assemble the land necessary to accommodate the development. Since the developer had a purchase offer on the subject property, it was included in the rezoning. The developer did not end up purchasing the subject
property and thus, the owner would like to return the zoning to “H” Light Industrial so that it will have the same zoning as the other 3 Liskey’s parcels to its north.

Ms. Stachowiak said that staff is recommending approval of the request. She said that the subject property will continue to be used for parking to support the Liskey’s business and since no changes are proposed for the site, the rezoning will have no impact on the surrounding land uses. Ms. Stachowiak said that the rezoning will, however, bring the use of the property for a parking lot into compliance with the Zoning Ordinance. She explained that parking lots as the sole use of a parcel of land are permitted by right in the “H” Light Industrial district but would require a special land use permit in the “G-1” Business district. No special land use permit has been issued in this case and thus, it is nonconforming as it currently exists.

Mr. Ruge asked about the status of the residential properties to the south and the two properties along Barnard Street that are still zoned “H” Light Industrial.

Ms. Stachowiak stated that the residential properties south of the subject property are part of the parcel of land surrounding the Liskey’s property that is currently under construction for a mixed use development. She said that the 2 parcels on Barnard Street were not included in the rezoning because the developer did not have purchase agreements for them at the time and thus, had no authority to include them in the rezoning. She said that since they will only be used for parking, there is no need for them to be rezoned.

Mr. Ruge opened the public hearing. Seeing no one wishing to speak, Mr. Ruge closed the public hearing.

b. Amendments to City Ordinance, Chapter 1300 regulating marijuana operations

Chairman Ruge expressed concerns about a potential conflict of interest for Mr. Hovey given his involvement in the ballot initiative to legalize recreational marijuana and in matters involving the regulation of marijuana businesses in the State of Michigan.

Mr. Hovey stated that his clients are organizations whose interests involve marijuana regulation at the state level rather than at the local level. He said that he has had no involvement in developing the ordinance that is before the Board. Mr. Hovey also said that the proposed ordinance regulating marijuana facilities in the City of Lansing has no impact on him or any of his clients.

Mr. Cox stated that Mr. Hovey has been very upfront about and has also disclosed potential conflicts of interest that he may have in any matter that has come before the Board. He said that he is confident that if there were a conflict of interest, Mr. Hovey would recuse himself has he has done in certain instances in the past.
Ms. Stachowiak stated that she is completely confident that Mr. Hovey does not have a conflict of interest as he does not stand to personally benefit in any manner, financial or otherwise, from the outcome of this matter.

City Attorney, Jim Smiertka stated that "personally benefitting" from the outcome of a particular decision is the threshold with which it is determined if there is a conflict of interest.

Mr. Ruge accepted the explanation and none of the other Board members expressed any concerns about there being a conflict of interest for Mr. Hovey with regard to participating is the discussion about and voting on the proposed ordinance.

Ms. Stachowiak stated that the draft ordinance regulating marijuana facilities has been referred to the Planning Board to make a recommendation to the City Council, specifically with regard to the zoning component of the ordinance which begins at the bottom of page 40. She said that the draft ordinance would not change the zoning districts where medical marijuana facilities are permitted under the current ordinance. The new ordinance allows for and regulates three new types of facilities (retailer, consumption and microbusiness) which are defined in Section 1300.02 of the draft ordinance.

Ms. Stachowiak stated that the Board has been provided with two maps comparing the areas where provisioning centers and retailers are permitted under the current ordinance and where they would be permitted under the proposed draft. She said that the difference is that the current ordinance measures the separation between these uses and public parks from the playground equipment within the park whereas, the draft ordinance measures the distance from the property lines of the park property.

Mr. Smiertka said that the draft dated 8/29/2019 is supported by both the Mayor and the City Council President. He said that the draft ordinance is more location based as opposed to the current ordinance which is more license based.

Mr. Ruge opened the public hearing. Seeing no one wishing to speak, Mr. Ruge closed the public hearing.

5. COMMENTS FROM THE AUDIENCE - None

6. RECESS – Not taken

7. BUSINESS

A. Consent Items

(1) Minutes for approval: July 2, 2019

Without objection, the July 2, 2019 minutes were approved.
(2) **Z-6-2019**, 100 Block, S. Larch Street, Rezoning from “G-1” Business District to “H” Light Industrial District

*Without objection, Z-6-2019 was approved.*

(3) **Act-14-2019**, NW Corner Miller and Aurelius Roads, Easement for traffic signal

*Without objection, Act-14-2019 was approved.*

B. **Old Business - None**

C. **New Business**

(1) **Amendments to City Ordinance, Chapter 1300** regulating marijuana operations

Mr. Hovey asked how existing marijuana provisioning centers that do not comply with the new ordinance will be handled.

Ms. O'Boyle said that the will become legally nonconforming and will be allowed to continue in accordance with the ordinance provisions regulating nonconformities. She said that the medical marijuana provisioning centers could also be licensed as a recreational marijuana retailer, subject to obtaining the necessary license(s).

Mr. Hovey asked how many parcels would be impacted.

Ms. O'Boyle said that about 4 of the 20 that are currently licensed. She said that it has no impact on grow, processing, safety compliance or secure transport facilities.

Mr. Ruge said that he questions why there needs to be a separation between provisioning centers/retailers and churches, parks, child care centers, etc. when there is no such requirement for drug stores and liquor stores. He asked if there has been any problems/criminal activities associated with the provisioning centers that are current in operation.

Mr. Smiertka said that there were some problems before they were licensed by the City. He said that no issues have been brought up during the regular Medical Marijuana Enforcement Team meetings which are attended by representatives from LPD. Mr. Smiertka said that the regulations that the licensed facilities must operate under appear to have resolved any problems that occurred before provisioning centers had to be licensed and were subject to compliance with the operational standards of the ordinance.
Ms. O'Boyle said that the City has successfully defended itself against 21 law suits involving provisioning center licensing.

Mr. Smiertka said that establishing buffer zones around marijuana provisioning centers and retailers is something that has been considered very important throughout the legislative process of developing the ordinance.

Mr. Hovey thanked the City Attorney's Office for all of its hard work in developing the ordinance.

Mr. Smiertka said that Amanda has been invited to speak at the Michigan Municipal League conference with regard to the regulation of marijuana facilities at the local level.

Dr. Bhatti made a motion, seconded by Mr. Cox to recommend approval of the draft ordinance regulating marijuana facilities labeled “Substitute COW Draft 1 8/29/2019. On a voice vote, the motion carried 5-0.

8. REPORT FROM PLANNING MANAGER - None

9. COMMENTS FROM THE CHAIRPERSON - None

10. COMMENTS FROM BOARD MEMBERS - None

11. PENDING ITEMS: FUTURE ACTION REQUIRED - None

12. ADJOURNMENT – The meeting was adjourned at 7:04 p.m.
An Act 33 Review is a planning level review of the location, character and extent of public improvements and City property transactions. Act 33 Reviews are conducted by the City of Lansing pursuant to the provisions of the Michigan Planning Enabling Act (P.A. 33 of 2008) and Section 208 of the Lansing Code of Ordinances.

APPLICANT AND PROPOSAL: The Parks and Recreation Department proposes to acquire parcel no. 33-01-01-09-179-081, just east of Edmore Park, as an expansion to the park. Specifically, the proposal is to acquire this vacant property from the Ingham County Land Bank, and combine it with Edmore Park to west, and a vacant City-owned parcel immediately to the east. Edmore Park would grow from its current 17,514 SF to 27,343 SF (approx. 0.63 acres), and extend eastward to Walnut Street. All three parcels have frontage on the Grand River.

LOCATION: The site is located on the north side of Edmore St., south of the Grand River, east of Edmore Park.

CURRENT OWNER(S): Ingham County Land Bank, Jackson National Life, 1 Corporate Way, Lansing, MI 48951


PROPERTY SIZE AND SHAPE: Quadrilateral, 4,815 SF

SURROUNDING LAND USE & ZONING: North: The Grand River
West: Edmore Park (Zoned “A” and “B” Residential District.)
South and East: Residential (Zoned “B” Residential District.)

AGENCY REFERRAL

The Park Board, on September 11, 2019 voted unanimously to recommend approval of this acquisition proposal.

ANALYSIS

LOCATION: The subject property is located on the south edge of the Grand River, east of and adjacent to Edmore Park, and immediately west of a 5,014 SF City-owned parcel on the NW corner of Edmore and Walnut Streets. Both Edmore and Walnut are narrow one-way streets at this location (Edmore going east, Walnut going south).

CHARACTER: The property is currently vacant and undeveloped. Its use as a park will have a negligible effect.

EXTENT: The proposed acquisition is limited to parcel no. 33-01-01-09-179-081.

STAFF RECOMMENDATION

Staff recommends approval as proposed.