

**A REGULAR MEETING OF THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF LANSING WAS HELD AT THE TOWNSHIP OFFICES LOCATED AT 3209 WEST MICHIGAN AVENUE, LANSING, MICHIGAN ON WEDNESDAY, APRIL 19, 2017, AT 7:00 P.M.**

**MEMBERS PRESENT**

Margaret Lauer, Chair  
James Linton, Vice Chair  
John Broughton

Denise Stork-Phillips  
Nancy English  
Mark Wehner  
Joseph Frick

**MEMBERS ABSENT:** None.

Meeting called to order by Chair Lauer.

**APPROVAL OF MINUTES**

Moved by Broughton, supported by Frick, to approve the minutes of the meeting held on February 15, 2017, with a spelling correction (Lauer) on page 4.

Voted: Ayes: 7. Nays: 0. Absent: 0. Motion approved.

**APPROVAL OF AGENDA**

Moved by Broughton, supported by Stork-Phillips, to approve the agenda as written.

Voted: Ayes: 7. Nays: 0. Absent: 0. Motion approved.

**CORRESPONDENCE**

Sam Schultz, Planner, informed the group that the Charter Township of Meridian sent a letter regarding their draft 2017 Master Plan, which can be reviewed online.

**PUBLIC COMMENT FOR ITEMS NOT ON AGENDA** None.

**REQUEST FOR CONDITIONAL REZONING - R-16-20 (tabled 12/14/16)**  
**(Public Hearing)**

Request by Alan Hooper for a conditional rezoning at 2400 W. St. Joseph from "G" General Business to "H" Industrial. Purpose: To allow for motor freight depot and trucking terminal, storage of vehicles and other ancillary uses consistent with this use

Kurt Krahulik, from DC Engineering, reported that M&Q Transportation is the process of looking into purchasing the northern portion of the proposed property. In order to facilitate what they want to do, they need to request a conditional rezoning from "G" to "H." He reported on the changes made since the December 2016 meeting:

---Will install the 20' buffers along the west property line.

---Guard rails will be removed along the perimeter.

---The fence along Sober and Hungerford will be moved back to the building setbacks.

---Will work on reconstructing the driveway off of Hungerford to facilitate their trucking movements. Once that is completed, M&Q Transportation will not need the access off of W. St. Joseph. Currently there is a temporary easement off of W. St. Joseph until the driveway on Hungerford is completed at which time any improvements on that southern portion of the property go back to the current owner.

---Future uses – M&Q Transportation does anticipate putting in a new building on this site for their headquarters as well as a truck maintenance shop.

---Sidewalks will be installed along W. St. Joseph, Hungerford, and Sober.

Lauer noted that because residents, who spoke at the December meeting, had major concerns over the access point off of W. St. Joseph, she wondered how long it will take to have the Hungerford driveway operational. Mr. Krahulik replied that the Hungerford driveway is part of the initial development phase and it will be dictated by how fast the site plan can get through the Township review process and getting contractors on board.

Roger Dean, representing M&Q Transportation, added that it has been over a year now, but they are not starting construction until they obtain Township approval. Linton replied that the property is already in use. Mr. Dean responded that they only have one way to access the property.

Tim Guyselman, the realtor working with the applicant, relayed that M&Q Transportation is in a lease agreement at this time. The purchase agreement states that they have to have permission to be there before they can buy it. Mr. Dean replied that they are leasing the property and were told they had permission to use it. Linton added that they did not have Township approval.

English asked if the applicant knew they were breaching Township regulations and operating illegally on the site. Mr. Guyselman replied that this would be between the current owner, Alan Hooper and management group, and the Township. Aten added that Mr. Hooper does have an approved site plan, but it did not include this use and he has not fulfilled the requirements of his site plan yet.

Linton asked if the requirements for conditional rezoning are met now with this latest proposal. Schultz responded that one of the previous issues of this application was that what was being requested as a condition of the rezoning was less stringent than what Township ordinance allows. The conditional rezoning ordinance only allows for conditions that impose greater regulation upon the property than what the Township ordinance calls for, so in that regard, yes.

Schultz noted from the Staff Report that the review of this request included the two approval criteria from within the conditional rezoning ordinance: 1. Enhancement of the project area and 2. Within the public interest. It meets the criteria for Enhancement of the project area due to site improvements that would be required by site plan review. There has not been a recommendation or determination made for the review criteria, Within the public interest, because this meeting tonight is to be able to hear from the public and what their opinions are.

Moved by Broughton, supported by English, to open the public hearing.

Voted: Ayes: 7. Nays: 0. Absent: 0. Motion approved.

#### Public Comment

Robert Blake, 449 S. Rosemary, stated that he has a major concern with the noise factor. At 3 or 4 o'clock in the morning, Saturday morning he hears pounding and trucks coming in emptying their trash—it is very loud. He wonders if there is a noise ordinance. In the summertime his windows are open. His concerns are not over the sidewalks. He is concerned over how many stories the building will be, if there is massive lighting involved, and if there are mechanics that will be working and pounding 24 hours a day. He doesn't want this happening, for instance at 3 o'clock in the morning and Lansing Township would not allow a resident to do this without putting an end to it.

Mr. Dean responded that they do not have mechanics that work at night, only during the day. Also, the building would be one story and eventually they would like to put offices in there and a truck repair shop. The company's only customer is General Motors, who they deliver parts and steel for 24 hours a day. Every truck has a time they are supposed to be at the depot or they get marked down, however the office does not work 24 hours a day. Their drivers pull in and park the truck, get in their personal vehicles and leave or vice versa and there may be some noise with this process.

Mr. Blake asked about the noise involved with the trucks that are training for hours in the afternoon, practicing backing up, etc. Mr. Dean responded that those are not M&Q Transportation trucks, Mr. Hooper has leased part of the property to a truck driving school and part to a container company. Dean was asked if they drop trailers in the middle of the night. He responded no and they don't drop containers that is the dumpster company. He noted that the engine on a semi does make some noise.

Kathie Blake, 449 S. Rosemary, wondered why the company wants this part of the property. She has lived there all of her life with the transport trucks back there, but there is big concern now with the noise, the lights coming in windows, and the men peeking in windows. She feels it is not the right place for this request. Her property backs up to the proposed site. She has a double lot and installed a fence, which does not go the entire length of her property, so it doesn't entirely block the trucks. She also mentioned the sidewalk which she feels is really not that important.

Regina Pierce, 605 S. Rosemary, spoke about:

---At 2 or 2:30 a.m., she was awakened by a truck dropping a trailer and picking up a new one and when they clank together and the pin hits and it is jerked forward it is pretty noisy. It is frustrating to be woken at this time, when she has 3 more hours to sleep.

---There is a lot of noise pollution.

---Also there are safety concerns. When she awoke a few nights and realized that when she looked out her back door there was a semi parked facing her back door and the engine was running with, not the headlights, but the top lights on all night long. It was like he was looking into her house. He could park anywhere in that area, but he was choosing to park there, which does not make her feel safe.

---The more trucks they bring in means more people coming in and the more goods coming in which doesn't make her feel safe and is not what she wants in her back yard. There were a couple of guys on that property supposedly cleaning it up, but she wasn't too sure. There is a fence in between her yard and the other property, but someone jumped her fence and broke it and the barbed wire is hanging down.

---These trucks sit there running and they run on diesel, which smells and you can taste it in the air. They are right next to her back yard which discourages her from doing any work in her flower beds.

---The building there now has lights which shine right into back yards. From W. St. Joseph down past her house there are no flood lights, it is dark and they like it that way. She wonders what the new building will bring.

Teresa Centeno, 421 Rosemary, stated that the lights and the noise bothers them a lot. In the very early morning she can hear the noises of the trucks and see lights going through her house. There is pollution and a lot of things going on back there and no one would want to live here.

Mr. Blake asked for a brief definition of general business zoning to industrial conditional zoning. Schultz responded:

“H” Industrial zoning allows for uses that are more intense in nature, for manufacturing, things that are generally more industrial than “G” General Business does. The conditional piece is basically what the applicant has proposed to restrict the uses that would be allowed on the property within the “H” Industrial zoning. Each zone in the Township has a list of uses that are allowed. With this application, they have shortened that list that would be allowed in “H” which would include motor freight use.

Moved by Broughton, supported by English, to close the public hearing.

Voted: Ayes: 7. Nays: 0. Absent: 0. Motion approved.

### Discussion

Wehner asked if there is a sound or lighting ordinance tied to the use in “H” Industrial. Clerk Aten responded there is not but there is a noise ordinance that specifies certain hours in relation to excessive noise, which is independent of how it is zoned. Wehner also questioned if property improvements, such as fencing and lighting would be addressed in the site plan review. Schultz responded that it has not been addressed at this point, but a lighting plan is required with a site plan submittal. Frick noted that the noise may not be coming from this trucking operation, but from a truck driving school. Aten noted that this is the first time the Township is hearing about a truck driving school and container operation. She added that Mr. Hooper had been told that the dumpsters that are there are illegal.

When asked if M&Q Transportation parks their trucks all night running, Mr. Dean replied that they come and go all night, and there are two rows per landlord agreement where they can park. The trucks that park on the west boundary, the truck driving school, the dumpsters, the piles of brush and mulch along the west fence are not theirs.

Linton commented that it makes it difficult to decide on this proposal when there are two or three other interfering uses on the property and understanding whether the residents’ concerns can be addressed with the other issues that have been presented that the Township had no knowledge of prior to this meeting.

Broughton has nothing against trucks, but does not feel that a 24/7 trucking freight operation is the best use for that neighborhood setting.

Linton feels that things might improve there a lot if able to move forward with this proposal if the illegal uses are removed. Broughton pointed out that it would still be 24/7 dropping trailers, noise, and lights.

English asked how long the noise has been going on and one of the residents responded, since last October.

Aten asked if M&Q Transportation were to own the property, what would be their timeline. Guyselman replied that most of the leases have cancellation clauses within a certain amount of time. He is unsure of any that have taken place in the last 60 days. One of the requirements of their purchase agreement is that they be provided a copy of all current leases and it appears they need to get an update on the status of current leases.

Mr. Dean added that historically this property has been used for trucking. It was built for Howard Sober/General Motors trucking, so the noise problems to the extent that they exist have historically been there.

Mrs. Blake noted that her grandparents lived there back in the Sober trucking days and it was a concern then too—the noise and lights, etc. Aten added that it has been vacant for so long that the use might have predated the zoning ordinance.

Stork-Phillips asked if the 20' buffer means that the shrubs are 20' wide and if it will be a noise and light reducer. Schultz replied that the specifics have not been determined yet. Aten added no specifics yet, but the landscaping would have to be at least 20' wide and they would have to propose something to address the issues raised.

When asked if they know what they are going to propose to install in the 20' setback, Mr. Dean replied that they can't address site plan issues until the site plan review, but there are a lot of ways of blocking lights, etc.

Linton asked how the Master Plan addresses this property. Schultz reported:

---That in looking at the future land use plan within the Master Plan, it specifically addresses the industrial and commercial corridors on Main Street and W. St. Joseph.

---It has been largely industrial and more general business uses within the Township zoning ordinance for a very long time.

---This specific piece of property is classified on the future land use map as WP2—office/light industrial. This includes medium intensity of both "General Business" and "H" Industrial land uses. One of the development policies called out by the future land use chapter is that it should improve non-motorized and public transit to and from places of work, residential neighborhoods, and nearby shops and services.

Frick asked that the way it is currently zoned, couldn't some future use that is completely independent of trucking also pose lighting and noise problems. Aten responded not in the "G" zone currently and she read the list of allowable uses from the Township ordinance book for the "G" General Business zone, and also read the allowable uses for the "H" Industrial zone.

Linton stated that regardless of what is done with this request, the Township needs to call Mr. Hooper into accounting for his activities on the site, which may be a large proportion of the complaints about the use of the property right now.

Moved by Stork-Phillips, supported by Linton, to recommend approval of the conditional rezoning R-16-20 to the Township Board in accordance with the application.

Roll Call Vote: Ayes: Stork-Phillips, Linton, Wehner, Lauer, Frick. Nays: Broughton, English. Absent: None. Motion approved.

Mr. Dean offered his phone number to the residents so that they could call him and express their concerns in regards to the site plan.

**REQUEST FOR REZONING - R-17-2 (Schedule Public Hearing)**

Applicant: Judith and Robert Vertalka, 714, 716, 718, & 720 Edgemont Blvd. From: "D" Administrative to "C-3" Residential. Purpose: To allow up to 4 residential units, one of which may be used as manager's office.

Moved by Stork-Phillips, supported by Wehner, to schedule a public hearing for the rezoning request R-17-2 at the May 17, 2017, Planning Commission meeting,.

Voted: Ayes: 7. Nays: 0. Absent: 0. Motion approved.

**STAFF REPORT**

Schultz reported:

---Correspondence was received from a number of property owners on Barritt Street regarding the Alzheimer facility construction on Lake Lansing Road. Construction began with clear cutting trees, many of which were dying, but it was very upsetting to residents on Barritt Street. There was also concern that the proposed landscaping would not provide sufficient privacy. The letter was forwarded on to the property owner, the developer and engineer and the Township asked if there was more that could be done with additional landscaping. The site plan was approved with what landscaping was proposed and any additional would have to be negotiated. Communication is still ongoing.

---Approved an administrative site plan for a Tesla supercharger station that will be located at the Heights at Eastwood. Tesla manufactures electric vehicles that require charging.

---Michigan Township Association (MTA) Conference was last week. The Township assembled swag bags to promote the DDA and Eastwood and were distributed to all conference participants staying at one of the three Township hotels. A promotional brochure was included in the bag and in the MTA conference bags. The brochure was set up like a passport and highlighted Eastwood and the Heights Lifestyle Center. It offered eligibility for prizes for participants by collecting stamps from visiting businesses, retail shops, and restaurants in that area. The businesses seemed excited to participate and they received positive feedback from participants also.

---Brewer Salvage reported that they are nearly ready to present their special use permit request for the storage of flammable liquids and scrap material.

---Received a written request from The City of Lansing to amend the Township Master Plan for the Waverly Golf Course. He will respond to the correspondence.

Moved by Linton, supported by Stork-Phillips, to adjourn.

Voted: Ayes: 7. Nays: 0. Absent: 0. Motion approved.

Meeting adjourned at 8:30 p.m.